

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**  
**Post Office Box 1029**  
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Minutes of April 28, 2014

The regular meeting was called to order at 7:00 p.m. at the Mendocino Community Center located at the corner of Pine and School Streets. Present were Directors Kraynek, Waldman, Hauck and Schwartz. Director Stubbs was not present. Also present were Superintendent Steve Acker, Mike Kelley, and Jodi Mitchell.

1. Agenda – no changes, additions, or deletions

2. Minutes –March 31, 2014

Correction: Page one, Motion #1 and #2. Spelling error: ~~Schwartz~~ Schwartz  
Page one, Section 4, Paragraph 2: ...all developed parcels within the MCCSD boundaries  
Page 2, Paragraph 5, line 18: where the current generator ~~sets~~ sits  
Page 3, Section 8, Paragraph 4, line 2: A new set of belts ~~were~~ was ordered....  
MOTION Kraynek/Waldman: To approve the minutes of March 31, 2014 as corrected.  
ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, Hauck and Schwarz  
NOES: None  
ABSENT: Director Stubbs

3. Correspondence

The Secretary provided correspondence from the Mendocino Volunteer Fire Department that they would be hosting a Brown Act Training and Special Districts on the Northern Mendocino Coast were invited to attend. The training was free and would be provided by the County of Mendocino on June 10, 2014 at 10:00 a.m. to Noon, at 44700 Little Lake Road. President Schwartz encouraged the Board members to attend the training.

4. Public Comment

Since there was a large audience attendance to make public comment, Director Schwartz limited comments to three minutes and asked the participants to please state their name.

Mitch Clogg: In 1982 Mitch Clogg was a researcher with the Department of Water Resources and worked on the 1982 Mendocino Coastal Groundwater Study. He stated that Mendocino was not in a condition of drought and Mendocino always had a water problem. The Franciscan formation doesn't hold water and, therefore, wells were not connected. Anita McElroy, property owner and residence allotted her three minutes to Mr. Clogg.

Wendy Roberts, Property Owner and Resident: Mendocino would always be in a perpetual drought risk, and everyone in the community must conserve. The water trucks were constantly hauling water in for District residents and businesses, and that alone should be enough proof there is a drought. She was in favor of rain capture, but problems with mosquitoes would need to be taken into consideration. Ms. Roberts noted the MCCSD had a hard working Board, and suggested consideration of programmed interval meter readings with a one time cost of installation. It would be far more efficient and eliminate staff time for data base meter reading entries.

Gayle Lauinger, Property Owner and Resident: The GWEP application form was not user friendly and she was mad. She said that no one from the MCCSD would ever come onto her property. She thought the requirement to mandate water meters and the \$100 fee should be rescinded.

Maggie O'Rourke, Property Owner and Resident: Attorney O'Rourke requested that the Board of Directors rescind their action to require all property owners of developed parcels to obtain a Groundwater Extraction Permit with an allotment. Section 10 of Ordinance 07-4 specifically stated that "The notification shall also include a listing of potential water conservation and water use reduction measures, and an advisory that MCCSD staff was available upon the written request of the property owner to

conduct an audit of water usage and to make specific recommendations and additional conservation measures". Also she indicated that the notice was not mailed US Registered Mail as stated in the Districts ordinance. She also noted a discrepancy because the Water Shortage Contingency Plan was adopted in 2007, but the information that she was received was dated 2009. She also commented that the District was not in a stage 4 because MCCSD had received one-half of the rainfall for the season. Using the Contingency Plan of 2009, MCCSD would be in Stage 3, therefore, there would be no component for mandating the Stage 4 Groundwater Extraction Permit. She respectfully declined to submit her Groundwater Extraction Permit Application based on those findings.

Gwen Jacobson – Property Owner and resident: Gwen stated that they had two wells, and very cheerfully installed two water meters about a week ago. She commented that Mendocino was in a drought. She kept her own rain records, and in the last 36 years, she had never seen it this bad. She had recorded 22 ¼ inches of rain to date, and last year 23 ¾ inches was recorded on Gurley Lane. For two years, there has been below normal rainfall. Also, to say that we were not in a Stage 4 water shortage condition was incomprehensible. They were very water conscious and some may find that they use more water than they think after they start metering.

Paul Clark, Property Owner: Mr. Clark suggested that MCCSD could have sent a one page statement in the monthly billing, so this situation wouldn't have been such a surprise to everyone. He also suggested that MCCSD should keep customers regularly updated about the rainfall. He agreed with Maggie O'Rourke and he also would decline to submit the application. He asked if the District had ever looked at how many wells were less than 50' deep.

Gisela Linder, Property Owner and Resident: Ms. Linder asked how you prevent people from reporting false usage. She commented that if people wanted to extract more than allotted they could. She heard that if people didn't read their water meter the MCCSD would consider hiring their own meter reader. She asked the Board to rescind the Ordinance requiring all property owners to obtain a Groundwater Extraction Permit.

Barbara Reed, Registered Voter and Property Owner: Barbara Reed suggested that there should be more education on the subject. She also commented that restaurants were still serving water without request, and noted that she had previously offered to distribute the water conservation cards. She supported Attorney O'Rourke's position.

Bruce Levene, property owner and resident: Mr. Levene stated he had lived here for 44 years and had never seen so much anger among friends and people in the community. He presented to the Board of Directors a petition with 86 names, some of which were property owners and registered voters. He contacted the County of Mendocino and indicated that there were 465 registered voters, which would require 10% of the signatures for a referendum on the ballot. The cost would be \$200. He thought the District had lost touch with the community. He noted an inconsistency between the 2007 Water Shortage Contingency Plan and the 2009 Plan. He asked the Board to consider the signed petition and rescind the mandatory Groundwater Extraction Permit requirement.

Steve Nepove, property owner: Mr. Nepove suggested that to save money, MCCSD should email all bills and email all agenda's. Mr. Nepove asked if MCCSD could require low flow water saving devices, such as a 1.5 shower head and if MCCSD could buy in bulk. He thought the District should explore and report on grants for money for water conservation. He thought MCCSD should contact their local representatives and create a new committee, specifically for water conservation. He thought the Groundwater Manage policies should be to increase the use of reclaimed water to help the community conserve groundwater. He thought there should be education provided through the schools and in other ways.

Gretchen Imlay, property owner and resident: Mrs. Imlay stated when they installed their meter it was a non-issue. She said we were definitely in a drought, and she buys water for 4-6 months of the year. She thanked the Board of Directors for their hard work.

Mary Ricard, Property owner: Mary Ricard stated that she did not mind having the water meter installed, but she did object to the \$100 fee for each property, since she owned several parcels.

Bill Jacobson, Property owner and resident: Mr. Jacobson stated that anyone who seriously thinks there is no drought, then they should go look at the Kelley House Pond on Main Street. He said the water meter was not a big issue, and it let the community know if you were abusing the community water source.

Max Morris: He had two weeks of rainfall into his tanks. His neighbor's tank is full. MCCSD was punishing them because it wouldn't change the amount of water they were actually using.

Chet Anderson, Property Owner and resident: In 16 years, this was the lowest rainfall that he had ever recorded. He noted there were localized differences in the amount of rainfall. The Stage 4 declaration was triggered by the January 31<sup>st</sup> average rainfall and at that time it was at 12% of average rainfall (October 1). He noted the Water Shortage Contingency Plan was paid for through the Local Groundwater Assistance Grant.

5. Groundwater Management

a. Monthly Report

The District received a total of 20.47 inches of rainfall since the 2013-14 rain year began on October 1<sup>st</sup>. The historical average rainfall total at the end of April was 37.51 inches. The District had received approximately 51% of the yearly average rainfall. The total rainfall on March 31<sup>st</sup> was 19.65 inches. The MCCSD Board 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 until reevaluation at the end of May.

The letter to developed property owners without Groundwater Extraction Permits was mailed on April 11. The letter announcing the Stage 4 Water Shortage was also mailed on April 11<sup>th</sup>. As of April 24, twenty-three completed applications had been received. There had been 4 negative responses to the letter.

The meter reading data base had the historical data entered of the existing parcels on the program. The parcels coming on the program would be metered as permits were completed. The reports from the data base had not been finalized.

The 24 monitoring well field was measured on April 11<sup>th</sup>. The recent rainfall has brought the average depth to water up from the December 31<sup>st</sup> low.

The technical memorandum from Kennedy/Jenks was provided which documented the work performed for the 2014 Drought Assessment for the District. The conclusions of the report were summarized and the report indicated that continuation of the Stage 4 Water Shortage condition was justified for the March 31<sup>st</sup> drought assessment.

b. Groundwater Extraction Permit Approval Extension

1. 45081 Calpella Street, APN 119-234-09

An application was submitted and reviewed by the Board of Directors for a Groundwater Extraction Permit Application Approval Extension for 700 sq. ft. of proposed commercial retail.

MOTION Waldman/Kraynek: To approve the Application for a Groundwater Extraction Permit Approval Extension for a period of two years for APN 119-234-09.

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

c. 2. 45091 Calpella Street, APN 119-234-08

An application was submitted and reviewed by the Board of Directors for a Groundwater Extraction Permit Approval Extension for a period of two years for APN 119-234-08, for 900 sq. ft. of proposed commercial retail.

MOTION Waldman/Kraynek: To approve the Application for a Groundwater Extraction Permit Approval Extension for a period of two years for APN 119-234-08.

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

c. Discussion and Possible Action Regarding the \$100 Administrative Fee for the Groundwater Extraction Permit

Edward O'Brien, Mendocino resident and former MCCSD Board member realized that the Board had developed a fee for administering groundwater extraction permits, and agreed there should be a reasonable fee. However, he thought it would be appropriate to waive the fee for the Stage 4 drought requirements because it was not anticipated. He noted the existing permits required a fee because the applicant was asking for a change of use, unlike the stage 4 requirements which required properties to apply for a permit that were not asking for any change.

It was noted that properties were grandfathered in until the Stage 4 occurred, and once that was declared, all property owners were required to obtain a Groundwater Extraction Permit.

Steve Nepove announced to the Board that he did not think they were conducting the meeting in an appropriate fashion, since there was a crowd of people who were restricted to 3 minutes with no response from the Board. Mr. Nepove left the meeting.

The Board discussed the \$100 administrative fee and agreed that every step they have taken was aimed at an equitability for everyone, and since previous permit holders had to pay the fee, they felt it was fair that everyone who obtained a permit paid the fee, including the Stage 4 mandated permits.

Attorney O'Rourke noted that the correspondence was not mailed US registered mail and that the District was not complying with their own laws.

d. Report from Mike Kelley Regarding Ad Hoc Drought Meeting

Mike Kelley presented the 4/16/14, 4/23/14 and 5/7/14 Drought Ad Hoc Committee Meeting Reports. It was noted that the North Coast Resources partnership was releasing a drought package on April 28<sup>th</sup> for the DWR/NCRP to fund \$8.7 million in drought related grants. Director Hauck inquired if there were grants to perform studies for increasing the water availability through de-salination or some other type of water source. The Board agreed that the community must find an available water source if wells continue to go dry. Mike Kelley was asked to investigate grants for water studies or funding to institute storage for emergency water deliveries.

6. New Business

a. Agreement for Right of Use Fee payment Schedule-10481 Lansing St.-APN 119-250-01

The property owner requested five annual installment payments toward a right of use permit for property at 10481 Lansing Street.

MOTION Hauck/Waldman: To approve the Agreement for payment of Right of Use Fees for property located at 10481 Lansing Street.

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

NOES: None

ABSTAIN: Director Waldman

ABSENT: Director Stubbs

7. Old Business

8. Attorney's Report

9. District Superintendent Report

a. Monthly Report

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

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

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

Two loads of water were transferred to the High School in April.

Mike Maley with Kennedy Jenks has finished the Groundwater Model update and the report was made available.

Mike Veach and Thomas Hermon from SHN Consulting Engineers visited the treatment plant on April 22<sup>nd</sup>. They would prepare a proposal for the backup generator replacement, the aeration blower replacement and replacement of the backwash filter controls.

b. Approval for Clarifier Parts Fabrication Bid

The clarifier repair project would be done this summer. The plan was to replace the parts that had failed in the past with stainless steel. Daniels machinery would fabricate the replacement parts and staff would drain and clean the clarifier and install the new parts. A Bid was obtained from Daniel's machine Shop for the clarifier replacement parts fabrication and assembly. All parts were stainless steel. The cost was \$3,907.00 for fabrication of sweep arms and support brackets, and \$925 for labor to assemble the parts, a total of \$4,832.00. Steve indicated there may be other costs involved for example a crane.

MOTION Kraynek/Waldman: To approve costs up to \$7,500.00.

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

NOES: None

ABSENT: Director Stubbs

11. Committee Updates – No reports were given.

12. District Secretary's Report

a. Monthly Register of Cash Disbursements

MOTION Hauck/Kraynek: To approve the payment of checks #11733 through 11781, with void checks noted; #11750, 11752, 11753, 11754, 11755, 11756, and 11772.

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

NOES: None

ABSENT: Director Stubbs

b. Quarterly Report of Income and Expenses Ending March 31, 2014

The Board of Directors reviewed the quarterly report of revenue and expenses for the quarterly period ending March 2014. Year to date operating revenue was \$514,093. Operating expenses were \$391,666, leaving an operating net income of \$122,129.19. Non Operating income was \$70,991 and payments on the biosolids dryer and capital improvement and equipment replacement was \$278,043.

c. Update on Delinquent Sewer Accounts and Certificate of Liens

The Board was updated regarding delinquent sewer accounts and Certificate of Liens.

13. Matters from Board Members

President Schwartz encouraged Board members to attend the upcoming RCAC Budgeting Seminar at the Little River Inn, free of charge on May 8<sup>th</sup>.

Because of the Memorial Day Holiday, the next MCCSD regularly scheduled meeting on May 26<sup>th</sup> was rescheduled to June 9<sup>th</sup>.

Respectfully submitted,

Jodi Mitchell, District Secretary