

Minutes of Special Meeting
Meeting, September 2nd, 2020 - 6:00 PM
NapaSan, Board Room -1515 Soscol Ferry Rd, Napa, California, 94558

1. Roll Call: Directors Deyermond, Drayton, Jones, Lincoln, Mueller, Walker, Wilkinson present.
2. Public Comment

Andrew Damron: Napa San provided a notice of non-compliant use to the owners of 1195 Cuttings Wharf Rd, Napa. The system on the Los Carneros Rd parcel was connected to that on the Cuttings Wharf parcel some time between the system test in Feb 2018 and July 2020. Napa San can track overuse of water on a parcel using the systems currently in place

Director Wilkinson: Can we add an agenda item for the next meeting addressing “what can Napa San actually do”? So far in Carneros landowners have been careful to plant only what we have water to grow. The owners of 1195 Cuttings Wharf Rd planted new vines and would have known what they were doing.

Public: It’s a great idea that Napa San can set up a flag in their system that would highlight when more water was used than expected. The vines at 1195 are growing great guns. Maybe they have been using the water the entire time since the parcels were redeveloped. Question to A. Damron “Those neighbors who reported the suspicious connections – were they interviewed by Napa San?”

A Damron: There are no records of it, but the conversations took place

Public: We should be keeping records of the conversations that are had. The water use seems to be willful and deliberate and the Board should take that into account. Napa San should be responsible for regular inspections.

Public: She trusts that the Board has read the public comments that she sent ahead of time. She does not feel that she should need to act as the policeman for the LCWD. Mini excavators can come and go easily and without being noticed by many. The Board should take the penalty very seriously. In this case the money/size of fine will not make a difference to the owners of the parcels in question. She suggests a 2 year shut-off from the LCWD. Compare this inappropriate use with the folks on the waitlist who are doing the right thing and waiting to connect to the LCWD at some appropriate time in the future.

Director Jones: Has anyone thought to directly ask the accused what they have been doing? If they did ask them was it willful?

C Apallas: The owners of 1195 Cuttings Wharf Rd were sent this Special Meeting’s agenda and a memo explaining. It was sent to a PO Box in Rutherford addressed to Wagner Ranch LLC. It was sent a week ahead of time to ensure it arrived in time. However, we do not know that the property owner has seen the notice. It meets the criteria for being properly noticed

Public comments closed.

3. Discussion and possible action regarding non-compliant recycled water use at 1590 Los Carneros Avenue (APN 047-201-005) & 1195 Cuttings Wharf Road (APN 047-201 -001) and potential imposition of penalties.

Director Walker listed what she thought should be done: \$2k fine, regular audits and inspections, potential water shut off for a period of time

C Apallas: The Board can do several things but he recommends keeping close to the wording of the governing documents

Director Drayton: Agrees that things should stick mostly to the current guidelines.

Director Wilkinson: They should receive no more water this year

Director Lincoln: Approves of the \$2k fine as it seems appropriate, in addition to cutting off their water for the rest of the year

Director Deyermond: There are a lot of people asking if they can get connected and she has to tell them “no”. A fair and firm penalty should be applied. The water should be cut off for either 1 or 2 years.

Director Mueller: Is in agreement with Director Wilkinson. Agrees with the time for disconnection that is being discussed. Also agrees with the dollar amount being discussed for a fine. She does not see the behavior stopping if we have another dry year next year.

Director Walker: Then as a minimum the water should be cut off until the end of the year. The Board should look at amending the administrative guidelines for similar situations in the future.

C Apallas: There is no notification period required to amend the guidelines but there probably should be. The regulations were intended to encourage compliance rather than be punitive.

Motion raised by **Director Lincoln:** The owners of 1590 Los Carneros Avenue and 1195 Cuttings Wharf Rd should receive a penalty of \$2000, turning off the water for 28 days. The guidelines should be changed and/or the governing Ordinance to specifically address this type of problem for the future.

Motion 2nd by **Director Wilkinson,** motion passes 7-0-0

Motion raised by **Director Wilkinson:** Napa San should reach out to the property owner in question tomorrow, September 3rd 2020, and inform them of the water shut off for 28 days and that their water use will be monitored over this period.

Motion 2nd by **Director Walker,** motion passes 7-0-0

4. A brief update on 2020 District Election filings was received
5. Report on the Recycled Waterline Project and Operations Update by **Andrew Damron,** NSD
6. Future Agenda Items:

T Schulze: Napa San should provide an estimate of the ongoing monitoring costs incurred as a result of monitoring water use at parcels at 1590 Los Carneros Avenue & 1195 Cuttings Wharf Road

The approach to the Region 2 Water Board should be discussed

7. **Director Deyermond:** Motion to adjourn

Motion 2nd by **Director Drayton,** motion passes 7-0-0

Submitted by Secretary William M Drayton

Approved date