

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**  
**Post Office Box 1029**  
**Mendocino, CA 95460**  
**Business Phone (707) 937-5790 Treatment Plant (707) 937-5751 Fax (707) 937-3837**

Minutes of February 23, 2015

The regular monthly meeting was called to order at 7:00 p.m. in the business office at the Wastewater Treatment Plant. Present were Directors Waldman, Hauck, and Schwartz. Also present were Mike Kelley and Jodi Mitchell. Directors Kraynek and Stubbs were absent.

1. Agenda – There were no changes or additions to the agenda.

2. Approval of Minutes – January 26, 2015

The approval of the minutes of January 26, 2015 was carried over to the next regular meeting. Directors Hauck and Waldman were not present at the January 26th meeting, therefore could not approve the minutes.

3. Communications

Correspondence was received from William Lemos, President of the Mendocino Fire Protection District requesting that errors contained in a mailing to MCCSD residents of the District titled “Mendocino Emergency Water Source Project” be corrected. Superintendent Kelley thought that the Mendocino Fire Protection District should make any corrections to the information that was provided by the Fire Chief. Mike noted that the project was on hold, and it appeared that MCCSD was caught in the middle between the Fire Department and their Board. Since formal correspondence must be addressed, Superintendent Kelley would communicate with Edward O’Brien and Roger Schwartz would contact William Lemos regarding any unresolved issues.

4. Public Comment – No public comment.

5. Groundwater Management

a. Groundwater Management Report

On December 29, 2014, the MCCSD Board adopted Resolution 2014-238, which reduced the drought stage to a Stage 1 Water Shortage Condition. On January 31, 2015, the drought stage was re-evaluated based on 1) Water Shortage Contingency Plan Table 3, and 2) the pre-existing Stage 1 Water Shortage from December 29, 2014. The criteria presented in Table 3 should be used each year to determine the water shortage onset stage and modified appropriately if there was a pre-existing water shortage (drought from the previous year or earlier), according to the following criteria: If there was a pre-existing Stage 1 Water Shortage, follow the Water Shortage Conditions Criteria without modification.

Less than 19 inches of rainfall by January 31 was a Stage 1 Water Shortage. On January 31, 2015, MCCSD recorded 23.27 inches, which was a No Water Shortage Condition. By February 17, 2015, rainfall totaled 27.15 inches. Although the cumulative rainfall for this rain year was 95% of normal, there was below normal rainfall in January and February 2015. 1.01 inches of rainfall was measured in January (86% below normal) and 3.88 inches, so far, in February (42% below normal). This is the same precipitation pattern as 2012 when the drought started. Spring rains would be critical to avoid an increase in the drought stage this summer.

The drought stage would be re-evaluated on March 31, 2015 based on rainfall (table 3).

b. Hydrological Study Approval Renewal  
Charles Baughn, 10970 Ford Street, APN 119-170-13

An application was submitted by Charles Baughn for a Hydrological Study Approval Renewal. The Board of Directors may extend a Hydrological Study Approval for an additional period of two years if it was determined that the conclusions of the hydrological study were still valid. Superintendent Kelley recommended approval of Mr. Baughn's request for the two year Hydrological Study Renewal, since it had not been declared by the MCCSD that the safe yield of the aquifer had been exceeded.

MOTION Hauck/Waldman To approve the request for a 2-year Hydrological Study Approval Renewal for APN 119-170-13 and located at 10970 Ford Street

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz  
NOES: None  
ABSENT: Directors Kraynek and Stubbs

c. Resolution No. 2015-240 – Resolution of the MCCSD Waiving the Deed Restriction Requirement for Groundwater Extraction Permits

Superintendent Kelley recommended rescinding the Groundwater Extraction Permit deed restriction requirement. He explained that the last condition on the signature page in the Groundwater Extraction Permit Application Form was the deed restriction condition, and it had been required when an applicant applied for a GWEP since 1990.

MCCSD initially asked property owners that were required to obtain a Stage 4 Water Shortage GWEP to file a deed restriction. Opposition to that condition was the only major problem to get compliance for those permits. Water Shortage Contingency Ordinance No. 07-4 did not require a property owner to record a deed restriction to obtain a final Stage 4 GWEP, so on November 14, 2014 the Board of Directors adopted Resolution 2014-237 that removed the deed restriction as a condition of the Stage 4 Groundwater Extraction Permit.

Prior to the Stage 4 Water Shortage, about one-half of developed parcels had allotments. Following the completion of issuance of Stage 4 GWEPs, all developed parcels in the District would have extraction permits, but only half of the District parcels would be deed restricted following adoption of Resolution 237. The Deed Restriction would no longer be needed, since the entire community was aware of the District wide GWEP allotment requirement.

MCCSD staff provided actual notice to new property owners when they contacted MCCSD to change the sewer billing into their name. Staff notified new property owners of any sewer charges and groundwater extraction conditions, i.e. allotments and meter reading.

Attorney Jackson recommended that MCCSD staff should process the requests for the release of Deed Restrictions which, in his opinion, would be more efficient and cost effective. He would prepare the template for MCCSD staff's use in processing the releases.

MOTION Hauck/Waldman: To waive the reading of Resolution No. 2015-240.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz  
NOES: None  
ABSENT: Directors Kraynek and Stubbs

MOTION Hauck/Waldman: To approve Resolution No. 2015-240, A Resolution of the MCCSD Waiving the Deed Restriction Requirement for Groundwater Extraction Permits.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz  
NOES: None  
ABSENT: Directors Kraynek and Stubbs

Consensus of the Board was that a letter should be addressed to the Board of Realtors requesting realtors to disclose the existing groundwater extraction allotment restriction during the sale of the real property within the District boundaries.

d. Resolution No. 2015-241 – Resolution of the MCCSD to Declare a No Water Shortage Condition

Resolution No 2015-241 declared a No Water Shortage Condition. The Water Shortage Contingency Plan recommended that if greater than 19 inches of precipitation had been recorded by January 31<sup>st</sup> that a No Water Shortage Condition existed in Mendocino. Since 23.27 inches of rainfall within the MCCSD service area was measured on January 31, 2015, the Resolution was introduced.

MOTION Hauck/Waldman To waive the reading of Resolution No. 2015-241.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz

NOES: None

ABSENT: Directors Kraynek and Stubbs

MOTION Hauck/Waldman: To approve Resolution No. 2015-241 – Resolution of the MCCSD to Declare a No Water Shortage Condition

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz

NOES: None

ABSENT: Directors Kraynek and Stubbs

6. New Business

a. Resolution No. 2015-242 – Resolution of the MCCSD to Approve Initiation of Prop 218 Procedures for Proposed Monthly Sewer Charge Increases

Superintendent Kelley explained Prop 218 Procedures and the timeline for proposed monthly sewer charge increases. 50 % +1 of the total ballots received would represent a majority protest, and a no ballot return would be equal to an automatic “yes” vote. A property owner of record would equal one ballot. Written notice would be provided by mail of the proposed fee or charge to the record owner of each identified parcel at least 45 days before the public hearing. The Board would consider all objections to or protests against the proposed fee or charge. If a majority protest exists, the fee or charge may not be imposed. The governing body may impose the fee or charge upon a determination that there was no majority protest.

The Board agreed that MCCSD should be more specific about what the sewer charges were used for and noted that the public may not be aware of some of the upcoming expenditures, such as the ocean outfall replacement, and the community must be aware of issues regarding issues to maintain their sewer system. Also, staff should secure a more appropriate location for the public hearing, such as the Community Center. ~~the public~~ <sup>Prop 218</sup> \*

The Budget Committee would meet on Tuesday, February 24<sup>th</sup> to review the budget for adoption by the Board at the April 27<sup>th</sup> regular meeting. The hearing notification and ballot to property owners would be mailed on May 11<sup>th</sup> with the public hearing scheduled for June 26<sup>th</sup>. If there was no majority protest, the Ordinance for a rate increase would be introduced on June 26<sup>th</sup>, adopted on July 27<sup>th</sup>. The Ordinance would be published within 15 days after adoption, and become effective 30 days after adoption.

MOTION Hauck/Waldman To waive the reading of Resolution No. 2015-242.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz

NOES: None

ABSENT: Directors Kraynek and Stubbs

MOTION Hauck/Waldman To adopt Resolution No. 2015-242, subject to section 3 change of location for the public hearing.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz

NOES: None

ABSENT: Directors Kraynek and Stubbs

7. Old Business - None

8. Attorney's Report – No report

9. District Superintendent's Report

a. Monthly Report

During the month of February 2015, the treatment plant operated normally. Plant personnel performed routine plant maintenance.

There was an intermittent 5-day power outage during February 6 through the 10<sup>th</sup>. Operators had a difficult time starting the 40 horsepower blower when the emergency generator was running, since the generator was undersized for the normal plant electrical load.

The Hills Ranch emergency generator quit twice during the outage due to a generator control panel fault. Once the Hills Ranch generator control panel was reset, the generator started, but this required an operator to respond to the generator failure.

An emergency bypass pump was installed by operators at the Heeser Drive Lift Station, where there was no emergency generator. The portable trailer generator used to power the bypass pump failed on February 9<sup>th</sup>. A new portable generator was ordered. The power was restored on February 10<sup>th</sup> just prior to contacting a septic pumper to start transporting sewerage from the Heeser Drive Lift Station to the plant.

The January and annual self-monitoring online report was sent in to the State Water Quality Control Board. There was one minor sanitary sewer overflow in January 2015 from manhole hr4a and was caused by a tee shirt that was lodged in the mainline drop into the manhole. The total overflow was about 100 gallons.

There were no recycled water transfers to the High School in December 2014 or January 2015.

The Safety Officer conducted the monthly safety inspection of the treatment plant.

b. Public Notice of Availability of MCCSD Annual Reports 2014

Public Notice was given of the availability of the MCCSD Annual Reports 2014:

RWQCB Annual Self-Monitoring Report, MCCSD Collection System Report, MCCSD Source Control Report, and MCCSD Solids Handling Report. Copies of the reports were available to the public.

10. Committee Updates – No committee updates

11. District Secretary's Report

a. Monthly Register of Cash Disbursements

MOTION Waldman/Hauck To approve cash disbursements for checks #12169-12210, noting checks #12175, 12189, 12192, and 12193 were void.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz

NOES: None

ABSENT: Directors Kraynek and Stubbs

b. Update on Delinquent Sewer Accounts and Certificate of Liens

Richard Christiana, APN 119-217-06, 45270 Albion Street

Superintendent Kelley reported that mail previously sent to Mr. Christiana had been returned unclaimed. He said the property was abandoned. There was already a certificate of lien recorded against the real property. Mr. Kelley recommended that the MCCSD not disconnect the property from the sewer system, since someone had stolen the pump off the well, and there was no sewer or water contribution to the sewer system.

The Secretary provided notice to the Board of the requirement to file their annual form 700 – Statement of Economic Interests prior to April 1<sup>st</sup> to the County Clerk/Recorder.

12. Matters from Board Members

a. Discussion and Approval of US Bank Certificates of Deposit Investment

Superintendent Kelley indicated that US Bank could offer CD investments to the District at the following rates: 1) 19 months @ .5%, 2) 37 months @ .75% and 3) 59 months @ 1.5%. All investments would be FDIC insured to \$250,000.00. The Board recommended exploring investments with US Bank, and looking into the State Investment option, and also investigating a 90 days CD with Chase in Fort Bragg.

b. Discussion and Action for a determination of the March Meeting Date

Director Hauck expressed his concern about a public Board changing a scheduled meeting date without a really good reason. However, with the possibility of litigation it was a good idea for all Board members to attend the Gomes' Hearing.

MOTION Hauck/Waldman To change the meeting date for the next MCCSD meeting of the Board of Directors from March 30<sup>th</sup> to April 6<sup>th</sup>.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz

NOES: None

ABSENT: Directors Kraynek and Stubbs

13. The Board adjourned to closed session to discuss;

1. Personnel Matter

2. Anticipated Litigation

The Board reconvened to open session.

Report of Action taken in closed Session:

MOTION Waldman/Hauck To approve the contract as submitted by Kennedy Jenks for research and technical assistance for project number 1465003\*01.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck and Schwartz

NOES: None

ABSENT: Directors Kraynek and Stubbs

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Jodi Mitchell, Secretary