

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**

**Post Office Box 1029**

**Mendocino, CA 95460**

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Minutes of April 6, 2015

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 Waldman, Hauck, Stubbs and Schwartz. Also present were Mike Kelley and Jodi Mitchell and Attorney James Jackson. Director Kraynek was absent.

1. Agenda – There were no changes or additions to the agenda.

2. Approval of Minutes – January 26, 2015

The approval of the minutes of January 26, 2015 was carried over to the next regular meeting. Directors Hauck and Waldman were not present at the January 26th meeting, therefore could not approve the minutes.

Minutes of February 23, 2015

Correction: Page 3, Section 6 (a), Paragraph 2, Line 3. Changed to read: The community must be aware of the upcoming expenditures related to the maintenance of their sewer system.

Correction Page 3, Section 6 (a), Paragraph 2, Line 4. It was clarified that the public hearing, which was scheduled at the Community Center, was for the Prop 218 hearing.

MOTION Hauck/Waldman: To approve the Minutes of February 23, 2015 as corrected.

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

NOES: None

ABSENT: Director Kraynek

ABSTAIN: Director Stubbs

3. Communications

A copy of correspondence dated February 27, 2015 which was addressed to Mike Kelley, Superintendent and Ed O'Brien, MFPD, was provided to the Board of Directors regarding the proposed Mendocino Emergency Water Source Project.

4. Public Comment

Judy Schlafer, owner of Schlafer's Chevron Station, commented that she received a bill last month from MCCSD in the amount of \$34,500 as a violation for not getting a Groundwater Extraction Permit, and she thought it was ridiculous. She claimed that she was being picked on and harassed. She stated that she would share her water; if you need water from her well, please ask, but she did not want to see a well grab. She invited the Board to contact Dr. Craig Hunt in Santa Rosa with the State of California to review the Hydro-Vac records, where they placed a pipe in a monitoring well and extracted whatever water they could. The Company should be back in a about week and a half for further extraction. Ms. Schlafer was concerned about the amount of water taken out of the well about a year ago, and what it might have done to her neighbors because they trucked almost 40,000 gallons of water for a month to a disposal location. If there was a water shortage, Ms. Schlafer thought the Board needed to look to the State of California who was extracting all that water from her property. Ms. Schlafer also noted it was very costly to the taxpayers.

5. Groundwater Management

a. Hearing for Failure to Obtain a Groundwater Extraction Permit

Steven Gomes, 44401 Little Lake Road, APN 119-120-19

Superintendent Kelley explained that on January 19, 2015, the District received a request for a hearing before the MCCSD Board of Directors regarding the January 1<sup>st</sup> Second violation

Minutes of April 6, 2015

Page 1 of 5

Citation Notice for Failure to Obtain a Groundwater Extraction Permit. A hearing was scheduled for tonight's meeting. The written request for a hearing shall automatically stay the imposition of any penalty or surcharge until the Board renders a decision on the appeal.

Mr. Gomes commented that all documentation was provided by his attorney and entered into the public record at his hearing before the Board of Directors on November 24, 2014.

Mr. Gomes asked all Board members if the Stage 4 declaration triggered the monitoring of their personal wells that were never metered. After asking the Board to respond to the question in several variations, President Schwartz commented that several Board members live in a subdivision that were not required to submit readings to the MCCSD and they were never subject to the Stage 4 groundwater monitoring or allotments until now. The subdivisions were required to send meter readings monthly to MCCSD and they were now also subject to all MCCSD restrictions including the 40% reduction during the Stage 4 Water Shortage. Mr. Gomes alleged there may be a possibility that some board members were biased and he had reason to believe that there may have been a conflict of interest with the vote to declare a stage 4 water shortage condition.

Mr. Schwartz asked Mr. Gomes to present his case.

On November 20 2014 Mr. Gomes' attorney provided correspondence stating their analysis of the Water Shortage Contingency Plan showed Mendocino was never in a stage 4 crisis. They alleged the Board had declared a Stage 4 Crises too early in the year. He claimed that the declaration was based on a letter that he read in the newspaper which discussed the National Climatic Data Center State of the Climate Report January 2014. For the record, they alleged that MCCSD could not declare the Stage 4 Water Shortage Condition until April or May from their interpretation of the Water Shortage Contingency Plan.

Mr. Gomes urged the Board re-consider their application of the Stage 4 Water Shortage Conditions. Many citizens he spoke with, some of which were at the meeting, were faced with threat of prosecution and because they may have an economic disadvantage to hire an attorney, he thought it was wrong. He recommended that the Board should re-consider their declaration of the Stage 4 Water Shortage and make sure they had their bases covered.

In response to Attorney Jackson's question, "How many developed properties were in the District?" and "how many property owners have not applied for a groundwater extraction permit?" - The response was 5 out of 404.

Mike Maley, Principal Hydrologist with Kennedy Jenks presented the Kennedy Jenks Evaluation of Declaration of the Water Shortage. The report was incorporated into the Administrative record and he provided a power point presentation.

Mr. Gomes stated that he did not have a problem with installation of the water meter, but he would only read and record the data when there was a crisis and during the other times of the year, he would not. He commented that a permanent restriction of water indicated only one goal and that was anti-growth.

Former Board President Edward O'Brien stated that growth has always been about water. MCCSD has always required proof of adequate water with no adverse impact to the adjacent wells, which would not change because someone had more land or an older well.

Superintendent Kelley stated that on January 1, 2015 MCCSD issued a second Notice of Violation Citation to Mr. Steven Gomes for failure to obtain a Groundwater Extraction Permit for 44401 Little Lake Road. Mr. Gomes was previously denied a ~~Stage 4 Water Shortage triggered~~ Groundwater Extraction Permit exclusion on November 24, 2014. On January 15, 2015, the MCCSD received a letter from Mr. Gomes attorney, requesting a hearing as to his failure to obtain the required extraction Permit. In the correspondence, Mr. Knight made eight arguments to justify his request for the district to waive the GWEP requirement. The Memorandum to the Board of Directors dated March 30, 2015, regarding 4/6/15 Gomes Hearing

for failure to obtain a Groundwater Extraction Permit at 44401 Little lake Road was entered into the Administrative Record.

It was noted that Mr. Gomes had refused to obtain a Groundwater Extraction Permit and there were penalties associated with non compliance, starting with \$100 per day and accruing up to \$350 per day penalties. The penalties were stayed pending the public hearing.

Consensus of the Board was that they were justified in declaration of the Stage 4 Water Shortage Condition and continuing with the requirements that were now in effect.

MOTION Hauck/Waldman That the request from Mr. Gomes, as outlined in his Attorney's letter, be denied and the Board of Directors finds that they were justified in declaring the Stage 4 and also justified in following the requirements in the District's Ordinances.

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

NOES: None

ABSENT: Director Kraynek

b. CLOSED SESSION

The MCCSD convened to Closed Session to confer with Legal Counsel about anticipated litigation.

The MCCSD convened to Open Session and a report was given out of closed session; MCCSD's Attorney James Jackson<sup>WBS</sup> provided direction concerning a response to five property owners that had failed to comply with the Groundwater Extraction Permit requirements.

c. Groundwater Extraction Report

The Stage 1 Water Shortage that was declared on December 29, 2014 was re-evaluated. The re-evaluation was based on rainfall through January 31, 2015:

1) Water Shortage Contingency Plan (WSCP (Table 3)

2.) The pre-existing Stage 1 Water Shortage from December 29, 2014.

The criteria presented in Table 3 should be used each year to determine water shortage onset stage and modified appropriately if there was a pre-existing water shortage (drought from the previous year or earlier) according to the following criteria: If there was a pre-existing Stage 1 Water Shortage, follow the Water Shortage Condition Criteria without modification.

If less than 19 inches of rainfall was recorded by January 31, 2015, the Stage 1 Water Shortage would have been continued. On January 31, 2015, MCCSD recorded 23.27 inches, which was a No Water Shortage Condition. A resolution was adopted on February 23, 2015 to declare a No Water Shortage Condition and to rescind the December 29<sup>th</sup> Stage 1 Water Shortage.

The District's estimate of water supply availability for 2015 was based on cumulative rainfall since October 1, 2014 through March 31, 2015. Although the cumulative rainfall from October 1, 2014 through December 31, 2014 was adequate to declare a No Water Shortage Conditions, spring rains were critical to avoid a Stage 2 or 3 Water Shortage this summer. By March 31, 2015, rainfall totaled 28.02 inches. The Table 3 shortage forecast in the WSCP was for a Stage 2 Water Shortage during this dry season. The appropriate response from the District was to declare a Stage 2 Water Shortage. It was the Superintendent's recommendation to formally declare a Stage 2 Water Shortage at the April 27, 2015 meeting, since on March 31, 2015 there was <29 inches of cumulative rainfall since October 1, 2014 and less than 7 inches since February 1, 2015.

1.01 inches of rainfall was measured in January (86% below normal), and 4.02 inches was recorded in February (39.6% below normal). March 2015 saw 19% below normal precipitation. For the three month period (January through March) rainfall was 71% below normal. This was the same precipitation pattern that occurred in 2012 when the most recent

4/27/15

drought started. To avoid a Stage 3 Water Shortage, >29 inches of rain must be recorded by May 31, 2015. If <29 inches of rain was recorded on May 31, 2015, a Stage 3 Water Shortage would be recommended by the Superintendent.

6. New Business

a. Introduction of Proposed Fiscal Year Budget 2015/2016

District Superintendent presented a Power Point presentation regarding the proposed 2015/2016 Fiscal Year Budget. The Budget was introduced for review. Mike indicated there would be an approximate revenue deficit of \$91,000, which represented \$40,888 in the Wastewater Department, and \$50,000 for Equipment Replacement. Additional budget revenue would require a monthly sewer rate increase. Prop 218 procedures would be followed for the proposed rate increase.

b. Resolution 2015-243 – Resolution of MCCSD Authorizing Investment of Monies in the Local Agency Investment Fund

4/27/15  
The Local Agency Investment Fund (LAIF) was established in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer. The Board of Directors finds that the deposit ~~that the deposit~~ and withdrawal of money in the LAIF was in the best interest of the MCCSD.

MOTION Hauck/Stubbs: To waive the reading of Resolution No. 2015-243.

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

NOES: None

ABSENT: Director Kraynek

MOTION Hauck/Stubbs: To approve Resolution No 2015-243 A Resolution of MCCSD Authorizing Investment of Monies in the Local Agency Investment Fund

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 March 2015, the treatment plant operated normally. Plant personnel performed routine plant maintenance.

The February self-monitoring online report was sent in to the State Water Quality Control Board.

There was one sanitary sewer overflow in February located in front of 44600 Little Lake Road. Field personnel responded to the overflow on February 26<sup>th</sup>. Operators used a rod to clear the blockage of rags and paper. A dilute chlorine solution was sprinkled around the damp area next to the cleanout. The mainline was high pressure cleaned on February 27, 2015 from manhole to the upstream to the upstream cleanout where the blockage occurred.

On March 18, 2015 Mendocino Lake Termite Control inspected the District buildings. MCCSD received the attached report, which noted mainly dryrot and fungus damage to the exterior siding. Drywood termites were located in the dryer building restroom. Three bids would be obtained to repair the damage. The Bids would be presented to the Board at their April

27<sup>th</sup> meeting for a selection of a contractor to make repairs. Drywood termite infestation would be treated in the area where the termites were located by Mendo Lake.

On March 13, 2015 Carson Manufacturing repaired the overflow pond liner. It was damaged during the February storm when the wind blew the trash dumpster into the pond. The liner suffered at 18" tear. Staff filled a depression with gravel at the outlet of the pond that filled with water. Carson welded a piece of liner material over the area.

SHN Engineering completed the 60% plans for the plant blower and emergency.

There were no recycled water transfers to the High School in February 2015.

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

10. Committee Updates

11. District's Secretary's Report

a. Monthly Register of Cash Disbursement

MOTION Waldman/Hauck: To approve the Register of Demands and Disbursements for check #12211 through #12237.

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

There were no updates to report.

12. Matters from Board Members

13. Adjournment

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,



Jodi Mitchell, Secretary