

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**

**Post Office Box 1029**

**Mendocino, CA 95460**

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Minutes of March 30, 2009

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

1. Minutes of February 23, 2009

Corrections: Page 3, Section 5, Paragraph One, sentence 1: .inches of rainfall on by February...

Director Schwartz noted a concern to a statement in the minutes, and not a correction to the minutes that the District was assessed a \$3,000 penalty for a high dioxin reading in the outfall in 2007. Superintendent Kelley responded that he didn't really know at this time what caused the high dioxin and noted it might have been a one-time occurrence.

MOTION Schwartz/Dill: To approve the minutes of February 23, 2009, as submitted.

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

NOES: None

ABSENT: None

ABSTAIN: None

Minutes of March 5, 2009

Corrections: Page 3, Paragraph 3, Line 1: wells or adequate wells may not be open to...

Page 3, Paragraph 3, Line 5: .....stated it would be financially impractical

MOTION Dill/Kraynek: To approve the minutes of March 5, 2009, as corrected.

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

NOES: None

ABSENT: None

ABSTAIN: None

2. Communications

Notice of the Public Hearing for LAFCO's proposed Fiscal Year 2009/2010 budget was provided to the Board of Directors.

The League of Women voters of Mendocino County were presenting Brown Act and Ethics Training from Jaenine Nadel, Mendocino County Counsel. Registration was until April 16<sup>th</sup> to attend the free workshop. Participants would receive a certificate of attendance at the end of the meeting.

Paul Clark, Century 21 Fort Bragg Realty, provided the Board with his thoughts regarding Groundwater questions and suggestions on how to resolve Mendocino's ongoing water issues. Superintendent Kelley responded to Mr. Clark and provided information about issues, including Municipal Water System, Artificial Recharge to Augment Aquifer Storage, Storage Tanks, and Hydrological Studies.

Communication from Wendy Roberts would be reviewed under the Groundwater Management Report.

3. Public Comment

Joe Odegaard, Mendocino Resident, introduced Bobby Jones, who was earning his “Citizen in the Community” badge with the local Scout Troop. The Board thanked Joe, Bobby and his mother for attending the meeting.

Barbara Reed, Mendocino resident, asked what the status was on the Memorandum of Agreement (MOA), which the MCCSD Board approved at the last meeting. Secretary Mitchell responded that the MOA was executed by President O’Brien, and forwarded to the Mendocino County Planning and Building Department for their execution. The District had not heard from the County, to date.

4. New Business

a. Resolution No. 209 – to Adopt a Three-Step Meter Reading Policy

Resolution No. 209 outlined a policy to obtain compliance from permittees which involved a three-step program. If a property owner missed one month’s reading, on the twentieth day after the reading was due, MCCSD would send a permittee a 1<sup>st</sup> notice of violation letter by regular mail. The letter would discuss the importance of timely readings and reporting, and advised the permittee that District personnel would read the meter if timely readings were not forthcoming. They were informed of various options that were available for submitting the readings. If the permittee failed to submit a reading by the 20<sup>th</sup> day of the second month, a 2<sup>nd</sup> Notice of Violation would be sent by certified mail and the permittee would be asked in the second letter to be present when district personnel read the water meter. The letter would also advise the property owner that a fee would be added to their sewer bill for the service to cover staff time and District expenses. The letter would also provide them with an alternative to sign up for the monthly meter reading service for an annual fee. The letter would reiterate the importance of the meter reading. If the permittee refused to provide access to the property, their permit may be subject to revocation and/or the matter may be referred to legal counsel for further handling. One method of further handling would be to obtain an injunction against the permittees’ interference with the District’s Groundwater Management Program.

Under the various options that were available for submitting the readings other than by regular mail, the last bullet point was changed: Annual meter reading service by District personnel for an annual fee was changed to read; Monthly meter reading service by District personnel for an annual fee.

MOTION Schwartz/Ball: To adopt Resolution No. 209, to adopt a Three-Step Meter Reading Policy, with the change, as discussed.

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

NOES: None

ABSENT: None

ABSTAIN: None

5. Old Business

a. Adoption of Ordinance No. 09-1 – Ordinance of MCCSD Establishing a Policy to Charge Property Owners for District Staff to Read Water Meters

The Board reviewed Ordinance 09-1, establishing a Policy to Charge Property Owners for District staff to Read Water Meters. A minor change was made to paragraph 2, to specifically reference Ordinance 07-1 as the groundwater extraction permit program and clarified that monthly meter readings be provided on the 1<sup>st</sup> of the month to report groundwater extraction during the previous month.

MOTION Schwartz/Dill: To waive the reading of Ordinance 09-1, and allow for the insertion of the technicalities, as discussed in the second whereas, for adoption at the next meeting.

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

MOTION Kraynek/Schwartz: To introduce Ordinance 09-1, as amended.

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

b. Sanitary Sewer Management Plan Update

Superintendent Kelley updated the Board on the Sewer System Management Plan draft. The first two elements of the Plan, Element I – Goals, and Element II - Organization, have been posted to the District's website. Superintendent Kelley noted that the most important issues were the Fat, Oil and Grease Program, and also, the System Evaluation and Capacity Assurance Plan. The Engineer would perform a collection system capacity evaluation study to establish and assess capacity requirements for the District's collection system and to provide recommendations for corrective actions needed to address any hydraulic deficiencies. In general, the District had an excellent track record, and had been complying with State requirements. The State Water Resources Control Board mandated the development of the Sewer System Management Plan, which met both the requirements of the Regional Water Quality Control Board and the State Waste Discharge Requirements.

6. Groundwater Management

a. Thomas and Mary Anne Thomson, APN 119-160-15, 45081 Cahto Street

Thomas and Mary Anne Thomson previously received approval for new development on their parcel for a single family residence and a guest cottage. Mr. and Mrs. Thomson explained that they would like to change the designation of the approved use for a guest cottage and attached garage to a single family residence. In the future, they planned to build the residence, and then convert the subject structure back to a legal accessory structure, by removal of the kitchen, and re-designating as a guest cottage.

MOTION Dill/Ball: To approve the Groundwater Extraction Permit amendment for APN 119-160-15 for Thomas and Mary Anne Thomson.

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

b. Groundwater Management Report

The District has received a total of 21.03 inches of rainfall by March 22, 2009. Mendocino was 39% below normal rainfall for this time of the year.

The Stage 2 Water Shortage was declared in the District on June 30, 2008. The Stage 2 Water shortage was continued into 2009. Since Mendocino received less than 14 inches of total

rainfall by the end of January 2009, the water shortage was increased to Stage 3 on February 6<sup>th</sup>. The Water Shortage Contingency Plan called for a reduction in allotments by 20% and a moratorium on any Groundwater Extraction Permits that required a hydrological study.

Table 3 of the Water Shortage Contingency Plan was used to re-evaluate the drought stage in March. At the end of March there were 21.03 inches of rainfall, and since February 1, Mendocino had received 9.89 inches of rain. Based on the total rainfall at the end of March, and the amount of rainfall since February 1, the Water shortage Contingency Plan recommended that the District continue the Stage 3 Water Shortage.

Seven #1 Notice of Violation letters were mailed to property owners that were twenty days late with their February extraction meter reading.

The Board reviewed Wendy Robert's recent email of March 25<sup>th</sup> and Superintendent Kelley's response. Director Schwartz was troubled by her statement that she had personally observed and experienced unprofessional behavior by MCCSD Staff and one Board member. As a member of the Board he requested clarification regarding her remarks about being treated differently from other property owners in the District. He stated that her comments implied that there has been negligent or prejudicial actions directed against her, and found that her allegation impugned his reputation and integrity in his effort to be fair to all community property owners. The Board of Directors requested a written statement addressing her personal observation of Staff's "behavior", documenting specific details of her allegations against MCCSD, including names, dates, times and circumstances.

7. Attorney's Report

8. District Superintendent's Report

a. Monthly Report

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

44,645 gallons of recycled water were transferred to the Mendocino High School water tank during the month of March.

The Main Street Lift Station access road bollards were installed.

A new effluent pump at the Heeser Drive Lift Station was installed.

An order has been placed for the new SRECO high pressure sewer jetter. The USA Bluebook order confirmation notice stated that the jetter would be shipped from the factory on June 15, 2009.

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

9. Committee Updates

Staff requested that a meeting be scheduled with the Budget committee to review the initial draft for the 2009/2010 fiscal year. A quarterly report, for the period of January through March, would be available for the Board's review at the next regular meeting. A meeting would be scheduled with the Budget Committee, Directors Schwartz and Kraynek in May.

10. District Secretary's Report

Monthly Cash Disbursements

MOTION Dill/Ball: To authorize payment of Checks #8775 through #8822, noting checks #8756 and 8760 were void.

