

**MINUTES OF THE CLOSED/REGULAR MEETING OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT HELD ON WEDNESDAY, APRIL 7, 2021 6:30/7:00 P.M.**

**TELECONFERENCE Via ZOOM & TELEPHONE:**

**ZOOM MEETING ID: 837 8195 5401 (<https://zoom.us/j/83781955401>) and TOLL FREE: 1-888-788-0099**

**CLOSED SESSION**

**AGENDA ITEM A. CALL TO ORDER:**

**A.1 Roll Call:** The closed session of the Board of Directors of McKinleyville Community Services District convened at 6:30 pm with the following Directors and staff in attendance:

Dennis Mayo, President	Pat Kaspari, General Manager
David Couch, Vice President	April Sousa, Board Secretary
Scott Binder, Director	Joseph Blaine, IT Specialist
Joellen Clark-Peterson, Director	Russ Gans, Legal Counsel
Greg Orsini, Director	

**A.2 Public Comment and Written Communications:** There was no public comment.

**A.3 Closed Session**

The Board entered into closed session to discuss the following items:

A. CONFERENCE WITH LEGAL COUNSEL— Liability Claim (Gov. Code Section 54956.9(d)(2)):  
Claimant: L. Altman (Refund Claim)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code Section 54956.8.)  
Property: 2195 Hewitt Road, McKinleyville, CA (APN 509-021-045-000)  
MCSD Negotiator: Pat Kaspari (MCSD GM); Russell Gans (MCSD General Counsel)  
Negotiating Parties: Doug Shaw/American Hospital Management Corporation, a CA corp.  
Under negotiation: Price and Terms of Payment

**REGULAR SESSION**

**AGENDA ITEM A. CALL TO ORDER:**

**A.1 Report out from Closed Session**

Legal Counsel, Russ Gans, reported that there were no reportable actions from either closed session agenda items.

**A.2 Roll Call:** The regular session of the Board of Directors of McKinleyville Community Services District convened at 7:01 pm with the following Directors and staff in attendance:

Dennis Mayo, President	Pat Kaspari, General Manager
David Couch, Vice President	April Sousa, Board Secretary
Scott Binder, Director	Joseph Blaine, IT Specialist
Joellen Clark-Peterson, Director	Russ Gans, Legal Counsel
Greg Orsini, Director	Lesley Frisbee, Parks & Recreation Director
	James Henry, Operations Director
	Colleen Trask, Finance Director

**A.3 Pledge of Allegiance:** The Pledge of Allegiance was led by Director Binder.

**A.4 Additions to the Agenda:** There were no Additions to the Agenda.

**Motion:** It was moved to approve the Agenda as delivered.

**Motion by:** Director Couch; **Second:** Director Orsini

There were no comments from the Board or public.

**Roll Call:** Ayes: Binder, Clark-Peterson, Couch, Orsini, and Mayo Nays: None Absent: None

**Motion Summary:** Motion Passed

**AGENDA ITEM B. PUBLIC HEARINGS:** There were no Public Hearings.

**AGENDA ITEM C. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS:**

There were no public comments or written communications.

**AGENDA ITEM D. CONSENT CALENDAR:**

- D.1 Consider Approval of the Minutes of the Board of Directors Regular Meeting on March 3, 2021**
- D.2 Consider Approval of February 2021 Treasurer's Report**
- D.3 Compliance with State Double Check Valve (DCV) Law**
- D.4 Consider Appeal from Amber Wills Requesting a Variance from Connecting Proposed Second Unit to Districts Water and Sewer**
- D.5 Approve Revised Notice of Exemption of Wastewater System Energy Efficiency and Renewable Energy Project Including Installation of Solar Panels and Battery Energy Supply System at Wastewater Management Facility**
- D.6 Approve Submittal of Letter to the Department of Toxic Substance Control (DTSC) Encouraging the State to Direct Funds to Investigate and Cleanup the Former McNamara and Peepe Lumber Mill**

**Motion:** It was moved to approve the Consent Calendar items.

**Motion by:** Director Orsini; **Second:** Director Binder

There were no comments from the Board or public.

**Roll Call:** Ayes: Binder, Clark-Peterson, Couch, Orsini, and Mayo Nays: None Absent: None

**Motion Summary:** Motion Passed

**AGENDA ITEM E. CONTINUED AND NEW BUSINESS:**

- E.1 Consider Second Reading and Adoption of Ordinance No. 2021-04 Adding Regulation 68, Latent Powers, to Article VI: Miscellaneous, of the MCSD Rules and Regulations**

General Manager Kaspari introduced this item. There was no Board or Public comment.

**Motion:** It was moved to conduct a second reading and adopt Ordinance No. 2021-04 Adding Regulation 68, Latent Powers, to Article VI: Miscellaneous, of the MCSD Rules and Regulation, by title only.

**Motion by:** Director Orsini; **Second:** Director Clark-Peterson

**Roll Call:** Ayes: Binder, Clark-Peterson, Couch, Orsini, and Mayo Nays: None Absent: None

**Motion Summary:** Motion Passed

- E.2 Consider Adoption of Resolution 2021-07 Revising the Board Policy Manual, Appendix A, to Formalize Support of the McKinleyville Municipal Advisory Committee and Clarify the Board's Role and Responsibilities**

Board Secretary Sousa presented the resolution. The Board discussed the fiscal impact regarding the \$3,000 stipend of in-kind services, and clarification was made regarding how this would be provided to the McKinleyville Municipal Advisory Committee. Supervisor Madrone clarified the support being given by the County. Member of the public and former MCSD Board Director, Mary Burke, gave comment and gratitude for the Board considering this item.

**Motion:** Adopt Resolution 2021-07 Revising the Board Policy Manual, Appendix A, to Formalize Support of

the McKinleyville Municipal Advisory Committee and Clarify the Board's Roles and Responsibilities.

**Motion by:** Director Couch; **Second:** Director Clark-Peterson

**Roll Call:** Ayes: Binder, Clark-Peterson, Couch, Orsini, and Mayo Nays: None Absent: None

**Motion Summary:** Motion Passed

### **E.3 Approve Notice of Exemption for the Acquisition of Community Forest Land and approve Community Forest Project in Principle**

General Manager Kaspari reviewed this item. Director Orsini asked about future environmental documents that will come once the land changes hands.

**Motion:** Approve the Notice of Exemption for the acquisition of the Community Forest Land from Trust for Public Lands, approve the project in principle, and direct the General Manager to sign and file the NOE with the Humboldt County Clerk and State Office of Planning and Research.

**Motion by:** Director Orsini; **Second:** Director Binder

**Roll Call:** Ayes: Binder, Clark-Peterson, Couch, Orsini, and Mayo Nays: None Absent: None

**Motion Summary:** Motion Passed

### **E.4 Consider Adopting Resolutions 2021-10 & 2021-11 Initiating Proceedings for the Measure B Maintenance Assessment District -- Renewal for Parks, Open Space, and Recreational Facilities Annual Levy and Collection of Assessments for Fiscal Year 2021/2022; Declaring Intention to Levy and Collect the Fiscal Year 2021/2022 Annual Assessments for the Measure B Maintenance Assessment District -- Renewal for Parks, Open Space, and Recreational Facilities, Accepting and Approving the Engineer's Report and Setting the Public Hearing**

Recreation Director Frisbee reviewed the item for the Board. Director Orsini asked about any significant changes in the engineer's report. Director Couch clarified the reasons for these Measure B funds. There was no public comment.

**Motion:** Adopt Resolution 2021-10 Initiating proceeding for the Measure B Maintenance Assessment District – renewal for Parks, Open Space, and Recreation Facilities annual levy and collection of assessments for Fiscal Year 2021/2022; Adopt Resolution 2021-11 that declares the Board's intention to levy and collect the Measure B Maintenance Assessment District – renewal for Parks, Open Space, and Recreation Facilities annual assessments for Fiscal Year 2021/2022, accepting and approving the Engineer's Report regarding the assessments and set the Public Hearing for May 5, 2021.

**Motion by:** Director Binder; **Second:** Director Couch

**Roll Call:** Ayes: Binder, Clark-Peterson, Couch, Orsini, and Mayo Nays: None Absent: None

**Motion Summary:** Motion Passed

### **E.5 Review Parks and General Fund DRAFT Operating Budget, FY 2021-22**

Finance Director Trask presented the Draft Operating Budget for fiscal year 2021-22 of the Parks and General Fund to the Board. Discussion ensued around the pros and cons of doing a feasibility study for changes to Measure B funding.

This was an information only item; no action taken.

### **E.6 Initiate Process for General Manager's Annual Performance Evaluation**

Board Secretary Sousa reviewed the General Manager's Annual Performance Evaluation process with the Board. Director Orsini asked for the General Manager to receive the performance evaluation consolidation in advance of the closed session meeting in order to review. There was no public comment.

- President Mayo Appointed Director Binder as the Board Director to consolidate all Board evaluations and set the schedule for this process as follows: Date to complete and return sealed evaluations to the Board Secretary (**April 16**)
- Date the appointed consolidator will retrieve the evaluations (**April 19**)

- Date for review information to be returned to Board Secretary for confidential distribution (**April 23**)
- A date for the closed session for the General Manager's performance evaluation (**May 5**)

### **E.7 Approve Notice of Exemption for Implementation of Recycled Water Planning Grant**

This item was reviewed by the General Manager. There was no comments from the Board or the Public

**Motion:** Approve the Notice of Exemption for the implementation of the Recycled Water Planning Grant and direct the General Manager to sign and file the Notice of Exemption with the Humboldt County Clerk and State Office of Planning and Research.

**Motion by:** Director Orsini; **Second:** Director Couch

**Roll Call:** Ayes: Binder, Clark-Peterson, Couch, Orsini, and Mayo Nays: None Absent: None

**Motion Summary:** Motion Passed

## **AGENDA ITEM F. REPORTS**

### **F.1 ACTIVE COMMITTEE REPORTS**

- Parks and Recreation Committee (Binder/Clark-Peterson):** No meeting, nothing to report.
- Area Fund (John Kulstad/Clark-Peterson):** Did not meet.
- Redwood Region Economic Development Commission (Clark-Peterson/Binder):** Director Clark-Peterson discussed presentations from HSU on being a polytechnic school and an Nordic Aqua Farm.
- McKinleyville Senior Center Advisory Council (Clark-Peterson/Binder):** Did not meet.
- Audit (Orsini/Couch):** Met to discuss the timeline for the Executive Search for the Finance Director recruitment and reviewed the brochure to go out.
- Employee Negotiations (Couch/Mayo):** Did not meet.
- McKinleyville Municipal Advisory Committee (Orsini/Binder):** Director Orsini reported on two meetings, March 24 and March 31.
- Local Agency Formation Commission (Couch):** Reported on a rescinding of an annexation near the City of Arcata.
- Environmental Matters Committee (Couch/Clark-Peterson):** Did not meet.
- Ad Hoc Community Forest Committee (Mayo/Orsini):** Did not meet.
- Ad Hoc Latent Powers Committee (Orsini/Couch):** Nothing further to report; items will be placed on future agendas and committee will meet as needed to review items.

### **F.2 LEGISLATIVE AND REGULATORY REPORTS**

President Mayo noted draft legislations regarding lead and copper rules. President Mayo plans to also write a letter and ask the General Manager to do so as well opposing State AB1431.

### **F.3 STAFF REPORTS**

- a. **Support Services Department (Colleen M.R. Trask):** Finance Director, Colleen Trask, had nothing further to report.
- b. **Operations Department (James Henry):** Operations Director, James Henry, had nothing further to add to his written report.
- c. **Parks & Recreation Department (Lesley Frisbee):** Recreation Director, Lesley Frisbee, had nothing further to add to her written report.
- d. **General Manager (Patrick Kaspari):** General Manager Kaspari had nothing further to add to the report.

**F.3.2 PRESIDENT'S REPORT:** Offered time for Supervisor Madrone to speak to the Board. He mentioned he appreciates the partnership with MCSD.

**F.4 BOARD MEMBER COMMENTS, ANNOUNCEMENTS, REPORTS AND AGENDA ITEM REQUESTS:**

**G. ADJOURNMENT:**

**Meeting Adjourned at 8:28 a.m.**



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April Sousa, CMC, Board Secretary