

MENDOCINO CITY COMMUNITY SERVICES DISTRICT
P. O. BOX 1029
MENDOCINO, CA 95460
Business Phone (707) 937-5790 Treatment Plant (707) 937-5751

AGENDA

REGULAR MEETING

Monday, April 27, 2026

4:00 PM Closed Session

5:00 PM Regular Meeting resumes

Wastewater Treatment Plant, 10500 Kelly St., Mendocino, Ca 95460

The meeting will be held in person at the above address and via teleconference. To participate by ZOOM call 1 (669)-900-6833, Meeting ID: 288 936 0093, Passcode: 044968

Or log in online URL:

<https://us06web.zoom.us/j/2889360093?pwd=cE40NFd2T1JScFg4WFQ2SCtod0V3QT09&omn=85424937623>

Meeting ID: 288 936 0093

Password: 4Bezsr

- 1) CALL TO ORDER
 - 2) APPROVAL OF AGENDA
 - 3) PUBLIC COMMENT ON CLOSED SESSION ITEMS
 - 4) ADJOURNMENT TO CLOSED SESSION at 4:00
 - a) Pursuant to Government Code section 54956.9(d)(2): Threat of Litigation, See Attachments 9/3/2025 letter and 12/22/2025 petition
 - 5) REPORT OUT OF CLOSED SESSION at 5:00
 - 6) PUBLIC EXPRESSION: non-agenda items
 - 7) COMMUNICATIONS
 - 8) FINANCIAL REPORT

Discussion and Possible Action to Approve District Disbursements/Expenditures

 - a) March Disbursements
 - 9) 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 3-23-2026
-

MENDOCINO CITY COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS 4-27-2026 MEETING AGENDA

10) DISCUSSION AND POSSIBLE ACTION REGARDING ANY CONSENT AGENDA ITEM NEEDING SEPARATE ACTION

11) NEW BUSINESS

- a) Appointment of Board Members to Standing Committees
- b) Discussion and Possible Action re: the Kidwell Trust petition for sewer service to an undeveloped parcel at 11520 Road 500D, Mendocino County, lying outside the District's jurisdictional boundary
- c) Discussion and Possible Action to approve Resolution 2026-332: Resolution of MCCSD establishing updated policy regarding extension of sewer service outside its' jurisdictional boundary

12) DISTRICT SUPERINTENDENT'S REPORT

Monthly Report

13) GROUNDWATER MANAGEMENT

Monthly Groundwater Management Report

14) COMMITTEE UPDATES

15) ADJOURNMENT

STANDING COMMITTEES: For 2026

Finance:----- Andrea Shepard

Personnel:----- Andrea Shepard and Matthew Miksak

Plant Operations:----- Jim Sullivan

Safety:-----

Street Lighting:-----

Groundwater Management:----- Andrea Shepard and Jim Sullivan

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.

RODNEY RICHARD JONES
Lawyer
12061 Rockwood Drive
Mendocino, California 95460
Phone 707.937.0549
rodjones@mcn.org

September 3, 2025

Joseph Petta
Shute, Mihaly & Weinberger
396 Hayes Street
San Francisco, CA 94102

(via email petta@smwlaw.com)

Re: MCCSD & LAFCo/Public Health at Road 500 D in Mendocino

Dear Mr. Petta:

It is my understanding that you/your firm represents the Mendocino City Community Services District, an independent special district committed to ensuring that its services are accessible to all members of the public and dedicated to operating in a transparent manner.

And so I write on behalf of my client Ed Powers, who is agent for the Kidwell Family Trust. The Kidwell family is seeking to gain permission to build on an undeveloped parcel on Road 500 D, which, as you may know, is a short spur road that was once a portion of the old Highway 1 prior to its realignment many years ago.

In the process of preparing and processing a CDP on behalf of the Trust, Mr. Powers became aware of some serious public health problems for the few residences (about four) on Road 500 D, all of which presently have what appear to be failing non-standard septic systems. He also learned, and has since verified by an official survey, that the original sewage line from Russian Gulch State Park was apparently installed in a location other than where it was permitted and intrudes on the Kidwell parcel. This trespass situation precludes the ability to install an on-site septic system because of County setback requirements with respect to the existing domestic well.

Due to this constraint, Mr. Powers approached State Parks some years ago with a proposal to tie into their intruding sewer line in return for which the Trust would provide State Parks an easement for its existing trespass.

A combination of directions and requirements imposed by the County of Mendocino for the Kidwell's Coastal Development Permit bumped the sewer line aside as other issues were addressed. There was the usual amount of ball-passing between and among agencies. Ultimately, however, it came time for him to demonstrate to the County that there would be adequate sewage removal from the parcel. Ed spent considerable time discussing all this with local Parks people as well as staff in Sacramento. Failing to ever get an definitive answer, he ended

up preparing a line that would readily tie-into the Parks line without any disruption of services or complications in terms of sewage leakage.

It appears presently as if Parks will not stand in the way of his tie-in should MCCSD be willing to handle the effluent from this parcel. Details also have been checked out in terms of both line and plant capacity. From a purely pragmatic standpoint, there exist no problems or complications in terms of making this a reality. The County is prepared to act on his CDP upon receipt of a will-serve letter from MCCSD.

As I'm sure you also know, LAFCo has been seriously concerned about the public health situation on Road 500 D due to failing septic systems and wants to achieve a solution for everyone on that roadway. Some five years ago, in August of 2020, Mr. Powers attended a LAFCo meeting at which the situation was discussed and the local board expressed a desire to get the problem resolved. Unfortunately, over that five-year span, no steps were taken by LAFCo or MCCSD to address the situation. It was also at that meeting when the board's then counsel, Jim Jackson, expressed the view that MCCSD could and would handle the Kidwell parcel effluent provided that Parks allowed the tie-in. (We have reviewed the agenda, minutes and taped comments of that meeting and are glad to provide our notes to you.)

While far from being any kind of expert in special districts, I nonetheless am aware of the authority under Government Code section 56133 for a district to provide new or extended services outside of its jurisdictional boundary/sphere of influence by way of an OASC. And that such an action may be taken on the instance of a special district board or by LAFCo, which brings us to the current situation and the Kidwell/Powers request for just such a letter.

Seeking to acknowledge the scope of authority of MCCSD and aware of its desire to act cautiously with respect to both water and sewage requests, Mr. Powers has approached Ryan Rhoades on multiple of occasions regarding a hookup. Unfortunately, Mr. Rhoades seemed less than open-minded and flexible in thinking how MCCSD might help the community and the Kidwells, despite being the lead administrator of a public utility charged with providing an essential community service and the existence of a 500 D parcel that has an MCCSD sewer line that was installed without an easement across that parcel.

Also worth noting in that regard is that MCCSD's current processing facility was created as part of an agreement where State Parks provided the land for the processing facility in return for them processing Parks' effluent from Russian Gulch State Park, just north of the Kidwell parcel on Road 500D. The quid pro quo origin of the sewer line's existence seems to make both MCCSD and State Parks responsible for its current erroneous placement along Road 500D instead of along Highway One, where the permit specified.

Mr. Rhoades indicated the hookup decision ultimately would have to be a board matter but, to date, it has not been presented to them. Nor has Mr. Rhoades indicated he would support inclusion of the parcel through the usual OASC process. Yet during the August 2020 LAFCo meeting, LAFCo's counsel (Jim Jackson) mentions that, "they did speak with Mr. Powers" at the prior month's meeting and "suggested that [Powers] contact State Parks about tapping into

line" because, "they own that line, we don't." * He then went on to say: "If [Powers] can tap in directly, that's perfectly fine, we can deal with how we're going to deal with treating his effluent." At this same meeting, Trey Strickland from Environmental Health discusses the broader problem of failing systems on 500 D. Certainly, MCCSD is aware of the public health needs on this road.

A few days after Mr. Rhoades stressed this would have to be a board decision, in the apparent absence of any publicly-noticed or regular board hearing, he told Mr. Powers that "the board" had refused the request for service. For me, this raised a number of questions about how such action could have been taken so rapidly and how Mr. Rhoades secured such a purported board denial that complied with the Brown Act.

Mr. Powers had been in touch with Uma Hinman at LAFCo over the years and so he contacted her earlier this summer for advice and guidance, given the inaction by MCCSD. Ms. Hinman indicated she was going to talk with Mr. Rhoades and ensure he was aware of the prospect of an OASC. It is unclear what came out of that discussion.

Please understand that this is not a situation that the Kidwell Trust can simply back away from and forget about. Development on the parcel has been hamstrung by a combination of the initial trespass by State Parks and the current demands of County PBS. In a few words, there is no direction for the Trust to turn absent finding an appropriate way to hook up with MCCSD. It would seem that this combination of government action/inaction and regulatory positions is causing the parcel to be unbuildable and thus constitute a taking of private property.

Mr. Powers and I thought it timely and perhaps useful to contact you so that you could be perhaps brought into this conversation and help move the parties toward an amicable resolution that benefits everyone and avoids any prospect of litigation.

At this point, the parcel is a long way from development but, especially given the ages of the principals in the Kidwell Trust, he is anxious to secure the appropriate permits that would permit development. He needs, at this point, merely the will-serve letter mentioned previously and is prepared to pay the necessary fees to MCCSD for such an ensured future hookup.

Might we ask for your diplomatic intervention here at some level to keep the conversation clear and provide a win-win resolution? Thank you.

Sincerely,

Rod Jones

Rodney R. Jones

* Videotape of meeting at 33:45.

**MENDOCINO CITY COMMUNITY SERVICES DISTRICT
10500 Kelly Street
Mendocino, California 95460**

PETITION FOR OUT-OF-DISTRICT SERVICE

Petitioner: Fern Shepard, Trustee for Kidwell Trust
3554 Miami Street, Sacramento, CA

Date of Submittal: December 22, 2025

Submitter: Ed Powers, Agent
P.O. Box 1384, Mendocino, CA

Request: Will-serve letter for 11520 Road 500D (APN 119-010-01-00)

Legal Authority: Government Code sections 61101 & 56133

BACKGROUND & SETTING:

- 1. Subject Parcel: 11520 Road 500D** (Exh. No. 1)
- 2. State Parks/MCCSD Sewer Line Trespass**
 - MCCSD formed 8-31-70 to provide wastewater treatment for specified service area and Russian Gulch State Park (RGSP) with lift station on Mendocino Headlands State Park
 - The construction permit originally specified the line as adjacent to Highway 1 (Exh. No. 2a State Architect's Drawing)
 - Line was instead installed along Road 500D, with resulting incidental trespass to parcel, as confirmed by 2024 survey (Exh. No. 2b Survey Map)
 - Trespass creates major impediment to parcel development due to County rules as to domestic water well and distance to septic field
 - Owners willing to grant easement for encroachment upon hook-up to existing sewer line and MCCSD willingness to serve parcel

3. Present Infrastructure – State Parks & MCCSD

- A 1970s OAS agreement between State Parks extended MCCSD treatment and disposal to Parks for service at RGSP and Headlands State Park
- Trespassory line is 4-inch pressurized or “force” main with significantly under-used capacity
- Wastewater is carried under Jack Peters Bridge to lift station on Parks property on Heeser Drive and then to MCCSD’s gravity collection system
- MCCSD’s Sewer System Capacity Analysis (SHN Consulting) indicated system is in good condition without any capacity problems; not expected to experience any future problems even with anticipated build-out
- MCCSD serves about 3,500 people daily. Very limited growth experienced over the past ten years in terms of new wastewater connections
- Situation seems stable for the foreseeable future with a projected 0.5 percent per year growth factor
- MCCSD plant capacity figures:
 - Maximum: 1,500 ESDs (Equivalent Single Dwelling)
 - Present Use: 1,115 ESDs
 - Remaining Potential Use: 385 ESDs
- The 2020 Municipal Service Review anticipated possible system expansion “to serve existing areas adjacent to the MCCSD currently utilizing” septic systems, such as Road 500D

4. Compliance with the District’s Information Request

By letter dated October 29, 2025, MCCSD counsel has instructed that a formal request made to MCCSD to obtain a will-serve letter should contain certain information. These are provided as noted after each item.

- Description of the proposed parcel development: Zoned as single-family residence (SFR) as originally intended by owners who purchased property in 1950s and present intention

- Evidence of consistency with land use plans and laws: (Exh. No. 3)
- Anticipated minimum/maximum daily and hourly flow rates at time of connection and subsequent “full utilization” once developed: (Exh. No. 4)
- Biochemical oxygen demand (BOD) content (Exh. No. 4)

DISCUSSION/ANALYSIS:

1. Community Public Health Role of MCCSD

MCCSD has broad authority under Government Code section 61101 to “provide the facilities and services authorized by Section 61100 outside its boundaries, subject to Section 56133.” (Gov’t Code § 61101.)

Section 56133(c) provides only a procedural caveat: “A district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from [County LAFCo].” In order to do so, MCCSD must obtain written approval from Mendocino County LAFCo. It is encouraged to take such action in response to “an existing or impending threat to the health or safety of the public or the residents of the affected territory.”

Provision of service – either by including Road 500D as part of MCCSD’s Sphere of Influence or by special contract (OAS) – is consistent with these statutes and does not contravene any LAFCo polices or procedures. LAFCo Policies & Practices (Chap. 12.2) discourages the extension of services when such is likely to induce growth. But that provision is inapplicable as the remaining parcels on Road 500D have already been developed and this parcel will be developed as a SFR as surrounding parcels.

Existing parcel’s domestic well and county setback requirements make an on-site septic system impossible. (Exh. No. 5)

2. Broader Concerns over Septic Systems on Road 500D Identified in 2020

At an August 2020 LAFCO meeting, Kidwells first requested annexation of all residential parcels situated on Road 500D due to a known history of failing septic systems adjacent to their parcel. In general, this request was supported by Environmental Health and a number of LAFCO commissioners who spoke on the item.

LAFCo counsel Scott Browne stated that, if one wanted to “facilitate” resolving the 500D situation, one would include that area today as an Area of Interest,” which Browne explicitly supported, saying, he “would like to see something like that” because the septic systems are failing and that is a concern for Mendocino County. He added, “I think it’s our obligation to do what we can to support those failing systems.”

LAFCo Analyst Feiler noted that one of the potential solution as to 500D would be “working with the State” and tying into their wastewater infrastructure and an “extension of service by contract.”

Also in attendance was Mendocino County's Environmental Health then Director Trey Strickland. He explained that “every septic system will eventually reach the point of reduced functionality that can have negative impacts, bluff top properties are especially problematic for repairing or replacing a failed septic system and once a system is in failure it is very difficult to mitigate...The potential for adverse public impacts is exponentially reduced when sewage is handled in a wastewater treatment plant rather than an on-site system...”

Petitioners are not requesting service to all parcels on Road 500D at this time but providing this application based on the unique circumstances of their parcel based on the trespassory sewer line and the need for problem-solving and correction.

3. MCCSD Approval is a Win-Win Situation

This existing problem is not insurmountable or unsolvable. MCCSD can issue a will-serve letter for this parcel given its unique needs. MCCSD has sufficient plant capacity such that this hookup would not contribute any significant load while also ensuring that the parcel gets developed without risk to natural environmental resources. Petitioner urges MCCSD affirmative action rather than delay or deferral.

4. Other Relevant Statutes & Rules

A. LAFCo Policy 12.2 supports this Service Contract

Policy 12.2.2 recites that LAFCo approval may not even be required to provide new or extended services outside an agency's jurisdictional boundaries, provided it is in accord with section 56133(e). It goes on to say, "Outside agency services may be allowed to address unique circumstances and are not intended to circumvent the LAFCo process by providing services by contract instead of through the annexation of territory."

Policy 12.2.4 [New or Extended Service] "strongly discourages the use of outside agency services for the purpose of providing municipal services to new development, which can result in unintended consequences, such as inducing growth . . ." This is not such a project.

Read in its context, Policy 12.2.4.1 does not address a single extension of service to a single parcel, as this would not induce growth or somehow prematurely convert agricultural lands or open space to urban use. Quite clearly, this Policy is designed to address large land subdivisions where water or sewer service alone could spur such land use conversions.

B. LAFCo purpose includes review of service extension requests in order to fulfill its mission and purpose

MCCSD counsel also contends that LAFCo Policy 12.2 would justify denying this petition, referring to a phrase in 12.2.4.2 with respect to an SOI “only in response to an existing or impending [public health] threat.” However, once again, he misconstrues the Policy. This provision concerns LAFCo’s obligation (“shall authorize”) to approve an SOI under these circumstances. It then provides seven explicit examples that include septic system failures and harmful water supplies. This Policy says absolutely nothing about LAFCo’s discretionary criteria for extended services where such extension will help prevent and/or mitigate such health threats.

C. MCCSD should not usurp LAFCo authority or second-guess its decision-making

LAFCo Policy 11.1 describes its nine-part jurisdiction, that includes both amendments to spheres of influence as well as extensions of service beyond an agency’s jurisdictional boundary. Policy 11.3 permits petitioner to apply directly to LAFCo after showing that the proponent “attempted to initiate proceedings by a resolution of application” by MCCSD. This is an unnecessary, time-consuming and expensive burden to thrust upon petitioner given the compelling circumstances previously recited.

Under LAFCo Policy 10.1.12 (Areas of Interest), that agency “may, at its discretion, designate a geographic area beyond the sphere of influence as an Area of Interest to any local agency.” Such a geographic area that presently is beyond your sphere of influence is one where “land use decisions or other governmental actions of one local agency impact directly or indirectly upon another local agency. The key example provided under subpart a) of 10.1.12 involves a city needing to extend sewer services to deal with septic failures. Further, as you know, LAFCo is bound by Policy 10.1.3 to “review all spheres of influence every five years.”

D. Petitioner should not be placed in a Dilemma

MCCSD counsel has demanded that petitioner “provide evidence of affirmative permission from State Parks to tap into its sewer line” as a precondition to Board consideration. Unfortunately, taking this approach amounts to creating a troublesome dilemma leaving petitioner in a kind of bureaucratic limbo with neither agency willing to act. That is an untenable situation and would produce litigation that should not be necessary.

As you know, Parks has been contacted multiple times in person, via email and by phone concerning this hook-up. Petitioner seems to be getting stonewalled as no substantive response has been forthcoming. The doctrine of equitable estoppel will likely apply to Parks’ acquiescence after being fully apprised of the situation or by way of imputed knowledge. The doctrine simply requires that the party to be estopped based on its silence of acquiescence is made fully aware of the situation at hand. (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 463, fn. 28.)

“It is settled that ‘[t]he doctrine of equitable estoppel may be applied against the government where justice and right require it. (*United States Fid. & Guar. Co. v. State Board of Equalization* (1956) 47 Cal.2d 384, 388-389 and cases there collected)’ (*Driscoll v. City of Los Angeles* (1967) 67 Cal.2d 297, 306.) As the Supreme Court of California has indicated, the doctrine applies to government agencies provided such application does not run contrary to “any strong public policy or result in the indirect enforcement of an illegal contract.” (*County of San Diego v. California Water & Telephone Co.* (1947) 30 Cal.2d 817, 826; see also *Feduniak v. California Coastal Commission* (2007) 148 Cal.App.4th 1346, 1359.)

E. General Principles governing Exercise of Agency Discretion

While this Board’s discretion is broad, it is not unbounded. Impartial discretion is guided and controlled by fixed legal principles, to be exercised in conformity with the spirit of the law and in a manner to subserve and not impede or defeat the ends of substantial

justice. (*Candari v. Los Angeles Unified School Dist.* (2011) 193 Cal.App.4th 402; *Harris v. Alcoholic Bev. etc. Appeals Bd.* (1965) 62 Cal.2d 589, 595.)

An exercise of discretion is said to be not “unfettered,” such that an “abuse” of discretion exists when a court of law determines that agency action exceeds the bounds of reason. (*Kolender v. San Diego County Civil Service Commission* (2005) 132 Cal.App.4th 716, 721 [agency findings not supported by evidence].)

An appellate court determines whether discretion was exercised “to an end or purpose not justified by all the facts and circumstances being considered.” (*Brown v. Gordon* (1966) 240 Cal.App.2d 669, 667; *Schmitt v. City of Rialto* (1985) 164 Cal.App.3d 494, 501; *Chodur v. Edmonds* (1985) 174 Cal.App.3d 565, 574; *County of Santa Clara v. Willis* (1986) 179 Cal.App.3d 1240, 1250, as cited in *Talmo v. Civil Service Com.* (1991) 231 Cal.App.3d 210, 227.)

F. Legal Liability Principles – Interagency Agreements

MCCSD asserts that petitioner cannot claim any kind of governmental taking should MCCSD refuse to serve this parcel. But petitioner respectfully suggests that the issue may not be so clear, particularly given the discovered trespass of what may constitute a kind joint powers agreement between MCCSD and State Parks dating back to early 1970's. (Petitioner is seeking to obtain and review a copy of this agreement by way of a pending Public Records Act request to MCCSD.)

What is known is that some kind of mutually beneficial contractual arrangement was reached between State Parks and MCCSD in and around 1973. The Joint Exercise of Powers Act authorizes agencies to contract to jointly exercise common powers, even in the absence of a formal JPA. In this case, that allowed for the provision of public services and allowed for the efficient and cost-effective handling of wastewater from Parks in return for which MCCSD gained access to valuable park land for its lift station and

sewage transfer infrastructure. Having that in place also allowed for a convenient extension of valuable service to properties on Lansing Street and Heeser Drive over the years.

Government Code section 6502 broadly provides that “two or more public agencies by agreement may jointly exercise any power common to the contracting parties.” Further, “It shall not be necessary that any power common to the contracting parties be exercisable by each such contracting party with respect to the geographical area in which such power is to be jointly exercised.”

As you probably know, Civil Code section 1431 provides for presumed joint liability (as opposed to individual liability) when an obligation or right is obtained in favor of several persons or entities.

Should matters propel petitioner in the direction of having to prove such joint liability (Parks and MCCSD), cases such as *Coastside Fishing Club v. California Fish & Game Com.* (2013) 215 Cal.App.4th 397, 423-424, *Brassinga v. City of Mountain View* (1998) 66 Cal.App.4th 195, and *Low v. City of Sacramento* (1970) 7 Cal.App.3d 826 would merit close review.

CONCLUSION

The most common approach is to find a solution that benefits us the most, disregarding the other party's interests. This approach is known as “win-lose problem solving.” In contrast, win-win problem-solving involves finding a solution that benefits both parties equally.

A win-win situation is described as one that involves a choice of the best solution. Win-win problem-solving involves finding a solution that benefits all parties involved. By being creative, negotiators can discover solutions that meet the needs of everyone involved. That is all petitioner requests.

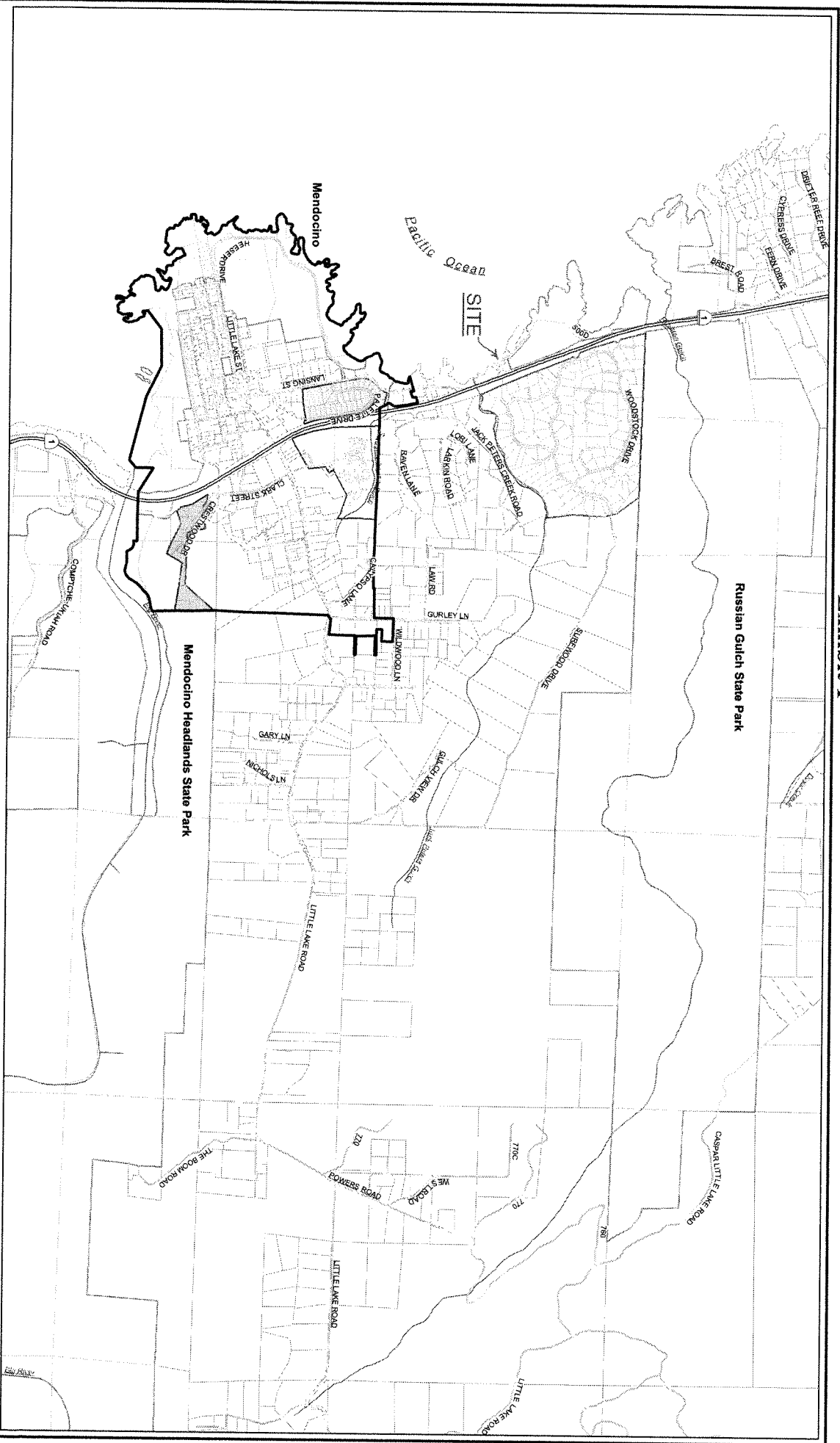
Respectfully Submitted,

Ed Powers & Kidwell Family Trust

EXHIBIT LIST:

- No. 1 MCCSD Map
- No. 2 a State Architect's Drawing
- No. 2b Survey Map
- No. 3 Land Use Consistency
- No. 4 Sewage Flow Rates
- No. 5 Environmental Health Letter (7-6-20)

Exhibit 1



Mendocino City Community Services District

Source: This map was created by Mendocino County Division of Information Services GIS Program, May 2020
 Note: This map is not a survey product.

- Mendocino City CSD
- Hill's Ranch Mutual Water Company
- Big River Vista Mutual Water Company
- State Parks
- Parcels
- Highways
- Roads
- Streams
- Surfwood Mutual Water Corporation
- Point of View Mutual Water Company

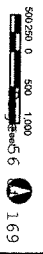
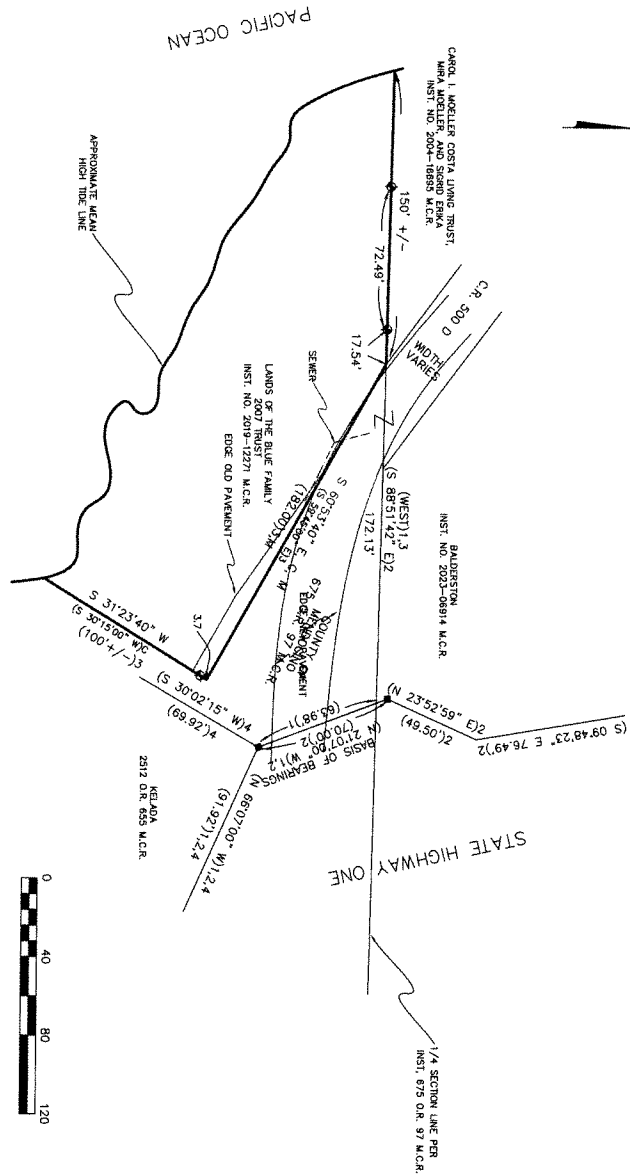


Exhibit 2b

PREPARED BY:
MENDOZINO SURVEYORS, INC.
 P.O. Box 1182
 Mendocino, CA 95540
 (707) 937-9800 | info@mendozinosurveyors.com



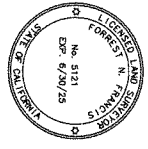
LEGEND

- ◆ SPECIFIC REBAR WITH CAST-IN-PLACE CONCRETE PER CALIFORNIA MAP FILED WITH COUNTY SURVEYOR JAN 16, 1985
- CALIFORNIA COUNTY RECORDS PER CALIFORNIA MAP FILED WITH COUNTY SURVEYOR JAN 16, 1985
- RECORD DATA PER 655 O.R. 97 M.C.R.
- RECORD DATA CALIFORNIA MAP 1-SUB-5-E-ON FILE WITH COUNTY SURVEYOR JUNE 15, 1965
- RECORD DATA DEAN ENST. NO. 588-12571 M.C.R.
- RECORD DATA PER 512 O.R. 655 M.C.R.
- M MEASURED
- C CALCULATED

RECORD DATA AGREES WITH MEASURED UNLESS SHOWN OTHERWISE.

SURVEYOR'S STATEMENT

This map correctly represents a survey made by me or under my direction in accordance with the requirements of the Professional Land Surveyor's Act at the request of [Redacted] owners in June, 2024.



COUNTY SURVEYOR'S STATEMENT

This map has been examined in accordance with Section 9726 of the Professional Land Surveyor's Act this _____ day of _____, 2024.

Mendocino County, State of California

Howard N. Dashiell, L.S. 7148
 License expires 6/30/25

COUNTY RECORDER'S STATEMENT

Filed this _____ day of _____, 2024,
 at _____, in Maps Drawer _____, Page _____ M.C.R. at the request of
 Forrest Francis
 Karina Burelome
 County Recorder

Fee: \$49.00 By: _____ Deputy

BASIS OF BEARINGS

The bearing North $21^{\circ}07'00''$ West, between found Right of Way monuments along the West Bounding of the State Highway shown and delineated on that certain California Department of Transportation Right of Way map 1-MEN-54-E, filed with the Mendocino County Surveyor June 15, 1965, was used as a basis of bearings shown hereon.

RECORD OF SURVEY

Of a portion of Section 19, Township 17 North, Range 17 West, Mount Diablo Base and Meridian.

County of Mendocino, State of California
 June, 2024

Scale 1" = 20'
 Sheet One of One

Exhibit 3

Property Search

Search By: Address Begins With 11520

SEARCH

Search Results

Parcel #1190100100

Search Results

Parcel Number

1190100100

Parcel Info

Land Use

Zoning Code 1: RR:5
Zoning Code 2: N/A
General Plan: RR5(2):R
Census Code: N/A
School District: NONE
Tax Rate Area: 104004
Fire District: NONE
Fire Resp Area: STATE
Flood Zone: NO
Flood Way:

Mendocino County, California... / Title 20 - ZONING ORDINA... / DIVISION II - MENDOCINO... / CHAPTER 20.376 - RR—RU...

SHOW CHANGES

IN: DEC 15, 2025 (CURRENT)

CHAPTER 20.376 - RR—RURAL RESIDENTIAL DISTRICT

- CHAPTER 20.352 - ESTABLISHMENT OF COASTAL DISTRICTS
- CHAPTER 20.356 - AG-AGRICULTURAL DISTRICT
- CHAPTER 20.360 - FL—FOREST LANDS DISTRICT
- CHAPTER 20.364 - TP—TIMBERLAND PRODUCTION DISTRICT
- CHAPTER 20.368 - RL—RANGE LANDS DISTRICT
- CHAPTER 20.372 - OS—OPEN SPACE DISTRICT
- CHAPTER 20.376 - RR—RURAL RESIDENTIAL DISTRICT**
 - Sec. 20.376.005 - Intent.
 - Sec. 20.376.010 - Principal

Sec. 20.376.005 - Intent.

This district is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.

(Ord. No. 3785 (part), adopted 1991)

Sec. 20.376.010 - Principal Permitted Uses for RR Districts.

The following use types are permitted in the Rural Residential District:

(A) Coastal Residential Use Types.

Family Residential: Single-family;

Vacation Home Rental.

(B) Coastal Agricultural Use Types.

Light Agriculture;

Row and Field Crops;

Tree Crops.

Exhibit 4

SEWAGE FLOW RATE ESTIMATING GUIDE

(Range and Typical are shown in gallons per unit)

Estimates are based on US standards for water usage and sewage strength.

Typical Wastewater Flow Rates from Commercial Sources

Source	Unit	Range	Typical
Airport	Passenger	2-4	3
Auto Service Station	Vehicle Served	7-13	10
Bar	Employee	9-15	12
	Customer	1-5	3
Department Store	Employee	10-16	13
	Toilet Room	400-600	500
	Employee	7-13	10
Industrial Building	Employee	7-16	13
(Sanitary Waste Only)			
Laundry (Self-Serve)	Machine	450-650	550
	Wash	45-55	50
Office	Employee	7-16	13
Restaurant	Meal	2-4	3
	Employee	7-13	10
Shopping Center	Parking Space	1-2	2

Typical Wastewater Flow Rates from Residential Sources

Source	Unit	Range	Typical
Apartment, High-Rise	Person	35-75	50
Low Rise	Person	50-80	65
Hotel	Guest	30-55	45
Individual Residence			
Typical Home	Person	45-90	70
Better Home	Person	60-100	80
Luxury Home	Person	75-150	95
Older Home	Person	30-60	45
Summer Cottage	Person	25-50	40
Motel			
with Kitchen	Unit	90-180	100
without Kitchen	Unit	75-150	95
Mobile Home Park	Person	30-50	40

Typical Wastewater Flow Rates from Institutional Sources

Source	Unit	Range	Typical
Hospital, Medical	Bed	125-240	155
	Employee	5-15	10
Hospital, Mental Health	Bed	75-140	100
	Employee	5-15	10
Correctional Institution (Prison)	Inmate	75-150	115
	Employee	5-15	10
Rest Home	Resident	50-120	85
School, day			
w/ cafeteria, gym, & showers	Student	15-30	25
w/ cafeteria only	Student	10-20	15
no cafeteria; no gym	Student	5-17	11
School, boarding	Student	50-100	75

Typical Wastewater Flow Rates from Recreational Sources

Source	Unit	Range	Typical
Apartment, Resort	Person	50-70	60
Cabin, Resort	Person	8-50	40
Cafeteria	Customer	1-3	2
	Employee	8-12	10
Campground (developed)	Person	20-40	30
Cocktail Lounge	Seat	12-25	20
Coffee Shop	Customer	4-8	6
	Employee	8-12	10
Country Club	Member Present	60-130	100
	Employee	10-15	13
Day Camp (no meals)	Person	10-15	13
Dining Hall	Meal Served	4-10	7
Dormitory	Person	20-50	40
Hotel, Resort	Person	40-60	50
Store, Resort	Customer	1-4	3
	Employee	8-12	10
Swimming Pool	Customer	5-12	10
	Employee	8-12	10
Theatre	Seat	2-4	3
Visitor Center	Visitor	4-8	5

Exhibit 5



Mendocino County Health & Human Services Agency

Healthy People, Healthy Communities

Tammy Moss Chandler, Director

Trey Strickland, Director
Environmental Health



July 6, 2020

Mr. Edward Powers

RE: Well Development at 11520 Road D, Mendocino

Dear Mr. Powers,

On Thursday July 2, 2020 we met on-site to investigate the potential well location for the development proposed under CDP-2015-0019 at 11520 Road D. Environmental Health first made comments on the proposal in February 2016, when an on-site septic system and on-site water well were proposed. New information regarding a Mendocino City Community Service District sewer main has come to light and subsequently limited the area where a water well can be installed.

The minimum setback from a pressurized sewer main to a drinking water well is 50 feet. Per my measurements, the proposed well site on the west side of the parcel near the area of dedication is 25-27 feet from the sewer lateral. EH cannot allow a well to be drilled on that side of the parcel.

The sewer line appears to run from the east heading west towards Highway 1 along the old original highway until it intersects with the current Highway 1. The sewer line crosses the street toward this parcel and enters the parcel about midway through the parcel.

You may propose a drill site on the east side of the parcel so long as it meets the 50-foot setback to the sewer line (which is at that point across the street). The 50-foot setback eliminates a majority of the property for well development.

Environmental Health would like to see this entire street connect to the sewer system for health and sanitation purposes. I understand that a proposal to connect is being reviewed by LAFCO, which Environmental Health supports due to the scarcity of septic area and the potential impact of failing septic systems on the scenic bluff top. Regardless of connection status, the setback to the sewer line will be enforced.

A handwritten signature in black ink, appearing to read "Marlayna Bourbonnais Duley".

Marlayna Bourbonnais Duley, REHS

Land Use Program Manager

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

**Post Office Box 1029
Mendocino, CA 95460
(707) 937-5790 (t)
mccsd@mcn.org**

MENDOCINO CITY COMMUNITY SERVICES DISTRICT BOARD MEETING

ACTION MINUTES – March 23, 2026

**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 – 5:00 p.m.

Board Present: Directors Andrea Shepard, Jim Sullivan, and Matthew Miksak

Staff Present: Ryan Rhoades, District Superintendent and Katie Bates, District Secretary

Public Present: Matt Kennedy, Maggie O'Rourke, Mary Falkenrath, Jim Gragg, Carrie Browder, Ed Powers, Alex Fields, Michael Klinger, Christina Aranguren Colin Morrow, Seph Petta, Jake Stenson, Rich Jung, Max Yeh, Keith Linden

AGENDA ITEM NO. 2. – APPROVAL OF AGENDA

Board Action: Upon motion by Director Shepard, and 2nd by Director Sullivan to approve the Agenda with these changes: cut #3, and change order of new business to effluent pump, outfall, and boiler. IT IS ORDERED to approve the agenda. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

AGENDA ITEM NO. 4- PUBLIC EXPRESSION: non-agenda items

Carrie Browder expressed issue with BOD agenda and minutes

AGENDA NO. 5- COMMUNICATIONS

Jim Gragg sent email

AGENDA ITEM NO. 6- FINANCIAL REPORT

a) January DISBURSEMENTS

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

AYE: 3 (Shepard, Miksak, Sullivan)

b) February Disbursements

Board Action: Upon motion by Director Shepard and 2nd by Director Sullivan, IT IS ORDERED to approve February disbursements. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

AGENDA ITEM NO. 7— CONSENT AGENDA**a) APPROVAL OF MINUTES FROM 1-26-2026**

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

AYE: 3 (Shepard, Miksak, Sullivan)

AGENDA ITEM NO. 8- DISCUSSION AND POSSIBLE ACTION REGARDING ANY CONSENT AGENDA ITEM NEEDING SEPARATE ACTION

NONE

AGENDA ITEM NO. 9- NEW BUSINESS**a) Discussion and Possible Action to appoint new Board members to fill two existing vacancies with Resolution 2026-329 and Resolution 2026-330**

Each candidate was encouraged to make brief statement. Alex Fields, Jim Gragg, Mary Falkenrath, and Michael Klinger did so.

Director Sullivan asked all four “what are your view on Groundwater Management?” Each candidate responded.

Director Miksak asked all four “what is your top reason to join the Board of Directors?” Each candidate responded.

Board Action: Upon motion by Director Sullivan and 2nd by Director Miksak, IT IS ORDERED to appoint Alex Fields and Michael Klinger to the Board of Directors with Resolutions 2026-329 and 2026-330.

The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

b(I) Consideration and Possible Approval of Award of Contract for the Recycled Water Project to Ghilotti Construction Company, Inc. for the amount of \$9,218,230

Board Comment: Andrea Shepard and Jim Sullivan

Public Comment: Matt Kennedy

Board Action: Upon motion by Director Sullivan and 2nd by Director Shepard, IT IS ORDERED to award the contract for the Recycled Water Project to Ghilotti Construction. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

b(II) Discussion and Possible Action to adopt Resolution 2026-331 to authorize Superintendent to approve change order with Ghilotti

Board Comment: Andrea Shepard and Jim Sullivan

Public Comment: Matt Kennedy and Tina Aranguren

Staff Comment: Ryan Rhoades

Board Action: Upon motion by Director Shepard and 2nd by Director Sullivan, IT IS ORDERED to adopt Resolution 2026-331 to authorize Superintendent to approve change orders with Ghilotti. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

b(III) Discussion and Possible Action to approve the agreement for the delivery and use of recycled water with Mendocino Unified School District (MUSD), and authorize the Superintendent to execute same on behalf of the District

Board Comment: Jim Sullivan

Staff Comment: Ryan Rhoades

b(IV) Discussion and Possible Action to adopt the Recycled Water Rate Schedule

Board Comment: Andrea Shepard

Board Action: Upon motion by Director Sullivan and 2nd by Director Miksak, IT IS ORDERED to adopt the Recycled Water Rate Schedule. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

c(IV) approve spending up to \$8,740 with DXP to remove the effluent pump

Staff Comment: Ryan Rhoades

Board Action: Upon motion by Director Shepard and 2nd by Director Sullivan, IT IS ORDERED to approve spending up to \$8,740 with DXP to remove the effluent pump. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

d(I) Approve ADI Job #02-26, spending up to \$16,000 for outfall underwater survey

Board Comment: Andrea Shepard

d(II) Approve ADI Job #03-26a, spending up to \$9,500 to fabricate an outfall clamp

Staff Comment: Ryan Rhoades

d(III) Approve ADI Job #03-26b, spending up to \$23,000 in FY 26-27 to replace the clamp at Joint 45

Staff Comment: Ryan Rhoades

Board Comment: Jim Sullivan

Board Action: Upon motion by Director Shepard and 2nd by Director Sullivan, IT IS ORDERED to approve 9dI, 9dII, and 9dIII for \$48,450. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

c(III) approve spending up to \$20,000 to replace the generator switch

Board Action: Upon motion by Director Shepard and 2nd by Director Sullivan, IT IS ORDERED to approve spending up to \$20,000 to replace the generator switch. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

c(1 and II) approve spending up to \$41,000 to repair the boiler and replace the blower element of the biosolids dryer

Board Action: Upon motion by Director Shepard and 2nd by Director Sullivan, IT IS ORDERED to approve spending up to \$41,000 to repair the boiler and replace the blower element of the biosolids dryer. The Motion carried by the following vote:

AYE: 3 (Shepard, Miksak, Sullivan)

AGENDA ITEM NO. 10- DISTRICT SUPERINTENDENT'S REPORT

Staff Comment: Ryan Rhoades

Public Comment: Tina Aranguren

AGENDA ITEM NO. 11- GROUNDWATER MANAGEMENT

Ryan Rhoades reads report

AGENDA ITEM NO. 12- COMMITTEE UPDATES

None

AGENDA ITEM NO. 13- MATTERS FROM BOARD MEMBERS

None

AGENDA ITEM NO. 14- ADJOURNMENT

7:02 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:----- Andrea Shepard

Personnel:----- Matthew Miksak and Andrea Shepard

Plant Operations:----- Jim Sullivan

Safety: -----

Street Lighting:-----

Groundwater Management:----- Jim Sullivan and Andrea Shepard

Respectfully submitted,

Katie Bates

STAFF REPORT

TO: Board of Directors, Mendocino City Community Services District

FROM: District Superintendent

DATE: April 27, 2026

SUBJECT: Petition for Out-of-District Sewer Service — Kidwell Trust Property, 11520 Road 500D (APN 119-010-01-00); Consideration of Conditional Will-Serve Letter

This report presents for the Board's consideration a proposed "Conditional Will-Serve Letter" (Letter) to Fern Shepard, as Trustee for the Kidwell Trust, for the parcel at 11520 Road 500D (APN 119-010-01-00). The Letter responds to a petition submitted December 22, 2025 by the Trust through its agent, Ed Powers, seeking out-of-district sewer service under Government Code sections 61101 and 56133.

The Property

The subject parcel lies outside the District's current jurisdictional boundary. According to the petition, the Kidwell family acquired the property in the 1950s and wishes to develop it as a single-family residence. Staff has not independently verified the chain of title, the property's zoning or County General Plan land use designation, or the petitioner's stated development intent. It is District staff's understanding that the property is currently undeveloped, and that the petitioner has been pursuing development rights from multiple local and regional entities for several years. The petition requests service only for 11520 Road 500D.

State Parks' Sewer Line

Pursuant to an Operating Agreement for Service (OAS) entered into with State of California Department of Parks and Recreation ("State Parks") in the early 1970s, the District agreed to treat and dispose of sewage from Russian Gulch State Park (RGSP). This line running from RGSP to the District's boundary (the "State Parks Line") is entirely under the ownership and control of State Parks, and is neither owned nor operated by the District. Petitioner seeks to connect the property to this existing sewer line.

Proposed Conditional Will-Serve Letter

Following receipt of the petition and consultation with District counsel, a draft Conditional Will-Serve Letter has been prepared for the Board's consideration. The letter advises that the District is willing to provide sewer service to the Property upon the petitioner demonstrating, to the District's satisfaction, that each of the following conditions has been met:

A. Required Third-Party Approvals

1. **State Parks consent.** Written notice of consent from the California Department of Parks and Recreation authorizing the Property to connect to the State Parks Line.

2. **LAFCo authorization.** Authorization from Mendocino County LAFCo for the District to serve the undeveloped Property as an out-of-service-boundary connection under Government Code section 56133.
3. **County land-use consistency.** Written confirmation from Mendocino County that the proposed development is consistent with all applicable County land-use planning policies.

B. Agreement and Financial Conditions

4. **Sewer service agreement.** Execution of a sewer service agreement on terms acceptable to the District, which must include the applicant's commitment to waive, hold harmless, and indemnify the District against any legal claims or disputes arising from or related to (i) the application processes and decisions of LAFCo, State Parks, or any other agency; (ii) the provision of sewer service to the Property; or (iii) the Property's use of the State Parks Line, including claims relating to ownership, operation, maintenance, or control of that line.
5. **Payment of District costs.** Payment of all expenses incurred by the District in processing the request, including responses to information requests from LAFCo or other agencies.

C. Term and Limitations

6. **Two-year term.** The letter is valid for two years from issuance. The owner may petition the Board for an extension no later than 30 days before expiration.
7. **Not a final approval or contract.** The letter expressly states that it is not final approval of sewer service or of any related permit, license, or permission; that it is not a contract or offer to contract and does not reserve capacity; and that continued service is subject to the District's continued capacity to treat wastewater from the property.
8. **Petitioner's infrastructure responsibility.** The property owner is solely responsible for engineering, designing, constructing, and maintaining any infrastructure required to connect to the State Parks Line.
9. **Subject to District rules.** Any new service remains subject to all applicable District ordinances, resolutions, rules, regulations, policies, fees, and charges, and to a determination by the Board that providing service is in the District's best interest.

The proposed letter does not commit the District to provide service. It communicates willingness to serve only if the petitioner assembles the enumerated third-party approvals—State Parks consent, LAFCo authorization, and County confirmation of land-use consistency—that are outside the District's control.

Staff have included indemnity and cost-reimbursement provision to protect the District from the legal and financial risk of processing an out-of-boundary request that implicates a third-party-

owned line and LAFCo and county planning processes in which the District may be a participant but will not be the applicant.

The two-year term with extension mechanism gives the petitioner a defined runway to complete the LAFCo and State Parks processes. The Board reserves discretion to approve or deny service at the point an actual service agreement comes forward.

California Environmental Quality Act

Issuance of the Conditional Will-Serve Letter is exempt from the California Environmental Quality Act (CEQA). By its terms, the Letter does not approve sewer service to the Property and is not a contract or offer to contract; it merely communicates the District's conditional willingness to consider providing service if and when the petitioner secures the required approvals from State Parks, LAFCo, and Mendocino County and enters into a sewer service agreement on terms acceptable to the District. Because future service is contingent on those further approvals and on a separate Board action, issuance of the Letter has no foreseeable impact on the environment, and it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The action is therefore not subject to CEQA under CEQA Guidelines section 15061(b)(3).

Recommended Action

Staff recommends that the Board approve issuance of the Conditional Will-Serve Letter dated April 27, 2026 to Fern Shepard, Trustee for the Kidwell Trust, for the parcel at 11520 Road 500D (APN 119-010-01-00), and authorize the District Superintendent to execute and transmit the letter on the District's behalf, with such non-substantive revisions as the District Superintendent and District counsel may deem appropriate.

MENDOCINO CITY COMMUNITY SERVICES DISTRICT
Post Office Box 1029
Mendocino, CA 95460
Business Phone (707) 937-5790
mccsd@mcn.org

April 27, 2026

Fern Shepard, as Trustee for Kidwell Trust
c/o Ed Powers
P.O. Box 1384
Mendocino, CA 95460

Re: Conditional Will Serve Letter
11520 Road 500D
Mendocino, CA
APN 119-010-01-00

Dear Fern Shepard:

MCCSD is in receipt of a request that it provide sewer service for wastewater transported from the above parcel ("Property") through the State Parks-owned, maintained and operated lateral sewer line running from Russian Gulch State Park ("State Parks Line") to the MCCSD collection system. This letter serves as notice that the Mendocino City Community Services District (MCCSD) is willing to provide sewer service to the above parcel ("Property"), provided that you demonstrate to MCCSD's satisfaction that all the conditions below have been met.

- Written notice of consent from the California Department of Parks and Recreation ("State Parks") for the Property to connect to the State Parks Line.
- Authorization from the Mendocino County Local Agency Formation Commission ("LAFCo") for MCCSD to serve the undeveloped Property as an out-of-service-boundary connection pursuant to your application to LAFCo for such authorization. (Gov. Code, § 56133.)
- Written confirmation from Mendocino County that the proposed development on the Property for which sewer service is requested is consistent with all applicable County land use planning policies.
- Execution of a sewer service agreement with MCCSD with terms acceptable to MCCSD, including the applicant's commitment to waive, hold MCCSD harmless from, and indemnify MCCSD against any legal claims or disputes arising from or related to the application processes and decisions by LAFCo, State Parks or any other agency, provision of sewer service to the Property, or the Property's use of the State Parks Line for sewer service, including, but not limited to, claims or disputes related to ownership, operation, maintenance, or control of the State Parks Line.
- Payment of any and all expenses incurred by MCCSD to process the request for extension of service, including, but not limited to, any expenses incurred from responding

to information requests from LAFCo or other agencies in processing and reviewing any request that connection to the Property and service by MCCSD be approved.

- This conditional will serve letter will be valid for two (2) years from the date of issuance. The owner may petition MCCSD's Board of Directors for an extension 30 days prior to the expiration date if the above conditions have not yet been met. Failure to meet the above conditions will result in MCCSD rescinding this conditional will serve letter.

This letter is not to be interpreted as final approval of sewer service to the Property, or of any related permit, license, or permission.

The provision of sewer service is further subject to MCCSD's continued capacity to treat wastewater from the Property. MCCSD can make no representations as to the future availability of such capacity. This letter is not a contract or offer to contract by MCCSD to provide service or reserve capacity for the Property.

It is the responsibility of the Property owner to engineer, design, construct, and maintain any infrastructure required to connect to the State Parks Line for service to the Property.

Notwithstanding anything to the contrary herein, any new sewer service, service connections and firm sewer service commitments shall be subject to all applicable MCCSD ordinances, resolutions, rules, regulations, policies, fees and charges, those rules, regulations, restrictions, and policies to which MCCSD may be subject, and a determination by the MCCSD Board of Directors that providing such service is in MCCSD's best interest.

Very truly yours,

STAFF REPORT

TO: Board of Directors, Mendocino City Community Services District

FROM: Ryan Rhoades, District Superintendent

DATE: April 27, 2026

SUBJECT: Consideration of Resolution Adopting Updated Policy Regarding Extension of Service Outside the District's Jurisdictional Boundary

This report presents for the Board's consideration a proposed Resolution adopting an updated Policy Regarding Extension of Service to Areas Outside the District's Jurisdictional Boundary (the "Proposed Policy") and rescinding the District's existing 1973 policy on the same subject. Staff requests that the Board review the background and discussion below, consider the Proposed Policy, and by motion adopt the Proposed Policy as drafted.

Statutory Background: Government Code Sections 61101 and 56133

The District is a Community Services District formed and operating under Government Code sections 61000 *et seq.* Two statutes govern the Board's authority to extend service outside the District's jurisdictional boundary.

Government Code section 61101 derives from the District's enabling authority. It provides that "[a] district may provide the facilities and services authorized by Section 61100 outside its boundaries, subject to [Government Code] Section 56133." Section 61100 lists the services a CSD may provide, including the collection, treatment, and disposal of sewage and wastewater. Under Section 61101 the District *may* extend its sewer service beyond its jurisdictional boundary, but it does not oblige the District to do so.

Government Code section 56133 is part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and establishes the procedural prerequisite for exercising that authority. The core of the section is subdivision (a): "A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located." The "commission" is the county Local Agency Formation Commission (LAFCo) — in the District's case, Mendocino County LAFCo.

The Existing 1973 Policy (Resolution No. 13)

Resolution No. 13, adopted on April 30, 1973, was intended to satisfy conditions of a 1972 State Grant Contract for construction of the District's wastewater treatment works, which required the District to adopt a policy "dealing with extension of service" that would be "fair and equitable," in harmony with local land use plans, and protective of system capacity. Because Resolution No. 13 predated the Cortese-Knox-Hertzberg Act (2000) by more than a quarter century, it does not reference LAFCo or section 56133 at all. Although District practice has treated LAFCo approval as a necessary step, the written policy is silent on the subject.

Proposed Updated Policy

The Proposed Policy establishes the substantive conditions that must be satisfied before the District will extend service outside its jurisdictional boundary, followed by the steps for Board review of individual requests.

Section 2 provides that service will not be extended outside the District's jurisdictional boundary until all of the following conditions have been met:

1. **LAFCo approval.** The applicant has provided the District with proof that Mendocino County LAFCo has approved the extension of service under Government Code section 56133.
2. **Other entitlements, permits, and permissions.** The applicant has provided proof of all other land-use entitlements, permits, and permissions necessary to access District service infrastructure, including proof that the proposed project is consistent with all applicable Mendocino County land-use planning policies.
3. **Executed service agreement.** The applicant has executed a service agreement with the District on terms acceptable to the District.
4. **Payment of District costs.** The applicant has paid all reasonable expenses the District has incurred in processing the request, including expenses incurred in responding to information requests from LAFCo or other agencies reviewing the request. The Board retains discretion to waive some or all of the applicant's payment obligation.
5. **Excess capacity determination.** The Board has determined that the District's infrastructure has excess capacity sufficient to support the proposed extension.

Section 3 contains the steps for processing requests for out-of-boundary service:

1. The applicant submits a written service connection request in a form the District may prescribe. The Section describes the required contents of the request, including a map and legal description of the area proposed to be served; a description of the improvements that will be necessary to extend service; and a financial statement in which the applicant accepts responsibility for all associated costs.
2. MCCSD has, in most cases, 30 business days from receipt to notify the applicant either that the request is complete with respect to the conditions specified in Section 3 or that additional information is required.
3. Once the request is complete, the Superintendent provides the Board with a written recommendation on whether the requested extension would be in the District's best interests, considering the anticipated level of service, the present and future capacity of the District's systems, and any other factors relevant to the request.
4. The Board considers the Superintendent's report, together with any relevant evidence presented by the applicant or any other person, at a public hearing. After the hearing, the Board may either issue a "conditional will-serve letter," indicating the District's willingness to provide service conditioned on the applicant's satisfaction of the five substantive conditions in Section 2 of the Proposed Policy; or the Board may deny the request.
5. If the Board issues a conditional will-serve letter, the matter is tabled until the District receives notice that all conditions have been met.

6. If and when the District receives notice and evidence that the conditions under the will-serve letter have been met, the Superintendent prepares a second report to the Board summarizing the applicant's actions to meet the conditions and updating the Superintendent's recommendation on whether to extend service.
7. The Board considers the supplemental report, together with any relevant evidence from the applicant or any other person, at a second public hearing. After the hearing, the Board may either authorize the District Superintendent to negotiate the terms of the service agreement referenced in Section 4, or deny the request.

If negotiation is authorized, the agreement must address (i) the applicant's obligation to pay for installation of any equipment the District, in its sole discretion, deems necessary for the extension; (ii) any other charges appropriate to the service extension requested; and (iii) such other terms as the District has determined will ensure continued efficient operations or are necessary to protect the District's best interests. A negotiated service agreement must come back to the Board for approval at a public meeting before execution.

California Environmental Quality Act

Adoption of the Proposed Policy is exempt from the California Environmental Quality Act (CEQA). Because future service extensions under the Policy are contingent on further approvals and on separate Board action, adoption of the Proposed Policy has no foreseeable impact on the environment, and it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The action is therefore not subject to CEQA under CEQA Guidelines section 15061(b)(3).

Recommended Action

Staff recommends that the Board adopt the attached Resolution.

RESOLUTION NO. 2026- 332
RESOLUTION OF MENDOCINO CITY COMMUNITY SERVICES DISTRICT
ESTABLISHING UPDATED POLICY REGARDING EXTENSION OF SEWER SERVICE
OUTSIDE ITS JURISDICTIONAL BOUNDARY

WHEREAS, on April 30, 1973, the Board of Directors adopted Resolution No. 13, Resolution of the Board of Directors of the Mendocino City Community Services District Establishing Policy Commitments Pursuant to Conditions of State Grant Contract (Project Number C-06-0709), which established a policy regarding extension of sewer service beyond its jurisdictional boundary, and;

WHEREAS, the Board of Directors desires to update its policy regarding extension of sewer service;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mendocino City Community Services District that:

1. MCCSD's "Policy Regarding Extension of Service," as set forth in Resolution No. 13 of 1973, is hereby rescinded.
2. The District hereby adopts the following updated Policy Regarding Extension of Service to Areas Outside its Jurisdictional Boundary.

POLICY REGARDING EXTENSION OF SERVICE

Section 1. Definitions:

(a) Unless the provision or context otherwise requires, the definitions contained in Chapter 2 of Title 5, Division 3, Part 1 of the California Government Code, sections 56010 *et seq.*, govern the construction of this policy.

(b) "Commission" means the Mendocino County Local Agency Formation Commission.

Section 2. Requirements for extension of service outside the District's jurisdictional boundary. Service shall not be extended to any area or property outside the District's jurisdictional boundary, until all the following conditions are met:

(a) The applicant has provided the District with proof that the Commission has approved extension of service outside the District's jurisdictional boundary pursuant to section 56133 of the California Government Code;

(b) The applicant has provided the District with proof of receipt of all other land use entitlements, permits, and/or any further permissions necessary to access District service infrastructure, including but not limited to proof that the proposed project is consistent with all applicable Mendocino County land use planning policies;

(c) The applicant has executed a service agreement with the District as described in Section 4;

(d) The applicant has paid all reasonable expenses incurred by the District to process the applicant's request for extension, including any expenses incurred from responding to informational or other requests by the Commission or any other agency incident to such agency or agencies' review of the request for service to the subject property, except that the Board of Directors may in its discretion, waive some or all of the applicant's payment obligations;

(e) The Board of Directors has determined that the District's infrastructure has excess capacity sufficient to support the proposed service extension.

Section 3. Service Request Process: A request for extension of service outside the District's jurisdictional boundaries shall be made in the following manner:

(a) The applicant shall submit a service connection request to the attention of the District Superintendent, in a form the District may prescribe, but which must include the following information:

(i) The name and contact information of the applicant or applicant's agent;

(ii) The service requested, including a description of the maximum usage of District service capacity anticipated in connection with the service, and any other relevant information regarding anticipated usage which the District may require;

(iii) A map and legal description of the area proposed to be served;

(iv) A description of the project for which service is necessary;

(v) A description of improvements that will be necessary for service to be extended;

(vi) A description of land use permits or entitlements received for the project and outstanding permits or entitlements necessary before service can be extended;

(vii) Whether the area proposed for service is within the District's jurisdictional boundary;

(viii) Justification for the District's extension of service to the proposed area;

(ix) Whether annexation by the District of the proposed area to be served is sought or anticipated;

(x) A financial statement detailing and accepting responsibility for all associated costs;

(b) Within 60 business days of receipt of the request for service, or within 30 business days of receipt if the project described in the request is a housing development with 25 units or fewer, the District Superintendent or their designee will provide notice to the applicant either that the request is complete or that it requires additional information. If the District determines that additional information is necessary before the request can be deemed complete, and provides notice to the applicant of required additional information, it shall review and respond to each subsequent submission of additional information within 30 days (or 60 days if the request is for a housing development with more than 25 units) of the information's submission until the request is deemed complete.

(c) If the District Superintendent or their designee determines that the request is complete, they shall report in writing to the Board of Directors with a recommendation as to whether such extension of service would be in the best interests of the District, taking into account the anticipated usage of service, the cost of service provision, the present and future capacity of the District's systems, and any other factors relevant to the request.

(d) The Board of Directors shall consider the report and recommendation, together with any relevant evidence presented by the applicant or by any other person, at a public hearing. The Board may act upon the request, including by:

(i) Issuing a preliminary indication of the District's willingness to provide the requested service (a "will-serve letter"), stating that approval of service is conditioned on submittal of proof that the applicant has satisfied the provisions of Section 2 above and any other conditions the District may reasonably impose. Any such will-serve letter shall be valid for no more than two years from the date of issuance and shall state that the service extension is subject to the District's and any other relevant service providers' continued capacity and regulatory authority to serve the property; or

(ii) Denying the request for service extension on the ground that granting the request would not be in the District's best interests.

(e) Upon the Board's authorization described in Section 3(d)(i) above, the matter shall be tabled until the District has received notice that all the conditions described in Section 2 and any other conditions imposed by the District have been met. If the District Superintendent determines that all such conditions have been met, they shall make a supplemental report to the Board of Directors in writing, summarizing how such conditions have been met and recommending whether extension of service would be in the best interests of the District, taking into account the factors described in Section 3(c) above and information subsequently submitted by the applicant in compliance with any imposed conditions.

(f) The Board of Directors shall consider a supplemental report and recommendation made pursuant to Section 3(e), together with any relevant evidence presented by the applicant or by any other person, at a public hearing. The Board may act upon the request, including by:

(i) Authorizing the District Superintendent, or their designee, to negotiate terms of the service agreement described in Section 4, below;

(ii) Denying the request for service extension on the ground that granting the request would not be in the District's best interests.

Section 4. Upon the Board's authorization described in Section 3(f)(i) above, the District Superintendent, or their designee, and the applicant shall attempt to negotiate an agreement setting forth the terms of the requested service extension, which shall include the applicant's payment obligation for installing any equipment the District deems necessary, in its sole discretion, for the requested extension of service; any other charges appropriate to the service extension requested; and such other terms that the District has determined will ensure continued, efficient District operations and/or are necessary to protect the best interests of the District. A final agreement shall be approved by the Board at a public meeting before execution.

Section 5. This policy regarding extension of service beyond the District's jurisdictional boundary shall be in addition to any and all other rules, regulations, and policies, as set forth in any other resolution, order, or ordinance of the District, and any other laws or policies applicable to the District.

3. Should any provision of this Resolution, or the application thereof to any person or circumstance, be held invalid by the final action of a court, the remainder of this Resolution and the application of such provision to other persons or circumstances shall remain in full force and effect.

PASSED AND ADOPTED by the Board of Directors of the Mendocino City Community Services District, Mendocino County, California, at a Regular Meeting on April 27, 2026, by the following vote:

ROLL CALL VOTE: AYES:
NOES:
ABSENT:

ATTEST:

Katie Bates, Board Secretary

Andrea Shepard, Board President

April 2026 Superintendent's Report

Wastewater Treatment Plant:

- Operators performed routine repair and maintenance to the WWTP in April of 2026.
- Operators completed a number of maintenance projects including installing new LED shop lights in the press building, re-building and re-arranging the tool rack, installing a replacement toilet, replacing the sludge line check valves to improve press operations, updated pipe identification, sludge pump maintenance, and repainting an electrical motor control center.
- There was one after-hours alarm call out for the month as of April 21, 2026.
- DXP was on site 4/16/26 and removed effluent pump #2 for disassembly and inspection.
- The Bobcat Skid Steer is back from the shop and working again.
- The Superintendent submitted the quarterly Self-Monitoring Report and Discharge Monitoring Report to the State on 4/16/26. We had no violations for the period.
- The monthly CASGEM groundwater report was turned in on April 21, 2026, to the County.

Office:

-Office staff continue work with the Mendocino Fire Protection District (MFPD) on administering a Department of Water Resources domestic water storage tank program. As of the March 31, 2026 deadline, nearly 90 requests for water storage tanks were received by MCCSD. The State then informed us that only 65 total tanks had been allotted to MFPD/MCCSD. People inside the Fire District boundaries were prioritized and limited to one tank until we see if any more can be obtained. As of 4/22/26, 40 tanks have been delivered to MCCSD and 40 have been picked up. Thank you to everyone that has helped to coordinate and distribute the tanks. Thank you to property owners that have picked up tanks in a timely manner. We expect to receive another 25 tanks before the end of April, so if you have been contacted to pick up a tank please make arrangements as soon as possible.

Streetlights:

Outfall:

-Staff have advised Alpha Diving that funding is approved for the annual inspection dive when conditions and timing align. Alpha was also sent \$5,000 materials deposit for clamp fabrication.

Recycled Water:

-MCCSD did not transfer any recycled water for the month. We anticipate resuming recycled water production and transfers at some point in 2027.

Biosolids:

-Operators transported one load of biosolids on April 16, 2026. We are in process of renewing our disposal agreement with Waste Management.

Grants and Projects:

- Eastern Research Group has initial approval from the U.S. EPA to begin project scoping and is still working on a cost estimate to develop a current Preliminary Engineering Report on the WWTP facilities and lift stations at no cost to the District.

-Nothing to report related to the SAFER Technical Assistance.

-Ghilotti Construction has begun Phase II of the Recycled Water Upgrade and Expansion Project. They are starting with trenching and recycled water pipe installation the week of 4/27. They expect the recycled water pipe to be in the ground by the end of June 2026. Staff aim to update the construction Calander weekly on our web site. We thank you for your patience and understanding during this temporary inconvenience.

-MCCSD understands the MUSD potable water storage project is continuing on track.

April 2026 Superintendent's Report

Safety Meeting and Plant Safety Inspections:

The 30-minute monthly safety meeting was held on April 20, 2026. The topic was *Safe Driving*. No safety incidents were reported for the period.

Sanitary Sewer Collection System:

There are no Sanitary Sewer overflows to report for the period April 12, 2023- April 22, 2026.

Memo

To: MCCSD Board of Directors
From: District Superintendent
cc: Seph Petta
Date: April 22, 2026
Re: Groundwater Management Report

The 2025-26 Rain Year

October 1, 2025, was the beginning of the 2025-26 rain year. Average annual precipitation in Mendocino is 39.41 inches, and average rainfall in April is 2.85" inches. 3.50 inches of rainfall have been measured in the District for April, as of April 22, 2026 (Figure 1, Table 1).

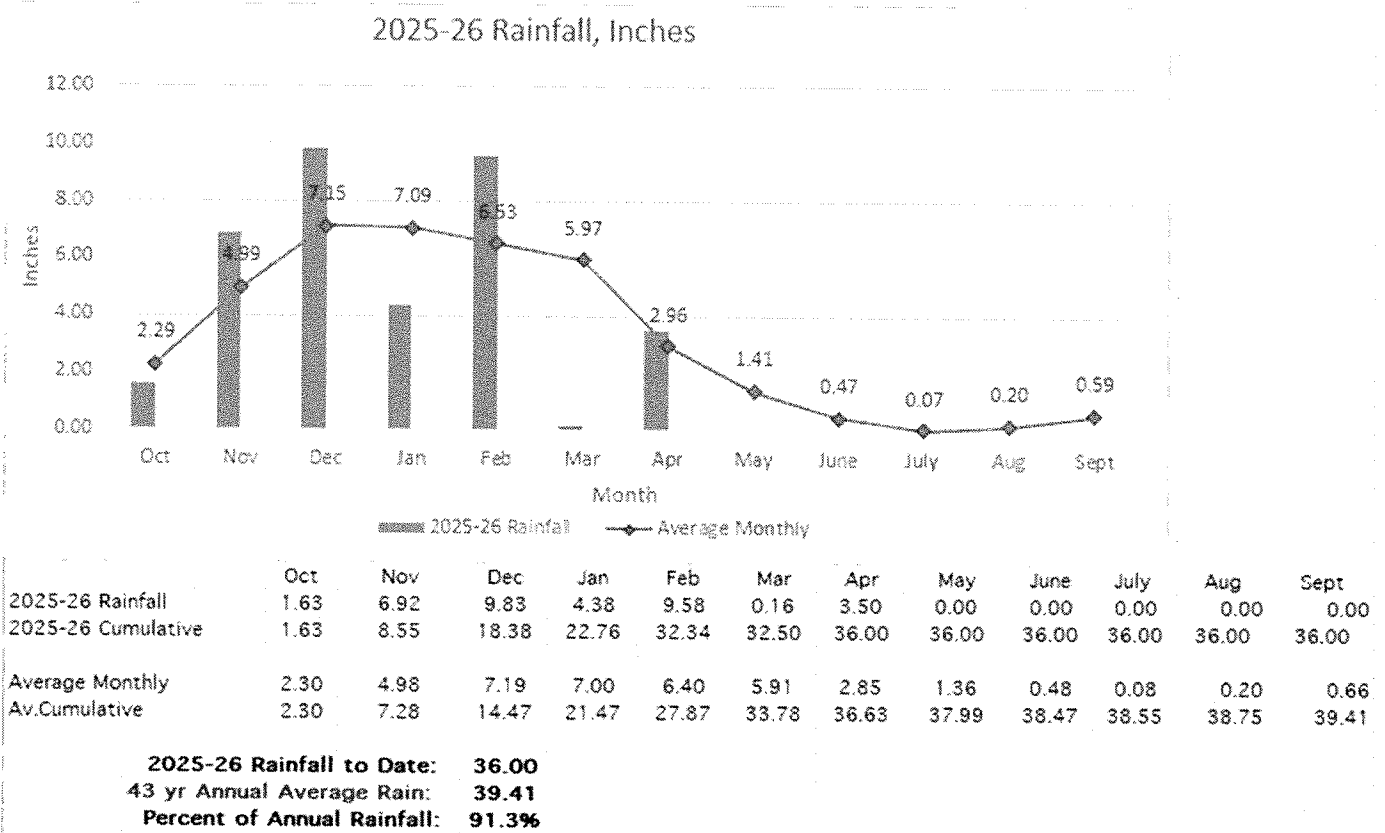
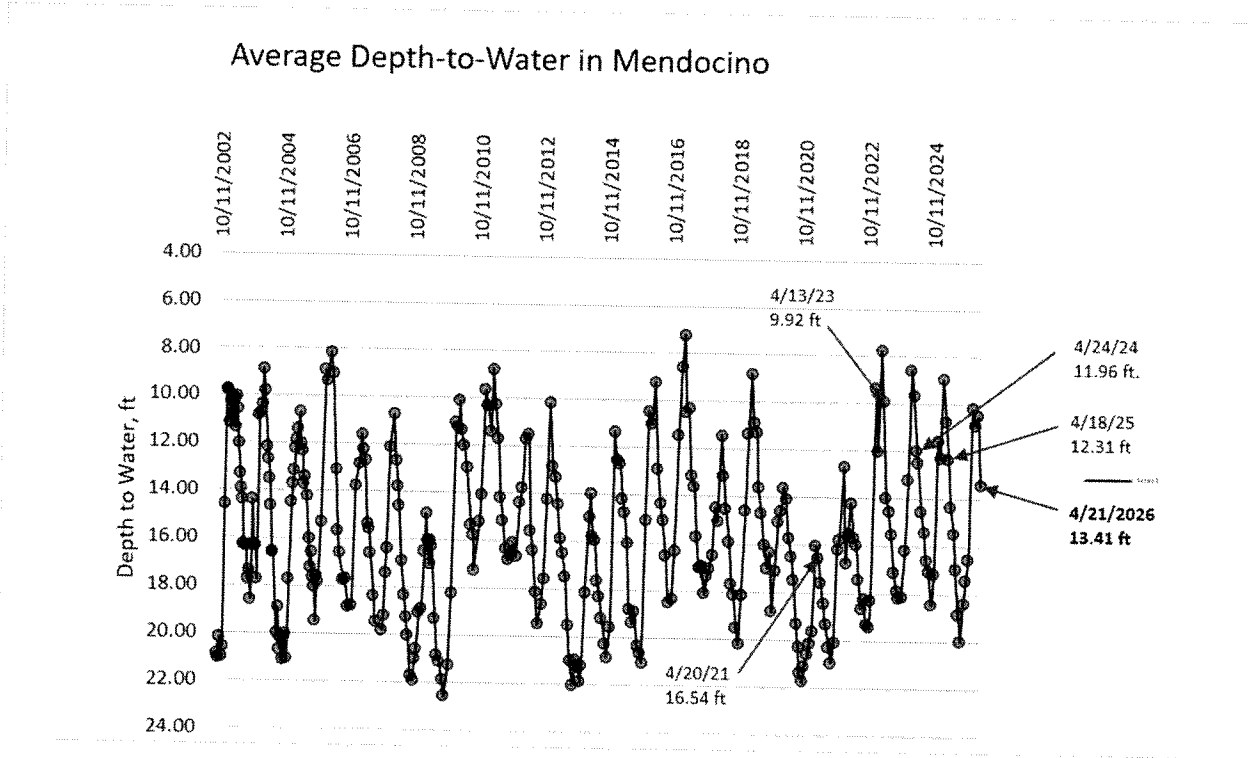


Figure 1, Table 1

April 2026 Depth-to-Water (DTW)

The average DTW measurements District-wide in the 24 monitoring wells on April 21, 2026, was 13.41 ft. DTW averages are about 3 ft. worse than March of 2026. The DTW averages in the five drought monitoring wells reported an average of 15.43 ft., which is 2.3 ft worse than March of 2026. DTW averages are 1.1 ft. worse than April 2025, and 3.13 ft better than a drought year like April 2021.

Figure 2 Average Depth-To-Water Chart



Following the Water Shortage Contingency Plan, March 31, 2026, was the most recent water shortage evaluation date. Rainfall totals at that time were (32.5") 96% of average for the rain year to date, indicating there is no water shortage within the District currently. May 31, 2026, is the next water shortage evaluation date.

Groundwater Management Notification for the Month:

0-Overage notification letters were mailed out for the month.

10-Violation 1 letters for failure to report a water meter reading

0-Violation 2 letters for failure to report a water meter reading for two consecutive months

0-Violation 3 letters for failure to report a water meter reading for three consecutive months