

MENDOCINO CITY COMMUNITY SERVICES DISTRICT
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Minutes of January 9, 2020

The Special Meeting was called to order by Director Hauck at 7:00 p.m. at the Mendocino the Community Center of Mendocino, 10525 School Street, Mendocino. Present were Directors Hauck, Kerstein, Arnold and Rice. District Superintendent Mike Kelley and Secretary(s) Jodi Mitchell and Jeannée Christ were present.

1. Agenda - Comments Regarding Items not on Agenda - None
2. Communications – Director Hauck Introduced new Director Jean Arnold
3. Public Hearing – Director Hauck said that there are three Resolutions of Intent Resolution of Intention by the MCCSD to Adopt the Groundwater Extraction Permit Ordinance, 2020-261, Resolution of Intention by the MCCSD to Adopt the Water Shortage Contingency Plan 2020-262 and Resolution of Intention by the MCCSD to Adopt the Water Shortage Contingency Plan Ordinance 2020-263 which if approved, can be ratified at the January 27, 2020, board meeting. Director Hauck explained that after the Resolution of Intent is adopted, then the registered voters can object. If more than 50% object, then the ordinances cannot be adopted.

Public Comment - Barbara Reed said she dropped off a letter to the district a month ago and had not received a response. Director Hauck said that the only letter he received from Barbara Reed was her application for consideration as a board member.

Bruce Levene discussed the Brown Act and said that the MCCSD public notification was buried in the paper and that notices are required to be posted in three locations. He said that there were only two notices on the website. He asked if the public gets notification.

Barbara Reed said she went around town to find where the notifications were posted. One was at the firehouse, one on the Corners of the Mouth bulletin board and one in the window of MCCSD offices. She said she thought it should be posted at the post office.

Judy Steele said she was confused with the process. She felt the process was not communicated clearly by the board. She asked how a ballot vote would work.

Director Hauck explained that the Ordinance reads that the MCCSD has an obligation to notify registered voters in the district. If they wish to object, they can do so at the Board of Director's Meeting on January 27, 2020.

Superintendent Kelley said that there are approximately 485 registered voters in the district.

Barbara Reed asked if ballots are ever submitted. Superintendent Kelley said that according to state law that is not required.

Annie Liner felt that letters should be date stamped, there should be a tracking process and receipt for letters.

Gail Lauinger suggested that an e-mail be sent to customers so they could vote with an e-mail. She spoke of her disappointment in not being able to farm her ½ acre property and her dissatisfaction with the election process.

Superintendent Kelley said that two letters were sent to every registered voter in the district regarding the Board Meetings.

Gail Lauinger said that they received no letters and that her husband received no letter nor did their neighbors. She didn't feel that she should be billed the same as a vacation rental. She is against the three resolutions because she had concerns about fairness. She said there were no street lights underground, that they were all overhead.

Ed O'Brien said that PGE was responsible for the installation of the street lights.

Director Hauck said it was the intention of the district to look at all contingency plans.

Bruce Levene expressed concerns about the use of the word "aquifer" on the website. He wants a new hydrological study done.

Steve Gomes asked Director Arnold about her experience with the water district where she previously worked. She replied, "this is a different situation". He said that MCCSD provides no water service. Director Arnold responded, "when you keep sewage out of wells, you are providing services."

Michael Fix said he understood the process but had an issue with tourists use of water. He asked what the punishment was for abusing water usage.

Superintendent Kelley said that the penalty is at a rate of 2 cents per gallon up to 10% overage of excess used per month and five cents for each gallon in excess of 10% after there has been excess use for two consecutive months or three months during any yearly period.

Director Hauck said due to the 2014-2015 drought, an ordinance was put in place that all property users needed a meter.

Ed O'Brien said groundwater was directional regarding Mendocino's history; that Three Hundred Thousand Dollars (\$300,000) has been spent on hydrological studies. The only source of water in the MCCSD area is groundwater. We can't get water anywhere else. Tracking the flow of water with groundwater permits is not a perfect process; however, they did a good job using the State Standards. We have to protect our water and need to pass these ordinances and look at the process. If someone thinks this is unfair, they need to come to the MCCSD office to discuss their concerns. Groundwater regulation and control is important for this town.

Judy Steel said that plenty of water was drilled and monitored. She felt it was not fair to compare different situations up on the hill. They are not hooked up to the sewer and pay only groundwater charges. She said she pays a \$120 charge for meter reading a year. She asked if we have an annual budget for doing groundwater model studies.

Director Hauck introduced the resolution.

Steve Gomes said that the December 4, 2019, quorum resolution failed.

Superintendent Kelley read the Resolution of Intent 2020-261 to adopt groundwater extraction ordinance.

Collin Morrow, Steve Gomes Attorney, introduced a letter dated January 9, 2020, into the record. He said there was a new law effective January 1, 2020, that said agenda needed to be on the home page of the MCCSD website. He also objected to the MCCSD Board of Directors adopting any Resolution for 2020-261, 2020-262, or 2020-263, as calendared for tonight's meeting.

Attorney Morrow presented a flow chart prepared by Kennedy Jenks. He said that the District should act carefully not quickly because of a new law. If we act quickly, we will get ourselves into trouble.

Annie Liner asked how we will know they received the letter. She suggested sending it registered or certified mail to show receipt and reimburse customers for their expense.

Gail Lauinger asked how does she find out about the vote.

Director Hauck stated that the Beacon published an article on January 1, 2020, identifying all these issues. The board is required to work under state law and legislation. Agendas are posted on the website.

In reference to Steve Gomes statement above regarding a failed resolution, Director Hauck said that in the December meeting there were two ayes and one abstain. There was not a quorum, therefore there was no availability to adopt. The Resolution was mailed to all registered voters, and it was properly noticed and was on the website.

When asked where MCCSD gets the list of registered voters, Superintendent Kelley responded that the list comes from the County of Mendocino Elections Department.

Director Rice read a letter addressing his issues regarding the Resolutions and his fear of lawsuits.

Director Hauck thanked Otto and said he respects every individual's views.

Director Rice said he intends to vote no. He said he never has any trouble with his neighbors and thinks we can do better. We need to look at the ordinance now not later not trying to get rid of meters.

4. PUBLIC HEARING AND BOARD ACTION Director Hauck motioned for a vote on Resolution 2020-261

MOTION Hauck/Arnold To Adopt 2020-261, a Resolution of Intention by the MCCSD to Adopt the Groundwater Extraction Permit Ordinance

ROLL CALL VOTE
AYES: Directors Hauck and Arnold
NOES: Directors Kerstein and Rice
ABSENT: None
ABSTAIN: None

Ed O'Brien stated that the 1990 Groundwater Extraction Permit Ordinance is still valid.

MOTION Kerstein/Arnold To Table Resolutions of Intentions 2020-262 and 2020-263

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

The meeting adjourned at 8:37 p.m.

Respectfully submitted,

Jodi Mitchell, District Secretary

Jeannée Christ, District Secretary