

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING MINUTES
April 7, 2009

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, April 7, 2009, 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 Ron Prushko 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:	Mark Bramfitt Al Bandur Russell Townsend Ron Prushko
Directors Absent:	Ed Kenny
District Personnel:	Paul Gradolph, Operations and Maintenance Supervisor Shari Walk, Office Supervisor
General Manager:	Krishna Kumar
Public Present:	Mark Heneveld, Heidi Danieli, Laurie Gallian & Sandi Hansen, <u>Sonoma Index-Tribune</u>

2. PUBLIC COMMENTS

3. CONSENT CALENDAR

A. Minutes of the March 3, 2009 Board of Directors Meeting.

On motion by **Director Bramfitt**, seconded by **Vice President Townsend**, and carried by a voice vote to adopt the Consent Calendar, as shown.

4. PUBLIC HEARING - NONE

5. OPERATIONAL REPORTS

A. Monthly Financial Reports & Disbursements.

On motion by **Director Bramfitt**, seconded by **Vice President Townsend**, and carried unanimously by a roll call vote to approve the monthly Financial Reports & Disbursements for the month of February 2009 in the amount of \$204,324.90.

B. Water Source Report

President Prushko asked if there was a count as to the number of fish lost during the recent pumping from the Russian River for frost protection. General Manager Kumar stated that although he doesn't know the exact number of fish lost, the State Water Resources Control Board will be holding a public hearing to discuss how best to handle frost protection needs.

President Prushko considered this to be very devastating and that's why the whole salmon fish industry is collapsing the past two years. Someone wasn't paying attention, and some plan of action should be taken to prevent this from happening again.

Vice President Townsend asked Mr. Kumar to let him know as to the date of the State Water Board hearing.

6. PRESIDENT'S AND DIRECTORS' REPORTS OR COMMENTS

Director Bramfitt reported that he and **Vice President Townsend** attended the Ad Hoc Committee meeting on March 31, 2009, with two representatives from the City of Sonoma Council and the respective staff to discuss common issues, and in particular local water supply issues.

Vice President Townsend added that there was discussion about meeting with Supervisor Brown to discuss problems with the Water Agency. It was determined to first develop an agenda, and then invite Supervisor Brown to come down to talk about local water supply concerns.

President Prushko commented on the recent toilet rebate program that the Sonoma County Sanitation District was promoting. He said the program set the amount the plumbers could charge and what funds would be paid from the program to replace commercial toilets in the District and City of Sonoma. He said he informed the Conservation Representative at the meeting that he objected to the program since it pre-determined the amount the plumber could charge, stating that this encroaches on free enterprise.

Director Bandur asked if this was part of the rebate program in general, to which **President Prushko** said this was over and above the rebate program, stating they were offering to pay the plumbers \$250 for the first toilet and \$90 for each additional toilet replaced in commercial businesses.

Director Bramfitt informed **President Prushko** that there are three members on the Board of the Sonoma County Sanitation District, first District Supervisor Valerie Brown, and Chair of the Board of Supervisors, currently Paul Kelly, and the Mayor of the City of Sonoma.

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

A. Technical & Water Advisory Committee Meetings of April 6, 2009.

General Manager Krishna Kumar reported:

1. Available allocation to the water contractors

As was reported at the last meeting, the Sonoma County Water Agency had indicated that it can deliver only 52,000 acre-feet of water in FY 2009-10, compared to the previous 12 months actual delivery of 57,492 acre-feet, based on existing reservoir levels and the challenges of implementing the Biological Opinion. The Technical Advisory Committee (TAC) worked with the Water Agency staff to increase that amount to 54,591 acre-feet.

Contractually, the Water Agency is required to use the twelve month average of 57,492 acre-feet number, unless a majority of the water contractors authorize the Water Agency to use a lower number. The Water Advisory Committee (WAC) unanimously approved that authorization.

2. SCWA 2009-10 budget and wholesale water rates

The Water Agency presented its proposed budget based on the 57,492 acre-feet deliveries, even though the water rates remained relatively the same since additional expenditures were added to the budget. The WAC unanimously recommended adoption of the budget by the Water Agency Board of Directors.

Mr. Kumar reported on the item that was placed before the Board, a copy of the State Water Resources Control Board Order that was issued on April 6th, which approved a temporary urgency change petition requested by the Sonoma County Water Agency. The Order allowed for dry year flow conditions, which in essence allowed for less water to be released from Lake Mendocino during April 6th through October 2, 2009 to aid the fall migration of chinook salmon. The Order required a 25% reduction in diversions from the Russian River by the Water Agency during that period. In 2007, the State Water Resources Control Board issued a similar order requiring the Water Agency to reduce diversions from the Russian River by 15%. The Water Agency's contractors, including the District were collectively able to reduce diversions by approximately 22%, based on the 2004 levels. Although the current order does not mention a base year, the Water Agency believes the same base year applies to this order as well. The Water Agency is required to submit a water conservation plan within 30 days to the State Board.

In response to **Vice-President Townsend** as to where the definitions listed on page 4 of the Order comes from, Mr. Kumar said the definitions come from Decision 1610, which was issued by the State Water Resources Control Board in 1986. Decision 1610 is essentially the water rights permit for the Water Agency, which authorized the Water Agency's maximum annual diversion of 75,000 acre-feet of water.

Biological Opinion

The Board was provided with a copy of a Project Schedule for the Russian River Instream Flow Restoration (RRIFR) Project, prepared by the Water Agency staff. The five principle components of that project were:

1. Decision 1610 Change Petition.
2. Estuary Water Level Management
3. Coho Hatchery Funding
4. Dry Creek Habitat Enhancements / Pipeline Feasibility Study
5. Mirabel/Wohler Modifications.

The Water Agency will be providing periodic updates as to the status of this project.

8. OLD/NEW BUSINESS

A. Task Order for Engineering and Construction Services

Director Bandur questioned the low bid from Cinquini and Passarino for the design portion of their proposal compared to that from both Brelje & Race and Winzler & Kelly, and also asked if they submitted a fee schedule, and included as-built drawing in their proposal. General Manager Kumar stated that Cinquini and Passarino is a smaller firm with low overhead, and therefore the low bid for the design work. He also confirmed that a fee schedule was included, and as far as the as-builts, that was typically done in-house by District staff.

In response to **Vice-President Townsend**, Mr. Kumar stated the District has had very comparable design experience with all three firms in the past.

In response to **Director Bandur**, Mr. Kumar said the District is not required to take the low bid for this type of work.

Director Bramfitt noted that one of the two projects is along Dunbar School Road and suggested doing that portion of work during the summer to minimize traffic issues for Dunbar School.

On motion by **Director Bramfitt**, seconded by **Vice President Townsend** and carried unanimously by a roll call vote to approve Task Order No. 09-2926-01 to Cinquini and Passarino, Inc. in an amount not-to-exceed \$49,920 for engineering and construction services.

President Prushko adjourned into Closed Session at 6:56 P.M.

9. CLOSED SESSION

- A. Conference with legal counsel to consider initiation of litigation, pursuant to government code section 54956.9 © - 1 case.**
- B. Public Employee Performance Evaluation Pursuant to Government Code Section 54957 – General Manager**

10. RECONVENE INTO OPEN SESSION

President Prushko reconvened from Closed Session at 8:05 P.M. There was nothing to report.

11. REQUEST FOR FUTURE AGENDA ITEMS

There was no request for future agenda items.

12. ADJOURNMENT

Motion by **Director Bramfitt**, seconded by **Vice President Townsend**, and carried unanimously to adjourn the meeting at 8:07 P.M. The next scheduled meeting is a regular meeting on May 5, 2009 at 6:30 P.M.

Shari Walk, Deputy Board Secretary

Ron Prushko, Board President