

**REDWOOD VALLEY COUNTY WATER DISTRICT**

2370 Webb Ranch Road  
Redwood Valley CA 95470  
(707) 485-0679

MINUTES  
BOARD OF DIRECTORS  
Regular Meeting  
Thursday, November 17, 2011

Directors Present: Donald E. Butow, Hal Voege, Granville Pool, Merle D. Reuser, Jeanette Hallman  
Directors Absent: None  
Staff Present: William L. Koehler, General Manager  
Linda Groth, Office Manager, Secretary to the Board of Directors  
Others Present: Will Carson/Millview CWD, Pamela Ricetti, Jack Spilman

CALL TO ORDER: 7:00 P.M.

1. ROLL CALL.

Hal Voege, Director  
Granville Pool, Board Vice-President  
Merle Reuser, Director  
Don Butow, 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.

General Manager Koehler asked the Board to consider discussion as to whether or not the \$1,000.00 annual fee that is billed by the State Water Resources Control Board for the Water District's Application for Change of Place of Use, should be paid under Protest.

MOTION: Hear the unagendized item.  
Pool/Reuser Discussion CARRIED  
AYES: Pool, Reuser, Voege, Butow  
NOES: None  
ABSENT: Hallman  
ABSTAIN: None

GM Koehler explained that our fee normally is somewhere between \$300-\$400 for our Permit and \$1000.00 to process the Application for Change of Place of Use, an extension of our Permit. We've been paying this amount for the past eight years to have it sitting on their desk. Four years ago we received an email stating the Application is complete and that it is moving up towards the next layers of their system. The application process is going to be dragged out indefinitely because as of this year the SWRCB has disbanded their licensing department and they are now down to one (1) person to process all the license applications for all of the State of California.

At the recent Flood Control District meeting it was noted that their fee this year has quadrupled. Other local agencies have experienced fee increases also. It appears they are going to Protest the fees. As a result,

GM Koehler is offering the Directors the options to either Pay as usual, Pay under Protest, or Contact legal counsel for advice.

As this was discussed, it was determined that the RV District fees have not been significantly increased and that paying under Protest would not necessarily get the District more action with the State. Pam Ricetti commented that it took her 20 years to get a license, and that was when the department was fully staffed. After further discussion the consensus of the Board is that there is nothing to be accomplished by Protesting the payment. The Directors agreed to pay the license application fee at this time and keep the application open.

7:07P.M. Director Hallman arrived during this discussion.

#### 4. 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 and clarifications, a Motion was made.

MOTION: Approve the Consent Calendar as presented.  
Voege/Pool Discussion CARRIED  
AYES: Voege, Pool, Hallman, Reuser, Butow  
NOES: None  
ABSENT: None  
ABSTAIN: None

#### 5. APPROVAL OF MINUTES AS PRESENTED.

Minutes of the September 27, 2011 Special Meeting were presented.

MOTION: Approve the Minutes of the September 27, 2011 Special Meeting as presented.  
Voege/Reuser Discussion CARRIED  
AYES: Voege, Reuser, Hallman, Butow  
NOES: None  
ABSENT: None  
ABSTAIN: Pool

Minutes of the October 20, 2011 Regular Meeting were presented.

MOTION: Approve the Minutes of the October 20, 2011 Regular Meeting as presented.  
Pool/Voege Discussion CARRIED  
AYES: Pool, Voege, Hallman, Reuser, Butow  
NOES: None  
ABSENT: None  
ABSTAIN: None

#### 6. DIRECTOR AND STAFF REPORTS AND DISCUSSION OF NON-ACTION TOPICS.

Director Voege encouraged the new Directors Elect, Pam Ricetti and Jack Spilman to serve the people of Redwood Valley well; adding, 'that will make me happy'. Director Elect Spilman said he 'hopes to make you happy'. He and Director Elect Ricetti encouraged Outgoing Director Voege to continue his work regarding the Eel River, and with the continued support of the RV Board. President Butow said he was so pleased at the recent Inland Water & Power Meeting, to hear Director Voege say he will continue in his commitment with Supervisor Carre Brown and Consultant Paige Poulos to counter the Eel River folk that want to stop the Diversion.

7. DIRECTORS AND STAFF REPORTS OTHER THAN THOSE LISTED IN GENERAL MANAGER'S REPORT. ACTION ITEMS.

a. Conservation, other than in GM Report.  
Nothing to report.

b. Election results.  
President Butow Welcomed Pam Ricetti and Jack Spilman as new members of the Board of Directors, and Granville Pool as re-elected member of the Board, effective at noon December 2, 2011.

Supervisor Carre Brown has offered to administer the Oath of Office to the elected officials at the beginning of the December 15, 2011 Regular Board Meeting. The terms of office are beginning December 2, 2011 and ending the First Friday in December, 2015, subject to the County Elections Department final Canvass.

c. Tapes for "Meet the Candidate's Night".  
The "Meet the Candidates Night" held at the RV Grange Hall involved a very minimal bit of time from staff; most everything was on a volunteer basis. The Meeting was tape recorded and the question is whether or not staff should transcribe the tape. Board consensus was that transcribing the tape would be more than a minimal involvement, and that the tape itself should be kept in the Minutes Files. A copy of the tape can be made available to any party requesting same.

d. Recording secretary.  
After general discussion about the impact at the Board meetings resulting from the retirement of Secretary of the Board of Directors, Linda Groth and the reorganization of key office staff, Paula Berezay, the Directors concluded that the Meeting Minutes would not be a part of staff duties. Linda Groth has offered her service to the Board, as a Recording Secretary, to attend the monthly Board Meetings and provide Minutes of those Meetings. She proposed pay at the same rate, \$25.00 per hour plus mileage, as was paid to another outside Recording Secretary from the years 2002 through 2007. The Meetings would be recorded with a digital voice recorder transcribing kit already owned by the District.

MOTION: Appoint Linda Groth as Recording Secretary to the Board of Directors.  
Reuser/Pool Discussion CARRIED  
AYES: Reuser, Pool, Hallman, Voegel, Butow  
NOES: None  
ABSENT: None  
ABSTAIN: None

8. GENERAL MANAGER'S REPORT AND ACTION ITEMS, NOVEMBER, 2011.

A. District Operations.  
The Boil Water Advisory resulted because the control system for the Tomki booster pump failed, allowing pressure to drop below 20 psi. This affected 24 customers north of the pump station with low pressure for a day. The California Department of Public Health (CDPH) approved lifting the Notice.

B. Ordinance 1.  
This topic was tabled and will be presented again at the December Meeting.

C. Water usage.  
We began diverting under our own permit October 12, 2011 when the conservation level of the lake dropped below the reservoir level.

D. RRFCD water purchase.  
The final adjustment on the water invoice from Russian River Flood Control is that we slightly overpaid and should be getting a refund. Board consensus is, ask the FCD to provide paperwork to that effect. They do not need to cut a refund check, they can carry the balance on their books, as a new water year billing will be coming out soon.

E. Easement.  
The property owner is not available until the new year.

F. Surge tank mitigation.

The State Regional Board is sending reminders that we are still obligated for the \$62,894 in mitigation for the surge tank overflow, as has been discussed at previous Board Meetings. The consensus of the Directors is that this whole issue is ridiculous and sickening. Unfortunately, going to legal would only increase the amount of additional monies we would have to pay and a further delay could result in Late Fees. GM Koehler recommends paying the \$62,894 to the Mendocino County Resource Conservation District (RCD) now, and they will send a letter to Fish and Game, and the Regional Board. The RCD will use those funds for a project within the area of the West Fork that is north of Highway 20. Paying this will release the RVCWD from future liabilities. Fish and Game will provide this in writing. The Directors agreed that we will get that in writing, then we will cut the check. The money will be paid from our general funds and then we'll refund internally when we finally get approval from the Sonoma County Water Agency to release the funds in the Mendocino Water Conservation & Fishery Advisory Board account. GM Koehler has a meeting set with the SCWA in mid-December to discuss this very matter.

MOTION: Go ahead and pay the \$62,894 without further legal expenses.  
Pool/Reuser Discussion CARRIED  
AYES: Pool, Reuser, Voegel, Butow  
NOES: Hallman  
ABSENT: None  
ABSTAIN: None

9. FINANCIAL REPORT.

a. Discussion and possible action.

It was noted that an entry listed as LAIF should say LAFCO. After review and discussion, a Motion was made.

MOTION: Approve financial report as corrected.  
Reuser/Pool Discussion CARRIED  
AYES: Reuser, Pool, Hallman, Voegel, Butow  
NOES: None  
ABSENT: None  
ABSTAIN: None

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

a. Discussion and possible action on LAFCO topics.

It was reported that Richard Shoemaker stated they are looking for a replacement for Frank McMichael so that there will be an overlap prior to Frank's retirement date.

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

- a. Report of attendance at IW&PC Meetings.
- b. Consider any correspondence concerning the IW&PC.
- c. Discussion and possible action on IW&PC topics.

President Butow reported they heard a Presentation by Corps of Engineers representatives on the Results of the Coyote Valley Dam Feasibility Study. Due to Homeland Security Issues, most the results cannot be released to the public, however some items were discussed at this meeting. The very meager funding available will go to those Federal dams that are in drastic need.

Conclusion: The Coyote Dam is rated as a "3". It could probably be improved to a "4" relatively cheaply which would improve the chances of it being raised, but there is no money available to do so. President Butow said his interpretation of this information is that a dam raising project will not go any further. He added that one of the things that Janet Pauli is really supporting is a Siren Warning System for areas south of the dam which would activate if there was a dam failure,

Director Voegel reported that Consultant Paige Poulos prepared a preliminary draft of a communications plan. We need to have Russian river people - grapegrowers, local foodgrowers, taxpayers, P.G.&E., property owners - to report on how important the Eel River diversion is to their survival. She proposed the need to create a website, among many other ways to get the message out there. A 501c3 would allow fundraisers, also.

Patrick Higgins, a biologist paid by the Friends of Eel has been spreading inaccuracies and lies. They are a huge organization that is wielding their influence. The last point Ms. Poulous stated (she had attend 3 meetings that had texts from the Friends of the Eel) was, as far as the Friends of the Eel, it is all about their pay checks, and not the welfare of the fish.

President Butow mentioned as an f.y.i., that PGE wants to divest itself of certain lands between Lake Pillsbury to Van Arsdale Dam. Janet Pauli is proposing a consortium of various groups to be stewards of those lands. There would be a lot of liability, maintenance, etc.

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

- a. Report of attendance at MCRRFC&WCID meetings.
- b. Consider any correspondence concerning the MCRRFC&WCID.
- c. Discussion and possible action on Flood Control District topics.

GM Koehler and Director Pool attended the Meeting. The Board of Trustees discussed the Dam Feasibility Study Report and is considering whether or not to continue in the project or whether they can put it 'On Hold'.

Regarding the ad hoc committee meetings between the FCD and the RVDistrict, at the last ad hoc committee meeting it was revealed SCWA cannot sell water Rights (except under conditions that are not going to happen). At that point, and in light of the fact that the Memorandum of Agreement had expired, the FCD requested that RV agree to give them until the end of the year to see what they could make of their attempt to get the 6,000 A-F. At the Monday, November 14<sup>th</sup> FCD Meeting, it was learned that Jay Jasperse (Chief Engineer of the SCWA), had contacted Sean and asked for a tour of the Lake. We had achieved one of our goals, that is, having the Supervisors and Executive Staff of SCWA come to Ukiah/Redwood Valley and receive a tour of the lake and facilities. It was the first time they had seen in person what is really up here. So, Sean did take Jay Jasperse on a tour of the lake, which we learned about at this FCD meeting. Sean showed Jay the access roads to the District's intake facility and now he understands how the access can be flooded under 10-feet of water. Sean and Jay again discussed some issues such as this \$3,000,000, and we did learn from Sean some of the perceived problems (with SCWA being willing to enter into some type of permanent agreement) - one of which is Sonoma perceived that getting an additional 6000 AF to Flood Control would increase the Flood Control's responsibility toward managing discharges from the lake. According to Sean, he informed Jay that, No, that isn't the case because the 6,000 AF was strictly intended to come from above the dam, in other words, from our point of diversion. Another point, again this is heresay - but Sean said that Jay said another concern of SCWA is regarding some sort of relatively permanent access to water, (the 6000 AF that is being discussed), they never paid their fair share of the construction of the dam. So, we don't know from whom to whom, but money will change hands. At least the door is still open.

Director Pool mentioned that another topic the Trustee's discussed was that LAFCO is taking a new direction. There is a proposal that annexations within the UVAP area would become automatic.

Will Carson of Millview CWD said LAFCO is talking about consolidating Districts. Where Millview and Willow would be in jeopardy would be the fact that higher density areas immediately adjacent to the City of Ukiah or that are served by Willow or Millview could be brought under the supervision of the City of Ukiah; in other words, taking the cash cow for Millview and putting it into the City's inventory. President Butow asked if LAFCO can legally do that and Mr. Carson said that that is part of the discussion, whether that would be legal. He thinks the general opinion is that they can't do that without an election. Everyone agreed, LAFCO is not supposed to initiate, it is to facilitate.

13. SONOMA COUNTY WATER AGENCY.

Discussed previously.

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

President Butow noted that at the IW&PC Meeting, Supervisor John McCowen (sitting in for Supervisor Carre Brown) indicated the County is broke right now and they cannot make their payment. President Butow doesn't know which payment Mr. McCowen was meaning, but someone at this Board Meeting thinks this is referring to next years' budget.

15. STATE WATER RESOURCES CONTROL BOARD.

Mentioned earlier in the meeting. The Licensing Department is now reduced to one (1) person for the whole State.

16. STATUS REPORT OF PLACE OF USE ISSUES.

Nothing to report

17. STATUS REPORT OF 2800 ACRE-FEET STORAGE RIGHT.

Nothing to report

18. CONSIDER ATTENDANCE AT SEMINARS, TRAINING EVENTS, CONFERENCES AS RECEIVED SINCE LAST MEETING.

GM Koehler reported he is sending the three (3) field staff to Ukiah later this month for the Wine Country Water Works Association class which will provide the Mandatory CEU's. The cost is \$20 each,

The Meeting ended 9:06 P.M.

The next Regular Meeting will be at 7:P.M. on Thursday, December 15, 2011 at the Water District Office, 2370 Webb Ranch Road, Redwood Valley, California.

APPROVED: Board of Directors

DATE APPROVED: December 15, 2011

SIGNED: Linda Groth  
Secretary, Board of Directors