

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING MINUTES
November 2, 2010

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, November 2, 2010, 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 Russ Townsend 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:	Ron Prushko Ed Kenny Mark Bramfitt Al Bandur Russ Townsend
General Manager:	Krishna Kumar
District Personnel	Paul Gradolph, Operations and Maintenance Supervisor Shari Walk, Office Supervisor
Public:	None

2. PUBLIC COMMENTS

There were no public comments.

3. CONSENT CALENDAR

- A.** Minutes of the October 5, 2010 Board of Directors Meeting.
- B.** Declaration of surplus equipment
- C.** Amendment No. 3 to Term Agreement with Brelje & Race.

On motion by **Director Bramfitt**, seconded by **Director Kenny** and carried unanimously by a voice vote to adopt the Consent Calendar, as shown, noting **Vice-President Bandur's** and **Director Bramfitt's** abstention on item 3.A.

4. PUBLIC PESENTATION – NONE

5. OPERATIONAL REPORTS

A. Monthly Financial Reports & Disbursements for September 2010.

In response to **Director Bramfitt**, General Manager Krishna Kumar said the developer of the Las Palmas subdivision of 52 low income homes had an arrangement with the Sonoma County Community Redevelopment Commission (CDC) for the CDC to front the cost of the connection fees, and now that the project had been withdrawn, the CDC had requested the fees be returned to them, which the District did.

On motion by **Director Bramfitt**, seconded by **Director Prushko** and carried unanimously by a roll call vote to approve the monthly Financial Reports & Disbursements for the month of September 2010 in the amount of \$669,890.90.

B. 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 October 2010.

Project #2926 – Boyes Hot Springs Main Replacement and Trinity Interconnection: Mr. Gradolph reported that the project consisting of a new eight-inch water main connecting the Trinity Oaks zone to the Glen Ellen zone, and the replacement of water mains on Manzanita Road, Academy Lane, Fairview Lane, Mulford Lane was complete.

In response to **Vice-President Bandur**, Mr. Kumar said the project came within the budget, and there were only a few minor change orders.

In response to **Director Prushko**, Mr. Gradolph said the next phase of Carmel Avenue project would be done with District forces, beginning next fiscal year.

C. Water Source Report.

President Townsend noted that the water usage was pretty close to the comparable prior period.

In response to **Director Prushko**, Mr. Gradolph said all wells were off and they would be turned back on under a rotating schedule throughout the winter months.

In response to **Vice-President Bandur**, Mr. Gradolph said the pressures in the system were kept between 65 and 70 PSI.

6. PRESIDENT'S AND DIRECTORS' REPORTS OR COMMENTS

Director Bramfitt reported that he was in attendance during the maintenance and repair work on the Santa Rosa Aqueduct performed by the Water Agency on October 26th. The work involved shutting down a six-mile section of the Santa Rosa Aqueduct, to replace a damaged section of pipeline, install two new valves for isolation purposes, and replace air valves. It was a pretty impressive project, which started at 2:00 a.m., the Water Agency field crew did a fantastic job and the project went very smoothly. He noted that the pipeline was in very good condition, and the replacement air valves were made of stainless steel and expected to last 75 years without any maintenance whatsoever.

Director Bramfitt reported on the presentation of the Sonoma Valley Groundwater Management Program

Water Conservation Awards that took place on October 21st noting that six awards were given, two from the City of Sonoma, and four from the Valley of the Moon Water District. They were all turf replacements under the “Cash for Grass” program. The ceremony was very successful, and received good press coverage from the Kenwood Press, Sonoma Valley Sun and the Sonoma Index-Tribune.

Director Bramfitt presented a written report to the Board regarding his trip to DC, first thanking them for authorizing the trip. The focus of the trip was primarily to lobby the federal government to fund the required work under the biological opinion. The contractors of the Water Agency and the Water Agency were on the hook for about \$100M worth of habitat restoration in Dry Creek and the Russian River, and the Army Corps of Engineers’ (Corps) share being about \$60M. It was disappointing that governmental agencies had to lobby other governmental agencies to do things which they agreed to do, and it was very clear that the federal government was going to have to be dragged reluctantly to fund its portion of the work. Even though the Corps, and in particular the office of Management and Budget, knew they needed to budget for this expense over the next twelve years, the one key question raised during the visit was how little can they spend appearing to do what was needed. He also noted his recommendation to restrict the members of the visiting delegation to the chair of the WAC, one Supervisor, and fewer representatives from the Water Agency given the need for numerous repeat visits in the future.

Vice-President Bandur reported that he just returned from a trip to Scottsdale, Arizona, and noted that they too shared some of the same issues this region had when it came to water conservation. There were huge golf courses with the irrigation running in the middle of the day, all day long. The biggest issue was to get the landscapers to be pro-active in adjusting the irrigation.

Director Kenny said he had been told that Arizona can double its population, and the state would still have enough water to serve for the next 25 years, because of its large aquifers.

In response to **Director Prushko**, Mr. Kumar said he would provide the exact fish count in the Russian River at the next meeting.

7. GENERAL MANAGER’S AND DISTRICT COUNSEL’S REPORTS
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Mr. Kumar reported the following:

Technical Advisory Committee (TAC)/Water Advisory Committee (WAC) meetings on November 1, 2010

The Water Agency had invoiced three water contractors for penalty payments – North Marin Water District, City of Sonoma, and the City of Petaluma – last summer for exceeding their temporary impairment allocations. After some discussion, the WAC approved a motion requesting the Water Agency not to penalize these three water contractors on the premise that collectively the water contractors on the whole did not exceed the agreed upon threshold of 53 mgd during the period of temporary impairment. That decision benefited the water contractors in one important respect. This action set the precedence to collectively meet the temporary impairment threshold, as opposed to individual contractor limits.

In response to **Director Prushko**, **Director Bramfitt** clarified that he supported the WAC decision to not penalize the three water contractors, in order to allow the water contractors some room to trade water allocations, or operationally help each other out by meeting the overall number. The precedence the WAC didn’t want to set was that collectively if the contractors did not meet the target, then the penalties need to be applied.

Director Bandur pointed out that if the water contractor was making a good faith effort to meet the target,

but something was out of its control, why assess a penalty. **Director Bramfitt** commented that it did in fact happen with North Marin Water District, where one of its reservoirs had an algae bloom that they had a hard time controlling, and short term they needed some additional water. North Marin Water District was in constant contact with the Water Agency and other contractors during that time.

Appellate Court Decision

In a 36 page opinion (not counting the 5 pages of appendices), the appellate court recently reversed the trial court decision invalidating the Water Agency's 2005 Urban Water Management Plan (UWMP), and directed the trial court to enter a new judgment finding the UWMP valid in all respects.

It was gratifying to see the Court totally validate the way the Water Agency chose to handle the uncertainties of the long term water supply situation it faced when it completed the 2005 UWMP. The court was very much influenced by the fact that the Water Agency didn't try to ignore the uncertainties, but rather discussed them candidly and openly and addressed them in a competent manner. The plaintiff's argument was that there was no guarantee that the additional water needed by 2030 would be available by then, and the Water Agency did not have the physical infrastructure to deliver that water now, so how can the Water Agency apportion that "non-existing" or "paper water" to its water contractors? The court ruling validated the fact that the UWMP was a 35 year long plan, and the Water Agency wouldn't necessarily have the water currently to meet its long term future needs or the physical infrastructure as of today.

8. OLD/NEW BUSINESS

A. Sphere of Influence Amendment and Annexation.

President Townsend introduced this item, noting the staff recommendation.

Director Bramfitt recused himself from this item, due to his role as a LAFCO Commissioner, and took a place in the audience at this time.

Director Prushko confirmed that the water would be primarily used for indoor use only and those property owners would still be using their wells for outdoor use.

President Townsend clarified that there was no limitation on the amount of water the property owners can use.

In response to **Vice-President Bandur**, Mr. Gradolph said the property owners would all need to have a reduced pressure (RP) device installed due to the well water source on their properties, and that RP device would need to be tested annually at a cost of around \$50.

In response to **Director Prushko**, Mr. Kumar confirmed that the seven properties collectively totaled 5.1 acres, less than an acre each in size. The property owners would be responsible for having the water main, service laterals, and fire hydrants installed at their expense. Although the District would not be involved in the installation, District staff would be inspecting the project during construction, and the inspection costs would be billed to the property owners at the end of the project.

Vice-President Bandur confirmed that all staff time and attorney time spent on this project would also be billed to the homeowners.

In response to **President Townsend**, Mr. Kumar said that payment of staff time and attorney fees would be covered in the water main agreement with the property owners.

Motion by **Director Prushko**, seconded by **Director Kenny** to 1) Adopt Resolution No. 101101 initiating proceedings with LAFCO for amending the sphere of influence and annexing to the District all territory within Assessors Parcel Numbers 053-110-013, 017, 030, 045, 046, 075, and 077, 2) Authorize the General Manager to sign the Notice of Exemption to be filed with the Sonoma County Clerk and 3) Authorize the General Manager to sign the LAFCO application and other associate documents, including the plan for providing services, and forward the application to LAFCO, after collecting the requisite fees from the affected property owners.

9. CLOSED SESSION - NONE

10. REQUEST FOR FUTURE AGENDA ITEMS
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There was no request for future agenda items.

11. ADJOURNMENT

Motion by **Vice President Bandur**, seconded by **Director Kenny**, and carried unanimously to adjourn the meeting at 7:36 P.M. The next scheduled meeting is a regular meeting on December 7, 2010 at 6:30 P.M.

Shari Walk, Deputy Board Secretary

Russell Townsend, Board President