



Redwood Valley County Water District

Post Office Box 399 • Redwood Valley, CA 95470 • (707) 485-0679

AGENDA BOARD OF DIRECTORS

Regular Meeting

Time: 7:00 p.m.

Date: Thursday, July 17, 2014

Location: District Office, 2370 Webb Ranch Road, Redwood Valley, California.

Expected Guests:

- All items listed below are considered action items unless otherwise noted.
- The items listed below are numbered for convenience only and may not necessarily be heard in this order.

1. Roll Call.
2. Hearing of comments or questions from the attending public.
See end of Agenda for information regarding public comments.
3. Consider hearing of urgent items received since the Agenda was posted.
See end of Agenda for information regarding the hearing of urgent items.
4. Acceptance of Agenda.
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.
6. Approval of Minutes as presented.
7. Directors and Staff reports and discussion of non-action topics.
 - a. Personnel Committee Report.
 - b. Ad Hoc/Consolidation Committee Report.
 - c. Discussion of rates.

BOARD OF DIRECTORS

Granville Pool
 Pamela Ricetti
 Ken Todd
 Jeff Basili

8. General Manager's Report and Action Items.
 - A. Director resignation.
 - B. District operations.
 - C. Water Wheeling.
 - D. Communications.
 - E. Well contract.
 - F. IWPC feasibility study.
 - G. Drought/Conservation.
 - H. Drought funding.
 - I. JPA.
 - J. Recording secretary.

9. Financial Report.
 - a. Discussion and possible action.

10. Local Agency Formation Commission of Mendocino County – LAFCO.
 - a. Discussion and possible action on LAFCO topics.

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.

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.

13. Sonoma County Water Agency.
 - a. Consider any correspondence or reports concerning the Sonoma County Water Agency.
 - b. Discussion and possible action.

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 other entity not listed separately herein.

15. State Water Resources Control Board.
 - a. Updates and possible action.

16. Status report of Place of Use issues.
 - a. Updates and possible action.

17. Status report of 2800 acre-feet Storage Right.
 - a. Updates and possible action.

18. Consider attendance at seminars, training events, conferences as received since last Meeting.

POSTED: 7/14/14

Public Comments

Comments will be limited to matters under this District's jurisdiction that are not on the posted agenda and items that have not been previously considered by the Board of Directors.

Comments on a matter not on the agenda are limited to three (3) minutes per person and not more than ten (10) minutes for a particular subject.

No action will be taken. Individuals wishing to address the Board are welcome to do so throughout the Meeting.

Urgent Items

In accordance with Section 54954.2 (b)(2) of the Government Code Brown Act, Two-thirds Vote Required for Action Items. (Upon determination by a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, unanimous vote of those members present, that the need to take action arose after the Agenda was posted.)

ADA Compliance

The Redwood Valley County Water District complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. To assist us in better understanding your request, please notify the District Office no less than 3 working days in advance of the meeting by calling (707) 485-0679.

**MINASIAN, MEITH,
SOARES, SEXTON &
COOPER, LLP**

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WILLIAM H. SPRUANCE,
Retired

MICHAEL V. SEXTON,
Retired

July 10, 2014

To: Domestic and Municipal Water Serving Clients

**Re: Proposed Emergency Regulations to be adopted by the State Water
Resources Control Board**

Ladies and Gentlemen:

On July 15, 2014, the State Water Resources Control Board will be considering adoption of the enclosed Emergency Regulations regarding residential water use in drought conditions. We suggest asking clarifying questions and not opposing the regulations. Although you may be offended by the imposition of possible State-mandated costs on local agencies, vague requirements, and the State's belief that only it can properly administer water use, not investing substantial monies in opposition is the best course since this is probably more of a media event than a program likely to be enforced against local water suppliers. Following are some questions and responses to illustrate the proposed regulations:

1. What do the Emergency Regulations do?

- A. The Emergency Regulations provide for a statewide \$500 fine per violation for allowing water to escape outdoor landscaping areas onto pavement or adjacent property, washing a car without a shutoff nozzle, or washing of sidewalks or pavement. Systems serving 3,000+ customers may be required under the Emergency Regulations to enforce and report enforcement efforts to the SWRCB every 30 days, but smaller public water systems are left to guess their obligation to enforce and apparently are not required to report to the SWRCB. However, all domestic systems are required to limit their customers' outdoor watering to two (2) days per week or the equivalent water use reduction compared to 2013 use.

- B. Unless a fountain or decorative water feature is part of a recirculation system, the regulations prohibit water use in fountains.
- C. Whether the water system operator or the police are to enforce the fines is left unclear.

2. **What is the effect of the Emergency Regulations upon the water supplier?**

- A. An urban water supplier is a party that serves more than 3,000 customers or more than 3,000 acre feet of water annually for municipal purposes from a public water system (one regulated by the State of California). A public water system is one of any size serving potable water. We believe these are new State-mandated costs with no provision for reimbursement, and the costs are in violation of the California Constitution. However, most of our clients will not wish to contest or challenge the regulations on this basis at this time no matter how much the States' creeping into local water administration is objected to.

3. **What do the proposed Emergency Regulations require an urban water supplier to do?**

- A. If you have more than 3,000 customers or are serving more than 3,000 acre feet per year and have a water shortage contingency plan which has not been approved or has been declared deficient by the Department of Water Resources, outdoor irrigation must be limited to no more than two (2) days per week or the equivalent reduction from 2013 use rates.
- B. On the 15th day of each month beginning August 15, whether or not you are subject to the 2-day per week limitation or are simply complying with an approved DWR plan, you must file a monitoring report with the SWRCB and do so every 30 days thereafter. The urban water supplier may be required to enforce the \$500 infraction fine.

4. **What about smaller systems which serve less than 3,000 acre feet and less than 3,000 customers?**

- A. Within 30 days from adoption of the Emergency Regulations you must limit outdoor irrigation to no more than 2 days per week or implement another mandatory conservation measure that will achieve a reduction comparable to the amount of water consumed in 2013. Interestingly, there is nothing

to the amount of water consumed in 2013. Interestingly, there is nothing about requiring small water-serving systems to report their actions to the SWRCB every 30 days, but the SWRCB theoretically could fine small system operators for each violation within their service area or commence a cease and desist proceeding for lack of enforcement.

- B. There is an exception that the regulations are not to be applied if there is a "health and safety need," but how this would be applied for or determined is left to guesswork.
- C. There is no waiver process or authority.

Conclusion:

Unless we hear from you that you have a particular problem such as fire protection measures requiring more frequent outdoor irrigation or some other similar circumstances, we will assume you do not object to the SWRCBs' adoption of these Emergency Regulations, which are almost certain to be adopted because the State of California wants to "appear to be doing something" about the drought. Obviously, the State does not trust local agencies to make judgments as to the measures to be employed, and thus, State-mandated costs provisions of the State Constitution are violated by those Emergency Regulations, but it seems that few will wish to pursue this.

However, because a large amount of money can be spent in dealing with controversies regarding enforcement of the proposed regulations, we expect the SWRCB to attempt to charge fines for some urban water suppliers for public awareness purposes. We recommend you include a new billing notice, prepare a press release, and appear to be proactive in enforcing these regulations while we attempt to figure out if the police and sheriff are to prosecute or you are, and who is to receive the fines. Remember...this is California...be patient!

Very truly yours,

MINASIAN, MEITH, SOARES,
SEXTON & COOPER, LLP

By: 

PAUL R. MINASIAN, ESQ.

PROPOSED TEXT OF EMERGENCY REGULATIONS

Article X. Prohibition of Activities and Mandatory Actions During Drought Emergency

Sec. X Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

- (1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;
- (2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;
- (3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;
- (4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and
- (5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. X.1 Prohibited Activities in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- (1) The application of water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
- (2) The use of a hose to wash an automobile, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- (3) The application of water to any hard surface, including but not limited to driveways, sidewalks, and asphalt; and
- (4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

PROPOSED TEXT OF EMERGENCY REGULATIONS

Sec. X.2 Mandatory Actions by Water Suppliers

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617.

(b) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including treated water provided by a wholesaler, in the preceding calendar month. The monitoring report shall also estimate the gallons of water per person per day used by the persons it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

AGREEMENT FOR PROFESSIONAL SERVICES
LUHDORFF & SCALMANINI, CONSULTING ENGINEERS

THIS AGREEMENT, entered into at Woodland, California on 19 May 2014,
by and among **REDWOOD VALLEY COUNTY WATER DISTRICT**, hereinafter called
"Client," and **LUHDORFF & SCALMANINI, CONSULTING ENGINEERS, INC.** a
corporation, hereinafter called "LSCE," is as follows:

The Client engages LSCE to perform professional services for a project known and
described as: "Engineering Services – Investigation of Groundwater Resources," hereinafter
called the "Project."

The Client and LSCE, for mutual consideration hereinafter set forth, agree
as follows:

- A. LSCE agrees to provide and perform certain professional services for Client on the
Project as follows:

As per Exhibit A, Scope of Work & Budget dated May 12, 2014 LSCE will, under this
Agreement, perform the described services.

- B. Client's responsibility shall be as follows:

Provide information and assistance as required and identified in the Scope of Work.

- C. Client agrees to pay LSCE as compensation for its services as follows:

On a time and materials basis in accordance with LSCE's Scope of Work; total cost
not to exceed the amounts shown for each task per the Scope of Work, without prior
written approval of Client.

- D. Client and LSCE agree that the following provisions shall be part of their Agreement: