

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

MINUTES  
BOARD OF DIRECTORS

Regular Meeting  
September 20, 2012

Directors Present: Donald E. Butow, Jeanette Hallman, Granville Pool, Pamela Ricetti, Jack Spilman  
Directors Absent: None  
Staff Present: William L. Koehler, General Manager  
Recording Secretary: Linda Groth  
Others Present: Mr. and Mrs. Lucero

CALL TO ORDER: 7:02 P.M.

1. ROLL CALL.

Pamela Ricetti, Director  
Donald Butow, Director/Board Vice-President  
Jack Spilman, Director  
Jeanette Hallman, Director  
Granville Pool, Director/Board President

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

Nothing.

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

Vice-President Butow has a Letter of Resignation to read to the Board of Directors.

**MOTION: Hear and discuss the Letter from Director Donald Butow.**  
Hallman/Ricetti Discussion CARRIED  
AYES: Hallman, Ricetti, Spilman, Pool  
NOES: None  
ABSTAIN: Butow

Director Don Butow read his Letter of Resignation, effective December 1, 2012. After serving 15 years on the Board of Directors, most of which as President and Vice President of the Board, Vice President Butow is moving out of Redwood Valley and as a result he will no longer be able to serve on the Board of Directors. He urges the Board Members to continue their good work, to serve on committees, attend other agency meetings, and stay involved. He wishes his very best to them all.

Although the Board Members knew Director Butow might be moving out of town, they are sorry to see him go. GM Koehler was directed to post the Vacancy Notice right away. Any responses to the Notice will be discussed at the October Regular Meeting.

#### 4. ACCEPTANCE OF AGENDA.

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

Hallman/Ricetti Discussion CARRIED

AYES: Hallman, Ricetti, Butow, Spilman, Pool

NOES: None

ABSENT: None

#### 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.

After review, a Motion was made.

**MOTION: Approve the Consent Calendar as presented.**

Ricetti/Butow Discussion CARRIED

AYES: Ricetti, Butow, Hallman, Spilman, Pool

NOES: None

ABSENT: None

#### 6. APPROVAL OF MINUTES AS PRESENTED.

The draft Minutes of the Regular Meeting on August 16, 2012 were presented. A minor correction was noted.

**MOTION: Approve the Minutes of August 16, 2012 with the minor correction included.**

Hallman/Spilman Discussion CARRIED

AYES: Hallman, Spilman, Butow, Ricetti, Pool

NOES: None

ABSENT: None

The draft Minutes of the Special Meeting of August 28, 2012 were presented.

**MOTION: Approve the Minutes of August 28, 2012.**

Ricetti/Butow Discussion CARRIED

AYES: Ricetti, Butow, Spilman, Pool

ABSTAIN: Hallman

**7. DIRECTOR AND STAFF REPORTS AND DISCUSSION OF NON-ACTION TOPICS.**

a) Personnel Committee report.  
Nothing to report at this time.

b) Ad Hoc/Consolidation Committee Report.

GM Koehler reported he and Director Butow met with Dave Redding (Hopland/Willow/Calpella Districts), Tim Bradley (Millview District), Chris Neary (Attorney), Frank McMichael (Sanitation District), Chris Neary is going to put out a second draft of his proposal and he is requesting that once the second draft is distributed, each of the Districts hold a Special Meeting in order to discuss it individually. Director Hallman asked if this includes Russian River (FCD&WCID) because they were not invited to this particular meeting. GM Koehler said the Russian River FCD has indicated no interest, however one of the main discussions at this last meeting was that the goal is to be as inclusive as possible. Obviously there is a mechanism there for agencies to withdraw, but the Russian River FCD, the City of Ukiah, everybody will be asked to discuss this. The next step is for each agency to appoint ad hocs, which Redwood Valley has already done. The logical following step is for all the ad hocs of the interested groups to get together. Then if appropriate an All Boards Meeting would occur.

Vice-President Butow added that representatives of these agencies have a positive attitude and he was encouraged by their willingness to work together in principle to resolve their differences.

President Pool urged each of the Directors to at least read the last few pages of the John Dickerson report if they don't have time to read the complete report. It's a real eye-opener, telling how the Districts throughout the whole County are underfunded; they are not passing through the costs expended and because of this, they are not adequately preparing for replacing capital. The report particularly points out how Redwood Valley CWD and Calpella CWD are the most seriously underfunded. President Pool continued, Even if we don't consolidate with other districts, we have got to come to grips with that issue or else we are ignoring our long term health.

GM Koehler said it has been learned that John Dickerson is interested in attending these meetings and President Pool expressed support of Mr. Dickerson's attendance and what he can bring to the table.

(7:37 p.m.)

**8. GENERAL MANAGER'S REPORT.**

**8-A. District Operations.**

The District is operating well with no specific problems to report.

On Thursday, September 6<sup>th</sup> the ag line blew out on West Road near the railroad tracks. The force of water blew out a section of pavement and County DOT was immediately informed. The repair was made that day and County personnel determined the pavement needed to be repaired as soon as possible. So

the next day, Friday, September 7<sup>th</sup> the 11' x 30' section of pavement was repaired, under constant supervision of County personnel.

Also, there was a fire and explosion at 12:30 a.m. this morning, Thursday, September 20<sup>th</sup> at Burgess Lumber on West Road between School Way and Road N. Fire personnel from several surrounding agencies assisted the RV-Calpella Fire District. Hydrant water from our system was utilized and we stood ready to turn on our pumps during the daytime, however it did not become necessary to do so.

#### 8-B. Quagga MOU.

Although RVCWD approved signing of the Quagga/Zebra MOU last month, Sonoma County Water Agency is waiting for North Marin to approve before preparing the Signature Sheet for each agency to sign. As soon as the Signature Sheet is received, President Pool will sign the document and it will be returned to SCWA. The RVCWD's \$5,000 contribution goes toward the \$120,000 assessment of risk for Lake Mendocino and Lake Sonoma. Assembly Bill 2443 will provide funding for Quagga/Zebra Mandatory Inspection Programs through a surcharge on annual boat licenses.

President Pool attended a demonstration at Lake Mendocino regarding this serious matter. He was very impressed with the need for urgency in avoiding the spread of the Quagga/Zebra mussels. It is a very big risk, and for Redwood Valley in particular.

#### 8-C. AB 685.

This Bill has passed to the Governor's desk for signature.

#### 8-D. Accountant.

GM Koehler reported that he sent out five requests for proposals for CPA services. As of today the District has received two proposals with verbal confirmations for at least one more before the October 1 deadline. The Directors asked that the results be brought to the October 18<sup>th</sup> Regular Board Meeting for discussion.

#### 8-E. School Way Bridge.

GM Koehler has met with the PG&E agent and the right-of-way agent and others. The right-of-way agent requested that the District might think about installing a hardship service at the right-of-way location but when GM Koehler discussed this with the State Department of Public Health he was told that the parcel does not meet the criteria for a hardship service installation. This response is also in accord with District policy

In the near future the District will be asked to enter into a MOA with the County regarding this project. Also, GM Koehler plans to attend the Bid Opening, even though the award will be made after thorough review, not at the opening.

(7:52 p.m.)

#### 8-F. SCWA Contract Fund.

There was a little snag when the folks at SCWA noticed that the Resolution was signed by the Conservation & Fisheries Committee and not by the Mendocino County Water Agency. However, once

SCWA understood that the MCWA no longer exists, their Legal Counsel spoke with Mendocino's Legal Counsel and all agreed it is acceptable for the document to be signed by the Committee after all. GM Koehler was told that within a couple of weeks he will receive a letter authorizing the expenditure as requested.

Also, Water Conservation: We received a Notice from the Natural Resources Conservation Service stating there is a block of money available for ag water improvements. This includes off-stream ponds, pond liners, pumping stations, pipelines, etc., etc. They match 50% unless you're a new farmer, in which case they might match up to 90% and they have asked the District to distribute this Notice to our customers. Office Staff can prepare the print, and fold, and mailing, for a relatively insignificant cost of approximately \$100-\$150.

The Board of Directors asked GM Koehler to proceed with this.

#### 8-G. Care Home.

The Board of Directors confirmed: If the District receives a Care Home Application from an active domestic water service customer who is requesting the District provide water through their existing domestic water meter to serve a County permitted care home unit on the property, and, if that request is accompanied by a Signed County Permit, the District will authorize service through the existing meter and will begin charging a \$10 per month fee in addition to the cost of water consumed. This policy will be the same for every permitted care home applicant. The Directors will be kept informed as these (very rare) Applications are received.

#### 8-H. Ellen Lynn.

A customer has incurred \$894.72 in expenses because he is responsible for vandalism including a broken angle curb stop at his water service. The customer has requested a hearing with the Board of Directors. In preparation for this hearing, the Directors were provided with copies of correspondence and support documents, however the customer did not show up this evening.

Director Spilman expressed dissatisfaction with using the word vandalism, because this was not done maliciously. The customer was trying to repair a leak, even though he was working on the District side of the meter and he broke District piping and the angle curb stop.

It was pointed out to the Board that District Policy is and has always been stated that the customer is not to operate or work on District piping.

Director Spilman also feels there should be a better way of handling things besides shutting their water off if they don't pay in full by the deadline given for a situation like this.

After general discussion, the Board directed GM Koehler to contact Legal Counsel to get clarification on the District rights as the water purveyor. In addition Counsel should advise the proper wording for a change in the District Ordinance.

The Board wants customers to be informed that, if the case goes so far as to require Small Claims Court action, the customer will further be liable for all the District's fees incurred, including the District's mandatory (State Law) legal counsel

Director Hallman also requested that the customer be offered a payment plan in advance of the shut-off deadline in this type of situation.

In accordance with the Direction of the Board, GM Koehler will try to negotiate with this customer, asking them to come into the office and sign up for a Payment Plan. If they don't, the District will have no choice but to take them to Small Claims Court.

8.I. Discussion of Rates.

Because the Meeting is running long, this agenda item is carried forward. No discussion tonight.

J. Surge Tank Site.

GM Koehler asked for clarification of Director Hallman's suggestion last month that there might be an advantage to retaining title to the surge tank site.

Director Hallman stated that she was trying to say that she doesn't feel there is a need to push Dr. Benrezavi on this matter.

GM Koehler explained that the District has a liability because the tank is still technically ours even though it has been moved. It is understood that she does not live at the property yet, and that she is a very busy person; however, she has a cloud over her property. For the past year she has stated she is too busy to take the time to send \$10 to the District in order to clear this up.

Director Ricetti supports getting this resolved once and for all, and there is general agreement among the Board Members.

8-K. Conflict of Interest Code.

After review, a Motion was made.

**MOTION: Approve and maintain the current Conflict of Interest Code.**

Ricetti/Butow Discussion CARRIED

AYES: Ricetti, Butow, Hallman, Spilman, Pool

NOES: None

ABSENT: None

(8:23 p.m.)

9. FINANCIAL REPORT.

The Financial Report of August 16, 2012 was reviewed and discussed.

**MOTION: Approve the Financial Report as presented.**

Butow/Ricetti Discussion CARRIED

AYES: Butow, Ricetti, Hallman, Spilman, Pool

NOES: None

ABSENT: None

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

Director Hallman mentioned that she has met the new secretary at LAFCO.

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

Director Butow reported that the Meeting opened with discussion of efforts and progress of Consultant Paige Poulos. She certainly has been successful in some areas and she will be providing a written report. Also, another organization is forming up north that seems to be parallel with the Friends of the Eel River group. They are still looking at taking out the dam and the diversion into the Russian River. There is a third parallel group, but they don't call themselves Friends of the Eel River, perhaps they are the Eel River Keepers (they are similar to the Russian River Keepers) and they are interested in finding funding for stream improvement, etc. They are very positive.

Director Butow continued: The Corps of Engineers has stated it will give the IW&PC credit for the time any Commissioner spends with the COE. The Commissioners should submit time sheets promptly to the secretary, Candace.

The State Board, together with approval of Fish and Game, is working out a deal for a small irrigation project, and the idea is to get ranchers out of the stream. It's a very positive thing.

A group of farmers in Alameda County took the SWRCB to Court over AB 2121. The result is that the Judge threw out AB 2121. The SWRCB has until October 9<sup>th</sup> to Appeal, or October 17<sup>th</sup> to Cure. More information can be received from Devon at the Farm Bureau.

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

Director Butow reported the Meeting was short; just taking care of routine items.

13. SONOMA COUNTY WATER AGENCY.

GM Koehler spoke with Todd this morning and was informed that RVCWD should be getting approval for the Contract monies within a couple of weeks. As soon as they get that done, they will get back to working on the extension for the Surplus Water Agreement and we will receive a Draft of that.

14. REPORT OF ATTENDANCE AT AGENCY OR ENTITY MEETINGS NOT LISTED SEPARATELY HEREIN.

Nothing to report.

15. STATE WATER RESOURCES CONTROL BOARD.

GM Koehler reported that he and President Pool attended the Upper Russian River and Lake Mendocino portion of the tour scheduled with Agencies including Chief Engineer Jay Jaspers and other

representatives of the SWRCB, the Sonoma County Water Agency, and the Flood Control District. This was the first time many of the SWRCB folks have been to the Russian River. Sean White made a presentation largely on fish in the river; GM Koehler spoke about RVCWD being the only direct diverter out of Lake Mendocino and he also had the opportunity to outline some of the problems we have with our water rights. GM Koehler met the RVCWD's main contact at the SWRCB, Darren Tran. The net result of meeting Darren was that Darren is trying to be helpful. He asked GM Koehler for an executive summary of where we are and what our water right means. GM Koehler put together and sent a 4-page document with information.

At this time President Pool suggested the Meeting be Adjourned for a Break and then Reconvene with the Closed Session item.

**MOTION: The Meeting be Adjourned for a Break at this time and then will Reconvene with intent to go into Closed Session.**

Butow/Ricetti Discussion CARRIED

AYES: Butow, Ricetti, Hallman, Spilman, Pool

NOES: None

ABSENT: None

8:44 P.M. Break

Members of the public left the Meeting during Break.

Recording Secretary Linda Groth left the Meeting during Break at 8:59 P.M.

9:00 P.M. Reconvene

President Pool stated the Board will immediately go into Closed Session.

CLOSED SESSION:

16. EVALUATION OF PERFORMANCE: GENERAL MANAGER, WILLIAM KOEHLER.

(AGENDA ITEM NO. 19)

No specific complaints or charges will be considered. Gov't Code Section 54957(b)(1).

OPEN SESSION:

10:00 P.M.

17. REPORT OF CLOSED SESSION. (AGENDA ITEM NO. 20)

Nothing to report. No action taken.

The Meeting ended at 10:01 P.M.

The next Regular Meeting is scheduled for 7:00 P.M. on Thursday, October 18, 2012 at the Water District Office, 2370 Webb Ranch Road, Redwood Valley, California.

Respectfully Submitted,  
Linda Groth, Recording Secretary

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

DATE APPROVED: October 18, 2012 \_\_\_\_\_

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