

REDWOOD VALLEY COUNTY WATER DISTRICT  
2370 Webb Ranch Road  
Redwood Valley CA 95470  
(707) 485-0679

MINUTES  
BOARD OF DIRECTORS

Regular Meeting  
Thursday, March 20, 2014

Directors Present: Jeanette Hallman, Granville Pool, Pamela Ricetti, Ken Todd  
Directors Absent: Jeff Basili  
Staff Present: General Manager Bill Koehler  
Recording Secretary: Linda Groth  
Others Present: County Supervisor Carre Brown, Sean White/Russian River Flood Control District,  
George Borecky, Chuck Vau, Rosalind Peterson, Philip Morton

CALL TO ORDER: 7:07 P.M.

1. ROLL CALL.

Jeanette Hallman, Board Vice-President  
Pamela Ricetti, Director  
Ken Todd, Director  
Granville Pool, Board President

2. HEARING OF COMMENTS OR QUESTIONS FROM THE ATTENDING PUBLIC.

George Borecky remarked on the comments made at the Special Meeting held at the RV Grange Hall last Wednesday. He personally declares 100% compliance and support of the District request that customers 'tighten their belts'. Among other things, this means he will be buying fruits and vegetables from the grocery stores this year instead of growing his own garden. He urges the Board to "not consider medical marijuana as an equation". There will be some special circumstances that will come to the District and he urges the Board not to allow too much leeway and perhaps even require individuals to appear before the Board. Mr. Borecky has decades of experience serving on governing Boards and he understands that it is normal to want to please everybody, but for the Water District this year, you can't, you just can't.

Rosalind Peterson said she has obtained a copy of the December 19, 2013 'Notice' to the District from the California Department of Public Health. The letter lists some deficiencies under the Permit that the District

has to take care of by certain dates this year in order to make the District non-deficient and she wants to make sure the Board is informed of the looming deadlines for responses from the District. She also stated that, in compliance with the Fair Political Practices Act (FPPA) guidelines, any Director who has any financial interest in a topic must recuse himself during discussion of that topic.

President Pool confirmed that the CDPH letter had been discussed at a previous Meeting.

3. CONSIDER HEARING OF URGENT ITEMS RECEIVED SINCE THE AGENDA WAS POSTED.

GM Koehler reported that the District has received a Complaint. It will be heard later in the meeting when discussing the drought.

4. ACCEPTANCE OF AGENDA.

**MOTION: Accept the Agenda as presented.**

Todd/Ricetti Discussion CARRIED

AYES: Todd, Ricetti, Pool

NOES: Hallman

ABSENT: Basili

5. APPROVAL OF CONSENT CALENDAR.

- a. Financial Statement.
- b.-1. Bills Paid since those approved at last Meeting.
- b.-2. Bills Paid as approved at previous Meeting.
- c. Bills Payable.
- d. District Activity.

**MOTION: Accept the Consent Calendar.**

Ricetti/Todd Discussion CARRIED

AYES: Unanimous

ABSENT: Basili

6. APPROVAL OF MINUTES AS PRESENTED.

Minutes of the February 11, 2014 Special Meeting were reviewed.

**MOTION: Approve the Minutes of the February 11, 2014 Special Meeting.**

Hallman/Todd Discussion CARRIED

AYES: Unanimous

ABSENT: Basili

Minutes of the February 20, 2014 Regular Meeting were reviewed.

**MOTION: Approve the Minutes of the February 20, 2014 Regular Meeting.**

Todd/Hallman Discussion CARRIED

AYES: Unanimous

ABSENT: Basili

7. DIRECTORS AND STAFF REPORTS AND DISCUSSION OF NON-ACTION TOPICS.

a. Personnel Committee Report.

An Action Item for next month will be to appoint a Personnel Committee.

b. Ad Hoc/Consolidation Committee Report.

GM Koehler reported that GM Sean White prepared the majority of the LAFCO Initial Stage. GM Koehler suggested some changes to the Personnel portion thereof. Otherwise, Bruce Baracco 'finally' got it back to us. Sean and Bill have a bit more work to do on this, and it will be brought back to the Board next month. He feels the new Personnel Committee could be involved in this as well as addressing the 'short staffing issue'.

Director Todd asked GM Sean White to comment on this.

GM Sean White said, I think from our perspective, that we'd just as soon take everybody on. In the end it's still worth everybody's while to continue to pursue whatever you want to call it, the functional merger or whatever, even if a combined district had staff it's still only enough for certain aspects and I think there would still be some deficiencies that would gain by sharing staff, and I still perceive a practical sharing of bodies so there is more coverage for all of the things that none of us have the coverage for, such as meter reading and on-call duties.

GM Koehler added, That's essentially the last item to be cleared up before submitting for either attorney approval and/or each Board approval.

GM White said we kind of have to spell out everything, but we can spell things out with options. He added that the Boards can still insert some things after the document is submitted to Baracco.

GM Koehler added that Bruce Baracco, the Executive Officer of LAFCO, only works 20 hours per month and that he will be retiring as of July 1, 2014.

President Pool said we want to keep things moving along expeditiously, and we should have Counsel Minasian review this before bringing it to the Board next month. There were no objections.

GM Koehler recapped the 'third scenario' suggested by GM White: the RVCWD and RRFC&WCID would merge first, then combine labor with Willow CWD. President Pool supports including this third scenario. There were no objections.

GM White said he could make those changes pretty easily.

## 8. GENERAL MANAGER'S REPORT AND ACTION ITEMS, MARCH 20, 2014.

### a. District Operations.

Operations are proceeding normally with no particular problems to report. The field crew is still working on the Vault Remodel project. The Directors may be aware that the crew is working during the Meeting this evening in order to complete a segment and to avoid an overnight shutdown of the water treatment plant.

### b. Drought.

GM Koehler remarked on the recent action of the RR Flood Control District, directing its customers to reduce usage by 50% and declaring that there is no longer any surplus and therefore there is no water for Redwood Valley CWD. There are some interesting legal twists to the Reduction Declaration, including the failure by the Flood Control District to provide notice in writing and allowing Redwood Valley CWD to seek arbitration. GM Koehler has been working with GM Sean White ever since the Declaration was issued and it sounds like there is a very workable solution which seems to meet with satisfaction by John O'Hagan at the State Water Board. GM Koehler also contacted the State Department of Public Health (CDPH) and explained the status to them.

GM Koehler reported that President Pool and he met with Sonoma County Water Agency in Santa Rosa on March 6<sup>th</sup> to discuss water supply issues regarding the second surplus agreement. SCWA does not feel they can go to the State Water Board to request water for Redwood Valley CWD in light of the two times this water year that they have gone to the State to request reduced flows/releases due to lack of storage. Also, the SCWA permit allowing supply to RVCWD has restrictions based on cumulative inflow into Pillsbury, which is very uncertain this year. President Pool clarified that, under their present structure and restrictions they are not legally able to declare that they have surplus water. GM Koehler agreed, and said there are other restrictions also, that cannot be met.

GM Koehler said that Sean's Board, the RRFCD Trustee's, will meet on Monday to discuss a proposed rescinding of the Ordinance and a reduction of 25% as opposed to a reduction of 50% and a freeing-up of 355 acre-feet to RVCWD. That number was based upon a suggestion from CDPH. It would be granted to RVCWD under the original Stipulated Judgment that we have with the RRFCD.

GM Sean White said it hasn't been considered yet, but he is fairly confident that the matter will be passed. He has spent the better part of the past two weeks working on this. He, Bill Koehler and John O'Hagan at the State met with CDPH and a spreadsheet was developed based upon that information. The SCWA was fine with this. So on Monday Sean hopes to get his Board to approve it and he thinks there will be no problem.

GM Sean White continued, Some of the other things that came out of it, the last meeting being yesterday with Sonoma, a number of things have changed in the reservoir forecast; not so much being the inflow into Lake Mendocino but the inflow that we added to Pillsbury, so that we will see more water coming into the Potter Valley diversion stream April 1<sup>st</sup>. The storage isn't likely to increase a lot but it's likely to hold steady longer for the people downstream. I assume that it's not only going to be okay for the 355 ac-ft for Redwood but also for my District to get back to a 25% reduction; so we're looking forward to that providing at least a minimal stream flow for frost protection. There is something in it for everybody and would give Redwood enough water at least for municipal use. After meeting with Bill and Tim today, we should be

able to piece together the other half of Redwood's supply through Millview; nobody is going to be whole but hopefully everybody will still be operating.

Supervisor Carre Brown arrived at 7:30 P.M. during the above comments.

GM Koehler added, Something that I discussed with both Sean and the CDPH today is that the projected population of Redwood Valley, which is based on 2.85 people per rural household in Mendocino County, times the 1350 households served, comes out very close to 4,000 people. However, given the number of people coming into the office and reporting they have more than 2.85 people in their households, it's likely we are underestimating the total number of population served. It seems there are a lot of 4-person households and not as many 1 or 2-person households.

Domestic Rates:

GM Koehler stated, A decision was made at the recent Grange Hall Board Meeting, however a Motion was not made: The Directors agreed in principal that the daily usage allowed would be 50-gallons per day per person with allowances made for exceptions. A commercial marijuana grow house is not an exception.

President Pool stated that before a Motion is made this is the appropriate time to hear the letter from customer Philip Morton.

President Pool read the letter aloud. Mr. Morton expressed concern regarding the proposed water rationing policy and offered suggestions to consider, including whether a single user is on a fixed income or has disabilities that require a specific amount of water daily. Also, the penalties should reflect the actual amounts being consumed and the conservation efforts displayed, not penalties just because the rationing limit is being exceeded. Further, the penalties for over-usage should be incremental, starting in double-digits, not triple-digits.

During discussion GM Koehler stated he understands the logic of the incremental increase, especially at the lower levels of overage, and, at the same time, the District has to make a very strong point, and that is: we have an extremely limited amount of water. President Pool agreed.

GM Koehler recommended the Board consider staying with the 50 gallons per person per day. We serve more than 4000 people.

Director Hallman suggested the customers receive a 30-day 'easing in' of the overage penalty for the first month at the new rationing rate.

President Pool supports that recommendation and a 50% reduction of the penalty for the first month of rationing.

**MOTION: We set usage at 50 gallons per person per day.**

Todd/Ricetti Discussion CARRIED

AYES: Unanimous

ABSENT: Basili

**MOTION: We charge 50% of the penalty rate for the first month and then go to full penalty  
after that.**

Hallman/Todd Discussion CARRIED

AYES: Unanimous

ABSENT: Basili

A letter will go to customers explaining rates and the 50% first month reduction of the overage rate.

#### Agricultural Rates:

It was noted that the regulatory agencies may demand, at any time, that ag service will be stopped. During discussion, it was reiterated that there is no penalty for overage of ag usage because if ag usage limits are exceeded, the customer will be cut off.

President Pool suggested a Motion to 'Sustain the 50% reduction' and adding that it may be necessary further into the year to have Board action to make further reduction or even possibly be curtailed under certain circumstances.

Director Ricetti inquired whether Board Members who are Ag Customers may vote on an ag related Motion.

Supervisor Carre Brown stated, It's the Williamson Act; it depends on what percentage of ag is within your District. If it is greater than 10% and you're part of that, you may still vote without a conflict. She added that during Board of Supervisor Meetings, she and Supervisor Pinches always recuse themselves from the vote because they lease land with the Williamson Act and they wish to remove the perception of conflict of interest. She further added that Mendocino County contains more than 10% of land within the Williamson Act.

GM Sean White offered that at his District, there are people on the Board that recuse themselves on different aspects of District business. The metric they have been given is that if you personally benefit financially from the item that you are voting on, then that's when our members recuse themselves. If you own a vineyard and that is how you make your living, then you recuse.

Director Todd said that our partial Board here tonight consists of two Members who are grape growers and two Members who are not.

Director Hallman suggested we wait until next month when we have a full Board to proceed with ag rates. The Board agreed.

Member of the public, Chuck Vau left the Meeting at 8:15 p.m.

GM Koehler reported on his attendance of the California Urban Water Conservation Council meeting in Vacaville at which the Department of Water Resources stated they will probably have our application packets ready for us late in the summer. He continued, The CDPH Grant Application is proceeding well, however, if the Board wants the intertie to be done in time to do us some good, we probably need to proceed. It's a \$400,000 project. Our access to this money is largely contingent upon the fact that we're in crisis mode and that Redwood Valley is considered to be within the 17 areas in the State with water sources designated as "Dire". There are actually four Mendocino County locations in that category - Willits, Brooktrails and Redwood Valley, and then an overlap area on the Russian.

One of our biggest fears is that if we are really heading into a multi-year drought, then next year we are doomed. One of the significant advantages of this intertie is that it's permanent. It will provide domestic water only. It will be set up to flow south via gravity feed and with pump feeding for north.

President Pool asked for an update on our prospects of actually getting water through the intertie.

GM Koehler reported that he and GM Tim Bradley went to Willits to meet with Millview's attorney and to participate in a conference call among enforcement and permitting people at the State. Tim has very good proof that the Masonite well is percolated groundwater. It is not underflow. If we build the intertie and we need water, somebody from Millview or Ukiah will give us water. This is a main goal of the District Manager at the California Department of Public Health.

A member of the attending public asked about looking at two other well locations.

GM Koehler stated, With the Cox well, the concern is that it is underflow from Forsythe Creek. If it were to be determined as surface water, we would have to build a surface water treatment plant over at that location. As to the well capacity at the Outdoor Education Project Property owned by the Ukiah School District, the well perforations are probably from the Russian River. These would be problematic to the District.

After further discussion, and acknowledging the importance of getting this project started as soon as possible, a Motion was made.

**MOTION: Move forward with the Intertie Project without waiting to learn whether or not we will receive the Grant funding.**

Ricetti/Todd Discussion CARRIED

AYES: Unanimous

ABSENT: Basili

GM Koehler reported that the US Army Corps of Engineers barge has been delivered to Lake Mendocino. We have paid the requested donation to the Friends of Lake Mendocino. The Friends of Lake Mendocino is intended to be an organization made up mostly of Army COE members working at Lake Mendocino and the reason for its proposed existence is that the Army COE itself cannot receive funding from anybody other than Congress. Now, in terms of whether we can use the barge, maybe it's wasted money but it's cheap in terms of getting that barge here and into Lake Mendocino. It might be problematic to pump from it because of the lake level.

GM Sean White responded, I think as long as you are inside that 355 ac-ft, you can pump it however you want to pump it. All the metrics that have been bandied about over the last week or so, including the storage levels in the reservoir, are all accurate under D1610. The D1610 does not bind the FCD to the SCWA permit conditions. Now if Redwood was trying to do that under an agreement with the SCWA, you'd be afool. He added, The only thing that really determines whether or not the Flood Control District can serve Redwood is, we determine if we have unused water in our District at the time; and that definition of surplus would be surplus right out of the Stipulated Judgment. The Stipulated Judgment is water not being put to beneficial use inside the District, and the water that we are forwarding to you is the water that we got back from the City of Ukiah so it's not being put to beneficial use for the District itself.

GM Koehler recommended to the Board that we install another pump while the narrow window of opportunity still exists. When the top intake which is the flood intake, surfaces, we still have 500 ac-ft of water. Of the 85 ac-ft that is going to come through the tunnel as of April 1<sup>st</sup>; the PVID has first crack at 50

ac-ft but not all of that 50 is going to be 24/7. In other words, the water is going to be coming through that tunnel 24/7.

Supervisor Brown commented that in 2009/2010, agriculture in PV actually received a letter from the PVID asking for longer rotations and less water use in order to get more water into Lake Mendocino, which Potter Valley did through the Project to help out our neighbors and fellow county residents.

President Pool said he thinks the COE barge is just sort of sitting there in the background as a contingency plan that, if everything goes the way that we hope it will with the intertie, and the lake does kind of what we expect it to do under the best guess of forecasted circumstances, we shouldn't need it. But if something goes wrong with the intertie project or getting water through the intertie gets delayed for a couple of months, we anticipate having that possibility in our back pocket is a good thing.

Member of public Philip Morton asked if there is an estimated cost for using the barge.

GM Koehler said we expect the cost would be between \$50,000-\$100,000.

Mr. Morton referred to the comments assuring RV of water availability offered by GM Sean White just a few minutes ago. He suggested that RV should be able to receive a document of that assurance in case an unknown scenario develops in the future that would question the water being for RV.

GM Sean White said he thinks he can at least provide a Motion and a Vote at the upcoming FCD Meeting. He continued, This is all new territory, there is the COE, the contractors, the agencies, the emotions, we've never had to slice it this thin, but once we do the full circle, I think the answer is actually fairly simple. I'm sure we will be talking about this a lot at our meeting on Monday and that would be a great opportunity for sorting out what Permits regulate what Districts. Also, all of our documents are on our website now, so that should be something that you can just point to. I think now that the footwork is done, we'll know what we can do.

GM Koehler stated, One of the questions that President Pool and I asked Sonoma County Water Agency when we were down there, was: Are you going to get heartburn if we are pumping under the intake? and Sonoma's answer was "That's not our water".

GM Sean White responded, Exactly, and I think that's the right answer. Under that type of condition, all the storage restraints and elevational criteria that are in D1610 would not allow them to serve you.

GM Koehler added, Yes, and what O'Hagan recommended over the phone during our conference in Willits was to apply for a Temporary Urgency Change Petition to be able to pump under Our Permit despite the fact that the water level in the lake and the flow in the river do not meet the conditions of our Permit.

GM Sean White commented, I recommended that as well when I was there squaring things away on our Permit (FCD). We discussed what would be allowed under our Amended Permit and we were trying to figure out how to make the balance useful beyond our Sphere and that was one of the avenues he recommended.

GM Koehler asked, And you're pursuing Granite as well?

GM Sean White responded, Yes, my Board basically directed me to run down any sources where they might be willing to give up some water. The City has a great portfolio and they were very cooperative. He added that Granite is currently shut down and he is making efforts to get in contact with them. Also there is

one farmer that is using his well and although he has waived a fairly small contracted amount, Sean will take whatever he can get.

President Pool stated, You know the idea of our pursuing the TUCP was something that occurred to me when we visited SCWA and it seemed like a bit of a stretch, but if Mr. O'Hagan suggested it also, then that is hopeful.

GM Sean White said, When I met with John in Sacramento, I went there looking for guidance and clarification from him and then hearing a whole variety of what was and what wasn't allowed, didn't really give me a solution. I think, just like we feel squeezed, here, from all sides, I think he's feeling squeezed as well. He's got the Office of Emergency Services and the Governor's Office breathing down his neck to be versatile. It's a different type of 'pickle', but he's in a 'pickle' as well and I think that's why hopefully being able to put together a sort of unilaterally acceptable proposal where nobody is thrilled but everybody has at least what they need, is something that he can defend. CDPH really helped us produce the numbers. With the amount we got back from the City of Ukiah, this allows us to give our contractors a little more wiggle room. It's not perfect but it's better than we were a couple of weeks ago.

GM Koehler stated that he feels much more positive after this conversation with GM Sean White. He further commented that also it's feeding in to the hope that Janet Pauli has expressed on a number of occasions, to not let a perfectly good drought go to waste; make something of it.

President Pool mentioned that the lady he spoke with at the OES expressed the same thing, that the connections and team-building that we're creating between the State and among the local agencies and the public, all of that that comes out of this should benefit the State and the public for other types of disasters, fires, floods, earthquakes, etc.

GM Sean White left the Meeting at 8:45 p.m.

Member of the public George Borecky left the Meeting at 8:45 p.m.

c. Well Policy.

Director Hallman clarified that this title for her topic of discussion is incorrect and that is part of the reason why she didn't agree with Approving the Agenda earlier tonight. What she wants is a discussion for understanding and clarification. A couple of months ago some Board Members and the General Manager didn't feel the Water District should have any interest in the development of new wells within the District boundaries. She has obtained a copy of Policy 4600-11-01, Well Permits for Drilling Within Water Districts which was Approved by the County Division of Environmental Health. This states that DEH will notify and obtain approval from the district prior to issuing a permit for well installation located within a district service area and DEH will respect the decision of the water district to approve or deny the request.

She continued, Why does Building & Planning send us a letter asking for approval or denial, when we've been sending them the same form letter every time, for the past 25 years? Regulations have changed over the past 25 years; wells need to be monitored; our response letter needs to be updated.

Director Todd asked if that is our job, to monitor wells?

Supervisor Brown said the County is responsible for having wells monitored.

GM Koehler offered the Board several details of the types of conditions the monitoring reveals. The monitoring will be done by the RCD twice per year.

He continued, The coastal areas of Mendocino County do indeed conduct drawdown tests when someone puts in new wells to see what the impact is on their neighbors. Inland Mendocino County does not have

such a policy although it has been suggested repeatedly. What this document says is that an Ordinance is required to take action on well installation. He added, RVCWD does not have such an Ordinance. He continued reading: To supervise an adequate basis to substantiate denial of a Permit. He asked, What substantial basis do we have to deny a Permit?

Director Hallman said that the District's 25 year old letter states that if someone develops a well, and at some point the well fails, the District will not be able to provide them with water. But we also have had discussions that if any well fails despite its age, in an emergency we do give them water. So this affects the District.

GM Koehler said his position is the same as it was before: He really does not think we have any business demanding that the County do well monitoring of any kind; he thinks we do have an obligation to cooperate with any request made regarding monitoring and he has done so already.

President Pool asked Director Hallman if she would be willing to take the existing letter and make her recommendations and bring a proposed draft back to the Board.

Director Hallman accepted.

During ensuing discussion, Supervisor Brown said the monitoring of wells only occurs that she knows of, in the Town of Mendocino and it is through their Community Services District; however the CSD does not supply water. Supervisor Brown offered that Director Hallman may find it helpful to look at the Town of Mendocino and what that Community Service District does, and then she could bring back a more detailed analysis of her concerns and her recommendations to the Board.

Member of the public, Rosalind Peterson, commented that these responses to the County Planning Department historically would say there would be no water from RV because the moratorium has never been lifted for new water hookups. Also it was the way for the County to allude to the fact that if these new wells ran dry, under no circumstances would RV be supplying water because it would be considered a new hook-up at that point. So there is some history here not to supply new hookups and not supplying to residential houses that don't have District water and there's also a part that says if your well is past a certain number of years old, then you can get a hookup under certain guidelines. If your house was built after a certain year, there is no ability to get water. That is why she has questioned the trucking of water during the drought, to houses possibly not being under that category.

GM Koehler stated that the hardship guidelines indicate it has to be prior to 1997. He suggested the wording would say that if houses built after 1997 have failed wells, RV cannot haul water to them during a drought, but if houses built prior to 1997 have failed wells, RV can haul water to them during the drought.

#### D. Water Right Complaint

GM Koehler stated the District has received a Letter of Complaint and a letter from the Department of Water Resources. The Complaint takes two forms, one is that RV has not had a contract since November through end of February, 2014. This is factual, we do not have a contract with RR Flood Control District. What we do have is a 1980 Court-Ordered Stipulated Judgment. We have never had a contract, that's true, however that is not a violation of anything.

The second point being made is that RV was shut off effective March 1<sup>st</sup>.

This is true, however the District has been in negotiation ever since, with the full knowledge of DWR, CDPH and other agencies, and, that has now been resolved.

GM Koehler needs to respond to this, including the request that asks where are we going to get water through September. Probably as of Monday, GM Koehler will have an answer that question to give them, so he feels this issue is going away.

Supervisor Brown asked who filed that Complaint, is that public information?

GM Koehler said, It is now.

Member of the public, Rosalind Peterson said she filed the Letter of Complaint.

GM Koehler added, It was also pointed out that there was a previous Cease and Desist Order. So he went in to the records and read that one, and it was a very similar case. Flood Control came to us and said there is no surplus water, and then notified DWR of that status. They filed a draft CDO and then another CDO and then all of the issues were later resolved to the satisfaction of DWR.

So, GM Koehler has discussed this with CDPH and DWR. CDPH is tasked in keeping RV with water. GM Koehler will respond to this within 30 days as required and there is a good chance that this will not be acted upon and that it will not result in a Cease and Desist Order.

Director Hallman asked what would happen if Flood Control again says they cannot provide RV with water, what steps would we take?

GM Koehler said he contacted legal counsel, contacted CDPH, contacted SCWA, contacted DWR. He also contact GM Sean White with, You're saying you're cutting your contractors back by 50%, that leaves you with 5,250 ac-ft of surplus water. Your 8,000 ac-ft is the most senior right on the lake. In the Stipulated Judgment it requires a formal written notice to RV. By not sending that written notice, you denied RV the opportunity to go to arbitration.

He added, the approximate cost of arbitration is \$50,000 to be split equally by each District regardless of outcome. Needless to say, by going to legal counsel, we are avoiding \$50,000 arbitration costs and we are back in the game.

Director Ricetti asked if this the issue GM Sean White was referring to in his statement earlier this evening about going before his Board on Monday?

GM Koehler said that GM White is assuming that on Monday they are almost certainly going to rescind the Ordinance that demands the termination of water supply to RV.

GM Koehler reported that he contacted CDPH months ago asking them what was their statutory ability to demand that we be served by somebody who still has water. Ultimately, what CDPH did was pull records on everybody's water use. This is the meeting we had with all the Water Managers. Indeed all of the water that needs to be distributed throughout all of the Districts could be supplied by groundwater if we share. However, it is also true that RV is in the worst possible position; there is no question about it. The fact that finger-pointing goes on, saying that RVCWD didn't join when the bond for the dam was being agreed on, well there was no RVCWD at that time.

Soon thereafter a group of farmers formed an ag district and were informed by the Bureau of Reclamation that they have to form a drinking water district and tack the ag on the back end of it because the Bureau would not fund an exclusively ag district. So, basically, it's hard to say that Redwood goofed in 1959 because there was no Redwood Valley County Water District.

President Pool said we need to also mention that RVCWD did ultimately pay the bond fund.

GM Koehler stated that RVCWD made a single payment of \$277,000 to Flood Control. Now, according to the FCD's interpretation, all that payment did was give us the right to enter into a Surplus Agreement. I've also heard it said repeatedly, "And Redwood sued Flood Control", which resulted in the Stipulated Judgment. If you look at the Stipulated Judgment and you notice in the middle box of the cover page, you see who is the Defendant and who is the Plaintiff.

Director Ricetti read it aloud, saying, Mendocino County Russian River Flood Control and Water Conservation Improvement District, Plaintiff.

GM Koehler said, Russian River Flood Control sued Redwood Valley CWD. The reason they sued RV was because RV refused to back down from the contract which was granted to Redwood by Flood Control to provide up to 4,000 ac-ft of water and then, come 1976-1977, FCD tried to back out. At that time, Redwood was standing there with a \$7.2 million loan contingent upon having a water supply. Was it smart for Congressman Clausen to push this through and give Redwood a shaky water right? It probably would not happen today but it happened then and we are living with it. The bottom line is that the vast majority of issues on the other CDO that Rosalind mentioned in her Complaint were identical circumstances. This is a

case of the Flood Control District coming in and saying We don't have any surplus water; you're cut off. Then they notified the State. Also, all of the complaints refer to our (RV) water right we were not exercising; we were exercising Flood Control's water right. So how can we be in violation of our own water right? It did cause some issues that needed to be resolved, one of which is the serving water outside of Place of Use, however that one is still outstanding and it's not outstanding because of RV, all the paperwork was completed and submitted years ago. So, as to this Complaint, I will fill out all the information requested and if they want more yet, it will be turned over to legal counsel.

9:15 pm Director Hallman left the meeting.  
9:15 pm Rosalind Peterson left the meeting.

E. Letter to customers.  
Postponed until more information is available.

F. Resolution No. 2014-2 and Resolution 2014-3, banking signature cards were presented.

**MOTION: Resolution No. 2014-2 and Resolution No. 2014-3 be approved to update Bank Signature Cards.**

Ricetti/Todd Discussion CARRIED

AYES: Unanimous

ABSENT: Hallman, Basili

All of the signature cards will be signed next month when the full Board is in attendance.

Resolution No. 2014-1, Grant Funding for Intertie.

**MOTION: Approve 2014-1, which is a Resolution authorizing the signature of a funding agreement and related documents for funding under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006, Prop 84.**

Ricetti/Todd Discussion CARRIED

AYES: Unanimous

ABSENT: Hallman, Basili

## 9. FINANCIAL REPORT.

The Financial Report for March, 2014 was presented.

It was noted that the Calendar Year Totals at bottom of Page 5 need to be updated for next month.

**MOTION: Accept the Financial Report with completion of said report provided next month.**

Ricetti/Todd Discussion CARRIED

AYES: Unanimous

ABSENT: Hallman, Basili

## 10. LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY – LAFCO.

Supervisor Carre Brown is Vice-Chair of LAFCO. She is acting as an Advocate in making sure the merger application proceeds in a timely fashion. Executive Officer Baracco is retiring the end of June. The draft has been forwarded to Counsel Minasian for review.

#### 11. M. C. INLAND WATER & POWER COMMISSION.

GM Koehler stated that Janet Pauli reported on the attempts she has made to get additional water, since Lake Pillsbury is now full and there is a brief window of time when they can actually push water through the Potter Valley Project. Unfortunately, the requests were declined even though there are massive amounts of water flowing down the Eel.

Supervisor Brown said they have started to close the gate. Requests for early frost water were denied. On April 1<sup>st</sup> they will up the amount.

Director Todd asked who is responsible for making these decisions.

Supervisor Brown said it is based upon the target curve. Any variances have to be done through PG&E and FERC, also there has to be an agreement with the Resources Agency, both State and Federal.

She continued, There has been no green energy power in PV out of the 3 private and the PG&E hydro-plant since December. Because of the faults that were made when the Reasonable Alternative under the Endangered Species Act was submitted by NOAA, they deleted a paragraph of the formula which has caused all these problems and which has also led to a lot less water going into Lake Mendocino. We're hoping to get that changed. Previous to the licensing, NOAA was not open to doing that. Part of this was due to us not putting our foot down and requiring PGE to pay that extra money for an Environmental Review, and so it was submitted as it was.

GM Koehler added that Assembly Bill 145 is a 'done deal', placing the California Department of Public Health under the same umbrella as the Department of Water Resources. This is primarily in order to administer the State Revolving Loans Fund.

#### 12. MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL & WATER CONSERVATION IMPROVEMENT DISTRICT.

GM Koehler reported on his attendance at the March 10<sup>th</sup> meeting. The Board of Trustee's instructed GM Sean White to hire a Recording Secretary.

The FCD held a Special Meeting on February 24<sup>th</sup>. GM Koehler was not in attendance but he said this was the meeting where they discussed flow reduction. Their decision was they would temporarily go to 50% but they did leave themselves wiggle room in case we actually receive rain. Judy Hatch said to cut off Redwood Valley. Lee Howard said it isn't necessary to follow the rules of the Stipulated Judgment requiring written notice. They discussed that the City of Ukiah did give up their 800 ac-ft for this year. At the time of this meeting there had been no response from LAFCO and the decision was to contact Supervisor Brown, which did some good. Also, they are going to get certification of the Final Neg Dec.

GM Sean White is assisting other District's with their Temporary Urgency Change Petitions regarding minimum stream flows, hoping to get a little more water to some folks.

13. SONOMA COUNTY WATER AGENCY.

President Pool stated that when he and GM Koehler met with Grant Davis at SCWA in Santa Rosa, Grant seemed to have the view that there might be grant funding available for us. GM Koehler said he hasn't heard yet from Grant Davis but at a meeting he attended yesterday, he was able to spend some time with their head of conservation and she confirmed she has been directed to work on it. This would be a direct 0.8 gallon toilet installation.

Supervisor Brown left the Meeting at 9:42 p.m.

14. REPORT OF ATTENDANCE AT AGENCY MEETINGS, I.E. CITY OF UKIAH, COUNTY BOARD OF SUPERVISORS, OTHER SPECIAL DISTRICT'S, COUNTY OF MENDOCINO DEPARTMENTS, OR ANY OTHER ENTITY NOT LISTED SEPARATELY HEREIN.

GM Koehler referred again to the meeting he and Tim Bradley had in Willits with Chris Neary, at which they phoned the DWR. Since that time, we have received some positive feedback about how our Temporary Urgency Change Petition would be received. GM Sean White will assist GM Koehler with this if needed.

The Meeting ended at 9:42 p.m.

The next Regular Meeting will be at 7:00 P.M. on Thursday, April 17, 2014 at the Water District Office, 2370 Webb Ranch Road, Redwood Valley, California.

Respectfully Submitted,  
Linda Groth, Recording Secretary

APPROVED: \_\_\_\_\_ Board of Directors

DATE APPROVED: \_\_\_\_\_

SIGNED: \_\_\_\_\_ Paula Berezay  
Secretary, Board of Directors