

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

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Minutes of August 31, 2009

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

1. Minutes of July 27, 2009

Correction: Page 3 Section 6 b – **Disconnection** should be capitalized

Page 4 Section 10 b, last paragraph: Ferrill Gas is spelled **Ferrell**

MOTION Kraynek/Schwartz: To approve the minutes of July 27, 2009, as corrected.

ROLL CALL VOTE: AYES: Directors Kraynek, Ball, Dill, Schwartz and O'Brien

NOES: None

ABSENT: None

ABSTAIN: None

Minutes of August 10, 2009

Corrections:

Page 1 Section 3 a, Paragraph 4: A suggestion was made to add to the minutes the amount of the retroactive charge, which was agreed by Noah Sheppard and Paul Clark to be paid for the period of time that the 13th room as utilized as a short-term sleeping unit for the period of August 1, 2007 through August 1, 2009. The amount was \$730.01.

Page 2, Motion: The motion was made by Director Kraynek, and not Director O'Brien

Page 2, **Ford** should be capitalized

MOTION Schwartz/Kraynek: To accept the minutes of August 10, 2009 as amended.

ROLL CALL VOTE: AYES: Directors Kraynek, Ball, Dill, Schwartz and O'Brien

NOES: None

ABSENT: None

ABSTAIN: Director Dill

2. Communications

Correspondence was read from Leonard A. Dill. It was with regret that Director Dill was resigning from his seat on the MCCSD Board of Directors, effective October. His resignation would take effect after the October 26th meeting. His urgency and decision was based on his mother's recent health.

The Board unanimously supported Mr. Dill's decision to resign. Mr. Dill was thanked for his generous community service at a time when it was very much needed. He planned to be present at the October meeting, his last.

3. Public Comment

Connie Korbell agreed that Leonard would be missed, and stated that she appreciated his wisdom and demeanor.

William Imhoff asked if the Board had considered his previous request for the District to consider basing the sewer charges on the actual water consumption. He reiterated that there should be a direct relationship to the services provided and the actual use. He was of the opinion that, in all fairness, all properties should be required to have a water meter, to determine how much water is actually being used within the District. Superintendent Kelley explained that the State mandated that

the charges must be based on the user's proportionate contribution to the total waste loading and rates were based on factors such as wastewater strength and BOD (Biochemical Oxygen Demand). The District's ESD (Equivalent Single Dwelling) system estimated individual parcel wastewater loading to the treatment plant, and rates were based on the percent of total wastewater flow contributed by each use. It was impossible to base sewer loading on actual water use, and Superintendent Kelley offered to provide information and the District's rationale behind their rate structure, which was approved by the State. A Stage 4 drought would require mandatory installation of water meters on all parcels.

4. Groundwater Management

a. Monthly Groundwater Management Report

The District adopted a Water Shortage Contingency Plan in 2007 to extend the water supply for the community during drought conditions. The major goals of the Plan were to establish criteria for declaring a water shortage through four stages of alert and action, identify appropriate conservation measures and response actions for all property owners for each water shortage alert stage. On June 30, 2008, the Board of Directors declared a Stage 2 Water shortage. Property owners were asked to voluntarily reduce their water use by 15% to help mitigate the expected water shortfall. The Stage 2 drought was extended into 2009. Because of the ongoing Stage 2 from 2008 and below normal rainfall in January 2009, the drought stage was increased to a Stage 3 Water Shortage on February 6, 2009, and there was a mandatory 20% reduction in water usage. Mendocino received 24.08 inches of rain by the end of May so the drought stage was lowered to a Stage 2. Based on the depth to water in the drought monitoring wells at the end of August 2009, the Water Shortage Contingency Plan recommended continuation of the Stage 2 water shortage. The water shortage evaluation criteria would be reviewed again in November.

Connie Korbel, Mendocino Beacon, asked the Board if they would direct staff to send an official explanation statement regarding the current water shortage stage and explaining why it wouldn't be reviewed again until November.

5. New Business

2008/2009 MCCSD Annual Report

Superintendent Kelley provided the 2008-2009 MCCSD Annual Report, which contained information regarding the wastewater treatment plant and collection system, water reclamation, 2008/2009 treatment plant and groundwater management improvements, the Groundwater Management Program, including the Mendocino Groundwater Model Update, declared water shortages, the budget and annual audit. The Board also reviewed the annual self monitoring report requirements compliance summary for the District's NPDES (National Pollution Discharge Elimination System) permit.

The Board discussed the District's goals and objectives for the next ten years, specifically the installation of a new emergency generator. They agreed the generator installation should be re-assigned as a 2-year goal. Director O'Brien suggested that the replacement, not all but some, of the existing Cobra-head streetlights with historic/decorative fixtures might also be re-located to the 2-year goal. Superintendent Kelley would re-design the goals as needed, and update the Board.

6. Old Business

Report on Disconnection of 10540 Carlson Street from the District's Sewer System

In July of 2007, Mendocino City CSD informed the new owner of property located at 10540 Carlson Street of Groundwater Extraction Permit Ordinance No. 07-1, and the Groundwater Extraction Permit requirements following the sale of real property within the District boundaries. Since no response was received by the property owner, the issue was referred to the District's Attorney for enforcement action. The property owner's sewer use fees also remained delinquent, and on June 4, 2009, a Certificate of Lien was filed against the real property for unpaid sewer service charges in the amount of \$6,207.20, which included a \$5,900.00 violation of the requirement to

obtain a Groundwater Extraction Permit. At the July 27, 2009 regular meeting, the Board authorized disconnection of the premises from the sewer system. The owner was notified of the scheduled disconnection and he was advised that human habitation of the parcel, after it was disconnected, would be deemed a public nuisance and the sanitary facilities would not be used during the disconnection. He was given 14 days to resolve the issues with the district. The certified mail of the disconnection notification was returned unclaimed. On August 4th, the Mendocino County Health Department was requested to post the residence as uninhabitable. On August 17th the property was posted, and disconnected from the MCCSD sewer system for non-payment of monthly sewer fees.

Mendocino Coast Water Works provided the District with a cost estimate for disconnect and re-connect of the property. All costs relative to the disconnection and reconnection of the parcel must be paid prior to re-connection.

7. Attorney's Report

8. District Superintendent's Report

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

Staff finished the clarifier repairs during August. Specialized Pipe Services cleaned 8,635.6 feet of collection system during the month of August.

379,910 gallons of recycled water were transferred to the Mendocino High School during the month of July 2009.

The District purchased a 2009 Ford Ranger through the Cash for Clunker program. With the Ford rebate and the Cash for Clunker rebate, the truck cost approximately \$11,000.00.

Alpha Diving has rescheduled the outfall repairs for the first week in September, tides and ocean conditions permitting. The preliminary staging was in progress.

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

Superintendent Kelley reported that SRECO would no longer manufacture the Bronco Jetter, and the USA BlueBook representative offered a quote for an Obrien Jetter. The main difference was no camera, and it was priced at \$41,527. Superintendent Kelley cancelled the order for the SRECO Trailer Jetter, and requested a refund as soon as possible. He was not interested in purchasing an O'Brien unit, so he contacted US Jetting, and they provided information regarding a Model 4018-300 demo unit and the price was \$39,167.02. The Board agreed that since there was no substantial change in the equipment, with the exception of not having a camera unit, and the cost was less, the order with USA BlueBook would be cancelled and the money refunded and the new unit would be purchased, as discussed, as long as there was a warranty included.

9. District Secretary's Report

Monthly Disbursements

MOTION Kraynek/Ball: To accept the disbursements for checks #9035 through #9095.

ROLL CALL VOTE: AYES: Directors Kraynek, Ball, Dill, Schwartz and O'Brien

NOES: None

ABSENT: None

ABSTAIN: None

Update on Delinquent Sewer Use Accounts

On June 1, 2009, the Board of Directors adopted Resolution No. 210, which established formal procedures for the collection of delinquent fees and charges. After a commercial account was 3-months delinquent or a residential account was 3-quarters delinquent, a Notice of Intent to record a lien for nonpayment of fees and charges would be mailed to the property owner. The notice would be sent not less than ten days prior to recording the lien, and following the mailing of the notice of intent, the Attorney would be provided with account information. The secretary noted there were

currently two commercial accounts and one residential account that were past due and would receive a Notice of Intent to Record a Lien against real property in accordance with the adopted policy.

The Board asked if the District could collect legal fees and out of pocket expenses for collection of the past due fees. The secretary would ask the Attorney.

Elections Update

Due to insufficient nominees, the MCCSD would not go to an election on November 3, 2009. Incumbents Roger Schwartz and Edward O'Brien filed declaration of candidacy papers and were required to be appointed in lieu of election prior to November 3, 2009. The Board of Supervisors could make additional appointments in lieu of election for electors residing within the boundaries of the district to fill the remaining vacancy to serve the term beginning December 4 and ending the first Friday of December 2013. The Board encouraged interested persons to contact the District or Board of Supervisors expressing their interest in the remaining vacancy.

10. Matters from Board Members

The meeting adjourned.

Respectfully submitted,

Jodi Mitchell
District Secretary