

# **MENDOCINO CITY COMMUNITY SERVICE DISTRICT**

April 21, 2015

## **SUMMARY**

In February 2014, the severe drought led the Mendocino City Community Services District to implement, for the first time, Stage 4 drought measures adopted in 2007. These measures required long-time residents to have deed restrictions and a water use allocation.

The deed restriction requirements were eliminated for all district property owners on February 23, 2015 at the District Board meeting.

The Grand Jury also investigated Brown Act compliance.

## **BACKGROUND**

The 2014-15 Grand Jury received complaints from Mendocino community property owners regarding the Mendocino City Community Services District's implementation of the Stage 4 drought measures contained in Ordinance 07-4 and the Water Shortage Contingency Plan. Of particular concern was the requirement that all properties have a deed restriction regarding water allocations.

Lack of transparency and alleged Brown Act violations of the District Board were also concerns.

## **APPROACH**

The Grand Jury interviewed a District Board member, district personnel and several district customers. The Grand Jury reviewed ordinances and resolutions, plans, technical reports, board agendas, minutes and other documents, and attended board meetings.

## **FACTS**

### **Stage 4 Drought**

In February 2014, the Mendocino City Community Services District Board (the District Board) declared a Stage 4 drought. According to Ordinance 07-4 and the Water Shortage Contingency Plan, all well owners/users had to obtain a ground water extraction permit. This required a payment of \$100, installation of a meter, monthly reports of meter readings, submittal of floor plans to establish a water use allocation, and a deed restriction. The water allocations of all users within the district were cut by 40%.

This action by the District Board upset some property owners who had purchased their property prior to 1990 and who had made no changes in their use of groundwater. They had not been required to get a permit until the sale of their property or significant change in use. Most of these owners had no objection to metering or reporting. However, a number did object to the requirements of a deed restriction and the payment of \$100.

On February 23, 2015, the District Board amended Ordinance 07-4 eliminating the deed restriction requirement in its entirety. The District Board has agreed to assist any property owner wishing to have the deed restriction removed.

### **Brown Act**

In enacting the Brown Act, the Legislature found and declared:

“...that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

“The people of the State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” (California Government Code §54950)

The District Board has not always followed the 72-hour meeting notice required by California Government Code §54954.2 (a) (1). A 24-hour notice for special meetings is required by §54956. The Brown Act also requires that meeting agendas be made available by mail if requested, on the website if a website is maintained, and posted in a public place.

A Grand Jury member called the district office and confirmed the date, time, and location of the District Board meeting to be held that evening. Upon the member’s arrival at the confirmed time, the gate was locked and the office was dark. Eventually the member went to the Community Center where occasionally the District Board had met. There was no meeting there. Through the help of a local resident, it was determined the meeting was cancelled until the following week.

The district office is too small to accommodate the public interested in attending District Board meetings that address important issues. On occasion, when the District Board anticipates a large attendance, it schedules meetings in a larger venue.

Plans for a new building were announced at the January 2015 District Board meeting. The new building would accommodate greater community participation.

Community members expressed concern that the atmosphere at some District Board meetings has not been conducive to public participation.

### **FINDINGS**

- F1. The District Board responded to property owners’ concerns and eliminated the deed restriction requirement.
- F2. At the four District Board meetings attended by Grand Jury members, no Brown Act violations were noted.
- F3. Meeting notices and agenda were not posted in a timely manner on the website in violation of the Brown Act.

F4. The District Board recognizes their current office space is too small for some meetings.

F5. The agenda and the minutes comply with the Brown Act.

F6. Generally the District Board and staff follow the Brown Act and are to be commended.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

R1. the District Board and staff do an annual review of the Brown Act. (F3, F4)

## **RESPONSES**

Pursuant to Penal Code §933.05, responses are *required* from the following governing body:

- Board of Directors, Mendocino City Community Service District (F3, F4, and R1)

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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