

MENDOCINO CITY COMMUNITY SERVICES DISTRICT

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MENDOCINO CITY COMMUNITY SERVICES DISTRICT SPECIAL BOARD MEETING

ACTION MINUTES – APRIL 19, 2023

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

AGENDA ITEM NO. 1 – CALL TO ORDER – 5:00 p.m.

Present: Directors Ishvi Aum, Matthew Miksak, VP 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, Tony Graham

AGENDA ITEM NO. 2. – APPROVAL OF AGENDA

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

AYE: 4

NO: 0

ABSENT: 1 (Feiner)

AGENDA ITEM NO. 3 –PUBLIC COMMENT

None

AGENDA ITEM NO. 4 – COMMUNICATIONS

Superintendent Rhoades noted MCCSD’s press release published in Mendocino Beacon, the Mendo Voice, and on Facebook on the 5th District page.

Superintendent Rhoades noted a comment received today, 4/19/23 on the draft MOU with MUSD, posted below:

Directors Miksak, Aum, Feiner, Sullivan, and Murphy, Superintendent Rhoades;

We appreciate the opportunity to comment on the 4/19/23 Regular Meeting of the MCCSD Board of Directors in the matter of Item 9(b), Discussion and Possible Action to adopt a MOU with MUSD.

Many of your customers share concerns we have for the revised MOU slated for discussion and possible action today. Of primary concern is an omission in the opening paragraph which effectively removes original language describing the planned water supply and storage project as one, "*for the benefit of the village of Mendocino*". As a member of the Board of Directors at the time the MCCSD applied to the Department of Water Resources for an Urban and Multibenefit Drought Relief Grant which secured the \$4,932,000 million in grant funding necessary to advance the project, a project she supported, Christina can confirm that the town of Mendocino and Fire Departments were intended to be the principal beneficiaries of water produced by the project. The project was framed this way to the community to reduce its dependence on importing water from neighboring water districts to meet customers' needs. The MUSD school district maintains a State permitted public water system and is one of several neighboring systems our town has relied upon in the past. According to the current terms of the MOU the school district is being given priority to the water. This does not resolve the town of Mendocino's dependence on neighboring systems.

We protest the terms of this agreement which give the school district priority to "all water on MUSD property". The MCCSD covers a district of a single square mile; the *MUSD covers a far greater area, 240 times larger*. Despite the fact that the MCCSD was responsible for securing nearly 5 million dollars in grant funding and that it will be responsible for proportionate costs including operation and maintenance of the storage tanks, well development, groundwater extraction, and any water accessed by them, as well as being responsible for other costs associated with well maintenance, use, and replacement, by the terms of the MOU, the MCCSD appears willing to accept whatever may be remaining from school district needs. This agreement, as written, fails to specify what those needs are, leaving many residents of Mendocino, us among them, very concerned that the district is giving away water originally that was intended for them. By all appearances, this is a poor business decision. We urge that MCCSD return to discussions with MUSD, this time public and properly-noticed, which would result in renegotiating the terms of the MOU so that it will better benefit the community.

Another concern we share is with regard to the eligibility, distribution, allocation, and users' costs of any water used by MCCSD rate-payers. Under current terms, the "equitable access to water during periods of drought will be mutually determined between MUSD and MCCSD *once all MUSD potable water needs are met*". This language is not only vague but vulnerable to interpretation, and has not included the opportunity for public comment. While serving on the board of the MCCSD, former Director O'Rourke and I pressed for developing and establishing criteria *in advance* for the equitable allocation and distribution of any water stored. Our concerns were dismissed. Land acquisition or annexation also needs discussion, especially since grant funding sources will often cover the cost. It is our hope that newer board members may be more effective today in understanding the importance of prudent decision-making and in protecting our community and its residents' future water needs.

Without more equitable terms, we do not support the MOU as written and urge the board to renegotiate it and establish distribution criteria prior to entering any agreement with MUSD. We are concerned that proceeding otherwise would be negligent.

We ask that our comments be read during today's discussion of Item 9(b) and request that staff please place them into the public record.

Thank you,

Christina and Bob Aranguren

cc: Michelle Blackwell

bcc: Interested parties

AGENDA ITEM NO. 5- FINANCIAL REPORT

Board Comment: Director Aum and President Murphy

Staff Comment: Superintendent Rhoades and District Secretary Bates

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

AYE: 4

NO: 0

ABSENT: 1 (Feiner)

AGENDA ITEM NO. 6: CONSENT AGENDA

APPROVAL OF 2-27-23 and 3-3-23 MINUTES

Board Action: Upon motion by Director Aum, seconded by Director Miksak, IT IS ORDERED to approve the consent agenda. The Motion carried by the following vote:

AYE: 4

NO: 0

ABSENT: 1 (Feiner)

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

None

AGENDA ITEM NO. 8- GROUNDWATER MANAGEMENT

Presenter: Ryan Rhoades

AGENDA ITEM NO. 9 – NEW BUSINESS

- a) **Discussion and Possible Action to adopt Resolution 2023-315: RESOLUTION OF MENDOCINO CITY COMMUNITY SERVICES DISTRICT TO RESCIND RESOLUTION 2023-308 AND DECLARE NO WATER SHORTAGE CONDITION EXISTS AT THIS TIME**

Presenter: Superintendent Rhoades

Board Action: Upon motion by Director Miksak, seconded by VP Sullivan, IT IS ORDERED to approve Resolution 2023-316. The Motion carried by the following vote:

AYE: 4

NO: 0

ABSENT: 1 (Feiner)

b) Discussion and Possible Action to adopt an MOU with MUSD

Staff Comment: Superintendent Rhoades

Board Comment: Director Aum, VP Sullivan, President Murphy

Public Comment: Michelle Blackwell

Board Action: Upon motion by Director Miksak, seconded by VP Sullivan, IT IS ORDERED to adopt the MOU with MUSD. The Motion carried by the following vote:

AYE: 4

NO: 0

ABSENT: 1 (Feiner)

c) Discussion and Possible Action to adopt Resolution 2023-316: RESOLUTION OF MENDOCINO CITY COMMUNITY SERVICES DISTRICT TO AMEND 4.1 OF THE MCCSD PERSONNEL MANUAL, HOLIDAYS

Staff Comment: Superintendent Rhoades, District Secretary Bates

Board Comment: Director Aum, VP Sullivan, President Murphy

Public Comment: Michelle Blackwell

Board Action: Upon motion by Director Miksak, seconded by VP Sullivan, IT IS ORDERED to approve Resolution 2023-316. The Motion carried by the following vote:

AYE: 4

NO: 0

ABSENT: 1 (Feiner)

AGENDA ITEM NO. 10- OLD BUSINESS

None

AGENDA ITEM No. 11 – SECRETARY’S REPORT

Presenter: Katie Bates

AGENDA ITEM NO. 12: SUPERINTENDENT’S REPORT

Staff Comment: Ryan Rhoades

Board Comment: Directors Aum, and President Murphy

Public Comment: Michelle Blackwell

AGENDA ITEM NO. 13- COMMITTEE UPDATES

None

AGENDA ITEM NO. 14: MATTER FROM BOARD MEMBERS

Board Comment: Director Aum

AGENDA ITEM NO. 18: ADJOURNMENT

IT IS ORDERED to approve adjourning the meeting at 6:42 p.m.

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

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

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

Board of Directors

STANDING COMMITTEES:

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

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

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

Safety: ----- Jim Sullivan

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

Groundwater Management:----- Donna Feiner and Jim Sullivan

Respectfully submitted,

Ryan Rhoades and Katie Bates