

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING MINUTES
August 7, 2007

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, August 7, 2007, in the Board Chambers of the District Office at 19039 Bay Street, El Verano, California.

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

President Ed Kenny called the meeting to order at 6:30 P.M. and led the Pledge of Allegiance.

Roll Call by **Deputy Secretary Walk** noted the following present:

Directors Present:	Ron Prushko Sanford Smith Ed Kenny
Directors Excused:	Mark Bramfitt Russell Townsend
District Personnel:	Shari Walk, Office Supervisor Paul Gradolph, Operations and Maintenance Supervisor
General Manager:	Krishna Kumar
Public Present:	Sandi Hansen, <u>Sonoma Index-Tribune</u>

2. PUBLIC COMMENTS

There were no comments from the public.

3. CONSENT CALENDAR

- A.** Receive and Approve Minutes of Regular Meeting of July 3, 2007
- B.** Approve Amendment No. 3 to Extend the Duration of the Term Agreement with the Engineering Firm of Winzler and Kelley to August 1, 2010.
- C.** Adopt Resolution No. 070801 Accepting Easement Grant Deed from Rita Shakin, and Resolution No. 070802, approving Water Main Extension Agreement with Rita Shakin, Project 2915
- D.** Adopt Resolution No. 070803, approving Water Main Extension Agreement with Rogelio Guerrero, Project 2916

Motion by **Director Smith**, seconded by **Director Prushko**, and carried unanimously by a voice vote to adopt the Consent Calendar, as submitted.

4. PUBLIC HEARING

There was no Public Hearing.

5. OPERATIONAL & COMMITTEE REPORTS

A. Approve Current Financial Reports for June 2007

Office Supervisor Shari Walk advised that the report was the last for FY 2006/2007. She pointed out that revenues were \$3,945,134; approximately \$190,000 more than budgeted primarily from operating revenue. Total expenditures were \$3,648,996 including the allocation to the Capital Improvement Program (CIP), \$106,000 less than budgeted, representing a net positive variance of approximately \$296,000.

Motion by **Director Prushko**, seconded by **Director Smith** and carried unanimously by a roll call vote to approve the monthly financial reports and disbursements for the month of June 2007, in the amount of \$297,601.63.

B. Review/Comment on Current District Projects and Significant O & M Issues

Operations and Maintenance Supervisor Paul Gradolph presented the summary review of current District projects and significant operations and maintenance issues for July 2007, as follows:

Project #2902 – Production Well No. 5: Staff has received and was reviewing the Preliminary Design Report (PDR). Comments will be returned to the Design Engineer for incorporating into the final design. The review period for comments on the Initial Study/Mitigated Negative Declaration closed on August 6, 2007. Staff received one comment from the Department of Health Services, noting the need for the District to amend their current Water supply Permit, if the Project moved forward. Mr. Kumar said staff plans to do so.

C. Water Source Report

Mr. Kumar reported that the water source report was the last for FY 2006-2007, noting that the District received 3,150 acre feet from the Water Agency, and 334 acre feet from the District wells for a total of 3,484 acre feet for the fiscal year.

President Kenny asked about the amount of water that the Town of Windsor takes directly from the Russian River, to which Mr. Kumar responded that the water is metered, and reported to the Water Agency, to be included in the amount of water taken under the Water Agency's annual permitted amount of 75,000 acre-feet.

6. RECEIVE & FILE PRESIDENT'S AND DIRECTOR'S REPORTS OR COMMENTS

There were no reports.

7. GENERAL MANAGER'S AND DISTRICT COUNSEL'S REPORTS

A. Water and Technical Advisory Committee Meetings of August 6, 2007

Jake McKenzie, Councilmember, City of Rohnert Park, and Stanley Cohen, Mayor of City of Sonoma, were respectively and unanimously elected as the Chair and Vice-Chair of the Water Advisory Committee to fill out the remaining one-year of the two year term.

Term 13 of the State Water Board's order required the Water Agency to reduce diversions from the Russian River by 15% during the months of July through October 2007, as compared to the Agency's diversions during the same period in 2004. The Agency diverted 26,475 acre-feet during July through October 2004, and under the State Water Board order, the Agency was restricted to diverting 22,503 acre-feet during July

through October 2007. The water contractors had initiated several steps to assist the Agency in accomplishing this reduction, and as of August 5, 2007, Russian River diversions had been collectively reduced by 17.1%. **Mr. Kumar** said, depending on each City/District's situation, the reduction individually among the contractors would be different, depending upon when conservation programs were initiated.

The Water Advisory Committee unanimously approved the Technical Advisory Committee's recommendation to consider voluntarily undertaking to limit the water contractors' collective take from the Agency's transmission system to be no more than 22,503 acre-feet during July through October 2007, to assist the Agency in meeting Term 13 of the State Water Board's order.

Staff representatives of the water contractors, along with the Agency's staff, would monitor progress of that effort on a daily basis and would take corrective actions as needed to assist the Agency in restricting its Russian River diversion during July through October 2007 to 22,503 acre-feet.

Director Prushko understood that General Manager Kumar was instrumental in getting the unanimous approval from the Water Advisory Committee to assist the Water Agency in meeting the 15% reduction collectively among the contractors, rather than individually. **Director Prushko** congratulated Mr. Kumar for coming up with such a creative solution, since we've been under the BMP's for a long time, it would be rather difficult to expect our customers to cut back further.

Mr. Kumar was pleased to see an effort on the part of the contractors to unite and collectively meet the State target, and not use this as an opportunity to measure where each City/District stands, since that was not the spirit behind the State order.

Mr. Kumar reported that the Chair of the Water Advisory Committee was sending a letter to the Chairwoman of the Board of Directors of the Water Agency, communicating the collective stand of the contractors.

Director Smith stated that Mr. Kumar was being very modest about his role in this matter. The letter was drafted by Krishna. There was a possibility of a very serious conflict between two of the contracting parties. Getting this through the TAC and WAC was a great achievement by Krishna, and it was only by Krishna's great efforts that it came to pass. Krishna deserved a commendation not only from the Board, but from all the contracting parties as well as the Water Agency for what he was able to accomplish. For example, one of the alternatives was to look at the agreement with the Water Agency and use the water shortage provisions to mandate specific percentage cutbacks for each of the contracting parties. There were a couple of efforts made to work out the numbers that this would entail, which ended up leading to conflict between various parties. Krishna's efforts really to say this was a collective responsibility, that the State's mandate was on the Water Agency, and not on each individual District, and that we as a collective entity would see to it that we met the State mandate without holding any individual District to an accounting on an individual basis really was the way to go and was very helpful for everyone.

Director Smith noted that it was also very interesting that the election of the Chair and Vice-Chair for the Water Advisory Committee, again all the contracting parties got together, and the two Districts most at odds were the Districts that moved and seconded the appointment of Mr. MacKenzie, and Mr. Cohen to be the Chair and Vice-Chair of the WAC. **Director Smith** further noted that the atmosphere was better than in the past, with a good leadership team in place.

President Kenny was pleased with the appointment of Mr. Cohen, after seeing his leadership skills at the City of Sonoma Council meetings.

Mr. Kumar spoke about the article that was written by John Dunning and posted this day in the Sonoma Index-Tribune titled "Water to the People". The article mentioned that there's an abundance of water sitting

behind Lake Sonoma and wondered why there was a water shortage. Mr. Kumar stated that out of the maximum capacity of Lake Sonoma (348,000 acre-feet of water), 212,000 acre feet was considered to be the water supply pool – controlled by the Water Agency, and 136,000 acre feet was considered to be the flood control pool – controlled by the US Army corps of engineers.

Mr. Kumar noted that there are several constraints associated with the actual delivery of the water sitting behind Lake Sonoma to the customers' faucets. Some of which were: water rights permit for the adequate amount; environmental constraints to maintaining the required levels of flow in Dry Creek (to get the water to the Water Agency's collectors at Mirabel and Wohler); and infrastructure necessary to get the water from the collectors to the ultimate customer. The Sonoma Aqueduct, which brings the water to the District and the City of Sonoma was built in 1962, and was approaching its maximum capacity of 9 mgd. The Petaluma Aqueduct, which supplies water to Petaluma, Rohnert Park, and North Marin, is in a similar boat. The Water Agency began planning for newer facilities in 1992, their board approved an EIR in 1998, it was litigated and a settlement was reached in 2002. In 2004, the entire EIR was decertified, so the Water Agency had started the process all over again after 14 years.

Director Prushko clarified that if the water was taken out of Lake Sonoma and put in the distribution system directly, would it need to be treated, to which Mr. Kumar responded yes. Mr. Kumar also clarified that the Water Agency was hoping to obtain additional water rights permit from the State by the year 2016.

In response to **Director Prushko**, Mr. Kumar stated that if the Water Agency is to reach its current limit of 75,000 acre-feet, typically the State won't freeze the water deliveries at that level or impose fines, but would require the Water Agency to apply for temporary annual permits, till the water rights are perfected.

8. OLD/NEW BUSINESS

There was no Old/New Business.

9. CLOSED SESSION

There was no Closed Session.

10. REQUEST FOR FUTURE AGENDA ITEMS

There was no request for future agenda items.

11. ADJOURNMENT

On motion by **Director Smith**, seconded by **President Prushko** and carried unanimously by a voice vote to adjourn the meeting at 7:20 P.M. The next scheduled meeting is a regular meeting on Tuesday, September 4, 2007 at 6:30 P.M.

Shari Walk, Deputy Board Secretary

Ed Kenny, Board President