

MENDOCINO CITY COMMUNITY SERVICES DISTRICT
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Minutes of November 29, 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, Waldman, Schwartz and O'Brien. Also present were Steve Acker, Mike Kelley and Jodi Mitchell.

1. Minutes of October 25, 2010

Typographical errors were corrected on page 2, Section 8(a), Line 8, and page 2, Section 10(a) Line 2.

MOTION Schwartz/Kraynek: To approve the minutes of October 25, 2010 with corrections as noted.

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

2. Communications

3. Public Comment

4. Groundwater Management

a. Application for Hydrological Study

Jeremy Isenberg, 45260 William Street, APN 119-215-04

Superintendent Kelley asked for a continuance of the matter to the December meeting. He noted that Lawrence and Associates had not completed their review of the report in time for discussion at this meeting.

MOTION Waldman/Kraynek: To continue the request for Hydrological Study Approval on APN 119-215-04 to the December meeting.

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

b. Application for Hydrological Study Approval Renewal

1. 10401 Heeser Street, APN 119-217-08, Richmond Aguilar

MOTION Schwartz/Kraynek: To extend the Hydrological Study Approval on APN 119-217-08 for Richmond Aguilar for a period of two years.

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

2. 10200 Clark Street, APN 119-140-23, William Wilson

MOTION Schwartz/Kraynek: To accept the Two-Year Hydrological Study Approval Extension for APN 119-140-23, William Wilson.

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

3. 44580 Little Lake Road, APN 119-090-49, Geoffrey Gohachi

MOTION Waldman/Schwartz: To approve the request for a Hydrological Study Approval Extension for APN 119-090-49 for Geoffrey Gohachi

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

4. 45150 Albion Street, APN 119-235-03, Hanneliesel Reeves

MOTION Schwartz/Kraynek: To accept the Application for a Hydrological Study Approval Renewal for Hanneliesel Reeves, APN 119-235-03 located at 45150 Albion Street

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

c. Monthly Groundwater Management Report

Nine, 1st meter reading violation letters were sent. Two owners had responded after receiving the correspondence. A meter reading was taken for the owner of property at 10600 Heeser Street. Giving consideration to the property owner's personal circumstances, there would be no charge for MCCSD staff to record the November meter reading.

Superintendent Kelley noted that property at 10860 Lansing Street was unoccupied and owned by the Bank. The meter had not been read since August 27, 2010. The Board agreed that staff should read the meter, as a courtesy to the bank, to make sure the neighbors are not being affected by any excess water extraction, which was an issue in the past.

2. Recommendation and Possible Legal Action to Enforce the Conditions of the Groundwater Extraction Permit for Failure to Provide Monthly Meter Readings Stephanie Silva, 44400 Little Lake road, APN 119-090-39

Stephanie Silva has been consistent in non-reporting the meter reading to the District on the first of each month as required. On May 26, 2010 a meter reading was submitted. Since that time, MCCSD personnel have gone to the residence twice. The last attempt to read the meter was on August 27th, and the meter was not read because it was not accessible because of dogs. On September 27, 2010, Ms. Silva submitted a meter reading, and stated she would report on the 27th. She also requested that personnel not read the meter as they had four dogs and it was too hard to keep them in all day.

On November 22, 2010, correspondence was sent to Ms. Silva informing her that it was a misdemeanor for any person to violate any provision contained in the Groundwater Extraction Permit Ordinance, and that she was in violation of the conditions of the permit approval. The letter requested that the November 1st meter reading be provided by Wednesday, November 24, 2010, or the issue would be placed on the next monthly Board meeting agenda for a recommendation to proceed with legal action to enforce the conditions of the Groundwater Extraction Permit. Ms. Silva was provided a copy of the permit conditions.

MOTION Kraynek/Schwartz: With reference to MCCSD correspondence of November 22, 2010, refer the issue to Legal Counsel and request that the Groundwater Extraction Permit Approval for APN 119-090-39 be rescinded, and charged a penalty of \$100 per day for extracting groundwater without a permit and recover MCCSD attorney's fees and costs.

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

5. OLD BUSINESS

a. Notice of Intent to File a Certificate of Lien and Consideration of Disconnection of Sewer Service for Non-Payment of Fees and Charges (continued from last meeting) APN 119-510-19, 44871 Suntrap Meadow Circle, Pamela Kahlo

Director Schwartz noted a conflict and recused himself from participation in discussion or action on this agenda item.

Ms. Kahlo had been notified by regular and certified mail and by hand delivered correspondence that her account was seriously overdue. Hand delivered mail on November 15, stated that the Board of Directors would review the delinquent account on November 29, 2010, and also requested payment of \$482.82 immediately. She was also notified that a Certificate of Lien would be recorded against the real property and it was urgent that she contact the District office regarding the account. There had been no communication from her regarding the delinquent account for unpaid sewer fees and charges.

The Board reviewed formal procedures for the collection of delinquent fees and charges. If the Board elected to implement disconnection of sewer service to the property for nonpayment of fees and charges, Resolution 163 procedures would be followed. The owner would be advised that they have fourteen days from the date of the certified letter to bring the account up to date.

MOTION Waldman/Kraynek: To initiate the disconnection process of property at 44871 Suntrap Meadow Circle, for non payment of fees and charges.

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

6. NEW BUSINESS

a. Request for Right of Use Refund – Michelle Short, Single Family Residence
44068 Ocean Vista Court, APN 119-530-28

Michelle Short requested, if possible, a refund of the Sewer Lateral Connection fee paid in 2007 for an undeveloped lot at 44068 Ocean Vista Court. \$6,935.00 was paid, which included a \$25.00 inspection fee. Michelle Short provided a complete history of her current situation and stated that construction of a residence on the property was nonexistent, and she was trying to sell the property. Attorney Jackson indicated that the District had the authority to retain the right of use fee, however, if the residence had not been build or connected to the system, the Board of Directors could, in its discretion, consider refunding the right of use fees under the specific circumstances of this case. It was his recommendation that the District record a notice in the chain of title to the property stating that the right of use fee had been refunded and the property enjoyed no right of use to the District's wastewater treatment system without the future payment of the right of use fees. As an alternative approach, the board of Directors could consider refunding a portion of the fees in view of the situation affecting this individual property owner.

MOTION Waldman/Schwartz: Upon proof of sole legal ownership, the District would refund the Right of Use paid, less the \$25.00 inspection fee, and any legal charges and other costs the District incurred.

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

7. Attorney's Report

8. District Superintendent's Report

a. Monthly Report

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

121,305 gallons recycled water was transferred to the Mendocino High School during the month of October 2010. The nitrate level on October 12th was below 10 mg/L, so water transfers were possible through the end of October.

Plant personnel completed restoration of the truck mounted sewer jetter. The District's truck mounted and the trailer jettors give the MCCSD the ability to clean the entire collection system. The only piece of equipment missing that would be needed for staff to maintain the collection system was a self-propelled camera to video the sewers. A quote was provided for a used van mounted camera system. The

van unit was \$35,000 but may be more than the District needed. 3T was also putting a quote together for a smaller system.

District personnel started removing the old comminutor in October. The bar screen was scheduled for arrival at the plant in mid-December.

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

Mike noted the MCCSD was on the Historical Review Board's agenda for December 6th, for an application to construct a 7' fence around the new bar screen equipment. The fence would serve two purposes; safety and visual.

Directors Waldman and O'Brien would meet with Superintendent Kelley regarding relocation of the existing Northern Berm to accommodate the proposed pond liner.

b. Report on Retro-Fitting Existing Street Lights with Historic Luminaries

Superintendent Kelley provided a report on Retro-Fitting Existing Street Lights with Historic Luminaries. The report included the history of electric streetlights in California, Understanding Street Lighting, Mendocino Street Lighting, and the Mendocino Street Light Retrofit plan.

Director O'Brien suggested that Mike follow up by narrowing down the type of light and provide pictures and costs, and also research the possibility of installation of one temporary light, so people can see if that is what they want.

In response to Director Waldman's concern at the last meeting regarding the procedure of installing a new street light, Mike stated the District would require a letter with the request for a new street light installation.

9. Committee Updates

10. Secretary's Report

a. Monthly Register of Cash disbursements

MOTION Kraynek/Waldman: To approve payment of check #9824-9881, noting that check #9695 was void.

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

11. Matters from Board Members

Director O'Brien noted that a compliance issue existed because some establishments may not be paying their fair share for sewer fees. In his opinion, it was imperative that all users pay their fair share for sewer service. Director O'Brien had to leave on an emergency fire call, and the meeting was adjourned.

Respectfully submitted,

Jodi Mitchell
Secretary