

Mendocino City Community Services District
Press Release
For Immediate Release

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MCCSD Prevails in Second Gomes Litigation

In a judgement entered on March 24, 2023, the Mendocino County Superior Court found in favor of the Mendocino City Community Services District (MCCSD) in the most recent case filed by Steven Gomes (Gomes II). Mr. Gomes had once again challenged MCCSD's legal authority to manage groundwater within the District.

The court ruled in favor of the District on all of Gomes' claims except one, and determined that MCCSD was the prevailing party for the purposes of this litigation. This was the second time Mr. Gomes has attempted to challenge the District's authority to manage groundwater at a significant cost to District rate payers. In the first case the District was successful on every claim, but the Court of Appeals reversed on the narrow ground that the District should have held two public hearings (the District held only one) before adopting a 2007 version of the groundwater management program.

Following the Court of Appeals decision in the Fall of 2019, the District re-adopted the groundwater management program using the two hearing process in Spring of 2020, with two improvements. One improvement allows for additional groundwater extraction in January-March of rain-years with 120% of normal rainfall from October-December. The second improvement was intended to protect public funds. The District inserted a "prevailing party" attorneys fee clause under which either party could be awarded attorneys fees if they prevailed in litigation.

Mr. Gomes challenged the re-adoption of the groundwater management program on several grounds, including the revised attorneys fee clause. The trial court ruled in favor of the District on all counts, except for the revised attorney's fee clause. It shall be removed from the Ordinance without affecting the remainder of the Ordinance.

MCCSD Superintendent Ryan Rhoades expressed optimism, and hopes that the District can direct its attention and resources back to the job of providing community services, rather than proving that we have the right to provide such services.