

# **McKinleyville Community Services District**

## **BOARD OF DIRECTORS**

March 17, 2010

TYPE OF ITEM: **ACTION**

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**ITEM: D.1. Minutes of February 17, 2010 Board Meeting**

**PRESENTED BY: David Baldosser, Customer Service**

**TYPE OF ACTION: Voice Vote**

**Recommendation:**

Staff Requests the Board approve the attached minutes of the February 17, 2010 meeting.

**Discussion:**

none

**Alternatives:**

Staff's analysis includes the following potential alternative:

- Note any corrections and approve with noted corrections.

**Fiscal Analysis:** Not applicable

**Environmental Requirements:** Not applicable

**Exhibits/Attachments** Minutes of February 17, 2010 Board Meeting

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(In accordance with Robert's Rules of Order. 10<sup>th</sup> edition, Pg. 451, section 48: "Unless the minutes are to be published, they should contain mainly a record of what was done at the meeting, not what was said by the members.")

**MINUTES OF THE REGULAR MEETING OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT HELD ON  
WEDNESDAY, FEBRUARY 17, 2010 AT 7:00PM AT AZALEA HALL, 1620 PICKETT ROAD, MCKINLEYVILLE**

A Regular meeting of the Board of Directors of McKinleyville Community Services District convened at 7:00pm at Azalea Hall, 1620 Pickett Road, McKinleyville, California.

The following Directors attended the meeting:

Helen Edwards, Board President  
Dennis Mayo, Vice President  
David Couch, Director  
Bill Wennerholm, Director

The following Staff attended the meeting:

Norman Shopay, General Manager  
Gregory Orsini, Operations Director  
Jason Sehon, Park & Recreation Director  
Steve Edmiston, Finance Director  
Sharon Denison, Board Secretary  
David Baldosser, Customer Service  
Russ Gans, District Legal Counsel

Director John Corbett was absent.

**AGENDA ITEM A: CALL TO ORDER, ROLL CALL, A PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE BY THE BOY SCOUTS AND ADDITIONS TO THE AGENDA:** President Edwards called the meeting to order at 7:00 p.m. The roll call of the Board Members reflected that John Corbett was not in attendance. Members of the Boy Scout Troop 99 presented the colors and led the assembly in the pledge of allegiance. There were no additions to the agenda.

**AGENDA ITEM B: APPROVAL OF THE AGENDA**

During public comment, David Elsebusch asked to have Items H1, H2, H3, and H4 removed from the agenda.

**MOTION:** It was moved to approve the agenda as presented. Motion by Mayo; second by Couch.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM C. PUBLIC HEARINGS** There were no public hearing items.

**AGENDA ITEM D. CONSENT CALENDAR Consider approval(s) of:**

1 Minutes of the Board of Directors' Regular Meeting of January 20, 2010

2 January, 2010 Treasurer's Report

3 Service disconnections for Double Check Valve (DCV) Violations

4 Memorandum of Understanding with California Conservation Corps for the use of the Pierson Park Trailer

Secretary Sharon Denison reported that she had made an error in reporting the committee assignments, Agenda Item E4 and that John Corbett should have been listed as the alternate for Dennis Mayo on the Water Task Force.

**MOTION:** It was moved to approve the consent calendar as presented with the correction as noted. Motion by Mayo; second by Wennerholm.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS,

**AGENDA ITEM 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. This item was presented by GM Shopay with great enthusiasm. No public comment was offered.

**MOTION:** It was moved to approve the resolution 2010-02 as presented. Motion by Wennerholm; second by Couch.

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**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards (Roll Call)

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS,

**AGENDA ITEM 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. This item was presented by Jason Sehon, Director of Parks and Recreation. President Edwards stated that her husband had been involved in scouting. No public comment was offered.

**MOTION:** It was moved to approve the resolution 2010-03 as presented. Motion by Wennerholm; second by Mayo.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards (Roll Call)

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM 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. A power point presentation showing the work completed in 2009 and a timeline for completion of future tasks was presented by Lisa Stromme P.E. of SHN Consulting Engineers & Geologists. Near the conclusion of her presentation, she informed the assembly that there would be an opportunity for public input on April 7, 2010 @ 7:00 p.m. at Azalea Hall. Public comment was offered by David Elsebusch, Penny Elsebusch and Terra Prucha.

**AGENDA ITEM E.8** Consider adoption of Resolution 2010-04 for the preparation and submission of an application for grant funds through a Statewide Park Program.

Public comment was offered by David Elsebusch and Penny Elsebusch. No Board discussion ensued.

**MOTION:** It was moved to approve the resolution 2010-04 as presented. Motion by Wennerholm; second by Mayo.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards (Roll Call)

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM 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. Item was presented by Jason Sehon, Director of Parks and Recreation. No public comment was offered. Board discussion included the mention of the Samoa Model Rocket club as an alternative and GM Shopay requested that the GM’s approval be in writing.

**MOTION:** It was moved to approve the amendment to the Parks Rules as presented *with the addition that approval from the District’s General Manager must be in writing*. Motion by Mayo; second by Wennerholm.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM E.5** Consider approval of Youth Sports Organizations Facility Use Agreements for the use of Hiller Sports Complex. Item was presented by Jason Sehon, Director of Parks and Recreation. The organizations involved are McKinleyville Little League, McKinleyville Babe Ruth and Mad River Girls Fast Pitch Softball leagues. No Board discussion or public comment offered.

**MOTION:** It was moved to approve all three agreements as presented. Motion by Wennerholm; Second by Couch.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

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**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM E.7** Consider McKinleyville Little League (MLL) Request to construct batting cages at Hiller Sports Complex. Item was presented by Jason Sehon, Director of Parks and Recreation. P/R Director Sehon explained that all costs associated with construction and maintenance would be the responsibility of McKinleyville Little League. Penny Elsebusch offered public comment. Director Mayo asked if MCSD would own the cages and P/R Director Sehon said yes. P/R Director Sehon said he would develop a contract with the MLL that addressed these issues and he would bring it back to the board for their review and approval.

**MOTION:** It was moved to allow McKinleyville Little League to construct batting cages at the Hiller Sports Complex as presented. Motion by Wennerholm; Second by Mayo.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM 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. Item was presented by Jason Sehon, Director of Parks and Recreation. Public comment was offered by Gerald Rees, Jr. Due to the nebulousness of the concept, the Board decided to table this item.

**AGENDA ITEM E.10** Consider appointing Jeff Dunk and re-appointing Jim Fritz and Neil Montgomery to 4 year terms on the Recreation Advisory Committee. Director Mayo stated his appreciation for all three appointees and their efforts. Public comment was offered by David Elsebusch.

**MOTION:** It was moved to appoint Jeff Dunk and re-appoint Jim Fritz and Neil Montgomery to the Recreation Advisory Committee. Motion by Mayo; Second by Wennerholm.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM E.11** Consider Acquisition of Real Property Parcel located at 1414 Fischer Road, McKinleyville, and each of the following related issues:

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.

This item was presented by Greg Orsini, Operations Director. No Board Discussion ensued. Public comment was offered by David Elsebusch, Penny Elsebusch and Jeff Dunk.

**MOTION:** It was moved to approve the consideration of acquiring real property parcel at 1414 Fischer Road, McKinleyville along with the attached items labeled A, B and C listed above. Motion by Wennerholm; Second by Mayo.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

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**AGENDA ITEM 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:

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).

Item was presented by Jason Sehon, Director of Parks and Recreation. There was no Board discussion. Public comment was offered by David Elsebusch and Penny Elsebusch.

**MOTION:** It was moved to approve the consideration of acquiring real property located at/near the junction of School Road and Washington Avenue, McKinleyville (APN 508-242-008) along with the attached items labeled A, B and C listed above. Motion by Mayo; Second by Wennerholm.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM 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:

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.

Item was presented by Jason Sehon, Director of Parks and Recreation. Public comment was offered by Terra Prucha, David Elsebusch and Penny Elsebusch.

**MOTION:** It was moved to approve the consideration of acquiring real property located at/near Gwin Road, McKinleyville (APN 510-401-025) along with the attached items labeled A, B and C listed above. Motion by Mayo; Second by Wennerholm.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS

**AGENDA ITEM E.9** Update and general informational discussion on MCSD priority, goals and objectives tracking table. GM Shopay asked the Directors to formulate questions and concerns as convey them to him prior to the next meeting to allow time to research and respond to said questions and concerns. Due to the time constraints and pending closed session, President Edwards tabled this item.

## **AGENDA ITEM F. REPORTS**

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**F.1.a. Recreation Advisory Committee:** Director Mayo stated that tonight's meeting covered the activities of the RAC.

**F.1.b. Area Fund:** John Kulstad was not present, no report given.

**F.1.c. Redwood Region Economic Development Commission:** Nothing to report

**F.1.d. McKinleyville Senior Center:** Director Wennerholm got invited, forgot to go.

**F.1.e. Audit** Nothing to report

**F.1.f. Negotiations** Nothing to report

**F.1.g. Water Task Force** Director Mayo said that the Task Force meetings have been productive and that there was a meeting scheduled for Monday March 1, 2010. The Task Force was compiling all the information and hoped to move forward soon. He promised to notify of all the dates of future meetings.

**F.1.h. AdHoc No Drugs & Toxics Down the Drain** Director Mayo said that he is working with Greg Cain from Humboldt Sanitation on providing a location to dispose of household grease and oils. He is also working on a program to present to local school children.

**F.2.a. Support Services Department** Finance Director Steve Edmiston wanted to be sure the Directors had seen the letter from the County Tax Collector, Stephen Strawn regarding the performance of the Local Agency Investment Fund on page 81. FD Edmiston added that Mr. Strawn was willing to give a presentation to the Board on District Investment Policy and that FD Edmiston was working with GM Shopay to schedule this meeting.

**F.2.b. Operations** Department Nothing to add

**F.2.c. Parks and Recreation** P/R D Sehon added that he had secured funding for the landscaping project at the District office on Sutter Road. He stated that Miller Farms donated the plans and North State Horticultural Supply would donate the plants and ADA issues with the sidewalk were being addressed also.

**F.2.d. General Manager** Nothing to add

**F.3. CHAIRMAN'S REPORT** President Edwards said she would be gone during the next RREDC meeting and asked Director Wennerholm to attend in her stead. He affirmed he would do so. President Edwards had nothing further to report.

**F.4. BOARD MEMBERS' COMMENTS, ANNOUNCEMENTS, REPORTS** Director Mayo stated that he appreciated the General Manager's weekly update and Director Couch said he had completed a California Special District Association class on "How to be an effective board member" and said that the Rural Community Assistance Corporation would be offering a "Capital Improvement Planning, Asset Management and Funding Options" workshop in McKinleyville. (April 29, 2010 @ Holiday Inn Express at Eureka/Arcata Airport)

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

David Elsebusch spoke regarding the General Manager, public records requests and the public comment section of the agenda.

Penny Elsebusch spoke regarding the closed sessions.

Jeff Dunk spoke regarding closed sessions and the upcoming election for the 5<sup>th</sup> District Supervisors position.

Regular Meeting Adjourned to Closed Session at 9:25 p.m.

## **AGENDA ITEM H Closed Session**

**Public Comment** President Edwards asked for public comments.

David Elsebusch stated that the Board should not discuss the acquisition of property.

Penny Elsebusch said that Item H4 was not pertinent because David Elsebusch was no longer interested in suing the District. President Edwards closed public comment at 9:35 p.m. The Board then took a 5 minute break before proceeding to the closed session.

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Closed Session started at 9:40 p.m.

**Items considered in closed session:**

**H.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** Real property parcel located at 1414 Fischer Road McKinleyville, CA per GC 54956.8

**H.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** Real property parcel at/near intersection of School Road and Washington Avenue, APN 508-242-008 per GC 54956.8

**H.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** Property: Real property parcel located at/near Gwin Road, APN 510-401-025 per GC 54956.8

**H.4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

**Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. Copies of these written statements are available for inspection pursuant to Government Code § 54957.5.**

The Board came out from closed session at 10:25 p.m. and reported that Board directed the MCSD negotiators to proceed in regards to Items H1, H2 and H3 and contact each respective property owner and learn potential price points for each respective parcel, but no specific Board action was taken. No action was taken on item H.4.

**AGENDA ITEM I: ADJOURNMENT**

**MOTION:** It was moved to adjourn the meeting at 10:26 p.m. Motion by Couch; Second by Mayo.

**MOTION VOTE:** Ayes: Couch, Mayo, Wennerholm, Edwards

**MOTION SUMMARY:** Motion Passed- 4 AYES; 0 NAYS,

Respectfully Submitted

By David A. Baldosser  
Customer Service Rep.

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