

MENDOCINO CITY COMMUNITY SERVICES DISTRICT
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Minutes of April 16, 2020

Per California Governor Gavin Newsom's Executive Orders N-25-20 and N-29-20 the meeting was held via teleconference.

1. Call to Order

Special Meeting was called to order by Vice President Hauck at 7:08 p.m. Present teleconferencing were Vice President Hauck, Directors Rice, Arnold and Sullivan. Superintendent(s) Mike Kelley and Ryan Rhoades, as well as District Secretary, Jeannée Christ, were present. Also present were Legal Counsel James Jackson in the office and Matt Emerick via teleconference.

2. Approval of Agenda

Vice President Hauck requested that Items 6 a) "Hydrological Study Approval for: 10940 Lansing Street" and 6b) "Groundwater Extraction Permit Application Approvals for: 10940 Lansing Street" in "Old Business," be moved on the agenda ahead of Item 5 a – c, "Public Hearing and Board Action".

MOTION Rice/Sullivan: To approve moving Item 6 a and b above Item 5 a through c on the Agenda.

ROLL CALL VOTE:	AYES:	Directors Rice, Arnold, Sullivan and Hauck.
	NOES:	None
	ABSENT:	None

3. Communications

Letters received from MCCSD customers - Reed, Clark and Boyer's letters were read by District Secretary Christ. Director Rice read his letter. A letter from Attorney Momsen regarding Resolutions 2020-261, 262 and 263 was read into the record.

4. Public Comment

Steven Gomes expressed concerns regarding Resolutions 2020-261, 2020-262 and, 2020-263; he noted that the Minutes from January 9th, 2020, had not yet been posted to the web site. Attorney Morrow, asked that Resolutions 2020-261, 2020-262 and, 2020-3 be continued. Attorney Morrow asked that the full board package be sent to him and Attorney Momsen. Director Rice said that he posted an on-line petition against Resolutions 2020-261, 262, and 263.

5. Old Business

Vice President Hauck opened the public hearing for revised Item 6, Old Business.

a. Hydrological Study Approval for:

1. 10940 Lansing Street– Mel Lockey APN119-070-19. Superintendent Kelley explained the Lockeyes' Hydrological Study. Vice President Hauck opened the matter to public comment. Paul Clark expressed his concerns. Barbara Reed wants Deed Restrictions removed. Attorney Morrow, discussed Ordinance 04-01. Attorney Jackson said that 04-01 has not been challenged nor repealed.

MOTION Rice/Arnold To approve Hydrological Study Approval - Lockey

ROLL CALL VOTE:	AYES:	Directors Rice, Arnold, Sullivan and Hauck.
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NOES: None
ABSENT: None

b. Groundwater Extraction Permit Application Approvals:

1. 10940 Lansing Street– Mel Lockey APN119-070-19. Superintendent Kelley explained the details regarding Lockey’s Ground Water Extraction Permit. Vice President Hauck opened the matter to public comment. Attorney Morrow stated his objection based on Ordinance 04-01. Gail Lauinger stated her concerns.

MOTION Arnold/Sullivan To approve Groundwater Extraction Permit Application - Lockey

ROLL CALL VOTE: AYES: Directors Rice, Arnold, Sullivan and Hauck.
NOES: None
ABSENT: None

6. Public Hearing and Board Action

Vice President Hauck opened the public hearing regarding three proposed Resolutions.

a. Resolution No. 2020-261 - A Resolution of Intention by the MCCSD to Adopt the Groundwater Extraction Permit Ordinance. The proposed ordinance manages groundwater by issuing extraction permits to developed parcels within the District’s boundaries. The Ordinance would require each developed parcel to be issued an approved allotment of groundwater.

Superintendent Kelley explained the history of the Resolution. Vice President Hauck opened meeting to public comments about Resolution 2020-261. Reed, Clark, Lauinger, Gomes and Attorney Morrow commented. Ed O’Brien explained the history of the Resolutions. Vice President Hauck explained that this was not an ordinance, that this was a resolution that needed to be passed prior to adopting the ordinance. Attorney Jackson responded to Attorney Morrow’s comments. Superintendent Kelley said that drafts of both Ordinances and the Water Shortage Contingency Plan are on the web site. Vice President Hauck closed the public comment and opened the matter to board discussion. Director Rice read his correspondence. Attorney Jackson said that we needed to pass the Resolution of Intention in order to make a commitment to review the matter. Vice President Hauck explained the need for the ordinance adoption was to enable the district to mitigate the impact of droughts in the community. Vice President Hauck suggested that a special committee of community members could be appointed to review the Groundwater Management Program. Vice President Hauck asked if votes could be taken via e-mail. Attorney Jackson said that an e-mail would be valid. Director Arnold expressed concerns about the e-mail vote. Director Rice discussed having a “sunset clause” in the Ordinance and then waiting a year to vote. Superintendent Kelley explained requirements for a Stage Four drought. Director Rice addressed Attorney Jackson regarding the “sunset clause.” Attorney Jackson said “yes, we could but it should be addressed in the next board meeting”. Attorney Jackson said he would talk to Otto about the “sunset” clause before the meeting.

MOTION Arnold/Sullivan To Approve Resolution 2020-261- A Resolution of Intention by the MCCSD to Adopt the Groundwater Extraction Permit

ROLL CALL VOTE: AYES: Directors Arnold, Sullivan and Hauck
NOES: Director Rice
ABSENT: None

b. Resolution No. 2020-262 – A Resolution of Intention by the MCCSD to Adopt a Water Shortage Contingency Plan. The purpose of the Plan is to provide a strategy for declaring a water shortage through four (4) stages of alert and action, and to require appropriate conservation measures and response actions for each water shortage stage to protect and to help extend the water resources of the District.

Superintendent Kelley explained the history of the Resolution. Vice President Hauck opened the meeting to public comments. Reed and Attorney Morrow expressed concerns. A discussion among board members was held with verbal agreement that a protest letter would need the registered voter's name, address where they reside in the district, phone number where they could be reached within 72 hours, and whether they were voting for or against the Resolution.

MOTION Arnold/Sullivan To Approve Resolution 2020-262 - A Resolution of Intention by the MCCSD to Adopt a Water Shortage Contingency Plan

ROLL CALL VOTE: AYES: Directors Arnold, Sullivan and Hauck
 NOES: Director Rice
 ABSENT: None

c. Resolution No. 2020-263 – A Resolution of Intention by the MCCSD to Adopt the Water Shortage Contingency Plan Ordinance to provide the authority to declare a water shortage through four (4) stages of alert and action, and to require appropriate conservation measures and response actions for each water shortage stage to protect the groundwater resources of the District.

Superintendent Kelley explained the history of the Resolution. Vice President Hauck opened meeting to public comments. Clark, Attorney Morrow and Director Rice expressed their concerns. Attorney Jackson said that the law requires that the water code be followed. Vice President Hauck opened it up to Board comment. Vice President Hauck requested a vote on Resolution 2020-263.

MOTION Arnold/Sullivan To Approve Resolution 2020-263 - A Resolution of Intention by the MCCSD to Adopt the Water Shortage Contingency Plan Ordinance .

ROLL CALL VOTE: AYES: Directors Arnold, Sullivan and Hauck
 NOES: Director Rice
 ABSENT: None

Director Arnold needed to leave the meeting. Vice President Hauck asked if he could appoint her to the Personnel and Management Committee in her absence. Director Arnold agreed. Director Arnold withdrew her objection to an e-mail vote. Attorney Jackson said that MCCSD would need to submit copies of the Ordinances and Water Shortage Contingency Plan to the Beacon tomorrow.

7. New Business - None

8. Committee Appointments

a. Personnel & Management Committee

MOTION Rice/Sullivan To Approve Appointment of Director Arnold to the Personnel and Management Committee.

ROLL CALL VOTE: AYES: Directors Rice, Sullivan and Hauck
 NOES: None
 ABSENT: Director Arnold

9. Matters from the Board Members - None

10. Regular Meeting Adjournment 10:00 p.m.

Respectfully submitted,


Ryan Rhoades

District Superintendent