

MENDOCINO CITY COMMUNITY SERVICES DISTRICT
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Minutes of February 22, 2010

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

1. Minutes of January 25, 2010

MOTION Schwartz/Kraynek: To accept the minutes of January 25, 2010 as submitted.

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

NOES: None

ABSENT: None

Minutes of February 5, 2010 – Special Meeting/Closed Session

MOTION Schwartz/Kraynek: To accept the minutes of February 5, 2010 as submitted.

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

NOES: None

ABSENT: None

2. Communications

An invitation was received from the Mendocino Fire Protection District Board for any interested persons to attend a training session on the Ralph M. Brown Act on Friday, March 12, 2010 from 2:30 – 4:30 p.m. at the Mendocino Volunteer Fire Department training room at 44700 Little Lake Road in Mendocino. Mendocino County Counsel, Jeanine B. Nadel would be giving the training. President O'Brien asked the Secretary to remind Board members of the event.

In response to correspondence from the District, reminding Mr. McCroskey that, as the property owner of property located at 44861 Ukiah Street, he was responsible for payment of any fees and charges for service to his property. Mr. McCroskey apologized for the tardiness of the past due payments on the property, and noted that the property had been leased since 2004. Mr. McCroskey further noted that his tenant's lease made them responsible for paying all utilities, including fees to MCCSD. Mr. McCroskey paid for the past due amount, and noted it was doubtful that he would recoup the funds from them. He noted the District's monthly statements were greater than the amount of money generated for the units the last couple of months, which he considered money being paid for services not being used.

3. Public Comment – None

4. New Business

a. Resolution No. 215 – A Resolution of the MCCSD Appointing a New Director To Fill an Existing Vacancy

Sam Waldman, resident of Mendocino, submitted a letter of interest in serving his community and offered to fill the vacancy in the office of Director of the MCCSD Board.

Resolution No. 215 was introduced for adoption, A Resolution to appoint Sam Waldman to fill the vacancy in the office of Director. The appointment would run to the next general election.

MOTION Schwartz/Kraynek: To adopt Resolution #215.

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

NOES: None

ABSENT: None

The Resolution was signed by the President of the Board. Mr. Waldman executed the Certificate of Appointment and took the Oath of Office. The Secretary affixed the seal of the District, and Director Waldman took his seat.

b. Election of Officers and Committee Appointments

Director Schwartz nominated Edward O'Brien as President. Director Kraynek seconded the nomination.

ROLL CALL VOTE: AYES: Directors Kraynek, Schwartz and Waldman.
NOES: None
ABSENT: None
ABSTAIN: Director O'Brien

Director Kraynek nominated Roger Schwartz as Vice President. Director Waldman seconded the nomination.

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

Committees were appointed as follows:

Plant Operations: Edward F. O'Brien, III and Sam Kraynek
Finance: Roger Schwartz and Sam Kraynek
Personnel and Management: Edward O'Brien and Sam Waldman
Water Management: Roger Schwartz and Edward O'Brien
Street Lighting: Sam Waldman and Sam Kraynek

c. Discussion of Correspondence from 955 Ukiah Street

The Board of Directors reviewed correspondence from Jamie and Peggy Griffith, owners of 955 Ukiah Street Restaurant. While they realized that everyone was looking for every possible option for reducing their overhead costs, their restaurant had been open Thursday through Sunday for dinner. To them, it didn't seem right that they should pay the same sewer service fees as a restaurant that was open seven days a week, and with more shifts.

State and Federal regulations required that the wastewater treatment operation and maintenance costs, including replacement, must be funded in total by user fees. Their food establishment's share of the District's costs to operate the treatment plant was not based on the number of shifts, but rather, a multiple of one ESD, which based the estimated load on the wastewater treatment system for a residence. The monthly charge was based on the square footage of the dining area and not the number of shifts.

The District was required to adopt a balanced budget each year, and the majority of the District's costs to operate the treatment plant were fixed.

The Board was sympathetic to their concern; however, the District had no provision to adjust the charges, based on the frequency of use for one user group. The District had no means to regulate frequency of uses.

d. Construction Contract Agreement-Terry L. Casey dba TLC Construction

The Board reviewed the Construction Contract Fixed Price Agreement submitted by Terry L. Casey, dba TLC Construction, for foundation work at the MCCSD Heeser Drive Lift Station. The fixed price was \$15,000.00. It was noted that the County building permit for the project would expire in November of 2010.

MOTION Kraynek/Schwartz: To accept the \$15,000 contract for foundation work at the MCCSD Heeser Drive Lift Station, as submitted by TLC Construction, dated February 15, 2010.

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

e. Review of Sewer system Capacity Analysis-SHN Consulting Engineers & Geologists, Inc.

SHN Consulting completed a draft of the capacity analysis of the MCCSD collection system. The study was required for the District's Sewer System Management Plan.

The MCCSD sewer system was in good condition, especially considering its age. Significant issues were that, according to the EPA criteria for evaluating infiltration and inflow, it was concluded that the District's system was rated non-excessive. Hydraulic modeling of the sewer system indicated there were no capacity problems, even at build-out, except where an over sized line was installed on an extremely low slope. Improvements were summarized in Table 4.2, and implementation of the projects should be planned as funding became available. Any additional documentation of the collection system using the MCCSD GIS system should be considered.

f. Discussion and Possible Action in Implement Disconnection for Nonpayment of Fees and Charges

a. APN 119-510-09, 44871 Suntrap Meadow Circle

b. APN 119-120-30, 10391 Blair Street

In accordance with Resolution #210, the Board of Directors shall review a delinquent account to consider disconnection of sewer service for nonpayment of fees and charges. If the Board of Directors elected to implement disconnection of sewer service to a property for nonpayment of fees and charges, Resolution 163 procedures would be followed.

A Certificate of Lien was filed with the Mendocino County Clerk-Recorder for APN 119-510-09 and 119-120-30. The delinquent amount for both properties was \$482.82, which represented sewer service charges for three quarters.

Sue Arnold, wife of a member of the Hills Ranch Water board and resident of the Hills Ranch Subdivision, submitted correspondence to the MCCSD Board of Directors from the Hills Ranch Owners Association regarding 44871 Suntrap Meadow Circle. The correspondence stated that the owner had failed to pay her association dues for approximately 20 months, and after phone calls, emails, and letters, all resulted in no response from the owner and the matter was referred to a collection agency. A lien had been recorded against the property. The owner had also failed to comply with the basic HROA CC&Rs regarding maintaining her landscaping and leashing her dog, and has violated the parking regulations by parking 3 cars in guest's parking spots for several months at a time. Those violations resulted in numerous ongoing complaints from neighbors and several warning letters from the HROA Board. Also she has failed to pay her Hills Ranch Mutual Water Company bills for several months.

Superintendent Kelley spoke with the District's counsel, and he recommended continuation of the disconnections at 44871 Suntrap Meadow Circle and 10391 Blair Street for the following reasons:

1. The disconnection would require the property owner to vacate the residence. Since one of the property owners may have some health issues, the disconnection may potentially violate the Disability Act.
2. The new Board member may need time to get up to speed on the disconnection issues.
3. One MCCSD Board members lived within ~~400~~ **500** feet of the 44871 Suntrap Meadow circle residence, and the close proximity would require the Board member to recuse himself.
4. The cost of a previous disconnection/reconnection was around \$1,500.00. Attorney Jackson recommended sending another letter to the property owners that gave them an estimate of the cost to disconnect/reconnect the sewer.

Director Schwartz pointed out that this behavior was flagrant disregard to laws and regulations that govern the Hills Ranch Mutual Homeowners association and the MCCSD. Connie Korbel, Mendocino Beacon, noted that she was uncomfortable with outside information being brought into this issue, which was not within MCCSD's jurisdiction, and since the Board already indicated that they intended to continue the issue, she thought they were crossing the line by continuing the discussion. President O'Brien agreed, and a motion was made:

MOTION To defer the action of disconnection to next month's meeting to give the new Board member time to become familiar with the disconnection policy.

ROLL CALL VOTE: AYES: Directors Kraynek, Waldman, and O'Brien

NOES: None

ABSENT: None

ABSTAIN: Director Schwartz

5. Groundwater Management

a. Hydrological Study approval Renewal-Beacon Property Associates, Allan Cone
APN 119-233-08, 45066 Ukiah Street

On March 29, 2006, a Hydrological Study was approved for future development on an undeveloped parcel. A Hydrological Study Approval would automatically expire by its own terms if the applicant did not make application for a Groundwater Extraction Permit within two years of the Hydrological Study approval. The Board of Directors may extend a Hydrological Study approval for an additional period of two years if it was determined that the conclusions of the hydrological study were still valid. A Hydrological Study Approval Extension was approved in March of 2008.

MOTION Kraynek/Schwartz: To extend the Hydrological Study Approval for
APN 119-233-08 for a period of two years.

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

b. Groundwater Management Report

Superintendent Kelley provided a monthly groundwater report with information on rainfall. Cumulative rainfall to date was 27.49 inches. Annual Average Rainfall was 40.25 inches. Drought conditions would be re-evaluated at the end of March.

The monthly meter reading compliance report indicated there were 12 #1 Meter Reading Violations and 5 #2 Violations.

6. Old Business

7. Attorney's Report

8. District Superintendent's Report

a. Monthly Superintendent's Report

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

The Regional Water Quality Control Board has completed the National Pollutant Discharge Eliminations System (NPDES) Permit draft. They combined the recycled water and treatment plant discharge permits. The final permit was scheduled for adoption on April 29, 2010, and would become effective on June 18, 2010. The draft was available on line at http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/.

No recycled water was transferred to the Mendocino High School during the month of January 2010.

Superintendent Kelley and Operator Steve Acker cleared a blockage in the lateral at 45081 Cahto Street on 2/15/10. The jetter was used to clear the line.

SHN Consulting has completed a draft the capacity analysis of the MCCSD collection system. This study was required for the District's Sewer System Management Plan.

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

9. District Secretary's Report

A copy of the District's Governance Guidelines was provided to all Board members.

Cash Disbursements Journal

MOTION Schwartz/Kraynek: To approve cash disbursements for payment of checks #9371-9412.

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

The secretary confirmed that the next meeting was scheduled for March 22, 2010, one week earlier than their regularly scheduled meeting.

The secretary would provide the Board members with a copy of the Brown Act.

The meeting adjourned.

Respectfully submitted,

Jodi Mitchell
District Secretary