

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

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Minutes of September 22, 2014

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

- 1. Agenda – no changes, additions, or deletions
- 2. Approval of Minutes - August 25, 2014  
 Corrections: Page 1, Section 2, last sentence....for distribution to the board of Directors *as an agenda item to be discussed at the next meeting.*

Page 3, Section 6, Paragraph two, line 3: ....and otherwise satisfied District requirements *prior to the stage 4 moratorium adopted by Resolution on February 24, 2014.*

Page 5, Section 11, Paragraph 1. ....for any grant funding opportunities *to assist residents with dry wells.*

Page 5, Section 11, Paragraph 3, Line 8. He suggested the Rotary may ask the District to obtain title to the property and ~~operate the property as a community recreation park (Rotary Park).~~

MOTION Hauck/Waldman To approve the minutes of <sup>Aug. 25</sup> ~~September 22,~~ 2014 as amended.

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

- 3. Communications  
 Correspondence dated September 15, 2014 was received from Kari L Hutchens, Vice President of the BRVMWC. She indicated they were working diligently to determine if the development of a similar MOU like the one between POVMWC and MCCSD could better serve their property owners and MCCSD. They formed a subcommittee to address the issue and had met to discuss particulars. Ms. Hutchens attended the MCCSD meeting, and hoped to have a draft for consideration at the next MCCSD monthly meeting. Attorney Jackson had indicated that if the MCCSD Board was inclined to consider an MOU, then the BRVMWC should answer the same questions which he posed to Point of View MWC. That information would determine whether they were appropriate agents to enforce District Requirements for groundwater extraction.

President Schwartz read correspondence from Attorney Christopher J. Neary, dated September 18, 2014. Mr. Neary did not make any mention in his correspondence of addressing the issues of concern which were previously raised by Attorney Jackson.

Director Schwartz reported on communication with Cornelia Reynolds, President Rotary Foundation of Mendocino regarding their request that MCCSD officially evaluate its potential to legally hold the property known as Rotary Park. President Schwartz indicated to the Foundation the MCCSD would require a written request, ~~and that there would be no management, financial, or personnel requirement from MCCSD, other than holding the title.~~

11/2/14

4. Public Comment

Rick Brandes, and Rick Keller, residents of Hills Ranch Subdivision inquired how the MCCSD Board would deal with people who have not complied with the MCCSD requirements by October 10<sup>th</sup>, as stated in Attorney Jackson's letter. Director Schwartz responded that Attorney Jackson's correspondence stated that refusal of compliance with District Ordinance could result in the assessment of penalties of up to \$100 day per violation and possible attorney's fees and court costs together with other damages, and violation of the District's Ordinance was deemed a misdemeanor which could be prosecuted by the District Attorney. Director Schwartz also noted that as a Board member, he anticipated that staff would collect names of those who have elected not to respond, and provide the list to the Board of Directors for them to decide how to approach non-compliance issues.

Kari Hutchens noted she herself was non-compliant and some people in her subdivision said they didn't get their letter. It was noted there were 19 residences in Big River Vista, not 18 as recorded. The Secretary will investigate and respond to Kari's concerns.

5. Groundwater Management

a. Monthly Groundwater Management Report

The District received a total of 21.92 inches of rainfall since the 2013-2014 rain year began on October 1<sup>st</sup>. The historical average rain fall total at the end of July was 39.76 inches. The District had approximately 54% of the yearly average rainfall. The rainfall totals for April through August were below the cumulative average.

The MCCSD Board of Directors declared a Stage 4 water shortage on February 24, 2014 based on low rainfall and the Water Shortage Contingency Plan. The Stage 4 remained in effect.

The 24 Monitoring Well Field was measured on August 22. The average depth to water was 19.21 ft. On August 31<sup>st</sup> the 5 indicator wells were measured. The average depth to water of the five wells was 21.7 ft. Mike Maley was asked how the information should be interpreted and he recommended giving kudos to folks for conserving water, but the drought stage should continue until some significant rain occurred.

b. Water Conservation Committee

President Schwartz noted it was important to characterize this as an Ad Hoc Committee, and noted that he appointed Directors Hauck and Stubbs at the last meeting to address water conservation topics, specifically, issues as outlined in correspondence dated 6/5/14 from Steve Nepove, Barbara Reed and John Lemley. The authors of the correspondence were not able to form a committee, ~~at this time~~. Directors Hauck and Stubbs had not been able to meet either, but they would schedule a discussion. ✓

11/3/14

*\* WHEN ASKED individually, each one said they didn't have time*

6. New Business

a. Discussion concerning Tomas and Erin Dertner at 10520 Kelly Street

Tomas and Erin Dertner, owner of property located at 10520 Kelly Street, which was adjacent to the Treatment Plant, attended the meeting to discuss issues related to the MCCSD Overflow Pond. They provided an overview of their situation, and hoped to accomplish the following: 1) prune the trees and shrubs along the driveway, 2) cover and/or insulate the enclosure for the bar screen, and 3) camouflage the pond. The Board of Directors accepted the idea to trim the trees along the North driveway entrance into the treatment plant with the condition that it was done by an insured licensed contractor and that the Dertner's sign a hold harmless agreement.

The Board would also try to address the bar screen noise.

In 2010, Mr. Dertner claimed that the use of the pond had contaminated his well, so the State Water Quality Control Board offered the MCCSD the option of ordering an investigation or a building a containment structure.

Mr. Dertner was asked to proceed in finalizing the pending boundary line issue with the State parks, so the MCCSD could repair their fence, which was a priority and a health and safety issue. ✓

*The Board agreed to write a letter to State Parks asking that the boundary line adjustment be completed.*

b. Resolution No. 2014-235 and Resolution No. 2014-236

Mike Kelley provided a memorandum dated 9/12/14 regarding two proposed MCCSD Resolutions: 1) Resolution No. 2014-235, a Resolution to establish a temporary Part-Time Project Specialist Position, 2) Resolution No. 2014-236, a Resolution for a waiver of CalPers 180-day period, and 3) approve Steve Acker Temporary Part-Time Employment Agreement.

Resolution No. 2014-235 and Resolution No. 2014-236 were introduced.

MOTION Waldman/Stubbs To waive the reading of Ordinance No. 2014-235 and Ordinance No. 2014-236.

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

NOES: None

ABSENT: Director Kraynek

Steve noted that Attorney Jackson did not research CalPers requirements to waive the 180 day waiting period, ~~for the District.~~ The Resolution would be forwarded to CalPers for their approval.

MOTION Waldman/Stubbs To adopt Resolutions No. 2014-235 and Resolution No. 2014-236 as stated.

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

NOES: None

ABSENT: Director Kraynek

d. Steve Acker Temporary Part-Time Employment Agreement

MOTION Hauck/Waldman To approve the Employment Agreement for Steve Acker's Temporary Part-Time Employment

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

NOES: None

ABSENT: Director Kraynek

e. SHN Consulting Engineers & Geologists, Inc./Service Agreement

The Board of Directors reviewed the Service Agreement between the MCCSD and SHN Consulting Engineers & Geologists, Inc. for engineering services to upgrade the treatment plant air blower and generator. The engineering portion of the proposal was \$48,000 to provide services to engineer the blower/generator upgrade. The proposed estimate for construction was \$251,550.

Changes were made to the Agreement and initialed by the Board President:

Page 2, Paragraph 2: Lined out and initialed

Page 2, Paragraph 3: Lined out and initialed

Page 3, Section M: Lined out and initialed

Page 4, Section A: Fees are estimated as follows: \$48,000.00 was changed to read, Fees are not to exceed \$48,000.00

MOTION To approve the SHN Service Agreement with changes on page 2, 3, and 4, as initialed by President Schwartz

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

NOES: None

ABSENT: Director Kraynek

7. Old Business

8. Attorney's Report

9. District Superintendent's Report

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

The August self-monitoring online report was sent in to the Water Quality Control Board. There were no sanitary sewer overflows in July.

Staff took their regular monthly safety meeting. The Safety Officer also conducted the monthly safety inspection of the plant. Several on line safety courses from Target Solutions had been taken by staff.

There were 11 transfers of recycled water to the High School in August. The total gallons transferred were 78,000 gallons.

SHN submitted their service agreement contract for the Blower and Generator replacement which was discussed earlier in the meeting.

The clarifier repair started on September 8<sup>th</sup>, and was completed on September 16<sup>th</sup>. The clarifier was drained and washed out. The existing sweep arms and supports were removed, and they were replaced with stainless steel components.

10. Secretary's Report

a. Monthly Register of Cash Disbursement

MOTION Hauck/Waldman To approve payment of checks #11944 - #11986.

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

NOES: None

ABSENT: Director Kraynek

b. Update on Delinquent Sewer Accounts and Certificate of Liens

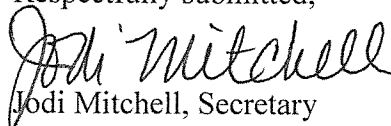
The Secretary provided an update on delinquent sewer accounts and certificate of liens.

11. Matters from Board Members

On behalf of the Board of Directors, Director Schwartz presented a plaque to Steve Acker "with gratitude for 16 years of skillfully maintaining the MCCSD treatment plant in efficient and economical operation". Steve Acker would retire from his position from District Superintendent on October 1, 2014. The Board thanked Steve for his time spent as Superintendent and complimented Steve on his skills in maintaining the treatment plant operations.

The meeting adjourned.

Respectfully submitted,

  
Jodi Mitchell, Secretary