

Mendocino County
RUSSIAN RIVER FLOOD CONTROL &
WATER CONSERVATION IMPROVEMENT DISTRICT
151 Laws Avenue, Suite D Ukiah, CA 95482
(707) 462-5278

MINUTES

Special Meeting
February 24, 2014

President Zellman called the Special Meeting for February 24th, 2014 to order at 10:00 a.m., at the District Offices at 151 Laws Ave. Suite D, Ukiah, CA 95482

ROLL CALL

Present:	Paul Zellman	-	President
	Richard Shoemaker	-	Vice President
	Alfred White	-	Treasurer
	Lee Howard	-	Trustee
Absent:	Judy Hatch	-	Trustee

PUBLIC EXPRESSION

Representatives from Russian River Estates stated that they were in attendance.

REGULAR CALENDAR

Discussion and possible action re: Discussion and Possible Action re: Potential Supply Reduction and Conservation Actions

The GM summarized the current water supply situation, and stated that according to the latest modeling forecast by SCWA (predicated on 45 % demand reduction and 6 more inches of rain) Lake Mendocino will go dry in late November.

Treasure White asked for clarification regarding "50% conservation". The GM stated that all the District can do is reduce the contract amount by 50%.

Ken Budrow expressed concern regarding the fiscal impacts of supply reduction as well as rate increase. Mr Budrow asked that the District "take as big a hit as Millview". He also raised concerns about the new Beckstoffer pond.

* Dave Redding asked how the District planned to serve Redwood Valley. Trustee Howard stated that we can only serve RVCWD "surplus" so this year we can't serve them. The GM stated that similar to 2009 they will not be diverting under the District's basis of right. Trustee Howard then asked how to make the other M&I's "whole". The GM noted that he was working with Willow and Millview to help them alter their bypass flows.

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RESOLUTION NO. 14-1

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE MENDOCINO COUNTY RUSSIAN RIVER FLOOD
CONTROL & WATER CONSERVATION IMPROVEMENT DISTRICT
ADOPTING A FORM OF WATER SALE AND PURCHASE AGREEMENT**

WHEREAS, the Mendocino County Russian River Flood Control & Water Conservation Improvement District ("**District**") is an improvement district organized and operating pursuant to the provisions of Chapter 54 of the Water Agency Acts entitled the Mendocino County Water Agency Act ("**Act**"). Pursuant to Sections 101 and 102 of the Act, the District has all the rights, duties, powers, liabilities, purposes, privileges, and immunities conferred and specified by the Act on the Mendocino County Water Agency. Chapter 54 §3(s) of the Act provides that the District, as an improvement district within the Mendocino County Water Agency, has the power "to divert, produce, store, transmit, distribute, and sell or otherwise furnish surface waters and ground waters or beneficial uses within or without the Agency"; and

WHEREAS, the District has been granted the right to divert east fork Russian River Water, redivert water released from storage in Lake Mendocino, and withdraw water from storage in Lake Mendocino in a total amount not to exceed 8,000 acre feet per year pursuant to Decision D-1030 Permit 12947B issued by the California State Water Resources Control Board; and

WHEREAS, the District has adopted Ordinance Number 00-1 an Ordinance Establishing Regulations and Rules for Water Sales by the Mendocino County Russian River Flood Control and Water Conservation Improvement District which provides a method by which Customers who wish to purchase a specific amount of the District's Project Water may file an application with the District to purchase such water and, upon approval of the application by the District, enter into a Water Supply Agreement which provides that the Customer will install at its own expense a water meter or meters to measure the quantity of Project Water to be sold by the District to each such Customer; and

WHEREAS, the purposes of Ordinance Number 00-1 are to provide a method by which the District can properly promote conservation of its water resources, accurately measure the amount of its Project Water used by each of its Customers, and sell such water to its Customers in order to acquire funds sufficient to pay the District's operational and administrative costs and to finance acquisition of additional water supplies to demand for water within the District's designated places of use; and

WHEREAS, pursuant to Ordinance Number 00-1 on April 24th, 2000 the District adopted a Uniform Water Supply Contract by which it has sold water to Customers; and

WHEREAS, the Board of Trustees of the District ("**Board**") has determined that it is in the best interest of the District to update the Water Sale and Purchase Agreement contemplated by Ordinance Number 00-1; and

WHEREAS, a draft Water Sale and Purchase Agreement ("**Revised Agreement**") has been presented to the Board for review and approval, and the Board has held two public workshops to solicit public comments on the Revised Agreement; and

WHEREAS, no expansion of water service will occur under the Revised Agreement, as the District will continue to provide water in the same manner to lands within the boundaries of the District, as the District has served water by contract for many years, and the by this action is approving an updated form of its contract for water service; and

WHEREAS, the district currently serves customers under a Uniform Water Supply Contract, and approval of the new Water Sale and Purchase Agreement will continue existing water service within the District's designated places of use;

WHEREAS, the Board has determined that the District's action in approving the Revised Agreement is a project that is exempt from further proceedings pursuant to the California Environmental Quality Act ("**CEQA**") pursuant to Pursuant to the Class I Exemption for existing facilities (CEQA Guidelines, §15301.).

NOW, THEREFORE, be it resolved that the Board of Directors of the Mendocino County Russian River Flood Control and Water Conservation Improvement District hereby orders as follows:

1. The facts set forth in the recitals above and in the documents referenced therein are true and correct, and the Board so finds and determines.
2. The Revised Agreement is hereby approved.
3. The General Manager is hereby directed to send Notices to Termination to all existing customers pursuant to Section 9 of the existing Uniform Water Supply Contracts. Pursuant to Section 9 of the existing contract, terminated contracts will remain in effect for 5 years from the Notice of Termination.
4. The District is hereby authorized to execute Revised Agreements between the District and customers.
5. The Revised Agreement will be used for all new contracts for water service between the District and its customers, and to replace contracts terminated pursuant to Section 3 above. Contractors may elect, at their discretion, to execute a Revised Agreement with the District prior to the end of the 5-year termination period for the existing Uniform Water Supply Contract.
6. Approval of the Revised Agreement is categorically exempt from further proceedings under CEQA pursuant to Guidelines §15301, because it merely provides for continued operation of an existing facility.

7. Approval of the Revised Agreement will not create any effects on the environment that make categorical exemptions inapplicable pursuant to CEQA Guidelines §15300.2.

8. The General Manager of the District is hereby authorized and directed to prepare and file within five days a Notice of Exemption with the Mendocino County Clerk for the District's approval of the Revised Agreement, in accordance with §15062(b) of Title 14 of the California Code of Regulations.

9. The District staff and consultants are hereby authorized and directed to take all additional actions that they deem necessary or appropriate to carry out the intent of this Resolution and to ensure continued water service to the District and its water users.

PASSED, ADOPTED AND APPROVED at a meeting of the Board of Directors of Mendocino County Russian River Flood Control and Water Conservation Improvement District on the _____ day of _____, 2014, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Approved @ 2-24-2014

President, Board of Trustees

Secretary, Board of Trustees

Trustee Shoemaker then made a motion to adopt Resolution 14-1. On a second from Trustee Howard the motion passed unanimously (4-0) via roll call vote.

Trustee Shoemaker then made a motion to direct the GM to survey all of the M&I customers in regards to their supply availability, 2009 demand, and revenue lost and bring the data back to the board in 30 days. On a second from Trustee Howard the motion passed unanimously (4-0) via roll call vote.

* Trustee Shoemaker then made a motion to direct the GM to survey agricultural contractors and see if any were willing to "sell back" their water for 2014. On a second from Trustee Howard the motion passed unanimously (4-0) via roll call vote.

* Trustee Shoemaker then made a motion to reduce contact amounts by 50% and to stop serving Redwood Valley CWD effective March 1, 2014. On a second from Treasurer White the motion passed unanimously (4-0) via roll call vote.

The Board then scheduled a special meeting for March 24th, 2014 to discuss the drought further. On a motion from Trustee Howard and a second from Trustee Shoemaker the meeting was adjourned at 6:15.

Respectfully Submitted,

Sean White, General Manager