

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

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Minutes of December 29, 2014

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

1. Agenda – Director Hauck asked why the Election of Officers was not on the agenda in accordance with the MCCSD Governance Guidelines, which stated that 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. The Board postponed the matter until the next meeting in January.

2. Approval of Minutes – November 24, 2014

Two typographical errors were corrected:

Page 4, Section e, Paragraph 5, Line 1: Depth to water

Page 5, Section 8, Paragraph 2, Line 1:was servicedd

MOTION Hauck/Stubbs To approve the minutes of November 24, 2014 as corrected.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Stubbs, Hauck
and Schwartz.

NOES: None

ABSENT: None

3. Communications

4. Public Comment

5. Groundwater Management

a. Memorandum of Understanding between the MCCSD and Hills Ranch Mutual Water Company

Director Schwartz stated that he was a resident and property owner in Hills Ranch. Director Stubbs stated he was also a resident and property owner in Hills Ranch and a Director of the Water Board. Both Directors recused themselves and took a seat in the audience. They did not participate in the discussion or the vote. Vice-President Kraynek acted as chair during the discussion.

A Memorandum of Understanding between the MCCSD and the Hills Ranch Subdivision was reviewed. The allotment for Hills Ranch as a whole was 12,560 gallons per day at final build-out, based on the District's Water Use Standard. At the current build-out, Hills Ranch Subdivision was expected to use no more than 9,580 gallons per day for the developed properties. The Hills Ranch subdivision was allowed to extract additional groundwater for conveyance to the Mendocino Fire Protection District's station to satisfy their 290 gallons per day allotment, as long as an agreement between MFPD and Hills Ranch Subdivision existed. Maintenance water and emergency fire suppression were exempt from the allotment. Attorney Jackson noted that the MOU was replacing the Groundwater Extraction Permit, which would serve the same purpose and it accomplished and satisfied the needs of the MCCSD in achieving their goals.

MOTION Waldman/Hauck To accept the MOU as written between the MCCSD
and the Hills Ranch Subdivision.

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

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NOES: None
ABSENT: None
ABSTAIN: Directors Stubbs and Schwartz

Vice President Kraynek executed the document, and Directors Schwartz and Stubbs resumed their seats on the Board.

b. MOU between the MCCSD and Big River Vista Mutual Water Company

Director Hauck stated that he was a Big River Vista property owner and also a director on the Board of the Water Company. He recused himself from participating in the discussion or taking any Board action regarding the matter.

The Board of Directors reviewed the MOU between MCCSD and the Big River Vista Mutual Water Company. The MOU referenced 4 exhibits; 1) Easement Grant Deed, 2) Declaration of restriction conditions, covenants and agreements, affecting real property in the Big River Vista Subdivision, 3) BRVMWC water allotment of 4,960 gallons per day, and 4) Deed Restriction for current use.

Attorney Jackson confirmed that with all of the exhibits incorporated, the MOU met the MCCSD requirements and achieved the goals of the MCCSD.

MOTION Kraynek/Waldman: To approve the MOU between the MCCSD and BRVMWC.

ROLL CALL VOTE: AYES: Directors Waldman, Stubbs and Kraynek

NOES: None

ABSENT: None

ABSTAIN: Director Hauck

Director Hauck resumed his seat on the Board.

c. Hearing for Failure to Obtain a Groundwater Extraction Permit
45075 Heeser Drive, APN 119-170-06

Hildegard Heidt, owner of property located at 45075 Heeser Street, APN 119-170-06, requested a hearing before the Board of Directors regarding her failure to obtain a Stage 4 Groundwater Extraction Permit. Superintendent Kelley provided background information regarding the District's requests for submittal of a Groundwater Extraction Permit application.

Hildegard addressed the Board regarding her concerns; how the Water Shortage Contingency Plan would affect her ability to plan for long-term care and her ability to remain on the property. She stated that their parcel was ^{on} a septic tank, that would accommodate an additional bedroom. She would like to be able to plan for a future care giver unit or additional bedroom.

Superintendent Kelley explained that the District's GWEP Ordinance allowed for a limited increase in water demand, which was 30% of an existing water demand that was less than or equal to 320 gallons per day. An aquifer test could be performed during the hydrological testing period to determine if the aquifer test results resulted in a drawdown at the well of an adjacent property or a well within the radius of influence.

Ms. Heidt's desire was to cooperate with the MCCSD, and she indicated that she would obtain a copy of the MCCSD Groundwater Extraction Permit Ordinance and submit her application within 10 days.

The hearing was closed.

d. Monthly Groundwater Management Report

A Stage 4 Water shortage was declared on February 24, 2014 when only 3.81 inches of rain was recorded from October 1, 2013 to January 31, 2014. The District's hydrologist recommended continuing the Stage 4 through the rain year 2013-2014.

1/24/15

The historic average rainfall total for Mendocino was 40.33 inches. Above normal rainfall was recorded in February, March, and September of 2014. At the end of rain year 2013/2014 the District received 24.15 inches of precipitation, was approximately 60% of rainfall.

Average Depth to Water in the MCCSD 24 Monitoring Well Field would be measured on December 29, 2014. DTW on November 28, 2014 was 19.54 feet.

On December 23, 2014, average DTW in MCCSD's drought indicator wells was 13.24 feet, which indicated a No Water shortage Condition based on the Water Shortage Contingency Plan. Rain year 2014-15 started on October 1, 2014, and the rainfall total was well above normal. On December 22, MCCSD measured 22.03 inches of rainfall since October 1, 2014. Table 6 on page 16 of the WSCP recommended reducing the Stage 4 to a Stage 1 if >22 inches of rain was measured on December 31st. 22.03 inches of rain was recorded on December 22nd.

The District Superintendent recommended reducing the Stage 4 to a Stage 1 Water Shortage since >22 inches of rain was measured in December 2014. The WSCP December re-evaluation looked at both the DTW in the drought indicator wells and rainfall since October 1st. Drought stage re-evaluation was based on the more severe of the two. Rainfall indicated a Stage 1, while DTW called for No Water Shortage Condition.

Based on the December re-evaluation, Staff prepared a Resolution for adoption by the Board of Directors, to declare a reduction in the drought stage. It was noted that the reduction from Stage 4 to Stage 1 did not remove the requirement to obtain a groundwater extraction permit, and install and monitor the water meter. For the program to succeed, everyone in the District must have a groundwater extraction permit and monitor their groundwater extraction.

e. Resolution No. 2014-238 – Resolution of the MCCSD to Declare a Stage 1 Water Shortage Condition

MOTION Kraynek/Waldman To waive the reading of Resolution No. 2014-238, Resolution of the MCCSD to Declare a Stage 1 Water Shortage Condition

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

MOTION Kraynek/Stubbs To introduce and approve Resolution No. 2014-238, Resolution of the Mendocino City Community Services District to Declare a Stage 1 Water Shortage Condition

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

f. Ad-Hoc Water Conservation Committee

Director Stubbs suggested that it might be useful and recommended that staff survey the groundwater users within the District, to determine the number of deliveries and the amount of potable water delivered within the District.

Consensus of the Board was to ask the users about their water deliveries and responses could be anonymous, although it would be more useful to know the location to determine sensitive groundwater areas.

g. Discussion and Possible Action to Rescind Groundwater Extraction Permit Deed Restriction Requirements

Superintendent Kelley explained the “triggers” to require a property owner to obtain a groundwater extraction permit with an allotment in accordance with the Groundwater Extraction Permit Ordinance No. 07-1. There were a number of standard permit conditions that must be met for approval of a permit, one of which was a deed restriction condition. The Deed Restriction had been required for all applications approved since 1990. The typical GWEP deed restriction was originally used to provide constructive notice to new owners of a parcel that there was a water use restriction in the form of a GWEP with an allotment on that parcel. Prior to Stage 4 Water Shortage, about one half of the developed parcels had allotments. Following the completion of issuance of Stage 4 GWEP’s all developed parcels in the District would have extraction permits, but only half of the District parcels would be deed restricted following adoption of Resolution 237. The deed restriction may no longer be needed, since the entire community was now aware of the District wide GWEP allotment requirement. The deed restriction did not legally compel a new owner to restrict groundwater use to an allotment since it was strictly a notification document that showed up in a title search. There was no reason to expect that ending the deed restriction condition would adversely impact the District’s groundwater extraction permitting process. If a property owner with a current deed restriction wanted to have it removed from the title to their property, staff would direct them to Attorney Jackson to arrange to have the notification document removed from their title. Attorney Jackson would discuss a procedure with staff regarding the removal of existing deed restrictions upon request by the property owner.

Board consensus was that Attorney Jackson prepares a Resolution for introduction and adoption at the next meeting to remove the deed restriction requirement from the Groundwater Extraction Permit conditions.

6. New Business

a. Mendocino Film Festival-Proposal for Use of 10705 Palette Drive

Alex Fields, V.P. Operations for the Mendocino Film Festival presented their proposal for the use of MCCSD property located at 10705 Palette Drive for their annual festival tent. During their 10th anniversary, they would like to raise the tent on the parcel owned by MCCSD as they did in 2013 and 2014. They were interested in the space because it was relatively flat, close to the highway, had sources of power, and was walking distance from other venues, but out of the way enough not to cause undue congestion. The dates of use were May 19 – June 2nd. The festival dates were May 28 – May 31, 2015. The proposal addressed other issues, including parking. Chet Anderson, resident on Palette Drive, commented that he personally found no problems relative to the Film Festival’s parking. It was noted that the Hill House and the MacCallum House were supportive of the festival and sponsors of the opening gala. They both supported the tent and its proposed location.

Attorney Jackson noted that the property was zoned open space, and the District was currently under the scrutiny of the California Coastal Commission to re-zone the parcel to Public Facility, although the Coastal Commission had said nothing about their annual festival specifically. Alex Fields commented that the Film Festival had complied with all required County permits required for the event, and there have been no issues with the Planning Department for the past two years.

MOTION Hauck/Stubbs

To approve the request from the Mendocino Film Festival to hold their event on property located at 10701 Palette Drive, subject to all conditions of the proposal and required permits.

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

7. Old Business

a. Review of past due sewer accounts to consider disconnection

The Board reviewed two past due accounts for consideration of disconnection of the parcels from the sewer system:

1. Matt Leach, 10391 Blair Street, APN 119-120-30

Superintendent Kelley reported that Tom Arden paid \$20 on Mr. Leach's account, and asked for additional time to pay off the balance in full. Mr. Arden claimed he was leasing the property with intent to purchase, and intended to pay for the fees due by mid-January. Superintendent Kelley recommended not disconnecting and deferring the issue to the next meeting.

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

Staff reported that there was some confusion if Mr. Christiana was still the property owner. The District would investigate, and staff requested deferral of disconnection to next month's meeting.

8. Attorney's Report – No report

9. District Superintendent's Report

During the month of December 2014, the treatment plant operated normally. Plant personnel performed routine plant maintenance. Plant flows had been high due to above normal rainfall in December.

The dryer thermal fluid heater pump was replaced by RF MacDonald Co. on December 4, 2014. The thermal fluid oil was analyzed and was in good condition.

The November self-monitoring online report was sent in to the State Water Quality Control Board. There was no sanitary sewer overflow in November 2014.

There were no recycled water transfers to the High School in November or December. MCCSD Operators attended chlorine safety training at the Fort Bragg wastewater treatment plant on December 5, 2014. Following the training, a Chlorine cylinder A-Kit was purchased on E-Bay for \$300. It was manufactured in 1993, but was unused. New kits were about \$3,000. It was used to stop a chlorine leak from a chlorine gas cylinder.

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

10. Committee Updates - No report

11. District Secretary's Report

a. Monthly Register of Cash Disbursements

MOTION Kraynek/Waldman: To approve disbursements for checks
#12076 – 12124.

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

12. Matters from Board Members

Director Hauck realized that he would not be available for the January 26th meeting, however, he was interested in the position of President. He indicated that he appreciated Roger's three years of presidency, however he did not agree with some of the decisions of the current president, particularly input from other organizations, and he would offer a different public view. He asked if the nominations could be added to the agenda for tonight's meeting.

MOTION Hauck/Waldman: To add Election of Officers to the Agenda.

ROLL CALL VOTE: AYES: Directors Waldman, Hauck, Kraynek, Hauck and Stubbs

NOES: None

ABSENT: None

ABSTAIN: None

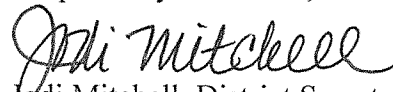
Directors Schwartz and Hauck both nominated themselves for President.

A written vote was taken; the result was 3 votes for Director Schwartz and 2 votes for Director Hauck.

Sam Kraynek offered to continue his service as vice president. Hearing no further nominations, Sam Kraynek would continue to serve as Vice President.

The meeting adjourned.

Respectfully submitted,



Jodi Mitchell, District Secretary