

MENDOCINO CITY COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS 10-30-2023 MEETING AGENDA

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

P. O. BOX 1029

MENDOCINO, CA 95460

Business Phone (707) 937-5790 Treatment Plant (707) 937-5751 Fax (707) 937-3837

AGENDA

REGULAR MEETING

Monday, October 30, 2023

5:00 PM

Mendocino Wastewater Treatment Plant, 10500 Kelly St., Mendocino

- 1) CALL TO ORDER
- 2) APPROVAL OF AGENDA
- 3) PUBLIC COMMENT: non agenda items
- 4) COMMUNICATIONS
- 5) FINANCIAL REPORT
Discussion and Possible Action to Approve District Disbursements/Expenditures.
- 6) CONSENT AGENDA
All matters on the Consent Agenda are to be approved by one action without discussion unless a Board Member requests separate action on a specific item.
 - a) APPROVAL OF MINUTES from 10-3-23
- 7) DISCUSSION AND POSSIBLE ACTION REGARDING ANY CONSENT AGENDA ITEM NEEDING SEPARATE ACTION
- 8) NEW BUSINESS
 - a) Review of Ordinance 2016-2: Conflict of Interest Code for Mendocino City Community Services District to be introduced as Ordinance 2023-01: Conflict of Interest Code for Mendocino City Community Services District
Staff recommends discussion of Ordinance 2023-01: Conflict of Interest Code for Mendocino City Community Services District and adoption at the next meeting
 - b) Formation of ad hoc committee to review and propose revisions to the MCCSD Governance Guidelines
Staff recommends an ad hoc committee be formed to address possible edits to the Governance Guidelines
- 9) OLD BUSINESS
- 10) DISTRICT SUPERINTENDENT'S REPORT
Monthly Report
- 11) GROUNDWATER MANAGEMENT
Monthly Groundwater Management Report
- 12) COMMITTEE UPDATES
- 13) MATTERS FROM BOARD MEMBERS

MENDOCINO CITY COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS 10-30-2023 MEETING AGENDA

14) ADJOURNMENT

STANDING COMMITTEES: For 2023

- Finance:----- Dennak Murphy and Ishvi Aum
- Personnel:----- Dennak Murphy and Matthew Miksak
- Plant Operations:----- Dennak Murphy and Jim Sullivan
- Safety:----- Jim Sullivan
- Street Lighting:----- Jim Sullivan and Donna Feiner
- Groundwater Management:----- Jim Sullivan

Pursuant to Americans with Disability Act (ADA Title II), MCCSD will make reasonable arrangements to ensure accessibility to the meeting. If you need special assistance to participate in this meeting, please contact the business office at 707- 937-5790.

Communication for 10/30

Ryan Rhoades

From: tony graham <tony_maryanne@hotmail.com>
Sent: Thursday, October 19, 2023 11:10 AM
To: mccsd@mcn.org
Subject: October 30th Agenda

Hello Ryan:

Would you please add to the upcoming agenda the following request:

1. That there be permanently placed on the monthly agenda, a public report from you to the board outlining developments pertaining to ground water management, the status of public grant applications, water well development, storage, and progress being made toward a town water system as well as general sewer plant issues.
2. That the "rate payers" as your customers be afforded the opportunity to ask questions of you and the board in order to promote a public forum for discussion. The way the meetings are now being run , the rate payers only have 3 minutes for "public expression" and then with virtually no board feedback. That does not afford your customers the opportunity for interactive discussion.
3. That the meetings continue to be held at the community center in order to accommodate the 300 customer rate payers and if possible, also recorded for future reference.

Thanks Ryan and please print out this request to the board for a possible motion.

tony graham
patterson's pub

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

Post Office Box 1029
Mendocino, CA 95460
(707) 937-5790 (t)
mccsd@mcn.org

MENDOCINO CITY COMMUNITY SERVICES DISTRICT SPECIAL BOARD MEETING

ACTION MINUTES – October 3, 2023

**BEFORE THE BOARD OF DIRECTORS
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA COMMUNITY SERVICES DISTRICT LAW
Government Code §61000)**

AGENDA ITEM NO. 1 – CALL TO ORDER – 5:00 p.m.

Present: Directors Donna Feiner, Ishvi Aum, VP Jim Sullivan, and presiding was President Dennak Murphy

Staff Present: Katie Bates, Board Secretary

Legal Counsel Present: Jim Jackson

Public Present: Colin Morrow, Meredith Smith, Peter Lopez, Tony Graham, Jeannie Dobbins, Ed O'Brien, Bill Zimmer, Holly Cinkutis, Teddy Winslow, Dan Potash, Noah Shepard, Carrie Browder, Chistina Aranguren, Ted Williams, Kelly Grimes, Dan and Lynn Robinson, Sandra Speck-McElroy, Maggie O'Rourke, Callie Dim, Sarah Baudner, Mary Anne Portillo, and others, names unknown

Board Comment: President Murphy announced this meeting is being recorded

AGENDA ITEM NO. 2. – APPROVAL OF AGENDA

Board Action: Upon motion by Director Feiner and 2nd by VP Sullivan, IT IS ORDERED to approve the agenda. The Motion carried by the following vote:

AYE: 4

ABSENT: 1 (Miksak)

AGENDA ITEM NO. 3 –PUBLIC COMMENT

Tony Graham of Patterson's Pub commented re: his displeasure with the GWM program.

Ed O'Brien discusses the history of the GWM program

Christina Aranguren: suggests using Zoom for future meetings and asks that it be agendized (see attached)

AGENDA ITEM NO. 4 – COMMUNICATIONS

District Secretary Bates reads a letter from Jean Arnold into the record (see attached)

AGENDA ITEM NO. 5- PUBLIC HEARING

Presenter: President Murphy

Board Comment: Director Aum, VP Sullivan and President Murphy

Public Comment: Bill Zimmer (see attached), Jeannie Dobbins, Ted Williams, Tony Graham, Christina Aranguren (see attached), Sarah Baudner, Maggie O'Rourke, Ed O'Brien, Meredith Smith, Teddy Winslow, Lynn Robinson, Holly Cinkutis

CLOSE OF PUBLIC HEARING 6:02 pm

CALL BACK TO ORDER 6:17 pm

AGENDA ITEM NO. 6- FINANCIAL REPORT

Presenter: Katie Bates

Board Comment: Director Aum, VP Sullivan and President Murphy

Board Action: Upon motion by VP Sullivan, and 2nd by Director Feiner, IT IS ORDERED to approve the August disbursements. The Motion carried by the following vote:

AYE: 4

ABSENT: 1 (Miksak)

AGENDA ITEM NO. 7- CONSENT AGENDA

APPROVAL OF MINUTES FROM 8-28-23

Move to Item No. 8

AGENDA ITEM NO. 8- DISCUSSION AND POSSIBLE ACTION REGARDING ANY CONSENT AGENDA ITEM NEEDING SEPARATE ACTION

Board Action: Upon motion by Director Aum and 2nd by Director Feiner, IT IS ORDERED to remove Ishvi Aum from the 8-28-23 meeting minutes as a present board member since he was absent, and approve the edited minutes from 8-28-23. The Motion carried by the following vote:

AYE: 4

ABSENT: 1 (Miksak)

AGENDA ITEM NO. 9 – NEW BUSINESS

- a) Discussion and Possible Action to approve the three-year service and maintenance agreement for the Aerzen blower

Presenter: Katie Bates

Board Action: Upon motion by Director Feiner and 2nd by VP Sullivan, IT IS ORDERED to approve the three-year service and maintenance agreement for the Aerzen blower. The Motion carried by the following vote:

AYE: 4

ABSENT: 1 (Miksak)

- b) Discussion and Possible Action to approve Resolution 2023-317: Resolution of the Mendocino City Community Services District to adopt mitigated negative declaration, make responsible agency findings, approving the project, and adopting a mitigation monitoring and reporting program for the recycled water system project

Director Feiner recuses herself and leave the room

Board Comment: Director Aum, VP Sullivan, and President Murphy

Staff Comment: Katie Bates

Board Action: Upon motion by VP Sullivan, and 2nd by Director Aum, IT IS ORDERED to approve Resolution 2023-317: Resolution of the Mendocino City Community Services District to adopt mitigated negative declaration, make responsible agency findings, approving the project, and adopting a mitigation monitoring and reporting program for the recycled water system project

. The Motion carried by the following vote:

AYE: 3

ABSENT: 1 (Miksak)

ABSTAIN: 1 (Feiner)

AGENDA ITEM NO. 10- DISTRICT SUPERINTENDENT'S REPORT

Presenter: Katie Bates

Board Comment: Directors Aum, VP Sullivan, and President Murphy

AGENDA ITEM NO. 11- OLD BUSINESS

- a) **Discussion and Possible Action to approve the bid submitted by Cronin's Custom Metals for the airline project**

Board Comment: Director Aum, VP Sullivan, President Murphy

Board Action: Upon motion by Director Aum and 2nd by VP Sullivan, IT IS ORDERED to approve the bid submitted by Cronin's Custom Metals for the airline project. The Motion carried by the following vote:

AYE: 4

ABSENT: 1 (Miksak)

- b) **Discussion and Possible Action to approve a \$10,000 spending limit for the Superintendent to purchase a valve for isolation of the existing airline**

Board Comment: Director Aum

Board Action: Upon motion by VP Sullivan, and 2nd by Director Feiner, IT IS ORDERED to approve a spending limit of up to \$10,000 to purchase a valve in order to isolate the existing airline. The Motion carried by the following vote:

AYE: 4

ABSENT: 1 (Miksak)

AGENDA ITEM NO. 12: GROUNDWATER MANAGEMENT

Presenter: Katie Bates

AGENDA ITEM NO. 13: COMMITTEE UPDATES

None

AGENDA ITEM NO. 14: MATTER FROM BOARD MEMBERS

Director Aum suggests and at-large seat for the Board. Would like the GWM and Community Water System on a future agenda.

AGENDA ITEM NO. 15: ADJOURNMENT

IT IS ORDERED to approve adjourning the meeting at 7:00 p.m.

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT MEETINGS

- *Effective May 11, 2020, the Board of Directors' minutes will be produced in "action only" format.*
- *Minutes are considered draft until adopted/approved by the Board of Directors*
- *Please reference the District's website to obtain additional resource information for the Board of Directors: www.mccsd.com.*

Thank you for your interest in the proceedings of the Mendocino City Community Services District

Board of Directors

STANDING COMMITTEES:

Finance:----- Dennak Murphy and Ishvi Aum
Personnel:----- Dennak Murphy and Matthew Miksak
Plant Operations:----- Dennak Murphy and Jim Sullivan
Safety: ----- Jim Sullivan
Street Lighting:----- Donna Feiner and Jim Sullivan
Groundwater Management:----- Jim Sullivan

Respectfully submitted,
Ryan Rhoades and Katie Bates

2022 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that *(check one BOX)*:

An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other *(describe)* _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

ORDINANCE 2016-2

CONFLICT OF INTEREST CODE FOR THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT

WHEREAS, the Political Reform Act requires every local government agency to review its conflict-of-interest code to determine if it is accurate or, alternatively, that the code must be amended; and

WHEREAS, following review of the code, it was determined that the amendments contained in this Ordinance were appropriate.

NOW, THEREFORE, the Mendocino City Community Services District (District) Board of Directors does hereby ORDAIN as follows: Conflict of Interest Code for the Mendocino City Community Services Ordinance 91-2 is hereby rescinded in its entirety and replaced with a new Conflict of Interest Code to read as follows:

CONFLICTS OF INTEREST

1. Purpose.

Pursuant to the provisions of Government Code Sections 87300, et seq., the following provisions constitute the Conflict of Interest Code for the District. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974, as amended (Government Code Section 81000 et seq.). The provisions of this Code are in addition to Government Code Section 87100 et seq., and other laws pertaining to conflicts of interest.

2. Incorporation of Model Code

The terms and provisions of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated herein by reference.

3. Designated Positions and Disclosure Categories.

The positions listed in this Section 3 are designated positions. Officers and employees holding those positions are designated public officials, and are deemed to make, or participate in the making of, decisions which may foreseeably have a material financial effect on a financial interest of the designated public official. Each designated public official shall file an annual statement disclosing that public official's interests as required by the disclosure category applicable to that public official.

Designated Position Category

Board of Directors	1
District Superintendent	1
Consultants	2

Category 1: Persons in this category shall disclose all of the following interests: investments, interests in real property located either wholly or partially within the District or within 2 miles of the District’s boundaries, business positions and income—including loans, gifts and travel payments—from all sources.

Consultant Disclosure Category 2: Consultants shall disclose all of the interests required to be disclosed pursuant to Disclosure Category 1, subject to the following limitation: The District Superintendent may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this Chapter. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Superintendent’s determination is a public record and shall be retained for public inspection.

2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The District Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall become effective thirty (30) days from the date of its passage. Within 15 days after its passage, this ordinance shall be published once, with the names of the Board of Directors voting for or against it, in the Mendocino Beacon, a newspaper of general circulation in the District, as required by law.

INTRODUCED: September 26, 2016

PASSED: October 31, 2016

AYES: Directors Kerstein, Stubbs, Hauck and Schwartz

NOES: None

ABSTENTIONS: None

ABSENT: Director Kraynek

BY: _____ President

ATTEST:

District Secretary

ORDINANCE 2023-01

CONFLICT OF INTEREST CODE FOR THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT

WHEREAS, the Political Reform Act requires every local government agency to review its conflict-of-interest code to determine if it is accurate or, alternatively, that the code must be amended; and

WHEREAS, following review of the code, it was determined that the amendments contained in this Ordinance were appropriate.

NOW, THEREFORE, the Mendocino City Community Services District (District) Board of Directors does hereby ORDAIN as follows: Conflict of Interest Code for the Mendocino City Community Services Ordinance 91-2 is hereby rescinded in its entirety and replaced with a new Conflict of Interest Code to read as follows:

CONFLICTS OF INTEREST

1. Purpose.

Pursuant to the provisions of Government Code Sections 87300, et seq., the following provisions constitute the Conflict of Interest Code for the District. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974, as amended (Government Code Section 81000 et seq.). The provisions of this Code are in addition to Government Code Section 87100 et seq., and other laws pertaining to conflicts of interest.

2. Incorporation of Model Code

The terms and provisions of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated herein by reference.

3. Designated Positions and Disclosure Categories.

The positions listed in this Section 3 are designated positions. Officers and employees holding those positions are designated public officials, and are deemed to make, or participate in the making of, decisions which may foreseeably have a material financial effect on a financial interest of the designated public official. Each designated public official shall file an annual statement disclosing that public official's interests as required by the disclosure category applicable to that public official.

<u>Designated Position</u>	<u>Category</u>
Board of Directors	1
District Superintendent	1
Consultants	2

Category 1: Persons in this category shall disclose all of the following interests: investments, interests in real property located either wholly or partially within the District or within 2 miles of the District’s boundaries, business positions and income—including loans, gifts and travel payments—from all sources.

Consultant Disclosure Category 2: Consultants shall disclose all of the interests required to be disclosed pursuant to Disclosure Category 1, subject to the following limitation: The District Superintendent may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this Chapter. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Superintendent’s determination is a public record and shall be retained for public inspection.

2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The District Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall become effective thirty (30) days from the date of its passage. Within 15 days after its passage, this ordinance shall be published once, with the names of the Board of Directors voting for or against it, in the Mendocino Beacon, a newspaper of general circulation in the District, as required by law.

This Ordinance was first introduced at a regular meeting of the Board of Directors on October 30, 2023, and adopted by the Board of Directors on _____ by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Katie Bates, District Secretary

Dennak Murphy, Board President

RESOLUTION NO. 4105-2018

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AMENDING THE CITY OF FORT BRAGG CONFLICT OF INTEREST CODE**

WHEREAS, the City Council of the City of Fort Bragg adopted a Conflict of Interest Code on August 23, 1976 (Resolution 663-76) in accordance with the requirements of State Law, Title 2, Division 6, California Code of Regulations, Regulations of the Fair Political Practices Commission (FPPC); and

WHEREAS, the City Council is charged with reviewing the Conflict of Interest Code, adopting amendments and verifying the List of Designated Positions to which the Code applies; and

WHEREAS, the City Council has amended said Conflict of Interest Code from time to time since that date, most recently by Resolution 3927-2016 on August 22, 2016; and

WHEREAS, consistent with FPPC regulations, it is the desire of the City Council to incorporate by reference the terms of Title 2, Section 18730 of the California Code of Regulations (Exhibit "A"), in substitution for the terms of the Conflict of Interest Code already in effect; and

WHEREAS, further consistent with FPPC regulations, it is the desire of the City Council to replace the City's existing Conflict of Interest Code Exhibit "B" (Designated Employees and Disclosure Obligations for the City of Fort Bragg) with a new Exhibit "B."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby incorporate by this reference the terms of Title 2, Section 18730 of the California Code of Regulations as set forth in Exhibit "A" and hereby replaces the existing Exhibit "B" (Designated Employees and Disclosure Obligations for the City of Fort Bragg) with a new Exhibit "B."

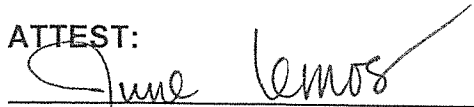
The above and foregoing Resolution was introduced by Councilmember Norvell, seconded by Councilmember Turner and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25th day of June, 2018.

AYES: Councilmembers Cimolino, Lee, Norvell, Turner and Mayor Peters.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



LINDY PETERS,
Mayor

ATTEST:



June Lemos, CMC
City Clerk

EXHIBIT "A"

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict of Interest Codes.

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.
- (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix (Exhibit "B") are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$460.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
 4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

- (A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

- (B) This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.
 2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans made, or offered in writing, before January 1, 1998.
- (C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

- (A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.
- (B) This section shall not apply to the following types of loans:
1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
 2. A loan that would otherwise not be a gift as defined in this title.
 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- (C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

- (10) Section 10. Disclosure of Disqualifying Interest.
When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.
- (11) Section 11. Assistance of the Commission and Counsel.
Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.
- (12) Section 12. Violations.
This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

EXHIBIT "B"

**DESIGNATED EMPLOYEES AND DISCLOSURE OBLIGATIONS
FOR THE CITY OF FORT BRAGG**

Designated Employees Listed in Government Code Section 87200:

- City Attorney
- City Councilmembers
- City Manager
- Finance Director/City Treasurer
- Planning Commissioners

Other Designated Employees:

- Administrative Services Director
- Assistant City Attorney
- Assistant Director of Public Works
- Associate City Engineer
- Chief of Police
- City Clerk
- Community Development Director
- Consultants¹
- Police Lieutenant
- Public Works Director
- Senior Government Accountant
- Special Projects Manager

Obligations:

All designated employees listed above must disclose:

- Investments
- Interests in real property
- Interests in real property held by a trust or business entity
- Investments held by a trust or business entity
- Income, including loans received, gifts, and honoraria
- Commission income received by brokers, agents and salespersons
- Income and loans to business entities or trusts
- Income from rental property
- Interest in business property
- Business positions

¹ New positions and consultants, pursuant to FPPC Reg. § 18734, must be included in the list of designated employees upon determination of the City Manager that the new position or consultant effectively is acting as a designated employee. Such new positions and consultants must disclose pursuant to the broadest disclosure in the Code unless the City Manager determines that the broadest disclosure is not necessary and sets disclosure that is more tailored to positions with a limited range of duties. The City Manager's determination must be in writing, and must show that a particular new position or consultant hired for a "designated position" is performing a range of duties sufficient in scope that the consultant or new employee effectively is acting as a designated employee, and therefore must fully comply with the disclosure requirements described in this Section. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements. Broadest disclosure shall be defined as Disclosure Categories 1 and 2. The City Manager's determination is a public record and must be retained for public inspection by the City Clerk in the same manner and location as this Conflict of Interest Code.

Mendocino City Community Services District Board of Directors

Governance Guidelines

1/27/2020

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MCCSD Governance Guidelines

Preamble

The purpose of these Governance Guidelines for the MCCSD Board of Directors is to present a general overview of policies and procedures to assist the Board Members in carrying out their duties. The laws governing community services districts contain additional requirements. The Guidelines are not to be interpreted in a manner that is inconsistent with the law.

1. Formation and Powers of Mendocino City Community Services District

The purpose of the Mendocino City Community Services District is to provide sewer treatment services, groundwater management, and street lighting. The MCCSD, established July 19, 1971, provides services as approved by the electorate under Community Services District Law, Title 6, Division 3 of the Government Code of California, Section 61000 et seq.

The original governing powers of the District were wastewater treatment and street lighting. In 1987, the District received groundwater management authority within its boundaries (California Water Code Section 10700 – 10717). The current groundwater withdrawal program limits groundwater extraction to prevent aquifer overdraft.

2. Mission of the Board

The Board of Directors of the Mendocino City Community Services District has the ultimate responsibility for the well being of the District. This includes the monitoring and support of the District in providing services to the public, including sewer, groundwater management, and street lighting.

Duties and Responsibilities of the Board of Directors include:

- a) Select, evaluate the performance, compensate and plan for the succession of the District Superintendent and staff.
- b) Advise and counsel the Superintendent of the District in managing the affairs of the District. The President of the Board is responsible for day-to-day coordination with the District Superintendent, representing the board in such matters. However, the setting of policy and other responsibilities of the Board shall be in accordance with the provisions of these Governance guidelines.
- c) Identify appropriate board candidates, nominate and evaluate the performance and plan for succession of directors.
- d) Serve as stewards of the assets of the District and ensure that proper internal controls are in place.
- e) Review and approve/disapprove agreements and contracts with third parties, including professional service agreements and consulting contracts.
- f) Review and approve major District strategies and financial objectives.

- g) Ensure that the District has effective budgets and plans in place on or before July 1 of each year, and monitor the District's performance against these budgets and plans.
- h) Approve the capital spending plan of the District and ensure that it is consistent with District financial resources.
- i) Review the adequacy of systems for compliance with all applicable laws, regulations and standards of appropriate behavior.

3. Actions that May be Taken

A majority of the total membership of the board of directors shall constitute a quorum for the transaction of business (a minimum of three (3) board members).

The responsibilities of the Board of Directors include the following:

- a) The Board of Directors shall act only by ordinance, resolution, or motion.
- b) Except as otherwise specifically provided by law, a majority vote of the total membership of the board of directors is required for the Board of Directors to take action.
- c) The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage of all ordinances, resolutions and motions, except if unanimous and so stated.
- d) The Board of Directors shall keep a record of all its actions, including financial transactions.
- e) The Board of Directors shall adopt rules or bylaws for its proceedings.
- f) The Board of Directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies and the purchasing policies required.

4. Principles of Negotiation and Communication

Members of the Board will, from time to time, engage in negotiation and communication with developers, consultants, government agencies and others having substantial business dealings with the District. It is the policy of the Board that, to the extent reasonable and practical, a second Board member should be present for such dealings.

While routine filings and correspondence with government agencies are normally handled by the District Superintendent and/or his/her designated individual, matters of significant impact on the District shall be handled by the Board of Directors, working with the District Superintendent.

5. Size of the Board

The Board of Directors shall consist of 5 members, elected by the public and/or appointed by the Board (in case of vacancies.)

6. Conduct and Organization of the Board of Directors

The Board of Directors shall organize and conduct its business in accordance with the Community Services District Law, the Brown Act, the Public Records Act and the Political Reform Act of the State of California, and in accordance with State and federal law.

The President of the Board will chair the Board meetings. In the President's absence, the Vice President of the Board will chair the Board meetings. In the Vice President's absence, the directors present at the meeting shall elect a chairman for the meeting.

The President and Vice-President of the Board shall be elected by the Board members at the December Board meeting, and shall serve for a period of one year.

7. Selection of Agenda Items for Board Meetings

The President of the Board will establish the agenda for each Board meeting after consultation with the District Superintendent. Other directors are encouraged to suggest the inclusion of items on the agenda. Agenda items may include reports from the District Superintendent, committee reports, expenditure approvals, discussion items and action items as well as other business that may come before the Board.

In order for the Board to hold discussion and/or take action on any item, it must have been listed on the Agenda (with minor exceptions) and the public must have opportunity for comment. The minor exceptions include brief answers to questions posed by the public, asking questions of staff for clarification, brief announcements or reports on a Director's activities, asking staff to report back on an item at a future meeting, or directing staff to place a matter of business on a future agenda.

8. Board Materials Distributed in Advance

Board materials are normally distributed in advance of each meeting, to allow time for review and assessment so that the Board meeting time may be conserved for discussions focused on questions that the Board has about the material. The Board President will make every effort to see that the material is distributed in advance, and that it is presented in an efficient and effective format.

9. Public Notice of Meetings

Public Notice must be given for meetings of the Board. The advance notice time depends on the type of meeting.

For Regular Board Meetings. A meeting Notice, including Agenda, must be posted in three conspicuous public places, at least 72 hours prior to the meeting.

For Special Board Meetings. Twenty-four hour notice must be given to the Board members and the public, including a brief general description of the matters to be considered or discussed.

For Emergency Board Meetings. One hour notice in case of a dire emergency.

10. Mailed Notice of Meeting

The District shall give mailed notice of meetings in advance of the meeting to any person who has filed a written request for notification. Written requests for notice are valid for one year, and the District may establish a reasonable annual fee for sending the notices by mail.

11. Board Meetings Open to the Public

Board meetings will normally be held in facilities located in the District that allow sufficient space for public attendance.

12. Closed Sessions of the Board

Closed sessions of the Board may be held, but notice of the subject must be published. Prior to each closed session, the President must announce the subject to be considered. If final action is taken in closed session, the Board generally must report the action at the conclusion of the session. Minutes will be kept for closed sessions (Government Code Section 54957.2).

Closed sessions may be held for any purpose specified in the Brown Act, Government Code 54956.7-54957.10, including employee matters, public security, pending or threatened litigation, attorney client privilege, labor negotiations, and real property negotiations.

13. Board Participation

Directors are expected to prepare for, attend and actively participate in all Board and applicable Committee meetings.

14. Public Testimony

The Public may comment on agenda items during consideration by the Board as called for by the President of the meeting. In addition, time must be set aside for public comment on any other matters under the Board's jurisdiction, but not on a meeting agenda.

15. Board Committees

The Board may, from time to time, form committees of the Board to allow more focused work in specific areas on interest. These committees may be standing, special advisory and ad hoc committees. The District has the following advisory committees:

- (1) Plant Operations—this committee is charged with reviewing equipment modifications and treatment plant and collection system operation and maintenance issues.
- (2) Personnel and Management—this committee is responsible for administering employee policies, benefits, accident prevention and safety, and policies and procedures regarding harassment.
- (3) Finance Committee—this committee is responsible to oversee the finances of the District, and may include working with the District Superintendent in creating annual budgets and other financial plans.

(4) Groundwater Management—in Mendocino, the groundwater resource is managed by the MCCSD to avert aquifer overdraft. The Groundwater Management Committee has oversight of issues affecting the Groundwater Management Program, the Water Conservation Program, the Groundwater Monitoring Program, the Data Management Program, the District’s Water Reclamation Program, and the Water Shortage Contingency Program.

(5) Street lighting—this committee supervises the town’s street lighting system.

From time to time the Board may establish standing, advisory, and ad hoc committees as may be necessary to carry out its responsibilities.

All committees are committees of the Board, must have at least one board member on the committee and must seek Board approval for actions to be taken on behalf of the Board, including the expenditure of funds. A committee may be appointed consisting of only Board members. Committee members must be Board members or other residents of Mendocino City Community Services District.

Committee chairpersons shall present a report, in person or written, at a meeting of the Board of Directors of the District following a committee meeting.

16. Board Access

Directors will have full access to the District’s management, employees and principal advisers, including its auditors and legal counsel, and to District information that they believe is necessary to fulfill their obligations as directors. Directors will use judgment to ensure that such contact is not distracting to the business or operations of the District. Any contact which will result in billings to the District will first be coordinated with the President of the Board. Such coordination will include identification of the account from which funds will be used to pay the billing(s).

There may be occasions when an outside advisor is retained directly by the Board in connection with a particular matter. The Board and/or its Committees may retain outside experts and advisors at the District’s expense to the extent they consider it necessary and appropriate under the circumstances. Committees will first coordinate with the Board prior to such retention. Such coordination will include identification of the account from which funds will be used to pay the billing(s).

17. Election of Directors.

Directors shall be elected in accordance with the California Elections Code, Sections 10500-10556 and Government Code 61042-61043. Directors elected shall hold office for a term of 4 (four) years or until their successor qualifies and takes office. Directors take office at noon on the first Friday in December following their election. Directors serve staggered terms.

125 days prior to the election, the district secretary will file a notice with the county elections official. Forms for declaration of candidacy shall first be available from the counties elections official on the 113th day prior to the election and shall be filed not later than 5 p.m. on the 88th day prior to the election, in the office of the county elections official. The full procedure is contained in the California Elections Code.

18. Filling of Vacancies

Should a Director no longer be able or willing to serve the remainder of his/her elected term, the Board shall appoint a successor member from applicants for the position as provided under Section 1780 of the Government Code, to serve out the remainder of the term, unless there are more than 2 years left of the original term of office, in which case the appointed director shall serve until the next General Election.

19. Conflict of Interest Code.

The Board of Directors reviews the Conflict of Interest Code for the Mendocino City Community Services District, Ordinance 2016-2, biennially. Each director shall be required annually to file a Form 700 – Statement of Economics Interests – with the County.

20. Continuing Education

As required under the Community Services District Law, the District will provide for continuing education for the Board members, arranging for Directors to attend State qualified education programs for Special District Directors if required.

21. Term Limits

The Board does not believe it should establish term limits for directors. While such limits might contribute fresh ideas to the Board, they have the disadvantage of losing the contribution of directors who have developed, over a period of time, insight into the future direction and operations of the District.

22. Annual Board Evaluations

Each director will evaluate the performance of the Board annually utilizing an approved, pre-determined process.

23. At Termination of Duties

Whenever a Board member of the District leaves his/her position as a board member, through expiration of the tour of service or by voluntary action, he/she shall return all property of the District to the Board President, to including keys, manuals, official correspondence, and other publications that belong in the District Archives.

24. Publication of Guidelines

The District shall make them available to Directors, employees and members of the public.

25. Changes to Guidelines

These Governance Guidelines may be changed by majority vote of the Board of Directors, taken at a public meeting of the Board, wherein members of the public are allowed comment on proposed changes.

APPENDIX A: LATENT POWERS OF SPECIAL DISTRICTS

Per PART 3. Chapter 1. of the Code, Section 61100 stipulates that within its boundaries, a district may do any of the following:

- a) Supply water for any beneficial uses, in the same manner as a municipal water district.
- b) Collect, treat or dispose of sewage, wastewater, recycled water and storm water in the same manner as a sanitary District.
- c) Collect, transfer and dispose of solid waste and provide solid waste handling services including but not limited to source reduction, recycling, composting activities, etc.
- d) Provide fire protection services, rescue services, hazardous material emergency response services and ambulance services.
- e) Acquire, construct, improve, maintain and operate recreation facilities including but not limited to parks and open space.
- f) Organize, promote, conduct and advertise programs of community recreation.
- g) Acquire construct, improve, maintain and operate street lighting and landscaping on public property.
- h) Provide for the surveillance, prevention, abatement and control of vectors and vector borne diseases in the same manner as a mosquito abatement and vector Control District.
- i) Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers.
- j) Provide security services including but not limited to burglar and fire alarm services to protect lives and property.
- k) Provide library services in the same manner as a library district formed pursuant to either Chapter 8 or Chapter 9 of the education code.
- l) Acquire, construct, improve and maintain streets, roads, right of ways, bridges, culverts, drains, curbs, gutters, sidewalks and any incidental works.
- m) Convert existing overhead electric and communications facilities with the consent of the public agency or public utility that owns the facilities to underground locations.
- n) Provide emergency medical services pursuant to the emergency medical services system and the pre-hospital emergency medical care personnel act.
- o) Provide and maintain public airports and landing places for aerial traffic.
- p) Provide transportation services.
- q) Abate graffiti.

- r) Plan, design, construct, improve, maintain and operate flood protection facilities.
- s) Acquire, construct, improve, maintain and operate community facilities including but not limited to community centers, libraries, theaters, museums, cultural facilities and childcare facilities.
- t) Abate weeds and rubbish pursuant to part 5 of the health and safety code.
- u) Acquire, construct, improve, maintain and operate hydroelectric power generation facilities and transmission lines.
- v) Acquire, construct, improve, maintain and operate television translator facilities.
- w) Remove snow from public streets, roads, easements and rights of way.
- x) Provide animal control services pursuant to section 30501 of the Food and Agricultural code.
- y) Control, abate and eradicate pests in the same manner as a pest abatement district.
- z) Construct, maintain and operate mailboxes on the District property or rights of way.
- aa) Provide mail delivery service under contract to the United States Postal Service.
- bb) Operate, improve and maintain cemeteries and provide internment services.
- cc) Finance the operations of area Planning Commissions formed pursuant to section 65101.
- dd) Finance the operations of municipal advisory councils formed pursuant to section 31010.
- ee) Acquire, own, improve, maintain and operate land within or without the District for Habitat Mitigation or other environmental protection purposes to mitigate the effects of projects undertaken by the District.

Per Section 61106: a) If the Board of Directors desires to exercise a latent power, the District shall first receive the approval of the Local Agency Formation Commission, pursuant to article 1.5 (commencing with section 56824.10) of Chapter 5 of part 3 of Division 3. b) After receiving the approval of the Local Agency Formation Commission, the board of directors may, by ordinance, order the exercise of that power.

Memo

To: MCCSD Board of Directors
From: District Superintendent
cc: Jim Jackson
Date: October 25, 2023
Re: Groundwater Management Report

The 2023-24 Rain Year

October 1, 2023 was the beginning of the 2023-24 rain year. Average annual precipitation in Mendocino is 39.20 inches, and average rainfall in October is 2.34" inches. 2.06" inches of rainfall has been measured in the District for the month, as of October 25, 2023 (Figure 1, Table 1).

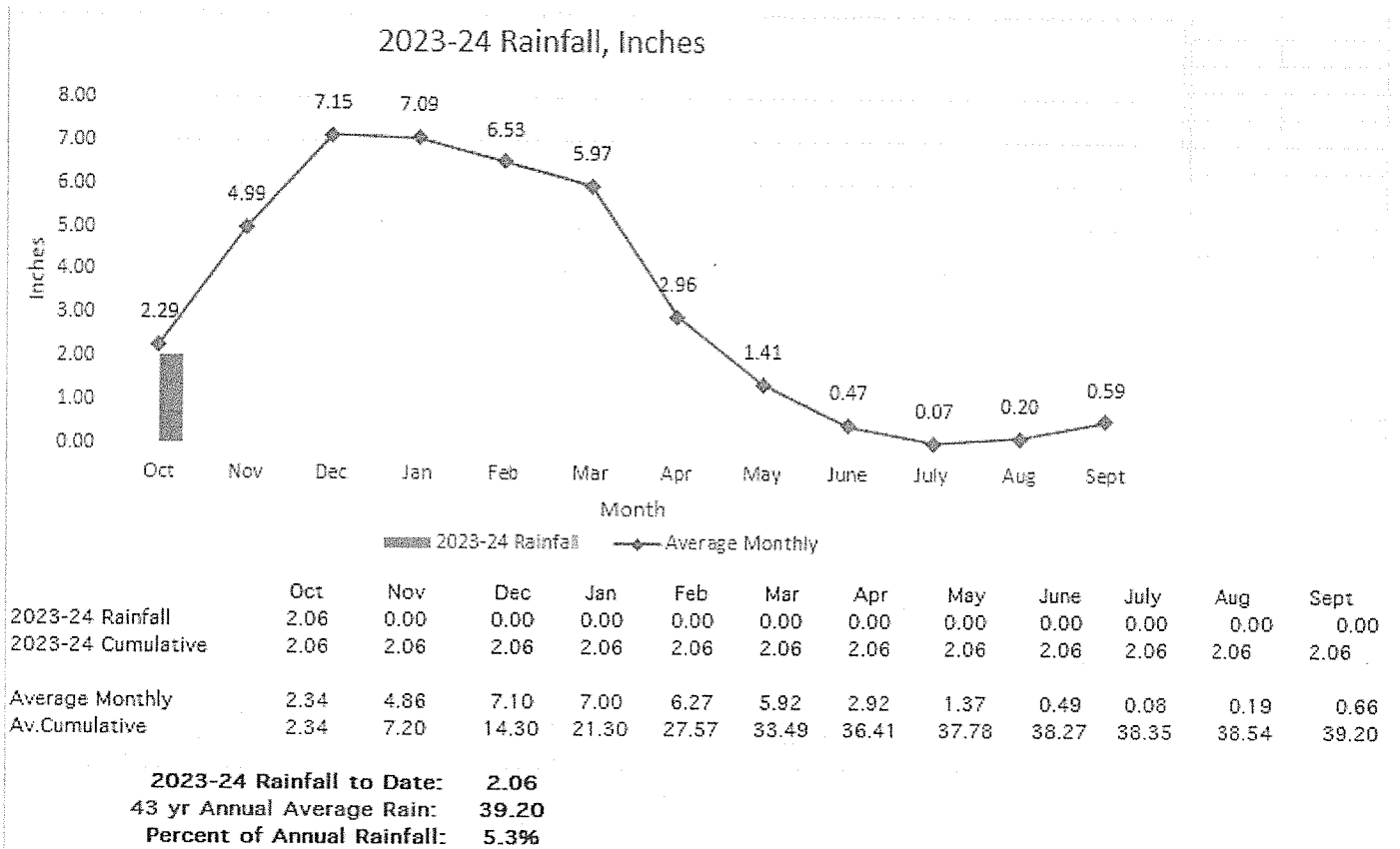


Figure 1, Table 1

Total Rainfall for Rain Year 2022-23 was 41.93" inches. Mendocino received 106% of normal annual rainfall during the last water year. By October 25, 2023, total rainfall since October 1, 2022 was 2.06" inches, 5.03% of average annual rainfall.

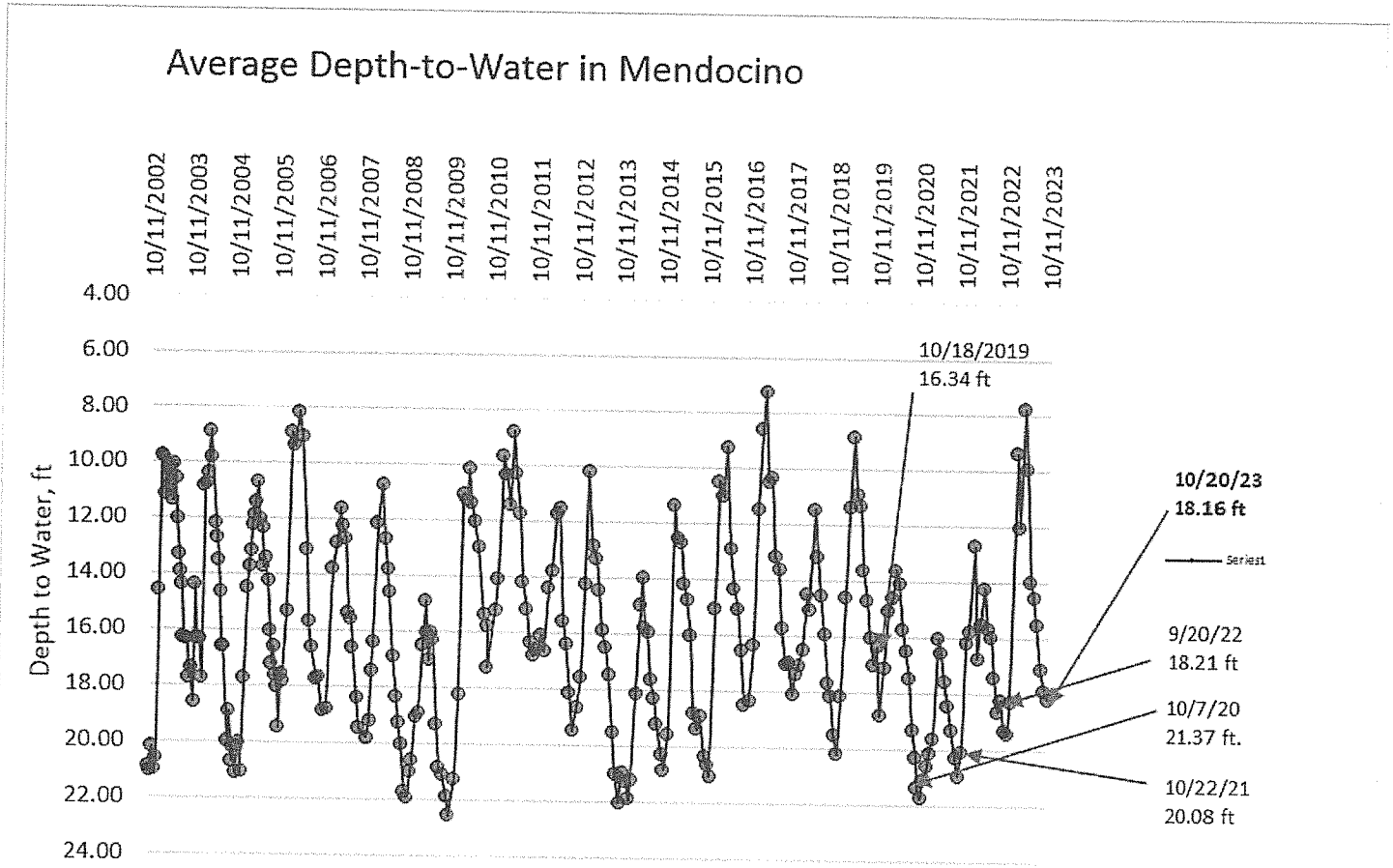
DAILY TOTAL RAINFALL													
2023-24												Elevation 72 Feet	
Data From: Community Service District												Latitude 39.306°	
							10AM						Longitude -123.600°
Day	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
1	0.01												
2													
3													
4													
5													
6													
7	0.02												
8	0.24												
9	0.08												
10	0.19												
11	0.02												
12	0.01												
13	0.01												
14													
15													
16	0.29												
17	0.02												
18	0.02												
19	0.01												
20													
21	0.26												
22	0.87												
23	0.01												
24													
25													
26													
27													
28													
29													
30													
31													
Sum	2.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Count	15	0	0	0	0	0	0	0	0	0	0	0	
Max	0.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Rainy Days		15											
Maximum Daily Rainfall				0.87									
												Water year Total Rainfall	
												2.06	

Table 1 2023-24 Rainfall Record

October 2023 Depth-to-Water (DTW)

The average DTW measurements District-wide in the 24 monitoring wells on October 20, 2023 was 18.16' ft. DTW averages are about 0.32 ft. lower than September of 2023, about 0.05 ft. better than October of 2022, and about 2 ft. better than October of 2021. The DTW averages in the 5 drought monitoring wells reported at 21.54 ft.

Figure 2 October 2023, Depth-To-Water Chart



Following the Water Shortage Contingency Plan. The MCCSD Board declared on April 19, 2023 that no water shortage exists within the MCCSD boundaries. According to the Water Shortage Contingency Plan, (p. 14) "Calendar for Declaring Water Shortage,....If a water shortage is not declared by the end of May, no further evaluation is required until the following January 31." MCCSD staff will continue to monitor and follow the plan. The MCCSD water table is on average at its lowest during October and November. The Superintendent recommends continued caution and conservation.

Following a request for additional information related to Groundwater Management, staff would like to report:

A developed property on Lansing St. which previously applied for and received a permit to construct a replace well, drilled a 245 ft deep replacement well for their 15ft hand dug well. The submitted well log indicates the drilling took place from 9/19-9/25. The log reported an estimated yield of 2 gal per minute, after completing a 1 hour pump test. The property owner has not applied with the District for any new development, a hydrological study, or increase in water allotment as of this time.

An undeveloped property on south Main St. applied for and conducted a hydrological study. MCCSD staff observed the operation multiple times over the 72 hour pump test, which began on 9/11/23. The final report has yet to be completed or submitted for District review.

The District continues to make progress around groundwater management permitting compliance. On 10/26/23 staff met with County Planning Director Julia Krog to hear how County staff is working to facilitate collaboration between MCCSD, the state Division of Drinking Water, and other regulatory agencies which have jurisdiction within Mendocino. It is still early in the process and more will be known in early December after properties have submitted required paperwork to DDW and MCCSD.

MCCSD sent out a survey to 441 customers in early July to help update District records on current property uses. To date 181 have come back. While more information is still needed, this is another positive step towards increased compliance.

This month just 10 properties (2% of District customers) were noted to have now gone three months or more in the past year without submitting a water meter reading to the District. After three mailings, some of which were certified, failed to generate a meter reading, staff phoned or email each property in October. The phone calls promptly generated one new meter reading, more progress. Staff plan to make an additional attempt by mail and, following Ordinance 2020-01, the District may begin to bill properties for meter reading and send an operator to read their meters.

Nine commercial properties were sent letters on October 16, 2023 notifying them of potential compliance issues, and requested that they complete a groundwater extraction permit application. The good news is that District staff have heard back from eight of the nine properties. At least one property appears to be in compliance, another property has stated they will remove tables from an unpermitted dining area, and a third property possibly requiring some administrative changes has also offered to remove tables from an unpermitted outdoor dining area. District staff appreciate owners working with us on compliance and we are optimistic that more properties will find a path to compliance in the coming months.

October 2023 Superintendent's Report

Wastewater Treatment Plant:

Operators performed routine repair and maintenance to the WWTP in October of 2023. Staff have been working to schedule annual maintenance on the primary blower. Thank you for approving the maintenance contract renewal on 10/3. Aerzen is down a west coast field technician, so maintenance may be delayed. One of the two effluent pumps at the WWTP is seized up, and we are working to evaluate repair and/or replacement options. Replacement of the effluent pumps is included in the Recycled Water System Upgrades, grant application. Redwood Roofers is planning to replace the office roof in November. We are still on schedule for the Airline project to begin in December. In compliance with our NPDES permit, five final effluent samples went out for annual analysis in October. The quarterly self-monitoring report was submitted October 11. We had no violations to report for the quarter.

Outfall Update: Alpha Diving reports they are waiting on boat repairs and ocean conditions before conducting the annual survey work and biological report. GHD is still working on the effluent dilution evaluation, results are expected any day.

Recycled Water:

MCCSD did not transfer any recycled water during the month of October.

Biosolids Trailer and Transport:

MCCSD staff transported one load of biosolids to Redwood Landfill in October.

Grant and Project Updates:

-No updates from FEMA on the January Storm Damage re-imburement.

-The Clean Water SRF planning grant to evaluate and design updates for parts of the wastewater collections, treatment, and discharge systems, submitted by GHD is still under state review. We hope to hear something on this application in the next 6 months.

-Related to Recycled Water grant application, MCCSD staff and GHD submitted the documents approved by the Board 10/3. The recycled water project application is now under State review. Estimated time of review is 9-12 months.

-The SAFER team met on 10/16 to discuss a revised work plan, to be re-submitted to the SWRCB Division of Financial Assistance. DFA approval is needed before GHD can begin work on a water system feasibility study. Staff met with the West Company and GHD on 10/24 to better understand State needs related to community outreach.

-After a few months of no communication we heard from ESS or EKI grant writing consultants. EKI had nothing to report on the recycled water pre-application and asked if we had any news for them. EKI also reported that the current Bureau of Reclamation grant opportunities are not a good match for MCCSD needs, unless MCCSD has additional or matching fund sources, which the District does not have at this time. ESS has yet to provide any sort of strategic plan or funding options for the District but we are optimistic they will provide some helpful information soon.

-As mentioned 10/3 the MUSD/MCCSD emergency water storage and supply project went out to bid and only one bid was received. It came in at 56% above budget. GHD and MUSD, are working with the contractor to see if the bid can be revised.

Safety Meeting and Plant Safety Inspection:

The 30-minute monthly safety meeting was held October 20, 2023. The topic was *Electrical Safety*

Sanitary Sewer Collection System:

There were no Sanitary Sewer overflow reports for the period April 12, 2023- October 25, 2023

The Heeser St. lift station is still operating on one of two pumps. We have ordered replacement parts to isolate the problematic pump but we are waiting on Fort Bragg plumbing and various septage pumping companies to help schedule a service date. Fort Bragg electric came to install a new transducer at the lift station, and discovered that what they ordered was not the correct part.

A few months back the District received a request from a developed parcel to connect to the MCCSD system. Staff have been working with the property owner, the County, and consultants to evaluate options. The nearest downhill gravity main line connection point is over 200 ft away. The request may require extension of the service main line as part of the lateral connection and is understood to be at the expense of the property owner. The request is from one of the 12 parcels within MCCSD boundaries, grandfathered in to remain on a private septic system. The property owner has not yet decided how they elect to proceed.