

**VALLEY OF THE MOON WATER DISTRICT**  
REGULAR MEETING MINUTES  
September 1, 2009

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, September 1, 2009, in the Board Chambers of the District Office at 19039 Bay Street, El Verano, California.

**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:	Ed Kenny Mark Bramfitt Al Bandur Russell Townsend Ron Prushko
General Manager:	Krishna Kumar
District Personnel:	Paul Gradolph, O & M Supervisor Shari Walk, Office Supervisor
Members of the Public:	Mark Heneveld, Heidi Danieli, Laurie Gallian, Val Robichaud, <u>Sonoma Valley Sun</u> and Sandi Hansen, <u>Sonoma Index-Tribune</u>

**2. PUBLIC COMMENTS**

Mark Heneveld commented on the following:

- 1) The Sonoma County Water Agency's switch in plans to drop the Water Project EIR, and wondered how this would affect the 12 strategies the Water Agency was planning to pursue.
- 2) Was the District planning on pursuing groundwater banking?

**General Manager Krishna Kumar** noted that these would be covered under the General Manager's comments.

**3. CONSENT CALENDAR**

- A. Minutes of the August 4, 2009 Board of Directors Meeting.
- B. AB 1600 Annual Report for FY 2008-09.

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

**4. PUBLIC PRESENTATION - NONE**

## 5. OPERATIONAL REPORTS

### A. Monthly Financial Reports & Disbursements.

On motion by **Director Bramfitt**, seconded by **Director Bandur** and carried unanimously by a roll call vote to approve the monthly Financial Reports & Disbursements for the month of July 2009 in the amount of \$335,219.43

### B. Water Source Report

**President Prushko** noted that 32% of the water came from District wells for the month of July 2009, and asked Operations & Maintenance Supervisor, **Paul Gradolph** if he had noticed any drop in the water tables. Mr. Gradolph reported that he had not noticed any significant changes.

## 6. PRESIDENT'S AND DIRECTORS' REPORTS OR COMMENTS

**Director Bramfitt** reported that he was contacted by a citizen of the City of Sonoma who came across a water leak on the bike path near the Depot Park and that citizen felt that the leak could have been fixed quicker. **Director Bramfitt** said he explained to her that the operations crew had to balance going out on emergencies versus the size of the leak. He promised her that he would state two things at the VOMWD board meeting 1) Ask the General Manager and the Operations and Maintenance Supervisor to reinvigorate any connection the District had with the City in terms of mutual aid for responding to water leaks, and 2) raise the awareness of the need to fix leaks promptly, irrespective of the size of the leak, given the sensitivity of the times. He pointed out that this was not a criticism of the City, since he did not know if anything could have been done differently.

**President Prushko** commented on the letter the District received from Susan Brandt-Hawley, and thanked Mr. Gradolph and his staff for responding so quickly to the water main break that occurred recently in Glen Ellen.

**Director Bramfitt** echoed **President Prushko's** comments.

**Director Kenny** reported that he told several of his neighbors to leave their lawns longer, as that would help retain moisture and make the lawn look greener.

**Mr. Kumar**, responding to the earlier query from Mark Heneveld, stated that both the City of Sonoma and VOMWD have budgeted funds for a groundwater banking project, and the Sonoma County Water Agency (Water Agency) had released a Request for Qualifications for getting consultants on board to do the initial assessment.

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

### A. Technical & Water Advisory Committee Meetings of August 31, 2009.

**Mr. Kumar** reported the following:

### Summer 2009 Water Contractor Statistics

**Mr. Kumar** provided a copy of the July water usage data for all water contractors of the Water Agency. The State Water Resources Control Board (State Board) had mandated a 25% reduction in the diversions from the Russian River by the Water Agency for the period June 15 through October 2, 2009 and the Water Agency was right on target to comply with the State Board order.

### SCWA Temporary Impairment

The Water Agency's Board of Directors declared a temporary impairment of the transmission system in April 2009 quoting 'budget constraint'. Since then the Water Agency had physically restricted its pumping to 53 MGD, which is the average usage. However, in mid-July when the temperatures were more than the average and consumption rose to 60 MGD, the Water Agency's system storage dropped below a desirable total of 85 MG, because of the restricted pumping. On July 24, 2009, the Chair of the Technical Advisory Committee sent a letter to the Water Agency to provide the water contractors with a financial analysis of the additional costs anticipated for exceeding 53 MGD. In its response, the Water Agency had stated that in the unlikely event that storage levels decrease to levels that represent a concern for public health, the Agency would identify and implement the most feasible methods for increasing storage in the water transmission system.

In response to **President Prushko**, Mr. Kumar said during the past several weeks the storage levels have not dropped below 85 MG.

**Director Bramfitt** noted that this matter was discussed at the WAC meeting. If we were to get into a heat wave, would the Water Agency provide the water that it is capable of providing for health and safety? What that two paragraph letter said was, yes it will.

### SCWA Water Project Redirection and New Water Supply Strategies

On August 25, 2009, the Water Agency requested authorization from its Board to:

- a. Commence and continue the development of new water supply projects, plans, and strategies to meet the reasonable expected future water demands of the Agency's water contractor.
- b. No longer pursue development and implementation of the Water Project, the Draft Environmental Impact Report for which was released in June 2008.
- c. Negotiate a new Agreement for Water Supply.
- d. Commence preparation of the Agency's 2010 Urban Water Management Plan based upon the assumption that the Agency will redirect its efforts towards pursuit of new water supply strategies as described above and will not develop or implement the Water Project.
- e. Take appropriate steps to withdraw or modify the Agency's pending application and petitions with the State Water Resources Control Board to increase the limit on the Agency's authorized Russian River diversions to 101,000 acre-feet per year.

The water contractors had hardly a weekend's notice about this intended action by the Water Agency. On August 25th, at the request of the water contractors, the Water Agency's Board postponed any action on the matter until September 15th, to give the water contractors more time to review this matter.

At the meeting on August 31st, the WAC unanimously adopted a resolution requesting the Water Agency's

Board of Directors to direct Water Agency staff to only complete item a. stated above, and that the Water Agency staff receive further direction from the Water Agency's Board prior to embarking on the implementation of items b. through d. and not withdraw or modify the water right application for 101,000 acre-feet now pending with the State Water Resources Control Board.

**Director Bramfitt** noted that the WAC was advising the Directors of the Water Agency not to unilaterally withdraw the application for the 101,000 acre-feet, but to work with the water contractors around all the water supply, conservation, and reuse issues, and not necessarily abandon for the third time the water supply project, which is what he believed that the Water Agency was prepared to do. If they do that, despite the opinion of a couple of the cities, he thought that the Water Agency's proposed action invalidates the cities' general plans, because their general plans were based on a certain amount of growth that would be met with the 101,000 acre-feet. A couple of the cities believe they are going to be fine with the 75,000 acre-feet, but he did not think so.

**Director Bramfitt** noted that in the case of VOMWD, we have water supply, conservation, reuse and local supplies projected out until the year 2016, at which time it tips over to the Water Agency supplying the additional amount. Now it doesn't look like they ever intend to do that. He did not know where this was going to go, if the Directors of the Water Agency were going to change their minds, whether they will truly sit down with the contractors in a collaborative manner and figure out what the best course forward was. There was a lot of frustration among the contractors, where they felt like they had to be in a position to beg for a chance to have a collaborative process with the Water Agency.

**President Prushko** commented on several articles in the Press Democrat which stated that the 24 miles of pipeline from Lake Sonoma to Wohler pumping collectors were to cost \$500 million, whereas based on information from Mr. Kumar, the length of the pipeline was only 12 miles, and the projected cost \$200 million. Why do they continue adding to the price tag?

**Director Bandur** responded to **President Prushko** saying that in the years of dealing with the Water Agency, every time a project came up, they would just pick any number to throw out as the amount needed to complete the project, yet none were substantiated. It's a fear tactic that goes way back.

**Director Bandur** confirmed with Mr. Kumar that one of the recommendations is to re-negotiate a new contract. This means that the Water Agency, as it had done in the past, will get into pitting the contractors one against the other. For instance, the District and the City of Sonoma do not have the benefit of recycled water, and therefore will be at the total mercy at what can be thrown in their direction.

**Director Bramfitt** said the Water Agency wasn't considering a by-pass of dry creek until this board pushed it into the list of current projects, and said the Water Agency should evaluate that as an alternative, and then out of the blue, it's \$200 million or \$400 million, and Mr. Poole was claiming that not going after the 101,000 acre-feet is a billion dollars of savings to the County. He complimented **Director Bandur** for his earlier observation. How you cost a pipeline that they never even considered was amazing to him. Regardless of whether the number was only going to be 75,000 acre-feet, the contract with the Water Agency needed to be re-negotiated. That was the one point out of the 5 that he actually agreed with. We need to sit down in a collaborative process as contractors, not against each other, but to figure out how best to deal with whatever the Water Agency thinks they are ever going to deliver to us.

<b>8. OLD/NEW BUSINESS</b>
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**A. Sonoma Valley Groundwater Management Program.**

**Director Bramfitt** introduced the item stating that this program was being held up as a model for the County, about how we were going after groundwater management here in the Valley. He had the great fortune about 6 weeks ago to go over to Santa Rosa, where they were going to try and do a groundwater management plan for the Santa Rosa Plain, like we did here. They have looked to what Sonoma Valley had done; they looked at the cooperation among the City of Sonoma, the District, the Water Agency, the Resource Conservation District, concerned citizens, and the agricultural community. It's really good work, we have tried to keep costs well under control, meeting here in the District office and trying to drive the numbers down. He thought this was a worthwhile effort, for two reasons, 1) it reflected well on VOMWD to be participating, and 2) the District was relying on as much as 32% of groundwater, making it deeply involved in this situation. He urged the Board, not because he was chair of the Basin Advisory Panel, to continue funding this effort.

**President Prushko** asked if recharging groundwater areas that have gone dry was part of the study that this program is involved with. **Director Bramfitt** said having read the plan several times, there are two types of recharge projects 1) making sure water in Kenwood and a little farther south in Glen Ellen had plenty of time to seep into the ground and 2) A significant project in the plan was to use the Russian River water in the winter, inject it, and bank it, somewhere up Valley and then have the municipal agencies pull that water back out in the summertime. That is the one for which the Water Agency had an RFQ out now. Maybe we need to be buying a lot of water in the winter time, and storing it somehow here. He personally did not think we will ever have surface water storage that's really meaningful. He thought we'll have to inject it into the ground and pull it back out. In the groundwater plan, that is the single most important project that will make the most difference in the Valley.

In response to **Director Kenny**, Mr. Kumar noted that some regional water quality control boards were very pro-groundwater banking, and some are a little reluctant to agree to these kinds of projects. For example, southern California had several of these projects for the past two decades, but in northern California it's rather difficult, but even that was changing. The San Francisco Regional Water Quality Control Board, under which the District fell, just authorized, under a pilot basis, East Bay MUD and its partners to undertake groundwater banking projects.

On motion by **Director Kenny**, seconded by **Director Bandur** and carried unanimously by a roll call vote to approve cooperative agreement to provide funding and support information for Sonoma Valley Groundwater Management Program and authorize the President to execute the agreement.

**President Prushko** adjourned into Closed Session at 7:07 P.M.

<b>9. CLOSED SESSION</b>
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<b>A. Conference with legal counsel to consider initiation of litigation, pursuant to Government Code Section 54956.9(c) – 1 case</b>
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<b>10. RECONVENE INTO OPEN SESSION</b>
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**President Prushko** reconvened from Closed Session at 8:20 P.M. There was nothing to report.

<b>11. REQUEST FOR FUTURE AGENDA ITEMS</b>
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There was no request for future agenda items.

<b>12. ADJOURNMENT</b>
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Motion by **Director Kenny**, seconded by **Director Bramfitt**, and carried unanimously to adjourn the meeting at 8:22 P.M. The next scheduled meeting is a special meeting on September 10, 2009 at 5:30 P.M.

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Shari Walk, Deputy Board Secretary

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Ron Prushko, Board President