

MENDOCINO CITY COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS 3-27-2023 MEETING AGENDA

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

P. O. BOX 1029

MENDOCINO, CA 95460

Business Phone (707) 937-5790 Treatment Plant (707) 937-5751 Fax (707) 937-3837

AGENDA

REGULAR MEETING

Monday, March 27, 2023

5:00 PM

Wastewater Treatment Plant, 10500 Kelly Street, Mendocino

IN RESPONSE TO THE GOVERNOR'S LIFTING THE COVID STATE OF EMERGENCY, MCCSD HAS RESUMED  
IN-PERSON BOARD AND STANDING COMMITTEE MEETINGS

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PUBLIC COMMENT: non agenda items
4. COMMUNICATIONS
5. FINANCIAL REPORT  
Discussion and Possible Action to Approve District Disbursements/Expenditures.
6. CONSENT AGENDA  
All matters on the Consent Agenda are to be approved by one action without discussion unless a Board Member requests separate action on a specific item.
  - a) APPROVAL OF MINUTES from 2-27-23
  - b) APPROVAL OF MINUTES from 3-3-23
7. DISCUSSION AND POSSIBLE ACTION REGARDING ANY CONSENT AGENDA ITEM NEEDING SEPARATE ACTION
8. NEW BUSINESS
  - a) Discussion and Possible Action to adopt Resolution 2023-313: RESOLUTION OF MENDOCINO CITY COMMUNITY SERVICES DISTRICT TO OPPOSE CA BALLOT INITIATIVE 21-0042A1
  - b) Discussion and Possible Action to approve the 2023 Mendocino Film Festival's use of the Palette Drive property May 23 - June 6, 2023
  - c) Discussion and Possible Action to adopt Resolution 2023-314: RESOLUTION OF MENDOCINO CITY COMMUNITY SERVICES DISTRICT FOR CALOES DESIGNATION OF AUTHORIZED AGENT FOR NON-STATE AGENCIES
9. OLD BUSINESS
  - a) Discussion and Possible Action to discuss possible alternative future MCCSD meeting locations and format now that the Covid-19 State of Emergency has been declared over by Governor Gavin Newsom
10. GROUNDWATER MANAGEMENT  
Monthly Groundwater Management Report
11. DISTRICT SECRETARY'S REPORT  
Monthly Report
12. DISTRICT SUPERINTENDENT'S REPORT  
Monthly Report.
13. COMMITTEE UPDATES

MENDOCINO CITY COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS 3-27-2023 MEETING AGENDA

14. MATTERS FROM BOARD MEMBERS

15. ADJOURNMENT

STANDING COMMITTEES: For 2023

Finance:----- Dennak Murphy and Ishvi Aum  
Personnel:----- Dennak Murphy and Matthew Miksak  
Plant Operations:----- Dennak Murphy and Jim Sullivan  
Safety:----- Jim Sullivan  
Street Lighting:----- Jim Sullivan and Donna Feiner  
Groundwater Management:----- Jim Sullivan and Donna Feiner

*Pursuant to Americans with Disability Act (ADA Title II), MCCSD will make reasonable arrangements to ensure accessibility to the meeting. If you need special assistance to participate in this meeting, please contact the business office at 707- 937-5790.*

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**

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

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT SPECIAL BOARD MEETING**

**ACTION MINUTES – February 27, 2023**

**BEFORE THE BOARD OF DIRECTORS  
FAIR STATEMENT OF PROCEEDINGS  
(PURSUANT TO CALIFORNIA COMMUNITY SERVICES DISTRICT LAW  
Government Code §61000)**

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**AGENDA ITEM NO. 1 – CALL TO ORDER – 5:06 p.m.**

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

**Staff Present:** Mr. Ryan Rhoades, District Superintendent, Katie Bates, Board Secretary.

**Legal Counsel Present:** None

**Public Present:** Michelle Blackwell, Dan Potash, Tina Aranguren, Andrea Shepard, Tony Graham, Richard Eastbrook, Mike Maley, Matt Kennedy

**AGENDA ITEM NO. 2. – APPROVAL OF AGENDA**

**Board Action:** Upon motion by VP Sullivan and 2<sup>nd</sup> by Director Feiner, IT IS ORDERED to approve the agenda. The Motion carried by the following vote:

AYE: 4

NO: 0

ABSENT: 1 (Miksak)

**AGENDA ITEM NO. 3 –PUBLIC COMMENT**

**Public Comment:** Tina Aranguren

**AGENDA ITEM NO. 4 – COMMUNICATIONS**

None

**AGENDA ITEM NO. 5- FINANCIAL REPORT**

**Board Action:** Upon motion by Director Feiner and 2<sup>nd</sup> by VP Sullivan, IT IS ORDERED to approve the January disbursements. The Motion carried by the following vote:

AYE: 4

NO: 0

ABSENT: 1 (Miksak)

**AGENDA ITEM NO. 6: CONSENT AGENDA**

**APPROVAL OF 2-6-23 MINUTES**

**Board Action:** Upon motion by Director Feiner, seconded by VP Sullivan, IT IS ORDERED to approve the consent agenda. The Motion carried by the following vote:

AYE: 4

NO: 0

ABSENT: 1 (Miksak)

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

None

**AGENDA ITEM NO. 8 – NEW BUSINESS**

- a) Mendocino Groundwater Overview Presentation by Mike Maley of Todd Groundwater  
Presenter: Mike Maley

Board Comment: Directors Miksak, Aum, and Feiner, VP Sullivan and President Murphy  
Public Comment: Tony Graham and Michelle Blackwell

- b) Update from Matt Kennedy of GHD on the Emergency Water Storage Project  
Presenter: Matt Kennedy

Staff Comment: Superintendent Rhoades  
Board Comment: Directors Aum, Miksak, Feiner, VP Sullivan and President Murphy  
Public Comment: Michelle Blackwell and Tina Aranguren

**AGENDA ITEM NO. 9- OLD BUSINESS**

- a) Discussion and Possible Action with regards to community engagement towards water resiliency

Presenter: President Murphy

Staff Comment: Ryan Rhoades

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

Public Comment: Andera Shepard, Tina Aranguren, Michelle Blackwell

**Board Action:** Upon motion by President Murphy, seconded by Director Aum, IT IS ORDERED for MCCSD, working with the SAFER Program, our community, and our technical partners, supports and endorses a "Feasibility Study" regarding the development of a community water system to build long-term water security for the town of Mendocino. The Motion carried by the following vote:

AYE: 5

NO: 0

**b) Discussion and Possible Action to engage with ESS, Engineering Solution Services**

**Staff Comment:** Ryan Rhoades

**Board Comment:** President Murphy

**Public Comment:** Tony Graham, Tina Aranguren

**Board Action:** Upon motion by Director Aum, seconded by Director Feiner, IT IS ORDERED to approve engaging with ESS for up to \$5,000 to help develop a strategic plan. The Motion carried by the following vote:

AYE: 5

NO: 0

**AGENDA ITEM NO. 10- GROUNDWATER MANAGEMENT**

**Presenter:** Ryan Rhoades

**AGENDA ITEM No. 11 – SECRETARY’S REPORT**

**Presenter:** Katie Bates

**AGENDA ITEM NO. 12: SUPERINTENDENT’S REPORT**

**Staff Comment:** Ryan Rhoades

**Board Comment:** Director Aum

**AGENDA ITEM NO. 13- COMMITTEE UPDATES**

None

**AGENDA ITEM NO. 14: MATTER FROM BOARD MEMBERS**

**AGENDA ITEM NO. 18: ADJOURNMENT**

IT IS ORDERED to approve adjourning the meeting at 7:28 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](http://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:----- Donna Feiner and Jim Sullivan

Respectfully submitted,

Ryan Rhoades and Katie Bates

DRAFT

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**

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**MENDOCINO CITY COMMUNITY SERVICES DISTRICT EMERGENCY BOARD MEETING**

**ACTION MINUTES – March 3, 2023**

**BEFORE THE BOARD OF DIRECTORS  
FAIR STATEMENT OF PROCEEDINGS  
(PURSUANT TO CALIFORNIA COMMUNITY SERVICES DISTRICT LAW  
Government Code §61000)**

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**AGENDA ITEM NO. 1 – CALL TO ORDER – 9:02 am.**

**Present:** Director Donna Feiner, Vice President Jim Sullivan, and presiding was President Dennak Murphy

**Staff Present:** Mr. Ryan Rhoades, District Superintendent, Katie Bates, Board Secretary.

**Legal Counsel Present:** None

**Public Present:** None

**AGENDA ITEM NO. 2. – APPROVAL OF AGENDA**

**Staff Comment:** Superintendent Rhoades notes that the meeting should have been titled a Special Meeting rather than an Emergency Meeting

**Board Action:** Upon motion by Director Feiner and 2<sup>nd</sup> by VP Sullivan, IT IS ORDERED to approve the agenda. The Motion carried by the following vote:

AYE: 3

NO: 0

ABSENT: 2 (Miksak and Aum)

**AGENDA ITEM NO. 3 –PUBLIC COMMENT**

None

**AGENDA ITEM NO. 4 – COMMUNICATIONS**

None

**AGENDA ITEM NO. 5 – NEW BUSINESS**

- a) Discussion and Possible Action to adopt RESOLUTION NO 2023-311 OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT TO AUTHORIZE THE PURSUIT OF STATE WATER RESOURCES CONTROL BOARD FUNDING FOR RECYCLED WATER SYSTEM UPGRADES

**Board Action:** Upon motion by Director Feiner and 2<sup>nd</sup> by VP Sullivan, IT IS ORDERED to approve Resolution 2023-311. The Motion carried by the following vote:

AYE: 3

NO: 0

ABSENT: 2 (Miksak and Aum)

- b) Discussion and Possible Action to adopt RESOLUTION NO 2023-312 OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT TO AUTHORIZE THE PURSUIT OF STATE WATER RESOURCES CONTROL BOARD FUNDING FOR WASTEWATER SYSTEM PLANNING AND UPGRADES

**Board Action:** Upon motion by Director Feiner and 2<sup>nd</sup> by VP Sullivan, IT IS ORDERED to approve Resolution 2023-312. The Motion carried by the following vote:

AYE: 3

NO: 0

ABSENT: 2 (Miksak and Aum)

- c) Discussion and Possible Action to approve cost up to \$6000 to complete the fix to the influent pump and suction line

**Staff Comment:** Ryan Rhoades

**Board Comment:** Director Feiner and VP Sullivan

**Board Action:** Upon motion by Director Feiner and 2<sup>nd</sup> by VP Sullivan, IT IS ORDERED to approve Resolution 2023-311. The Motion carried by the following vote:

AYE: 3

NO: 0

ABSENT: 2 (Miksak and Aum)

**AGENDA ITEM NO. 7- COMMITTEE UPDATES**

Director Feiner and VP Sullivan give update on GWM Committee Meeting from 3/1/23

**AGENDA ITEM NO. 8: MATTER FROM BOARD MEMBERS****AGENDA ITEM NO. 9: ADJOURNMENT**

IT IS ORDERED to approve adjourning the meeting at 9:38 a.m.



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*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:----- Donna Feiner and Jim Sullivan

Respectfully submitted,

Ryan Rhoades and Katie Bates

RESOLUTION NO. 2023-313

RESOLUTION OF THE MENDOCINO CITY COMMUNITY SERVICES DISTRICT  
TO OPPOSE CA BALLOT INITIATIVE 21-0042A1

**WHEREAS**, an association representing California's wealthiest corporations and developers is spending millions to push a deceptive proposition aimed for the November 2024 statewide ballot: and

**WHEREAS**, the proposed proposition, Initiative 21-0042A1, has received the official title: "LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT"; and

**WHEREAS**, the measure includes provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

**WHEREAS**, the measure exposes taxpayers to new costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure; and

**WHEREAS**, the measure severely restricts state and local officials' ability to protect our environment, public health and safety, and our neighborhoods against those who violate the law; and

**WHEREAS**, the measure creates new constitutional loopholes that would allow corporations to pay less than their fair share for the impacts they impose on our communities, including local infrastructure, our environment, water quality, and natural resources; and

**WHEREAS**, the measure threatens billions of dollars currently dedicated to state and local services, and could force cuts to the sewer and groundwater management services MCCSD provides to the District, as well as public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to address homelessness, mental health services, and more; and

**WHEREAS**, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, ports, drinking water, sanitation, utilities, and more

**NOW, THEREFORE, IT IS RESOLVED**, that the MCCSD opposes Initiative 21-0042A1; and

**BE IT FURTHER RESOLVED**, that the MCCSD will join the No on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

The Board of Directors directs staff to email a copy of this adopted resolution to the California Special Districts Association at [advocacy@csda.net](mailto:advocacy@csda.net).

**PASSED AND ADOPTED** by the Board of Directors of the Mendocino City Community Services District at the Regular Meeting on March 27, 2023 by the following vote:

**ROLL CALL VOTE: AYES:**

**NOES:**

**ABSENT:**

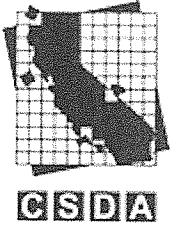
**ATTEST:**

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Katie Bates, District Secretary

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Dennak Murphy, Board President

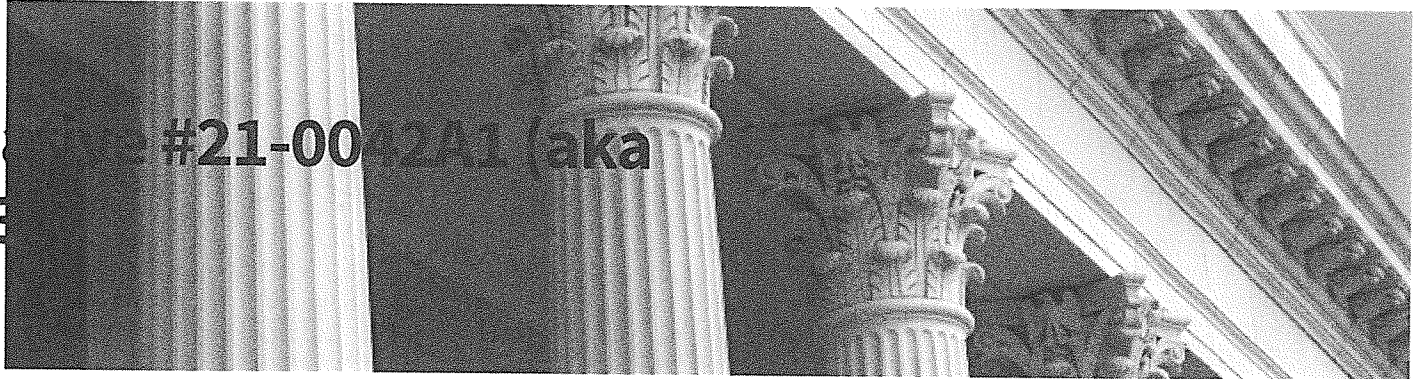


**California Special Districts Association**  
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# Initiative #21-0042A1 (aka #1935)



## Background

### Initiative #21-0042A1 (aka #1935):

*Limits Ability of Voters and State and Local Governments to Raise Revenues for Government Services. Initiative Constitutional Amendment.*

[SAMPLE RESOLUTION](#)

[SAMPLE PRESS RELEASE](#)

The purported “Taxpayer Protection and Government Accountability Act,” a statewide initiative measure to amend the California Constitution sponsored by the [California Business Roundtable](#) (“CBRT”), is the most consequential proposal to limit the ability of the state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges since the passage of Proposition 218 (1996) and Proposition 26 (2010). If enacted, public agencies would face a drastic rise in litigation that could severely restrict their ability to meet essential services and infrastructure needs.

On February 1, 2023, California Secretary of State Shirley Weber issued a memo to all county clerks/registrars of voters announcing that proponents of Initiative 21-0042A1, or

## Resources

- [CSDA Analysis](#)
- [CSDA Memo On Taking Positions On Ballot Measures](#)
- [2.2.2023 Opposition](#)

Initiative 1935 as now numbered by the Secretary of State, had filed the necessary number of valid signatures to make it eligible for the November 5, 2024 General Election ballot. Proponents now have until June 27, 2024 to consider withdrawing the initiative before the Secretary of State officially certifies it for the ballot.

CSDA has joined a coalition of local government leaders in adopting an Oppose position on Initiative 21-0042A1 and encourages all special districts, partners, and community leaders to join the coalition by passing a board resolution. Once approved, please email your resolution to [advocacy@csla.net](mailto:advocacy@csla.net) and consider issuing a press release to local media. Individuals may also register their opposition with the growing coalition by emailing their name, title, and organization.

## Quick Summary

Ballot Initiative [21-0042A1](#) would result in the loss of billions of dollars annually in critical state and local funding, restricting the ability of local agencies and the State of California to fund services and infrastructure by:

- Adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees.
- Amending the State Constitution, including portions of Propositions 13, 218, and 26 among other provisions, to the advantage of the initiative's proponents and plaintiffs; creating new grounds to challenge these funding sources and disrupting fiscal certainty.
- Restricting the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.

The initiative includes provisions that would retroactively void *all* state and local taxes or fees adopted after January 1, 2022 if they did not align with the provisions of this initiative. This may

[Coalition Press Release](#)

- [3.30.2022](#)

[Opposition](#)

[Coalition Press Release](#)

- [2.2.2022](#)

[Opposition](#)

[Coalition Press Release](#)

- [Initiative](#)

[Language](#)

- [Official Title And](#)

[Summary](#)

- [LAO Fiscal](#)

[Impact Estimate Report](#)

also affect indexed fees that adjust over time for inflation or other factors. Effectively, it would allow voters throughout California to invalidate the prior actions of local voters, undermining local control and voter-approved decisions about investments needed in their communities.



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**CALIFORNIA SPECIAL DISTRICTS ALLIANCE**



**SPECIAL DISTRICT LEADERSHIP FOUNDATION**

**DISTRICTS MAKE THE DIFFERENCE**



**CALIFORNIA CLASS**

## The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

### Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

### Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

### Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for “unrestricted general revenue purposes” shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) (b) As used in this section and in Section 9 of Article II, "tax" means every any levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

~~(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

(1) (2) A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

(2) (3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.

(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

(5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.

(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.

(f) (e) Any tax or exempt charge adopted after January 1, 2022 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(g) (1) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. that the amount is no more than necessary to cover the reasonable costs of the governmental activity and



that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(c) (a) "General tax" means any tax imposed for general governmental purposes.

(d) "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

(e) (b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

(f) "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

(g) (c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

(h) (d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

(i) (e) As used in this article, and in Section 9 of Article II, "tax" means every any levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge, ~~except the following:~~

(j) As used in this section, "exempt charge" means only the following:

~~(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.~~

(1) (2) A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

(2) (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) (4) A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

(4) (5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

(5) (6) A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

(6) (7) An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (j) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.





OES-FPD-130 (Rev. 10-2022)

Cal OES ID No: \_\_\_\_\_

*2023-314*

*Resolution of Mendocino City Community Services District for Cal OES*  
**DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE Board of Directors OF THE Mendocino City Community Services District  
 (Governing Body) (Name of Applicant)

THAT District Superintendent, OR  
 (Title of Authorized Agent)

District Secretary, OR  
 (Title of Authorized Agent)

\_\_\_\_\_  
 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the Mendocino City Community Services District  
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM),** under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA),** under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the Mendocino City Community Services District, a public entity established under the  
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.





**Please check the appropriate box below**

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): \_\_\_\_\_

Passed and approved this 27 day of March, 2023

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

\_\_\_\_\_  
 (Name and Title of Governing Body Representative)

**CERTIFICATION**

I, Katharine Bates, duly appointed and District Secretary of  
 \_\_\_\_\_  
 (Name) (Title)

Mendocino City Community Services District, do hereby certify that the above is a true and  
 \_\_\_\_\_  
 (Name of Applicant)

correct copy of a resolution passed and approved by the Board of Directors  
 \_\_\_\_\_  
 (Governing Body)

of the Mendocino City Community Services District on the 27 day of March, 2023.  
 \_\_\_\_\_  
 (Name of Applicant)

\_\_\_\_\_  
 (Signature)

District Secretary  
 \_\_\_\_\_  
 (Title)

## Memo

**To:** MCCSD Board  
**From:** District Superintendent  
**cc:** Jim Jackson  
**Date:** March 15, 2023  
**Re:** Lifting of the Covid-19 State of Emergency and MCCSD Public Meeting Locations

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Since the Governor has lifted the Covid-19 State of Emergency, MCCSD, like many other public entities, is returning to in-person meetings. Staff was asked to investigate the possibility of alternative meeting locations within the District which might promote greater public participation. Each venue has pros and cons. Staff is happy to investigate further but the current recommendation is to continue holding meetings at the MCCSD office.

**Mendocino Community Center,**

- \$150 per meeting.
- Larger capacity, 50 PP+
- Has Wi-Fi, not set up for remote meetings, not always available

**Mendocino Presbyterian Church,**

- Preston hall, \$40 per hour, or \$80+ per meeting.
- Larger Capacity, 50 PP+
- Has Wi-Fi and large T.V.
- Not set up for remote/hybrid meetings, not always available
- Choir Room or Fire Side Room \$20-25 per hour, \$40+ per meeting.
- Mid sized space, 12-15 people
- Has Wi-Fi and T.V.

**Mendocino Community Library**

- \$50 per meeting,
- Midsize space, 12-15 people
- Has Wi-Fi, but not set up for remote/hybrid meetings

**Mendocino Volunteer Fire Department, Station 840**

- Free of charge for MCCSD on a trail basis
- Larger capacity, 50 PP+
- has Wi-Fi, not set up for remote/hybrid meetings.
- Monday nights do not work,
- would have to switch meeting dates to Thursday or Friday nights.

**MCCSD WWTP Office**

- Free of charge, midsize 10-20 people
- has Wi-Fi, but not set up for larger hybrid meetings
- District files and copier are accessible when information is requested

Staff reached out to five (5) other local Special Districts to ask how they are navigating the return to in-person meeting. The majority of those contacted have discontinued the use of Zoom, and are not seeking larger venues. Larger organizations with more resources are continuing to provide a hybrid option for now.

# MCCSD POLICY FOR RECORDING MEETINGS

## Purpose

The purpose of this policy is to establish guidelines for when Mendocino City Community Services District (MCCSD) records public meetings for transparency and accountability purposes.

## Scope

This policy applies to public meetings by MCCSD, including regular, special, emergency, and standing committee meetings that are conducted using the Zoom (or other audio/video) platform.

## Policy Statement

1. Recording of public meetings: All MCCSD meetings that are broadcast using the Zoom platform shall be recorded. The Board of Directors may utilize Zoom to accommodate out of District, agenda presentations, and remote participation by Directors as allowed by State law. The Board of Directors encourages the public to attend in-person at the location listed on the agenda.
2. Meeting Notice: As per the Brown Act, the District shall provide notice to the public regarding the time, date, location, and agenda of the public meeting at least 72 hours prior to the scheduled meeting time. If the meeting includes Zoom or remote access, the meeting notice will state such and include appropriate links.
3. Record Keeping: The District shall maintain a complete and accurate record of all public meetings held. These records shall be maintained in accordance with state and federal laws governing public records.
4. Recordings Accessibility: Recordings of public meetings conducted with Zoom shall be posted on the District website within 72 hours of the adjournment of the meeting. They will be available for up to thirty (30) days, in accordance with the Brown Act.
5. Recordings Retention: Recordings of public meetings shall be retained for one (1) year unless otherwise required by state or federal laws.
6. Closed Session Recordings: If a closed session is held during a public meeting, no recording shall be made or retained. However, minutes of the closed session shall be kept in accordance with state and federal laws.

7. Compliance: The District shall comply with all relevant state and federal laws related to the recording and retention of public meeting records.

### **Implementation**

This policy shall be implemented immediately upon approval by the Board of Directors of MCCSD.

### **Revision**

This policy may be reviewed and updated as needed by the Board of Directors.

DRAFT

**Memo**

**To:** MCCSD Board of Directors  
**From:** District Superintendent  
**cc:** Jim Jackson  
**Date:** March 22, 2023  
**Re:** Groundwater Management Report

**The 2022-23 Rain Year**

October 1, 2022 was the beginning of the 2022-23 rain year. Average annual precipitation in Mendocino is 39.72 inches, and average rainfall in March is 5.97” inches. 8.80” inches of rainfall has been measured in the District for the month, as of March 22, 2023 (Figure 1, Table 1).

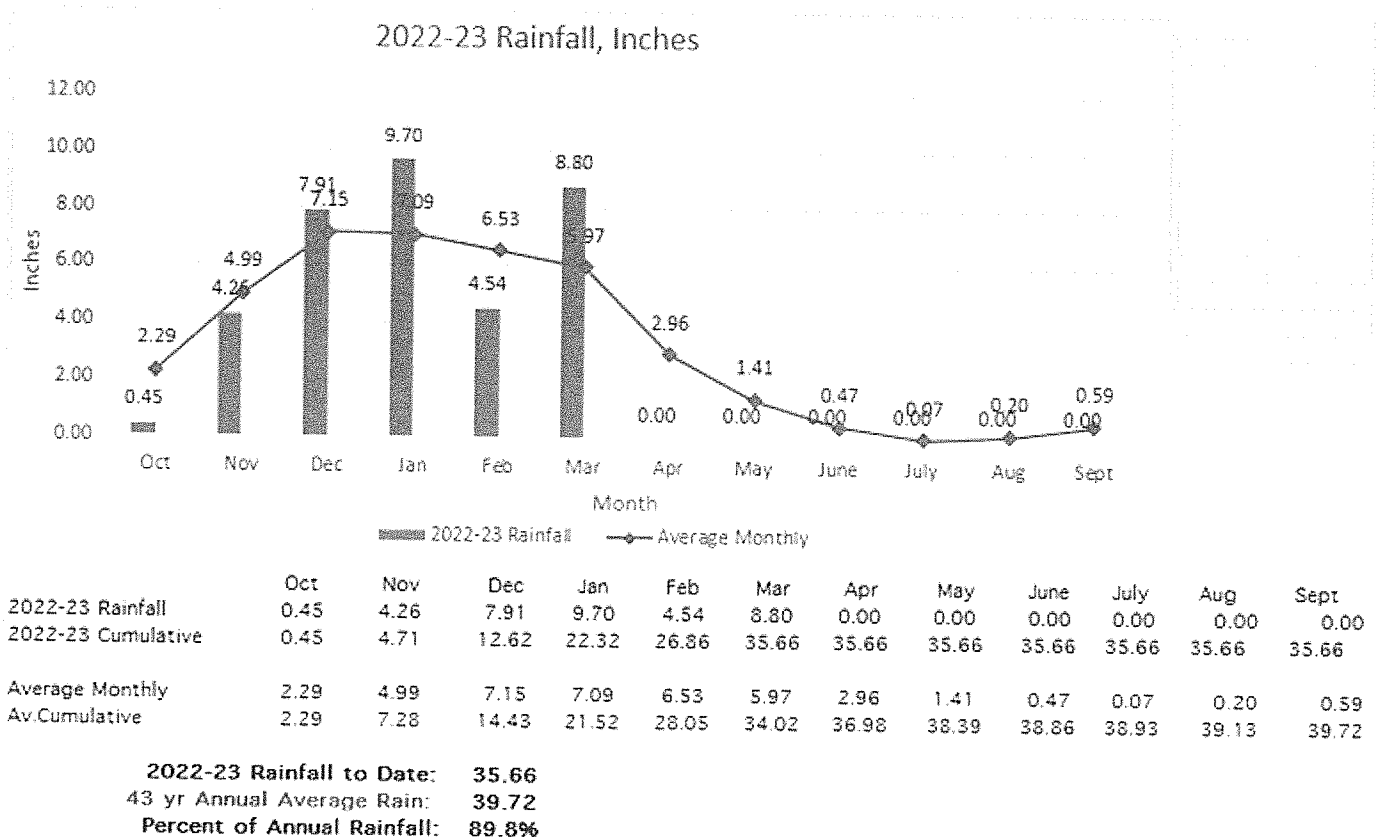


Figure 1, Table 1

Total Rainfall for Rain Year 2021-22 was 33.82" inches. Mendocino received 85% of normal annual rainfall during the last water year. By March 22, 2023, total rainfall since October 1, 2022 was 35.66" inches, 90% of average annual rainfall.

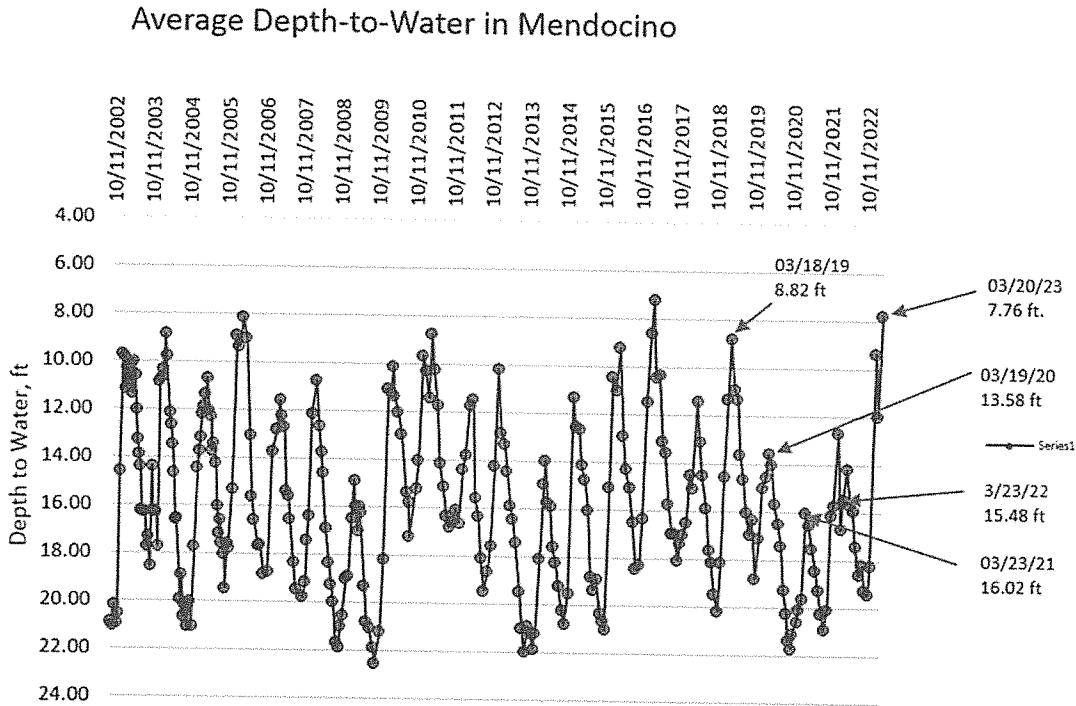
DAILY TOTAL RAINFALL													
2022-23												Elevation 72 Feet	
Data From : Commamnty Service District												Latitude 39.306°	
Day	Oct	Nov	Dec	Jan	Feb	Mar	10AM Apr	May	Jun	Jul	Aug	Sep	Longitude -123.027°
1		0.05	0.03	0.04		0.01							
2				0.32	0.86	0.03							
3		0.02	0.19	0.32		0.47							
4	0.02	0.68	0.30	1.54	0.81	0.41							
5	0.01	0.07	0.31	0.24	0.02	0.5							
6	0.01	0.53	0.10	1.04	.01	0.2							
7		0.83	0.02	1.90		0.79							
8		0.13	0.19	0.45	0.01	0.07							
9			1.49	0.38	0.03	1.18							
10	0.03	0.01	0.71	0.14	0.35	0.05							
11	0.02	0.11	0.24	0.71		0.35							
12	0.02	0.03	0.02	1.28		0.46							
13	0.02	0.04	0.02	0.66		1.97							
14			0.01	0.17	0.15	1.18							
15		0.02	0.01	0.02		0.02							
16	0.01					0.01							
17	0.01					0.01							
18	0.02		0.03	0.47		0.37							
19			0.01	0.01		0.15							
20			0.01			0.35							
21	0.05		0.24		0.30	0.22							
22			0.09		0.24								
23			0.02		0.47								
24	0.02												
25					0.03								
26			1.53	0.01	0.68								
27		0.04	0.15		0.34								
28			0.16		0.25								
29			1.73										
30		1.70	0.30										
31	0.21												
Sum	0.45	4.26	7.91	9.70	4.54	8.80	0.00	0.00	0.00	0.00	0.00	0.00	
Count	13	14	25	18	14	21	0	0	0	0	0	0	
Max	0.21	1.70	1.73	1.90	0.86	1.97	0.00	0.00	0.00	0.00	0.00	0.00	
Rainy Days		105											
Maximum Daily Rainfall				1.97									Water year Total Rainfall 35.66

Table 1 2022-23 Rainfall Record

March 2023 Depth-to-Water (DTW)

The average DTW measurements District-wide in the 24 monitoring wells on March 20, 2023 was 7.76' ft., about 4.25 ft. better than February 2023, about 7.7 ft. better than March of 2022, and about 8.25 ft. better than March of 2021. Compared to a good rain year like 2019, which received 45.64" inches, the average depth to water is currently about 1.06 ft. better than average for the month.

Figure 2 March 2023, Depth-To-Water Chart



January 31, 2022 represents the most recent Water Shortage evaluation date. At that time depth to water measurements in the five drought monitoring wells recorded an average of 13.06 ft. and rainfall totals were 22.32" inches. The MCCSD Board declared that a Stage 1 water shortage existed within its boundaries on February 6, 2023 based the Water Shortage Contingency Plan.

The average depth-to-water reported from the five drought monitoring wells on January 31 was 13.06 ft. On March 20, 2023 it was recorded at 10.99 ft. Rainfall totals and depth to water averages are looking better this year. Late season rain still plays a critical role.

March 31, 2023 represents the next water shortage evaluation date. Following the WSCP the Superintendent recommends maintaining the Stage 1 Water Shortage at this time, and continue to monitor.

## March, 2023 Secretary's Report

This month's violation letters went out Tuesday, February 21st. The results are listed below:

No Readings Violation #1: 16

No Readings Violation #2: 1

No Readings Violation #3: 2

Overage Violation #1: 0

I attended a briefing March 8 in Ukiah held by FEMA and CalOES to begin the process of hopefully qualifying for funds available to Mendocino County from damage incurred by the December- January storms. We had a visit from both agencies March 22, which Ryan will touch on in his Superintendent's report.



## March 2023 Superintendent's Report

### **Wastewater Treatment Plant:**

Operators performed routine repair and maintenance to the WWTP in March of 2023. The winter storms have had a real impact on the District. The office roof has sustained significant damage. Staff have installed a tarp to protect the building and prevent further damage. Staff are working to get an assessment from qualified contractors. Staff are looking into making an insurance claim and/or disaster damage claim with FEMA. The District hosted a meeting with FEMA and Cal OES representatives on 3/22/23 to learn more about the process. In addition to the office roof, and tree damage at the WWTP, winter storm damage includes tree branches down on the District Palette Dr. property, and damage to both the biosolids dryer and bar screen as well as, damage to the influent suction lines. Staff continue to assess and identify storm damage. Some storm related issues have already been addressed and repaired. The sludge belt press also experienced issues with the polymer pump and hydraulic system; it is currently off line until parts arrive. High flow rates on 3/14/23 overwhelmed our in service influent pumps for a time and the overflow pond was used. Designed to hold 3-5 days of flow, the pond was nearly half full after just three hours. Staff did an incredible job to keep the plant functioning during the storms and should be commended. Our regional regulator was up dated, and we never reached a point of violation.

**Outfall Update:** We are still waiting on Alpha Diving to submit a work plan for 2023. It might be a good idea to have the outfall assessed for any damage associated with the storms. We have reached out to another dive company, Underwater Resources Inc. and received a quote. As union divers they are more expensive. The District will likely be putting out an RFQ for maintenance services and work to obtain additional bids.

### **Recycled Water:**

MCCSD did not transfer any recycled water during the month of March. The District desperately needs upgrades to this system if we are to continue providing recycled water. GHD recently submitted another grant application on behalf of the District to fund some of our recycled water upgrades. The State appears engaged in working with us.

### **Biosolids Trailer and Transport:**

MCCSD did not transport any biosolids in March 2023.

### **Office Update:**

Since the annual reports were submitted on 3/1/23, office time this month has been greatly consumed with Q1 State reporting, assisting operators with plant repairs and operations, helping GHD gather information for grant applications, the GSRMA LEAP program, the annual Audit, annual Budget planning, acquiring bids for the plant repair, interviewing different legal firms to learn more about legal costs and services to help prepare for future requests for qualifications (RFQ's); researching and drafting policy for considerations, researching alternative meeting locations, looking into how other local Special Districts are dealing with the transition back to in person meeting; and public records requests. Related to RFQ research, staff consulted County and District policy, California Special District Association, community members, Fort Bragg city staff, 5<sup>th</sup> District Supervisor, and legal advisors. Our findings are that existing District policy addresses when to utilize RFQ's. District staff are going work on putting out RFQ's in the near future, to establish a list of qualified professional service providers for future needs.

**Grant and Project Updates:**

GHD continues to move forward on the Emergency Water Storage Tank Project and is concerned that material costs continue to rise. GHD successfully submitted two more grant applications on behalf of the District. One to the State Revolving Fund for Wastewater infrastructure planning, and a second to the SWRCB Recycled Water program for upgrades to the MCCSD recycled water system. No news or updates on any other District applications.

**Safety Meeting and Plant Safety Inspection:**

The 30-minute monthly safety meeting was held March 21, 2023. The topic was *Ergonomics*

**Sanitary Sewer Collection System:**

There were no MCCSD collection system sanitary sewer overflows to report during January 1, 2023 through March 23, 2023.