

Minutes of Water Advisory Committee- FINAL  
For Meeting of January 24, 2005

Attendees: Chris DeGabriele, North Marin Water District  
Drew McIntyre, North Marin Water District  
Jack Baker, North Marin Water District  
Michael Ban, City of Petaluma  
Pam Torliatt, City of Petaluma  
Steve Simmons, City of Petaluma  
Mike Healy, City of Petaluma  
Al Bandur, City of Sonoma  
Pam Jeane, Sonoma County Water Agency  
Miles Ferris, City of Santa Rosa  
Virginia Porter, City of Santa Rosa  
Mike Martini, City of Santa Rosa  
Jane Bender, City of Santa Rosa  
Ron Theisen, MMWD  
Steve Phelps, MMWD  
Jon C. Mandell, MMWD  
Dana F. Roxon, MMWD  
Paul Helliker, MMWD  
Krishna Kumar, Valley of the Moon Water District  
Armando Flores, City of Rohnert Park  
Darrin Jenkins, City of Rohnert Park  
Matt Mullan, Town of Windsor  
Paul Berlant, Town of Windsor  
Toni Bertolero, City of Cotati  
Janet Orchard, City of Cotati  
John Nelson, JONWRM

Public Attendees:

Don McEnhill, League of Women Voters  
Brenda Adelman, RRWPC  
David Keller, FOER  
Fred Soares, Southwest Neighborhood Alliance  
Bob Anderson, United Wine Growers  
Jim Downey, Penngrove / Kenwood Water  
Paul Stutrud, OWL Foundation

1. Call to Order

Miles Ferris, City of Santa Rosa, called the meeting to order at 9:00 a.m.

2. Introductions

The attendees made introductions.

3. Approval of December 6, 2004 Minutes

Mike Martini, City of Santa Rosa, made a motion to approve the minutes and Krishna Kumar, Valley of the Moon Water District, seconded. All approved.

Mr. Nelson, JONWRM, noted that he had not finished developing the suggested shortage allocation. Armando Flores, City of Rohnert Park, asked if it would involve conservation allotments. Mr. Nelson said he would try to incorporate SCWA's desire to include conservation commitments.

4. Public Comment

None

5. Status of Discussion with SCWA regarding Santa Rosa's Proposed Language for Section 3.5:

Pam Jeane, SCWA, distributed copies of a new draft of the proposed Restructured Agreement dated January 21, 2005 showing changes relative to Draft 4. On advice of counsel, the new draft of Section 3.5 did not include any changes suggested by the City of Santa Rosa. She also stated that Randy Poole, SCWA, intended to go to the Agency's Board of Directors to suspend negotiations.

Miles Ferris asked about the language suggested by the City in section 3.5 linking ESA projects to the water supply function of SCWA. Ms. Jeane noted that those changes were not made on advice of counsel. Mike Healy, City of Petaluma, asked if the SCWA could put in writing why SCWA could not agree to the changes suggested by Santa Rosa to Section 3.5. Ms. Jeane said their staff would provide the email from the County's counsel to Santa Rosa's counsel. Paul Helliker, MMWD, asked if Section 2.8 provided adequate language. Virginia Porter, City of Santa Rosa, said that the language of Section 4.14(b) (1) gave the Agency control on ESA spending without WAC approval.

John Nelson, JONWRM, stated that he had not been asked to review or provide input to this new draft. He asked if the list of items he had prepared in September 2004 had been addressed in the new draft. Ms. Jeane advised that she would have to check with SCWA counsel.

Other contractors noted that time did not permit review and comment on the proposed new draft.

6. SCWA Applicability of 75,000 acre-ft Permit Limitation

Pam Jeane asked that this matter be deferred until Mr. Poole was present.

7. Petaluma's Suggested Change for Section 1.6:

Mike Healy distributed copies of the following suggested language for Section 1.6: He requested that a new paragraph (e) be added as follows:

*(e) "Notwithstanding the provisions of Section 1.6(b) above, the Agency shall not consider any Water Contractor's requested modification to increase an annual delivery limit unless the Agency has obtained and perfected appropriate water rights beyond the 101,000 acre-feet/year allocated in this Agreement sufficient to accommodate the additional diversions requested."*

Pam Jeane noted that the proposed language does not take into account the possibility that additional water may not come from the Russian River Project. In which case, water rights would not be an issue, and should not be a requirement for an increase in annual delivery limit.

Krishna Kumar, Valley of the Moon Water District, noted that his agency needed to have a resolution to the year 2005 limit on its annual cap and suggested adding the following exception or some similar language to the same effect:

*"Unless such requests are on account of the expiration of general plan horizons used for the existing annual delivery limit."*

Ms Jeane stated annual limits were important in demonstrating SCWA's commitments for service to the State Water Resources Control Board. John Nelson said the original purpose of the annual caps in 1994 was to set forth limits in the DEIR for the Transmission System consistent with then approved general plans thus avoiding the necessity of duplicating growth inducing impact analyses. He stated that SCWA has opted to prepare a new EIR and that the caps should be increased to new general plan limits. Darrin Jenkins, City of Rohnert Park, and John Nelson pointed out that the 101,000 acre-ft included more than Water Contractor water covered by the Restructured Agreement. Mr. Healy agreed to correct the language by deleting the phrase "allocated in this agreement" and said he remained available to work with any party on the language.

8. Discussion of MMWD's Option to Firm Up Additional 5,000 Acre-ft

Chris DeGabriele, North Marin Water District, reported that the subcommittee had met, but another meeting was needed. He said the subcommittee could only address Alternative 3 (Water Contractors compensating MMWD in return for MMWD not exercising its option).

Paul Helliker, Marin Municipal Water District, asked if the subcommittee was also addressing Alternative 4 (MMWD compensating Water Contractors in exchange for extending the option deadline). Mr. DeGabriele said no, the subcommittee felt MMWD should address that alternative. Mr. Helliker said that due to the lead-time necessary to

conclude the issue before the June deadline, MMWD would address Alternative 4 and suggested that the matter be brought to the next WAC meeting.

9. New Development, Efficiency and Water Use

Pam Torliatt, City of Petaluma, asked to defer discussion to the next negotiation session, noting their staff was still working on this item.

10. Check Out

None

11. Public Comment

None