BOARD OF DIRECTORS METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT PIMA COUNTY, ARIZONA

April 11, 1994 7235 North Paseo del Norte Tucson, Arizona 85704

MINUTES

ATTENDANCE:

Members: Herb Johnson, Chairman

Jim Tripp, Vice-Chairman Pete Schlegel, Member

Kate O'Rielly, Member (arrived at 5:07 p.m.)

Alex Jácome, Member

Others Present: Mark Stratton, MDWID General Manager

Mike Block, MDWID Hydrologist Bill Carroll, Cella Barr & Associates

Sheila Lewis, MDWID Administration Manager

Scott Eisenfeld, MDWID

George Good, Rural Metro Fire Department

Pete Hershberger, Customer Larry Losey, Customer

Jim Peterson, Town of Oro Valley Jane Rodda, Brown and Bain

Bill Smith, Customer

Chuck Sweet, Customer and Town of Oro Valley

Warren Tenney (recording secretary)

Nancy Wright, Customer

I. CALL TO ORDER AND ROLL CALL

- A. The meeting was called to order at 5:01 p.m. by Mr. Herb Johnson, Chairman of the Board of Directors. Mr. Jim Tripp, Mr. Alex Jácome and Mr. Pete Schlegel were present.
- B. Mr. Tripp moved that the Board approve the meeting notice and agenda for April 11, 1994. Mr. Jácome seconded and the motion passed unanimously with the members present.

II. COMMENTS FROM THE PUBLIC

Mr. Chuck Sweet, Town Manager of Oro Valley, said he was expressing his concerns as a customer of the Oro Valley Improvement District #1. His neighborhood had a lack of water and low pressure during the weekends of April 3 and April 10, 1994. He understood that the problem was related to a well that was down for maintenance. However, customers expect dependability from their water service. Also, the District's answering service did not provide adequate information in a professional manner regarding the service problem.

Mr. Jácome inquired to the cause of the problem. Mr. Mark Stratton explained that the New Linda Vista well was down for maintenance. In the Hardy/La Cañada service area, the booster pumps failed to meet the demand caused by increased usage during the weekend due to temperature and weekend activities. New Linda Vista well was placed back in service on April 11, 1994 and the system should be returned to normal.

Ms. Kate O'Rielly arrived at 5:07 p.m.

Mr. Tripp said that the problem with the answering service is unacceptable. Mr. Stratton said that bids have been requested for a new answering service contract for Board approval. Mr. Jácome questioned the relationship between the answering service and the on-call person. Mr. Stratton and Mr. Dave Tanner explained that since the on-call person is trying to correct the problem, he is unable to contact each customers with a complaint. The on-call person does contact the answering service with general information about the current status of the problem. Ms. O'Rielly and Ms. Sheila Lewis discussed the possibility of utilizing voice mail.

Mr. Larry Losey, a District customer, said that the answering service gave him three different responses regarding the lack of water during the weekends of April 3 and April 10, 1994. He and others have had problems with lack of pressure, hissing noises and rust colored water. The District should notify customers of preplanned shut downs. He wanted to know if his water was potable based on an April 8, 1994 letter notifying total coliform found in water samples.

Mr. Tanner said that he was uncertain of the cause of rust colored water. The trace of coliform in the water could be due to possible cross connection and lack of backflow prevention among the homeowners of that area. The District should consider informing customers about these potential problems. The on-call person did respond to the problems within thirty minutes.

Mr. Schlegel said that preventative measures were taken to ensure the quality of the water as soon as their was an indication of coliform. The lack of water and drop in pressure during the weekends of April 3 and April 11, 1994 were not planned nor anticipated. The Board wants to ensure that the problem does not reoccur. The District apologizes for the problem. The answering service problem is recognized and will be addressed. As a customer of the District, he is assured that the water is potable.

Ms. Nancy Wright, a District customer, said that she was frustrated with the lack of information and help provided during the weekends of April 3 and April 11, 1994. The lack of water and

low pressure caused many inconveniences during the Easter holiday and with visitors. She requested that the Board solve the problem. The current residents deserve good service even if that means postponing growth. The District should consider noticing customers of pending maintenance and the impact it may have upon them.

Mr. Johnson explained that the Board had purchased in October 1992 a water system that was old and in need of rehabilitation. The Board did not create the problems, but does recognize them and is trying to correct them.

Mr. Stratton noted that six wells are currently not in service due to maintenance or repairs. A number of backup wells are being used but taxing the system. The problems caused by New Linda Vista well being down should be eradicated with it back in service.

III. CONSENT AGENDA

- A. Approval of Minutes March 14, 1994 Board Meeting.
- B. Approval of Minutes March 28, 1994 Study Session.
- C. Ratification of Billing Adjustments or Small Damage Claims.
- D. Financial Issues Update on Revenues, Checks and Warrants.

Mr. Jácome made a motion to approve all of the items on the consent agenda. Ms. O'Rielly seconded the motion and the motion passed unanimously.

The Board decided to postpone Item IV. and Item V.A. until the end of the meeting.

V. OLD BUSINESS -- ITEMS FOR DISCUSSION AND POSSIBLE ACTION

B. 1994 Water Rates - Progress, Evaluation and Development.

Mr. Mark Stratton explained that the Rate Advisory Committee met April 5, 1994 and discussed different alternatives for a rate increase. After much discussion and a review of the bond prospectus, the Rate Advisory Committee concluded that an 8 percent increase was reasonable. As a means for promoting conservation and the fairest approach, the increase would combine the base rate and the commodity charge. The base rate would increase from \$8.50 to \$9.00 and the commodity charge would raise from \$1.35 to \$1.50. The Committee reviewed a tiered structure but recommended that it should be considered in the future but not be implemented in the summer. The Rate Advisory Committee recommended that the District provide a newsletter to its customers that detail the reasons for a rate increase and the District's achievements.

Ms. O'Rielly asked who were the members of the Rate Advisory Committee. Mr. Stratton replied that Mr. Bud Dooley, Mr. Gary Woodard, Mr. Tripp and himself sat on the committee.

Mr. Johnson requested that Mr. Tripp, Vice-Chairman, act as Chairman in order for Mr. Johnson to address the Board.

Mr. Johnson said he has reviewed the recommendations of the Rate Advisory Committee. The Board needs to recognize adequate monies are required for the necessary improvements. He noted his April 8, 1994 memo to the Board. The proposed rate changes for District users present a logical increase for operation and maintenance of the District. The Board and staff have been investigating the feasibility of recharging untreated CAP water into the aquifer using spreading basins. The proposed rates do not provide funds for system repair and for system improvements due to obsolescence and increased users. The Board has a much greater obligation to its customers than adopting inadequate rates. An April 6, 1994 memo from Mr. Johnson to the Board discussed the required funds necessary for the Capital Improvement Program as recommended by Camp Dresser & McKee and Cella Barr & Associates. accomplish the programs for the first five years, a bond issue of \$12 million would be necessary. To pay in 20 years, the bond issue would require a \$3.50 minimum monthly rate increase. A public hearing should be conducted and information should be provided to the public regarding such a bond issue. A vote by the public should determine if an improved system or not is sought. The immediate need for the District is to address the current infrastructure problems due to normal growth. This will require money to be spent. The District needs to spend \$700,000 to \$800,000 for a needed 500,000 gallon reservoir in the Linda Vista area that will feed the entire District along with a new well adjacent to the reservoir. Mr. Johnson recommended that the Board immediately appropriate money for the reservoir and well.

Mr. Tripp said that the Rate Advisory Committee was concerned that a rate increase greater than the recommended one should not be implemented in the summer and without having provided adequate information to the customers. Customers should be provided with information about the District's accomplishments and objectives in order to justify a greater increase. In January 1995, another increase could be considered.

Mr. Johnson made the motion that the Board approve the expenditure of approximately \$800,000 for Capital Improvement Projects that are necessary to meet the expected growth for Fiscal Year 1994-1995. Mr. Schlegel seconded the motion.

Mr. Jácome said that the recommended rate increase of the Committee is within the range projected by the bond prospectus. A future rate increase should occur during the winter. He questioned how the District would obtain the \$800,000. Ms. O'Rielly said she wanted to be certain that the District has \$800,000. Options regarding rates need to be presented in public meetings. The District has an old and patched system. The public should be informed of how the problems can be corrected and the money involved. Mr. Tripp noted that the public has previously approved of an 8 percent increase to the rates. Information should be provided about the need for a rate increase now and in January 1995. He also questioned the \$800,000.

Mr. Stratton said that the District has over \$900,000 in the bank. The District does have a line of credit with the Pima County Treasurer at a low interest rate. The money could then be paid over time rather than as one sum.

Mr. Schlegel said that the needs justify the rate increase. Immediate improvements are also required. Information needs to be provided to the public. A draft newsletter format has been

distributed to the Board. The recommended rate increase could be implemented as phase one and then an additional bond issue for additional funds could be phase two. Although the eight percent increase had been previously discussed with the public, information should still be provided to the public.

Mr. Jácome inquired about the time period for paying the \$800,000 if a contingency is maintained and the line of credit with the Pima County Treasure is used. Ms. Lewis said that the District issues one warrant for \$800,000 or eight \$100,000 warrants. Each time the balance reaches \$100,000, each warrant is paid off. The pay back would be less than a year.

Mr. Tripp called for a vote on the motion regarding the motion to approve approximately \$800,000 for immediate Capital Improvement Projects. The motion passed unanimously.

Mr. Johnson resumed his position as Chairman.

Mr. Tripp made the motion to approve the proposed 1994 water rates subject to approval by the Oro Valley Improvement District #1. Mr. Schlegel seconded the motion.

Mr. Jácome said a public hearing should be held first. Mr. Johnson said that the motion would be subject to Oro Valley Improvement District #1 and the results of the public hearing.

Mr. Jácome suggested that an approved rate increase should be retroactive the first of April 1994. Mr. Johnson said Oro Valley's support needs to be gained first.

Mr. Tripp amended the motion regarding the proposed 1994 water rates to include that a public hearing be advertized and that a newsletter be sent to the customers. Mr. Schlegel seconded the amended motion and it passed unanimously.

Mr. Schlegel questioned the audience's feelings regarding a \$3.50 rate increase as suggested by Mr. Johnson. Mr. Losey said that he did not want to pay more but he would if it would improve the District's system. If presented in the proper format, people would support it.

C. Fiscal Year 1994-1995 Budget.

Mr. Stratton reported that staff modified and reformatted the Fiscal Year 1994-1995 (FY 94-95) budget. The proposed rate increase has been incorporated into the budget. The Board may want to reconsider some of the annual service contracts and consultant/contract services. As discussed at the March 28, 1994 study session, the excavating annual service contract could be changed by purchasing the backhoe from Mr. Don Perkins. Mr. Perkins said his operations and maintenance cost is about \$150 per month. Long-term savings could be gained from the purchase, but the District would need qualified staff to operate the backhoe and would incur liability.

Mr. Tripp questioned if the asking price was fair. Mr. Stratton said that based upon inquiries, the price is fair. Mr. Jácome suggested that the District inquire about a new backhoe.

Mr. Jácome and Ms. O'Rielly said that the purchase of a backhoe may be premature and the District should be fiscally conservative. Mr. Jácome questioned if the District could lease backhoe services from Oro Valley or Pima County. Mr. Sweet indicated it could be possible.

Mr. Schlegel questioned the decrease in the revenue category of other income. Mr. Stratton said the decrease is due to the District no longer providing to Pima County consumption reports and the decrease of people changing out meters from 1 inch to 5/8 inch meters.

Mr. Schlegel asked why the increase in system development fee did not raise a greater amount of revenue. Mr. Stratton said that the combination of the projected three percent growth rate and the twenty percent increase to the system development fee does not produce a significant amount. Revenues are based on conservative projections.

Mr. Schlegel inquired to the form of revenue obtained in the category of service line/main installation fee. Mr. Stratton explained small developers have requested the District to place service lines and main installations. The District has been able to do this at no cost and make a small profit.

Mr. Schlegel asked if the revenues reflected the proposed 8 percent increase. Mr. Stratton said it does.

Mr. Jácome said in reviewing the draft FY 94-95 budget, he was concerned about the \$180,000 difference for the ending balance compared to the FY 93-94 budget; however, those concerns diminish when noticing that the FY 94-95 budget includes expenditures totaling \$800,000 for CAP water purchase and a contingency fund. Staff should be commended for developing a budget that is \$47,000 under the FY 93-94 budget.

Mr. Jácome made the motion to approve the Fiscal Year 1994-1995 budget as proposed by staff with the exception of the backhoe purchase. Ms. O'Rielly seconded the motion.

Mr. Stratton noted that salaries and benefits have been separated as an individual item. Each division will be responsible to stay within their budget, which will be tracked monthly. The \$500,000 for CAP water purchase is to ensure the City of Tucson that the District has the monies to purchase the agreed upon water for the Avra Valley Pilot Recharge Project in 1995.

Mr. Tripp requested that information provided for future draft budgets use corresponding numbers and time periods throughout.

Mr. Schlegel noted that the operating expenses for FY 94-95 budget are 40 percent lower than the FY 93-94 budget. Mr. Stratton said that the District inventory and equipment should only need to be maintained since it was increased during FY 93-94.

Mr. Schlegel questioned if the consultant costs for FY 94-95 could be lowered because of the consultant work completed during FY 93-94. Mr. Stratton said that miscellaneous engineering contracts and contracts for water resources and hydrogeological studies are still needed. Mr.

Jácome said that consultant work will be needed to deal with the Arizona Department of Water Resources (ADWR). Mr. Stratton said that a proposal has been drafted by Mr. Mike Block for a regional hydrological study to be done by the Northwest Water Alliance. Interns can be used for hydrology studies.

Mr. Schlegel and Mr. Jim Peterson noted that ADWR had legislation to fund a hydrological study of the Cañada Del Oro. Originally, it was for a \$354,000, but now it is for \$60,000, which includes study in Maricopa County.

Mr. Johnson called for a vote of the motion to approve the FY 94-95 budget. The motion passed unanimously.

The Board agreed that the budget in its present format was sufficient.

D. Legislative Issues.

1. District Proposed Legislation.

Ms. Rodda reported that S.B. 1563 was awaiting the Governor's signatures and S.B. 1562 was awaiting its third reading. Mr. Stratton noted that S.B. 1563 had encountered some legislative infighting, but Mr. Schlegel had been able to persuasively maneuver with Legislators to ensure that S.B. 1563 was successful.

2. Other Legislative Matters.

Mr. Stratton noted that Mr. Block provided an April 5, 1994 memo informing that the Governor signed S.B. 2195. This legislation exempts public water supply systems from the application process for existing plan review requirements by the Arizona Department of Environmental Quality (ADEQ) and Pima County Department of Environmental Quality. This will save the District application fees and speed the application process for new connections.

E. Status of Renegotiations with the City of Tucson regarding the Asset Purchase Agreement and the Northwest Water Agreement.

Mr. Stratton noted that since the March 24, 1994 meeting with parties of the Northwest Water Agreement at Tucson Water, no other meeting has been held. Mr. Block will attend a committee meeting regarding CAP reallocation scheduled for April 12, 1994.

Mr. Schlegel noted that at a recent Southern Arizona Water Resources Association (SAWARA) meeting, concern was expressed that the City of Tucson was not proceeding promptly with renegotiations of the Northwest Water Agreement. City of Tucson staff indicated that discussions would occur; however, to date they have not contacted the District.

Mr. Stratton said that the Board had been provided an April 7, 1994 letter from Ms. Kathy Jacobs of ADWR regarding a clarification of ADWR's comments regarding the Northwest Water

Agreement and an assured water supply. The District has a few options to guarantee an assured water supply including the hydrological study of the Cañada Del Oro.

Mr. Jácome and Mr. Schlegel noted that the District can work with the Central Arizona Groundwater Replenishment District (CAGRD) to obtain an assured water supply. The District should try to do what is necessary to be independent from the City of Tucson. Mr. Peterson noted that the District should not separate itself completely from the City because eventually its water will be acceptable. Mr. Johnson said that the Northwest Water Alliance needs to organize itself in order to conduct the necessary studies.

VI. NEW BUSINESS -- ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Administration and Management

1. Resolution 1994-3 - Approving the relationship between the Board and the General Manager of the district and authority of the General Manager.

Mr. Jácome made the motion to approve Resolution 1994-3. Ms. O'Rielly seconded the motion and it passed unanimously.

2. Draft Policies for Service Line Installation and Construction Inspection Fees.

Mr. Stratton reported that the implementation of service line installation and construction inspection fees would pass development costs to developers. The amount that the District has spent for development construction activities could almost compensate a staff member's salary for a year. The District should have an inspection fee similar to Pima County's.

Mr. Tripp made the motion to accept staff recommendation to adopt a 2.5 percent construction inspection fee for water main installation and adopt a service line installation fee as developed by staff. Mr. Jácome seconded the motion.

Mr. Schlegel asked if the City of Tucson has an inspection policy. Mr. Stratton said he did not believe so.

Mr. Schlegel questioned if developers will pay a 2.5 percent fee to both the District and to Pima County. Mr. Stratton explained that the fee is charged only for the utility involved. The District would only charge the 2.5 percent fee for only water line construction.

Mr. Johnson asked if the District's regulations require presently as built drawings. Mr. Stratton said that as built drawings are required. Mr. Johnson noted that some drawings for water lines are not accurate with the actual location of the lines. Mr. Stratton said that as built drawings are not on file for the majority of the system, but the problem is being corrected especially for new development. The final as built drawing will be accurate.

Mr. Johnson called for a vote for the motion regarding water main installation and service line installation fees. The motion passed unanimously.

3. Report on April 7, 1994 Central Arizona Water Conservation District Board Meeting; Acquiring a Deemed Assured Water Supply from the Central Arizona Groundwater Replenishment District.

Mr. Stratton said that Mr. Schlegel, Mr. Jácome and Mr. Block attended the April 7, 1994 Central Arizona Water Conservation District (CAWCD) held in Tucson. Mr. Block noted that the City of Tucson requested at the meeting a deferred payment for indirect recharge in the Marana area. Mr. Schlegel said that the CAWCD board will probably agree to do it. The District should recognize that the CAWCD board is willing to discuss various matters.

4. Consideration of District "Open House".

Mr. Schlegel said that Mr. Stratton had noted some possible concerns such as staff time and costs in the April 11, 1994 report regarding an open house for the District. A professional group could make all the arrangements and conduct the open house without involving staff. The arrangements could be done for less than \$750 plus food. The purpose of the open house would be to develop some political capital through building good will with the community.

Mr. Johnson inquired about insurance coverage. Ms. Lewis said that she would inquire into the matter.

Mr. Tripp questioned if the District was prepared for such a function. He was concerned that the landscape was not completed and suggested if holding the open house in the fall would allow more preparation time. Ms. O'Rielly agreed.

Ms. O'Rielly questioned the arrangements for the newsletter. A draft format for the newsletter had been distributed to the Board. Mr. Schlegel said that the draft was to provide the Board with an idea of the newsletter. The newsletter could include a survey. A photographer could take a years worth of photographs for different issues. The estimated cost was \$1,500 per issue for production and printing. The newsletter could be a self-mailer or mailed in an envelope.

Mr. Jácome and Ms. O'Rielly questioned if the development and production of the newsletter should be bid out. Other people should be considered for developing the newsletter. Informing the public about the rate increase could be done as an in-house letter. Mr. Schlegel said that the District should have a newsletter that can be well-received by the public, especially an issue about rates. The projected cost is extremely low for the quality.

Ms. O'Rielly made the motion that the newsletter for the rate increase should be in the format of a letter and the format for future newsletters should be addressed later. Mr. Jácome seconded the motion. The motion passed four to one with Mr. Schlegel voting against.

B. Engineering and Planning

1. Status of ADWR Annual Withdrawal Report.

Mr. Stratton reported that the District has requested a time extension for the filing of the annual report to ADWR. Details of the time extension are explained in a March 31, 1994 memorandum from Mr. Block.

2. Request from B.K.W. Farms to include the Metropolitan Domestic Water Improvement District on Indirect Groundwater Storage and Recovery Project Permit.

Mr. Stratton explained that B.K.W. Farms is requesting the District to be a co-permittee of an indirect recharge project. B.K.W. Farms is seeking to spread the cost for the permit application by obtaining a number of participants. If B.K.W. Farms is successful for a nominal fee, the District would be listed as co-permittee on this application for future consideration of any indirect recharge project. It would be an insignificant cost for security in the future for assured water supply credits.

Mr. Tripp made the motion for the District to participate in the B.K.W. Farm's indirect recharge project based on legal counsel concurrence on the use of CAP water purchased from the City of Tucson and the inclusion of Oro Valley Improvement District #1. Ms. O'Rielly seconded the motion and it passed unanimously.

Mr. Schlegel noted that Mr. Grant Ward of CAWCD has stated that ownership of recharge projects is based on the percentage of the overall cost contributed by an entity. The District needs to address this issue. Mr. Stratton said that other members of the Northwest Water Alliance need to share in the cost of proposed recharge projects for the area as well as administration, operations and maintenance costs. The issue will be discussed at the April 15, 1994 Northwest Water Alliance meeting. The issue of ownership will be on the agenda for the May 9, 1994 Board meeting.

C. Operations and Maintenance

1. Status of Projects.

a. Marlene Storage Tank.

Mr. Stratton and Mr. Dave Tanner reported that the Marlene Storage tank will be completed by the end of April 1994.

Mr. Jácome said that a purchase order should be used for high cost expenditures.

c. Escondido Tank Repair.

Mr. Stratton reported the Escondido Tank will be repaired once a booster pump is placed in operation.

b. Well Maintenance Contracts.

Mr. Stratton reported that the New Linda Vista well returned to operations today. The pumping capacity for the Oracle Jaynes Station was increased by 60 percent. The Oracle Jaynes well will be flushed later this week. Due to the problems in the service area that have arisen from the well maintenance and to avoid similar situations especially as the temperatures rise, it would be in the District's best interest to postpone the remaining well maintenance work.

Mr. Tanner noted that if one well fails, the District will have to address immediately the situation with all the consequences involved. Mr. Jácome said the well maintenance should be postponed until the fall. Mr. Johnson said that it is important to be certain that the wells are not pumping sand.

Mr. Tripp made the motion to terminate the well maintenance contracts with Far West Pump Company and Gilbert Pump Company upon completion of the New Linda Vista and Oracle Jaynes wells. Mr. Jácome seconded the motion and it passed unanimously.

Mr. Tanner suggested that the District have prepared postcard or letter that can be sent to people notifying that a problem exists and to suggest that they conserve. Mr. Schlegel questioned if staff could hang notices door-to-door. Mr. Stratton said that due to the large area when a system area failure occurs, it would be more efficient to mail.

D. General Manager and Staff Report

1. Rancho Vistoso Water Company and Cañada Hills Water Company Acquisition.

Mr. Stratton reported that the Town of Oro Valley has taken over the condemnation process of the Rancho Vistoso Water Company. The District has offered to provide support. Mr. Johnson, Mr. Peterson, Mr. Sweet and Mr. Stratton met to discuss Cañada Hills Water Company and the minimum amount that they would accept for the purchase of that water company. Currently, they are asking higher than their appraised value.

Mr. Schlegel questioned if the Town of Oro Valley mentioned the possibility of condemning Cañada Hills Water Company. Mr. Stratton said that was not discussed. The Town of Oro Valley and the District would like to pursue a diplomatic approach.

2. City of Tucson's CAP Policy Review Briefing Paper

Mr. Stratton noted that the Board was given an executive summary of the City of Tucson's CAP Policy Review Briefing Paper. A complete copy will be distributed when the final draft is received.

Mr. Johnson suggested that staff review the information regarding Citizen Utilities' purchase of Rio Rico.

The Board went into Executive Session at 7:37 p.m.

IV. EXECUTIVE SESSION

Pursuant to A.R.S. § 38-431/03 (A)(1) to review and discuss Metropolitan Domestic Water Improvement District's position as it relates to personnel and compensation matters.

The Board returned from executive session at 7:50 p.m.

V. OLD BUSINESS -- ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. General Manager's Position and Other Personnel Needs.

Ms. O'Rielly made the motion that the Board of Directors will accept Mr. Chuck Huckelberry's resignation as General Manager. Mr. Stratton will be offered the permanent position of General Manager. The District will also develop with other members of the Northwest Water Alliance a consultant who would act as a legislative liaison. Mr. Jácome seconded the motion and it passed unanimously.

VII. FUTURE MEETING DATES; FUTURE AGENDA ITEMS

The next regular Board meeting will be May 9, 1994.

VI. ADJOURNMENT

The meeting was adjourned at 7:53 p.m.

Herb Johnson, Chairman

ATTEST

Clerk