

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

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Minutes of November 30, 2009

Regular meeting was called to order at 7:00 p.m. in the business office at the Wastewater Treatment Plant. Present were Directors Kraynek, Schwartz and O'Brien. Director Ball was absent. Also present were Superintendent Mike Kelley, and Secretary Jodi Mitchell.

1. Minutes of October 26, 2009

The minutes of October 26, 2009 were held over for approval at the December meeting.

2. Communications

The District was notified that the amount of the 2009-2010 property tax revenue to be shifted from the District to the newly created Supplemental Education Revenue Augmentation Fund (SERAF) was \$6,719. The amount was 8% of the estimated 2009/10 County tax revenues.

The Board of Directors were notified by Barbara Matheson, Program Chair for the League of Women Voters of Mendocino County, to mark their calendars for Friday, March 12, 2010 and plan to attend the League of Women voters' fifth annual "Meet & Greet Your Local Elected Officials". The event would be held at St. Michael's Church in Fort Bragg from 5 – 7 p.m. The event was open to the public and would be an opportunity for the Board to meet their constituents and fellow elected officials.

The secretary reported that Street Light Pole #9, located at the corner of Ukiah and William Street had been repaired by P. G. E.

Correspondence was received from Wendy Roberts regarding underwriting of the State Park Public Toilets. Mrs. Roberts was of the opinion that the unincorporated community governed by the County of Mendocino was directly responsible for addressing public health and safety, and public toilets were not and should not be the responsibility of either the local business or the sewer district.

3. Public Comment – None

4. Groundwater Management

a. Hydrological Study Approval Renewal-10770 Calypso Lane

An application was submitted by Hank McCusker for a two-year Hydrological Study Approval Extension. The Hydrological Study was approved by the Board of Directors on December 19, 2005, and was extended on December 19, 2007.

MOTION Kraynek/Schwartz: To approve the Hydrological Study Approval Renewal for a period of two-years for APN 119-090-35.

ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

b. State Department of Parks and Recreation - Discussion and Possible Action Regarding the Main Street Restroom Facility Closure

At the last regular meeting, the Board approved a motion of intent to eliminate the monthly sewer charge for the State Park Main street restroom facility, contingent on the facility being open after November 1, 2009, and also, obtaining sufficient support from other private and public organizations to support the funding to keep the bathroom open.

Marilyn Murphy, State Park Superintendent was present at the meeting.

President O'Brien explained that the District's Attorney responded to the Board's interest in readjusting the State parks' sewer service charge to provide some economic relief to the State

Parks. Based on the special relationship between the District and the State Parks, he thought it could be justified for the District to provide State parks with a temporary relief from the monthly sewer service charges during the present economic crises in State Government. The expectation would be that the charge would be picked up by the local business community and other parties interested in keeping the bathroom open. There was no authority which would allow the District to indefinitely absorb that cost; however, a temporary reduction to the State Parks may provide some economic relief to the State Parks. The Board agreed that the County of Mendocino should pay for the charge, since the town of Mendocino was the primary source of bed tax revenue for the County and who received little benefit in return from the County.

Director O'Brien explained that for many years the State Parks paid a substantial portion of the District's operating expenses for reserved capacity, and in 2004, the agreement between the District and the State Park reduced the water demand from 25,000 gallons per day to 8,000 gpd, based on pumping data provided by the previous Park Superintendent. The main street restroom represented 1,134 gallons per day or 5.67 ESD's. The monthly sewer charge was \$240.18 per month.

Board consensus was that the County Board of Supervisors should be made aware that the town of Mendocino was in a Stage 2 Water Shortage and many business owners did not have a public restroom, which was safe or suitable for the public, and most did not have the water to operate one.

Showing good faith, the Board allowed for a temporary readjustment to the monthly sewer fee for the main street restroom, and the Board's intent was to move toward encouraging the Board of Supervisor's to include the monthly cost in their July 1 Fiscal Year budget.

Correspondence would be addressed to the Mendocino County Board of Supervisors regarding the closure of the Headlands State Park's Main Street Restroom facility and the possible health risk without a bathroom facility for the Coastal tourist area.

MOTION Kraynek/Schwartz: To grant relief to the State Parks for a temporary readjustment of the monthly sewer fees from November 1, 2009 through June 30, 2010 for the State Park Restroom on Main Street, and the District would re-visit this issue in June, to determine if the Mendocino County Board of Supervisors had included the cost in their annual budget.

ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

c. Monthly Groundwater Management Report

The District adopted a Water Shortage Contingency Plan (WSCP) in 2007 to extend the water supply for the community during drought conditions. The major goals of the Plan were to establish criteria for declaring a water shortage through four stages of alert and action, and identify appropriate conservation measures and response actions for all property owners for each water shortage alert stage. Based on the 2007-2008 rainfall record, the Water Shortage Contingency Plan predicted that Mendocino would be in a moderate water shortage in the fall of 2008. On June 30, 2008, the Board of Directors declared a Stage 2 Water Shortage. Property owners were asked to voluntarily reduce their water use by 15% to help mitigate the expected water shortfall. The Stage 2 drought was extended into 2009. Because of the ongoing Stage 2 drought and below Normal rainfall, in January 2009, the drought stage was increased to Stage 3 Water Shortage. This called for a mandatory 20% reduction in water usage. Mendocino received 24.08 inches of rain by the end of May 2009, so the drought stage was lowered to a Stage 2. The District re-evaluated the Stage 2 Water Shortage based on the average depth to water (DTW) in the MCCSD drought monitoring wells on August 31, 2009. The average depth to water was 23.8 ft. at that time. The Water Shortage Contingency Plan recommended continuation of the Stage 2 Water Shortage.

The WSCP called for two additional drought stage reevaluations during 2009 (November 30 and December 31). Total rainfall since October 1, 2009 was 5.61 inches. If rainfall was below 12 inches since October 1 at the end of November, the WSCP recommended continuing the Stage 2 Water Shortage. The WSCP also recommended continuation of the Stage 2 Water Shortage if average DTW in the 5 drought wells was in the range of 20.6 to 24.6 feet. The DTW data for the

November reevaluation was collected, and based on the criteria for continuing water shortage, the water shortage stage reevaluation was to continue a Stage 2 Water Shortage.

Two 2nd Violation Notices were sent for the October 1 meter reading, and ten 1st Violation Notices were sent for the November 1 meter reading. Four responses were received for 1st violation offenders after the letter was received. District personnel read the water meter for both #2 violators, and the property owners were charged \$50.00. According to the meter reading taken by MCCSD personnel at 10860 Lansing Street, the average water use was 642 gallons per day for the past 116 days, and the owner of property was fined for over extraction of groundwater, in accordance with Section 15 of Ordinance No. 07-1. Staff was instructed to contact Elena or her representative to confirm that the water was shut off, until this over extraction situation could be resolved.

d. Administrative Groundwater Extraction Permit Approvals

1. Mendocino Hotel, 45080 Albion Street, APN 119-236-01

Approval in accordance with Ordinance No. 07-1, Section 4 (c) Drilling Well and exception to the hydrological study requirement.

2. Hill House Hotel LLC, 10701 Palette Drive, APN 119-140-05

Approval in accordance with Ordinance No. 07-1, Section 4 (c) Drilling Well and exception to the hydrological study requirement

3. GMAC, 10540 Carlson Street, APN 119-214-15

Approval in accordance with Ordinance No. 07-1, Section 4 (f) Following the Sale of Real Property and exception to the hydrological study requirement

4. Tomas and Erin Dertner, 10520 Kelly Street, APN 119-211-08

Approval in accordance with Ordinance No. 07-1, Section 4 (c) Drilling Well and exception to the hydrological study requirement.

5. New Business

a. Adoption of Ordinance No. 09-2 – Sanitary Sewer Use Ordinance

Ordinance No. 09-2 was introduced on October 26, 2009. A summary of the ordinance was published on November 19, 2009. The Ordinance amended the current sewer use Ordinance, No. 75-1, to meet the requirements of the State Water Resources Control Board's Sanitary Sewer Management Plan. The purpose of the Sanitary Sewer Use Ordinance was to set forth uniform requirements for discharges and when necessary the pretreatment of discharges in the District's sewerage system, and enabled MCCSD to comply with all applicable State and Federal Laws. The Board discussed the permitting process and enforcement policies.

MOTION Schwartz/Kraynek: To waive the reading of Ordinance 09-2.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

MOTION Kraynek/Schwartz: To adopt Ordinance No. 09-2 – Sanitary Sewer Use Ordinance
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

b. Resolution No. 213- Adoption of MCCSD Fats, Oils, and Grease (FOG) Program

Ordinance No. 09-3, provided regulations of the District applicable to Food and Beverage Establishments for controlling Fats, Oils and Grease (FOG) and was also intended to meet the requirements of the State Water Resources Control Board's Sanitary Sewer Management Plan. The Ordinance provided the authority for development of the FOG program. The FOG program provided an explanation of the development and implementation of the program, and was being adopted by Resolution.

MOTION Kraynek/Schwartz: To waive the reading of Resolution No. 213.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

MOTION Schwartz/Kraynek: To adopt Resolution No. 213, Adoption of the MCCSD Fats, Oils, and Grease (FOG) Program.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

c. Ordinance No. 09-3 Regulations of the MCCSD Applicable to food and Beverage Establishments for controlling Fats, Oils and Grease (FOG)

MOTION Kraynek/Schwartz: To waive the reading of Ordinance No. 09-3.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

MOTION Schwartz/Kraynek: To adopt Ordinance No. 09-3, Adoption of the MCCSD Fats, Oils, and Grease (FOG) Program.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

d. Ordinance No. 09-4 To Establish Sanitary Sewer Special Use Discharge Permit Application and Renewal Fees

Ordinance No. 09-4 established Sanitary Sewer Special Use Discharge Permit Application and Renewal Fees, in accordance with the legal authority set forth in the District's Sanitary Sewer Use Ordinance No. 09-2, which provided the authority for the Board to establish fees to cover the costs for administering non-residential discharges to the MCCSD Sewerage System, and the Special Use Discharge Permit Application/renewal fees.

MOTION Kraynek/Schwartz: To waive the reading of Ordinance No. 09-4.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

MOTION Kraynek/Schwartz: To Introduce Ordinance No. 09-4, An Ordinance of the MCCSD to Establish Sanitary Sewer Special Use Discharge Permit Application and Renewal Fees.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

e. Resolution No. 214 – A Resolution of the MCCSD to Adopt a Policy for Assessment of Penalties for Continued Water Use in Excess of An Extraction Permit Allotment

Resolution No. 214 was created to clarify ambiguity in Section 15 of Ordinance 07-1 Groundwater Extraction Permit, with regard to assessing penalties for continued water use in excess of the allotment, and to adopt a policy for assessment of penalties.

A change was made to the first paragraph in Paragraph 7 that if a proper owner/permittee with a Groundwater Extraction Permit extracts groundwater in excess of an allotment for one month, the District secretary would send a warning letter by regular mail "within 15 days".

MOTION Kraynek/Schwartz: To waive the reading of Resolution No. 214 as amended.
ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

MOTION Kraynek/Schwartz: To adopt Resolution No. 214, A Resolution of the MCCSD to Adopt a Policy for Assessment of Penalties for Continued Water Use in Excess of an Extraction Permit Allotment

ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

6. Old Business

7. Attorney's Report

8. District Superintendent's Report

During the month of November, the treatment plant operated normally. Plant personnel performed routine plant maintenance and equipment repair.

District personnel replaced #1 and #2 influent pumps. Influent pump #3 would be replaced during December.

The 2009 collection system maintenance had been completed. District personnel cleaned 5,294 feet of main line sewers during the first week in November. Specialized Pipe Service cleaned 8,575 feet of sewer mains during August 2009.

50,924 gallons of recycled water were transferred to the Mendocino High School during the month of October 2009. The Regional Water Quality Control Board (RWQCB) was currently reviewing the District's Recycled Water Permit. The RWQCB planned to rescind old permit, and include the recycled water permit into the District's new NPDES permit (discharge permit). This should happen in January 2010.

On November 13, 2009, there was an SSO at manhole hr4a located at the intersection of Little Lake Road and Hills Ranch Road. The report to the Regional Water Board was provided to the Board. The manhole was added to the District's "hot spot" list for periodic inspection and removal of the roots to prevent a future SSO at that location.

Staff took their regular monthly safety meeting online. The Safety Officer also conducted the monthly safety inspection at the plant.

9. Committee Updates

The Operations Committee met twice:

October 20 – Review Draft of Sanitary Sewer Use Ordinance

November 10 – Review Draft of Ordinance to Provide Regulations of the MCCSD Applicable to Food and Beverage Establishments for controlling Fats, Oils and Grease (FOG).

10. District Secretary's Report

a. Monthly Register of Cash Disbursements

MOTION Schwartz/Kraynek: To approve disbursements in the amount of \$69,625.00 for checks #9205 through #9254, noting that checks #9200, #9209 and #9253 were void.

ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and O'Brien
NOES: None
ABSENT: Director Ball

The December meeting was rescheduled to December 21, due to the Holidays.

The meeting adjourned.

Respectfully submitted,

Jodi Mitchell
District Secretary