

MENDOCINO CITY COMMUNITY SERVICES DISTRICT
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MENDOCINO CITY COMMUNITY SERVICES DISTRICT SPECIAL BOARD MEETING
ACTION MINUTES – December 18, 2023
BEFORE THE BOARD OF DIRECTORS
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA COMMUNITY SERVICES DISTRICT LAW
Government Code §61000)

AGENDA ITEM NO. 1 – CALL TO ORDER – 5:30 p.m.

Present: Directors Donna Feiner, Matthew Miksak, Ishvi Aum, VP Jim Sullivan, and presiding was President Dennak Murphy

Staff Present: District Superintendent, Ryan Rhoades

Public Present: Tom Tetzlaff, Roy Helsing, Steve Gomes, Dan Potash, Jeannie Dobbins, 2 unknown community members

AGENDA ITEM NO. 2. – APPROVAL OF AGENDA

Board Action: Upon motion by VP Sullivan and 2nd by Director Miksak, IT IS ORDERED to approve the agenda but move item 8f to become 8a. The Motion carried by the following vote:

AYE: 5

AGENDA ITEM NO. 3 –PUBLIC COMMENT

Tom Teztlaff questions what the emergency was. Ryan Rhoades responded and will discuss in greater length during the Superintendent's Report.

AGENDA ITEM NO. 4 – COMMUNICATIONS

None

AGENDA ITEM NO. 5- FINANCIAL REPORT

Presenter: Ryan Rhoades

Board Comment: VP Sullivan, Director Aum, President Murphy, Director Miksak

Board Action: Upon motion by Director Feiner and 2nd by Director Miksak, IT IS ORDERED to approve the September, October, and November disbursements. The Motion carried by the following vote:

AYE: 5

AGENDA ITEM NO. 6- CONSENT AGENDA

APPROVAL OF MINUTES FROM 10-30-23

Board Action: Upon motion by Director Miksak and 2nd by Director Feiner, IT IS ORDERED to approve the agenda. The Motion carried by the following vote:

AYE: 5

AGENDA ITEM NO. 7—DISCUSSION AND POSSIBLE ACTION REGARDING ANY CONSENT AGENDA ITEM NEEDING SEPARATE ACTION

None

AGENDA ITEM NO. 8 – NEW BUSINESS

- f) Election and appointment of Board Officers

President: Dennak Murphy

Board Action: Upon motion by Director Aum and 2nd by VP Sullivan, IT IS ORDERED for Dennak Murphy to continue to serve as President of the MCCSD Board of Directors

AYE: 5

Vice President: Matthew Miksak

Board Comment: Director Aum, Director Miksak

Board Action: Upon motion by Director Aum and 2nd by Director Feiner, IT IS ORDERED for Director Miksak to serve as VP of the MCCSD Board of Directors

AYE: 5

- a) Discussion and Possible Action to approve the Audit for the year end of June 30, 2023

Presenter: Dennak Murphy

Board Comment: VP Sullivan, Director Aum

Public Comment: Roy Helsing

Staff Comment: Ryan Rhoades

Board Action: Upon motion by Director Feiner and 2nd by Director Miksak, IT IS ORDERED to approve the Audit for July 1, 2022 to June 30, 2023

AYE: 5

- b) Introduction of Ordinance 2023-01: Conflict of Interest Code for Mendocino City Community Services District

Presenter: Dennak Murphy

Board Comment: Director Aum, Director Miksak

Public Comment: Tom Tetzlaff

Dennak Murphy reads Ordinance 2023-01 into the record

- c) Discussion and potential revisions to the Governance Guidelines document

Presenter: Dennak Murphy

Board Comment: Director Aum, VP Sullivan, Director Miksak, Director Feiner

Staff Comment: Ryan Rhoades

Public Comment: Jeannie Dobbins, Colin Morrow, Roy Helsing, Steve Gomes

Board Action: Upon motion by Director Aum and 2nd by Director Feiner, IT IS ORDERED to approve changes to the Governance Guideline with the addition to #7 (Selection of Agenda Items and Scheduling for Board Meetings). The Motion carried by the following vote:

AYE: 5

- d) Discussion and Possible Action to approve the RFQ for Legal Services

Presenter: Ryan Rhoades

Board Comment: Director Aum, President Murphy

Public Comment: Dan Potash

Board Action: Upon motion by Director Feiner and 2nd by VP Sullivan, IT IS ORDERED to approve the RFQ for Legal Services. The Motion carried by the following vote:

AYE: 5

- e) Discussion and Possible Action related to a Community Water System

Board Comment: Director Aum and Director Feiner

Public Comment: Steve Gomes, Tom Tetzlaff

Board Action: Upon motion by Director Aum and 2nd by VP Sullivan, IT IS ORDERED to form an ad hoc committee to investigate and pursue with SAFER and GHD the possibility of a Community Water System. The Motion carried by the following vote:

AYE: 5

- g) Discussion and Possible Action to appoint Standing Committee Assignments

Finance: Dennak and Ishvi

Personnel: Dennak and Matthew

Plant Operations: Jim and Ishvi

Safety: Donna and Matthew

Street Lighting: Jim and Donna

Groundwater Management: Jim and Ishvi

- h) Discussion and Possible Action to review existing ad hoc committees

Legal: Dennak

MUSD/ Tank Project: Jim

Community Water System: Matthew and Jim

New/ Expanded Use: Dennak and Jim

Conflict of Interest: Dissolved, upon motion by Director Miksak, 2nd by Director Aum.

AYE: 5

Governance Guidelines: Dissolved, upon motion by Director Feiner, 2nd by Director Aum.

AYE: 5

Board Comment: Director Aum and VP Sullivan

Staff Comment: Superintendent Rhoades

AGENDA ITEM NO. 9- OLD BUSINESS

None

AGENDA ITEM NO. 10- DISTRICT SUPERINTENDENT’S REPORT

Presenter: Ryan Rhoades

Board Comment: Directors Aum, VP Sullivan, and President Murphy

AGENDA ITEM NO. 11: GROUNDWATER MANAGEMENT

Presenter: Ryan Rhoades

Public Comment: Tom Tetzlaff

AGENDA ITEM NO. 12: COMMITTEE UPDATES

There is a break in the recording. It is unknown if anything was discussed.

AGENDA ITEM NO. 13: MATTER FROM BOARD MEMBERS

Director Aum requests clarification on ad hoc vs standing committees

AGENDA ITEM NO. 14: ADJOURNMENT

IT IS ORDERED to approve adjourning the meeting at 7:47 p.m.

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT MEETINGS

- *Effective May 11, 2020, the Board of Directors’ minutes will be produced in “action only” format.*
- *Minutes are considered draft until adopted/approved by the Board of Directors*
- *Please reference the District’s website to obtain additional resource information for the Board of Directors: www.mccsd.com.*

Thank you for your interest in the proceedings of the Mendocino City Community Services District

Board of Directors

STANDING COMMITTEES:

Finance:----- Dennak Murphy and Ishvi Aum

Personnel:----- Dennak Murphy and Matthew Miksak

Plant Operations:----- Dennak Murphy and Jim Sullivan

Safety: ----- Jim Sullivan

Street Lighting:----- Donna Feiner and Jim Sullivan

Groundwater Management:----- Jim Sullivan

Respectfully submitted,
Ryan Rhoades and Katie Bates

Memo

To: Board of Directors
From: Katie Bates
cc: Jim Jackson
Date: 12/28/2023
Re: 2024 Board of Directors' Meeting Calendar

After looking at the calendar for 2024, I would like to propose the following dates as potential meeting dates:

- January 29, 2024
- February 26, 2024
- March 25, 2024
- April 29, 2024
- May 20, 2024
- June 24, 2024
- July 29, 2024
- August 26, 2024
- September 30, 2024
- October 28, 2024
- November 25, 2024
- December 23, 2024

Memo

To: Board of Directors
From: Katie Bates
cc: Jim Jackson
Date: January 22, 2024
Re: Conflict of Interest Policy

The Board of Directors originally began reviewing and editing the existing Ordinance 2016-2 Conflict of Interest Code in 2023. The proposed revisions were introduced at the December 18, 2023 Board of Directors meeting, and titled Ordinance 2023-1 Conflict of Interest Code. Staff has changed the title to Ordinance 2024-1 Conflict of Interest Code since that accurately reflects when it will be adopted.

Staff researched if the Ordinance would need to be reintroduced since a change had been made. According to the Institute for Local Government, "If substantive changes are made to a proposed ordinance after it is first introduced, it generally will need to be re-introduced and another waiting period must pass before the modified ordinance can be adopted." (https://www.ca-ilg.org/sites/main/files/file-attachments/how_agencies_make_things_happen_0.pdf?1498252437) Staff contends no substantive changes have been made, so the Board **can** vote on whether or not to adopt Ordinance 2024-1 at the 1/29/24 meeting.

ORDINANCE 2024-01

CONFLICT OF INTEREST CODE FOR THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix [or Appendices], designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Mendocino City Community Services District.

Individuals holding designated positions (all Board members, as well as the District Superintendent) shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the District.

This Ordinance was first introduced at a regular meeting of the Board of Directors on December 18, 2023, and adopted by the Board of Directors on _____ by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Katie Bates, District Secretary

Dennak Murphy, Board President

Attachments for Informational Use Only

- "An Overview of Conflicts of Interest Under the Political Reform Act" <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/Conflicts%20Guide%202022.pdf>
- Form 700 https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2022-23/Form_700_2022.pdf

January 2024 Superintendent's Report

Wastewater Treatment Plant:

- Operators performed routine repair and maintenance to the WWTP in January of 2024.
- The District Bobcat skid-steer, "tractor" is being repaired in Santa Rosa. The unit is over 20 years old, and finding parts is becoming difficult. We may have to consider buying something newer at some point soon. Prices start around \$30,000 for a used unit and \$65,000 for something new.
- Once the tractor is repaired MCCSD plans to transport two influent pumps down to Novato for a rebuild. One pump is from the Hill Ranch Lift Station and belongs to Hills Ranch.
- Aerzen serviced the primary blower on January 3, 2024.
- Staff prevented another near disaster on Saturday January 13. High flows, heavy rains, and king tides all contributed to the plant being overwhelmed. Rather than settling, heavy flows caused solids to pass over the clarifier weir walls and into the filters, causing the filters to plug. Continued high flows prevented effective backwashing of filters. Operators responds to the alarms, diverted incoming flows to the holding pond, backwashed filters, and allowed the plant to settle. It required many hours late Saturday night and most of Sunday to get back to normal. I am working with staff to be better prepared before future heavy rain events and grateful to the skilled operators that were able to handle the situation

Outfall Update: Alpha Diving was not able to complete their inspection dive in 2023. They reported safety concerns with conditions and the long period swell. Diver safety has to be the top priority. They have not set a dive date as of this time. I informed the State Lands Commission and they are understanding of the situation. This delay does not violate our NPDES permit requirements.

Recycled Water:

MCCSD did not transfer any recycled water during the month of January. We did however get some unfortunate news from the Division of Financial Assistance that the proposed Ca FY24 budget cuts are impacting grant funding, and our recycled water upgrades and expansion application is not likely to be funded. We are exploring options that include loans, breaking the project into phases, or placing the project on inactive status while we wait for more funding. Additional funding is not expected for at least the next few years.

Biosolids Trailer and Transport:

-MCCSD staff transported one load of biosolids to Redwood Landfill in January. With the Bobcat out of service, capturing and loading the dry biosolids has become a challenge for staff.

Grant and Project Updates: New grant funding for MCCSD is not looking promising for the immediate future.

-No updates from FEMA on the January 2023 Storm Damage re-imbusement. We reached out to them most recently on 1-12-24, they are looking into the hold up.

-1-18-24 The MCCSD was informed by DFA that the Draft FY 2024 State Budget has proposed reductions to grant funding program for the coming year and that our Recycled Water grant application as currently submitted doesn't look like it will be funded this year or in the next few years.

-As a reminder staff received news 11/8/23 that the MCCSD wastewater planning grant application to evaluate and design replacement aspects of the WW collections system, treatment process, and outfall, is not

a CWSRF priority project at this time, and our request is not anticipated to be funded this fiscal year. Funding has been prioritized for systems with NPDES violations and connecting previously un-serviced areas.

-ESS grant writing consultant phoned on 1/18/24 and informed staff that with current budget cuts our best option for funding projects in the near future would be to reach out to our political leaders.

-Staff met with members of SAFER on 1/16/23. The state has agreed to fund some technical assistance by GHD. Next is finalization of GHD's agreement with the West Company to assist and begin community engagement.

Safety Meeting and Plant Safety Inspection:

The 30-minute monthly safety meeting was held January 19, 2024. The topic was review of the *Incident Reporting*. No safety incidents were reported for the period.

Sanitary Sewer Collection System:

There were no Sanitary Sewer overflow reports for the period April 12, 2023- January 25, 2024

Other:

Following the MCCSD 2023-24 budget, on January 18, staff transferred \$205,000 from our general checking account to LAIF savings account with the State Treasurer. This is the first time in the past three plus years we have been able to put money into reserves, and it is thanks to the rate increased passed by District property owners that took effect about one year ago. Recent equipment break downs may result in needing to use these reserves sooner than hoped.

Staff completed and submitted the annual State Controllers report on 1-24-24. Thank you for the hard work on this.

The Legal Request for Qualification has gone out. It is also posted on the District Web Site. Thank you to Dan Potash for your assistance in this process. Of the first six firms contacted at least four have expressed interest and requested additional information.

The Superintendent successfully submitted the Q4 2023 self-monitoring report. We had not violations to report for the period. The annual report is the next big administrative task.

Memo

To: MCCSD Board of Directors
From: District Superintendent
cc: Jim Jackson
Date: January 24, 2024
Re: Groundwater Management Report

The 2023-24 Rain Year

October 1, 2023 was the beginning of the 2023-24 rain year. Average annual precipitation in Mendocino is 39.20 inches, and average rainfall in January is 7.0" inches. 8.97" inches of rainfall has been measured in the District for the month, as of January 24, 2024 (Figure 1, Table 1).

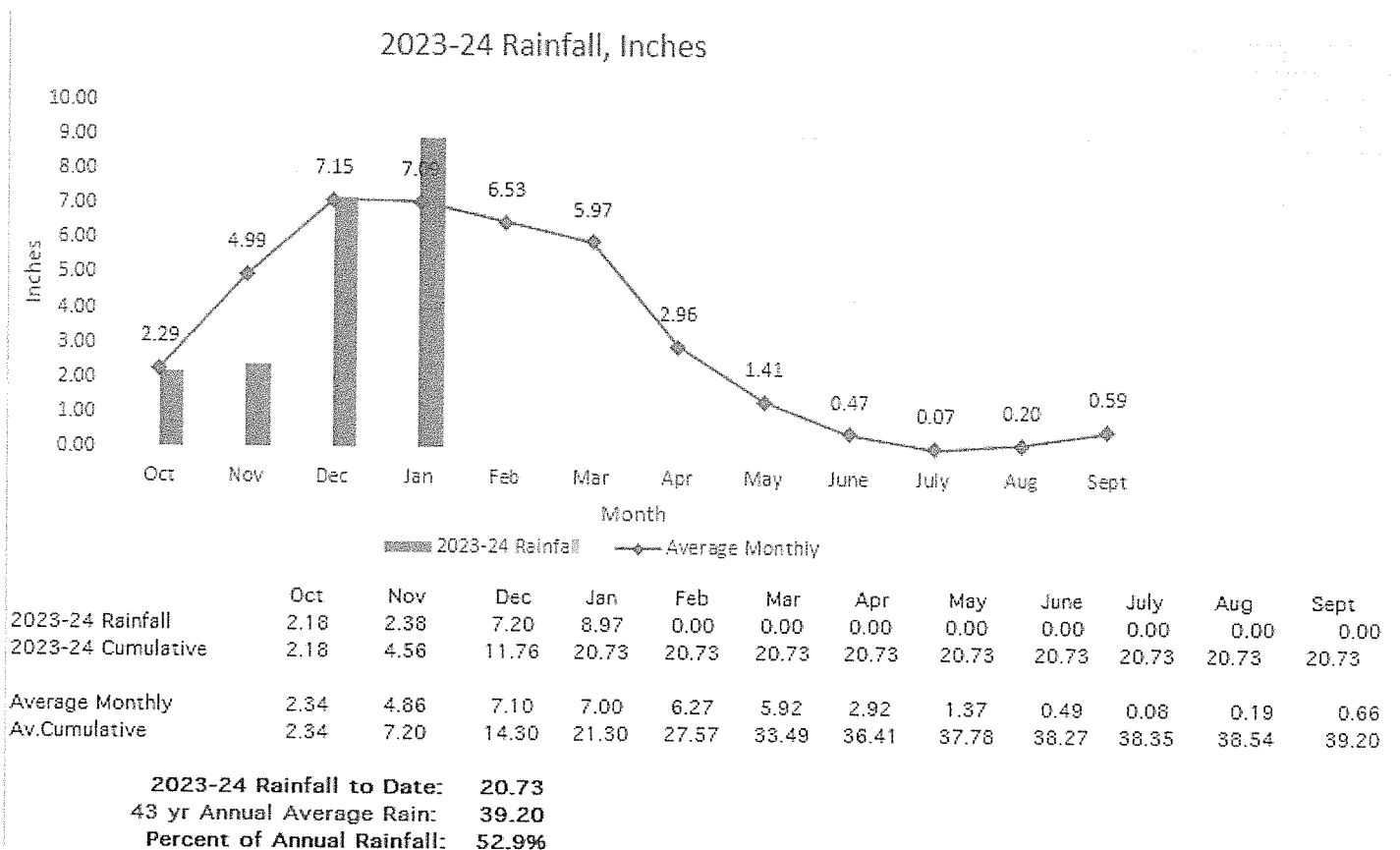
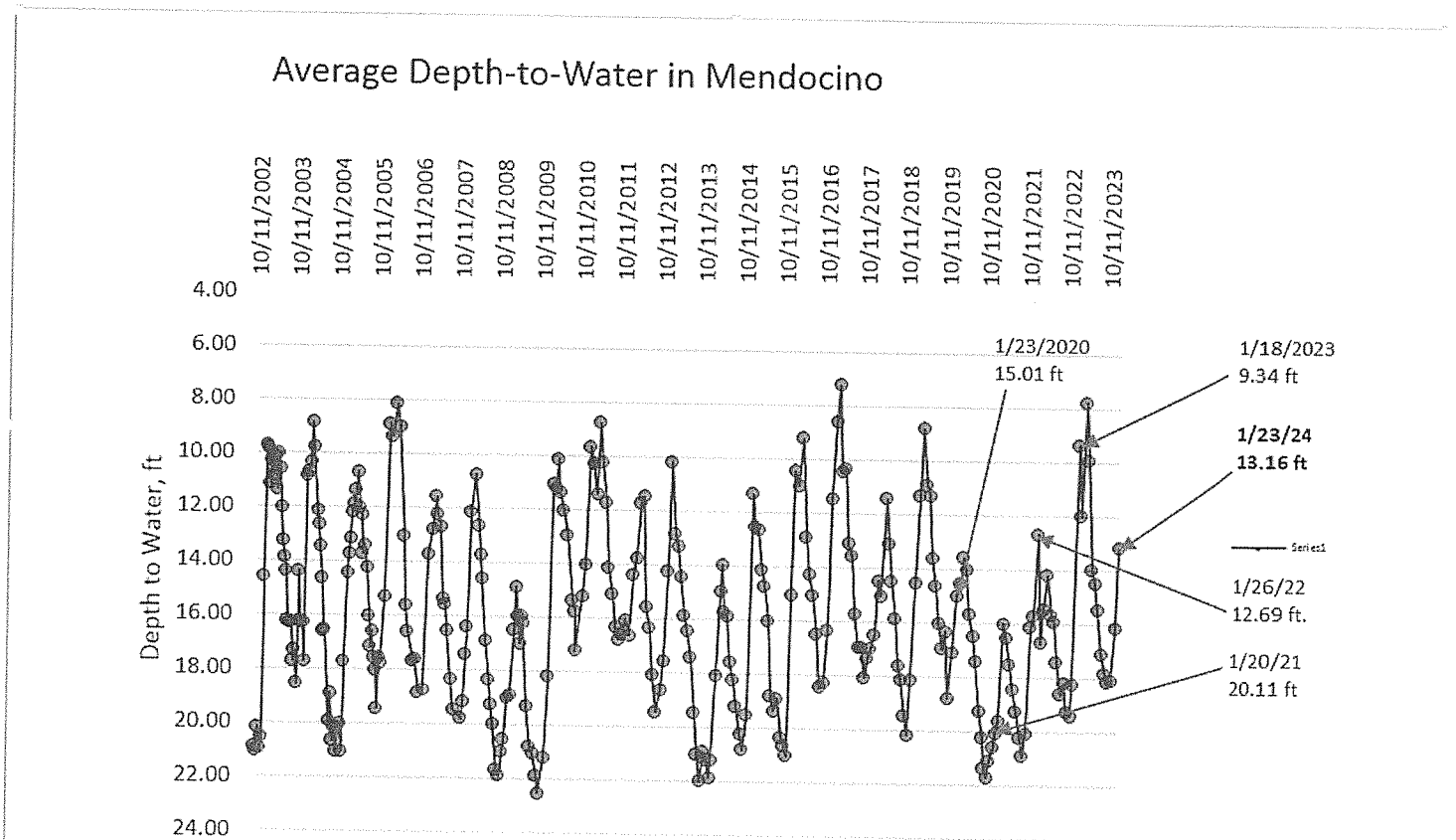


Figure 1, Table 1

January 2024 Depth-to-Water (DTW)

The average DTW measurements District-wide in the 24 monitoring wells on January 23, 2024 was 13.16 ft. DTW averages are 3.0' ft. better than December of 2023. The DTW averages in the five drought monitoring wells reported at 15.27 ft. a nearly 6 ft. improvement from December 2023.

Figure 2 January 2024, Depth-To-Water Chart



Following the Water Shortage Contingency Plan. The MCCSD Board declared on April 19, 2023 that no water shortage exists within the MCCSD boundaries. According to the Water Shortage Contingency Plan, (p. 14) "Calendar for Declaring Water Shortage...if a water shortage is not declared by the end of May, no further evaluation is required until the following January 31." Looking at current rainfall totals and depth to water averages it appears there is no water shortage in the District at this time, March 31 will be the following evaluation date.