

**NOTICE IS HEREBY GIVEN THAT A REGULAR MEETING OF THE  
MCKINLEYVILLE COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS  
WILL BE HELD AT:**

**Azalea Hall  
1620 Pickett Road  
McKinleyville, California**

**Wednesday, February 17, 2010  
7:00 P.M.**

**AGENDA**

**A. CALL TO ORDER**

**ROLL CALL**

**PRESENTATION OF COLORS BY BOY SCOUTS AND  
PLEDGE OF ALLEGIANCE**

**ADDITIONS TO AGENDA**

*Items may be added to the Agenda in accordance with Section 54954.2(b)(2) of the Government Code (Brown Act), upon a determination by two-thirds vote of the members of the legislative body present at the time of the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the McKinleyville Community Services District after the Agenda was posted.*

**B. APPROVAL OF THE AGENDA**

**C. PUBLIC HEARINGS**

*These are items of a Quasi-Judicial or Legislative nature. Public comments relevant to these proceedings are invited.*

**NO PUBLIC HEARING SCHEDULED**

**D. CONSENT CALENDAR**

*Consent Calendar items are expected to be routine and non-controversial, to be acted upon by the Board of Directors at one time without discussion. If any Board member, staff member, or interested person requests that an item be removed from the Consent Calendar, it shall be removed so that it may be acted upon separately.*

D.1 Consider approval of minutes of the Board of Directors' Regular Meeting of January 20, 2010. P. 6

D.2 Consider approval of January, 2010 Treasurer's Report. P. 11

- D.3 Consider approval of service disconnections for Double Check Valve (DCV) Violations. P. 24
- D.4. Consider approval of Memorandum of Understanding with California Conservation Corps for the use of the Pierson Park Trailer. P. 25

**E. CONTINUED AND NEW BUSINESS**

- E.1 Consider adoption of resolution 2010-02 recognizing, honoring and commending Diane Sloane for her fifteen (15) years of service at McKinleyville Community Services District. P. 28
- E.2 Consider adopting resolution 2010-03, expressing support for the designation of February 8, 2010 as “Boy Scouts of America Day” in celebration of its 100<sup>th</sup> anniversary. P. 30
- E.6 Update on District waste water marsh project, water quality and district recommended reduction in frequency in sampling related to the Regional Water Quality Control Board (RWQCB) National Pollutant Discharge Elimination System (NPDES) Permit. P. 34
- E.8 Consider adoption of Resolution 2010-04 for the preparation and submission of an application for grant funds through a Statewide Park Program. P. 40
- E.4 Consider the Recreation Advisory Committee’s (RAC) request to amend the Parks Rules and Regulations to prohibit model rockets and remote control model airplanes from McKinleyville Parks and Open Space Zones without prior approval from the District’s General Manager. P. 43
- E.5 Consider approval of Youth Sports Organizations Facility Use Agreements for the use of Hiller Sports Complex. P. 46
- E.7 Consider McKinleyville Little League Request to construct batting cages at Hiller Sports Complex. P. 54
- E.3 Consider request by the Community Garden Committee to:  
1) designate a site or sites on MCSD property where a Community Garden project may be established, and 2) establish a policy for supplying water to the Community Garden project, either at no charge or at cost. P. 58
- E.10 Consider appointing Jeff Dunk and re-appointing Jim Fritz and Neil Montgomery to the Recreation Advisory Committee. P. 62
- E.11 Consider Acquisition of Real Property Parcel located at 1414 Fischer Road, McKinleyville, and each of the following related issues: P. 63

- (a) Whether to pursue purchase or lease of the subject real property parcel, or both potential interests simultaneously;
- (b) Identify and appoint persons to serve as the McKinleyville Community Services District's negotiator(s), Staff suggested panel to include: Norman Shopay, General Manager; Steve Edmiston, Finance Director; Greg Orsini, Operations Director; Jason Sehon, Parks and Recreation Director, Russell Gans and/or Paul Brisso, District legal counsel; and
- (c) Identify persons with whom McKinleyville Community Services District's appointed negotiator(s) may negotiate: Staff suggested persons include Fernando Lourenco and Jorge Lourenco.

E. 12 Consider Acquisition of Real Property Parcel located at/near the junction of School Road and Washington Avenue, McKinleyville (APN 508-242-008) and each of the following related issues:  
P.66

- (a) Whether to pursue purchase or lease of the subject real property parcel, or both potential interests simultaneously;
- (b) Identify and appoint persons to serve as the McKinleyville Community Services District's negotiator(s), Staff suggested panel to include: Norman Shopay, General Manager; Steve Edmiston, Finance Director; Greg Orsini, Operations Director; Jason Sehon, Parks and Recreation Director, Russell Gans and/or Paul Brisso, District legal counsel; and
- (c) Identify persons with whom McKinleyville Community Services District's appointed negotiator(s) may negotiate: Dena McCullough, McKinleyville Union School District (MUSD) or designee; Steve Hartsell, Humboldt County Office of Education legal counsel (or designee).

E.13 Consider Acquisition of Real Property Parcel located at/near Gwin Road, McKinleyville (APN 510-401-025) and each of the following related issues:  
P. 72

- (a) Whether to pursue purchase or lease of the subject real property parcel, or both potential interests simultaneously;
- (b) Identify and appoint persons to serve as the McKinleyville Community Services District's negotiator(s), Staff suggested panel to include: Norman Shopay, General Manager; Steve Edmiston, Finance Director; Greg Orsini,

Operations Director; Jason Sehon, Parks and Recreation Director, Russell Gans and/or Paul Brisso, District legal counsel; and

- (c) Identify persons with whom McKinleyville Community Services District's appointed negotiator(s) may negotiate: Jim Furtado, dba JLF Construction.

- E.9 Update and general informational discussion on MCSD priority, goals and objectives tracking table. P. 74

## **F. REPORTS**

*No specific action is required on these items, but the Board may discuss any particular item as required.*

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

- a. Recreation Advisory Committee (Couch/Mayo (alternate))
- b. Area Fund (John Kulstad)
- c. Redwood Region Economic Development Commission ((Edwards, Wennerholm (alternate))
- d. McKinleyville Senior Center (Wennerholm)
- e. Audit (Corbett, Edwards)
- f. Negotiations (Wennerholm, Edwards)
- g. Water Task Force ((Mayo, Corbett (alternate))
- h. AdHoc No Drugs & Toxics Down the Drain (Mayo)

### **F.2. STAFF REPORTS**

- a. Support Services Department (Steve Edmiston) P. 80
- b. Operations Department (Greg Orsini) P. 83
- c. Parks and Recreation Department (Jason Sehon) P. 86
- d. General Manager (Norman Shopay) P. 88

### **F.3. CHAIRMAN'S REPORT**

### **F.4. BOARD MEMBERS' COMMENTS, ANNOUNCEMENTS, REPORTS**

## **G. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS**

*Any person may address the Board at this time upon any subject not identified on this Agenda but within the jurisdiction of the McKinleyville Community Services District; however, any matter that requires action will be referred to staff for a report of action at a subsequent Committee or Board meeting. As to matters on the Agenda, an opportunity will be given to address the Board when the matter is considered. **Comments are limited to 3 minutes.** Letters should be used for complex issues.*

## **H. CLOSED SESSION ITEMS**

*At any time during the regular session, the Board may adjourn to closed session to consider existing or anticipated litigation, liability claims, real property negotiations, license and permit determinations, threats to security,*

*public employee appointments, personnel matters, evaluations and discipline, labor negotiations, or to discuss with legal counsel matters within the attorney-client privilege.*

- H1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS:  
Property: Real property parcel located at 1414 Fischer Road McKinleyville, CA MCSD negotiators: Norman Shopay, General Manager; Steve Edmiston, Finance Director; Greg Orsini, Operations Director; Jason Sehon, Parks and Recreation Director, Russell Gans and/or Paul Brisso, District legal counsel. Parties with whom MCSD may negotiate: Fernando Lourenco, Jorge Lourenco. Under Negotiation: Instructions to negotiators to include both price and terms of payment.
- H2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS:  
Property: Real property parcel at/near intersection of School Road and Washington Avenue, APN 508-242-008. MCSD negotiators: Norman Shopay, General Manager; Steve Edmiston, Finance Director; Greg Orsini, Operations Director; Jason Sehon, Parks and Recreation Director, Russell Gans and/or Paul Brisso, District legal counsel. Parties with whom MCSD may negotiate: Dena McCullough, McKinleyville Union School District, or designee, Steve Hartsell, Humboldt County Office of Education legal counsel, or designee. Under Negotiation: Instructions to negotiators to include both price and terms of payment.
- H3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS:  
Property: Real property parcel located at/near Gwin Road, APN 510-401-025. MCSD negotiators: Norman Shopay, General Manager; Steve Edmiston, Finance Director; Greg Orsini, Operations Director; Jason Sehon, Parks and Recreation Director, Russell Gans and/or Paul Brisso, District legal counsel. Parties with whom MCSD may negotiate: Jim Furtado, dba JLF Construction. Under Negotiation: Instructions to negotiators to include both price and terms of payment.
- H4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. Potential cases: One (1). Oral statements from David Elsebusch directed to the District, Staff and legal counsel alleging California Government Code ("Brown Act") violations at (and following) January 20, 2010 Board meeting; and written correspondence/threats of potential litigation from David Elsebusch dated January 25, 2010 and January 28, 2010. Copies of these written statements are available for inspection pursuant to Government Code § 54957.5.

**I. ADJOURNMENT**

**Posted 5:00 pm on February 12, 2010**