

# Mendocino City Community Services District

## *Eligible Applicant Documentation*

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### Local Public Agency as Defined by CWC 10701(a)

Mendocino City Community Services District (MCCSD) is a district as defined in CWC 10701(a), and is an eligible applicant.

MCCSD has broad authority to manage groundwater resources within the District pursuant to Assembly Bill 786 (codified at California Water Code § 10700-10717 (Exhibit 1), as amended). On February 23, 1987, Assemblyman Dan Hauser introduced AB 786 as an amendment to Division 6 of the State Water Code. The bill authorized MCCSD to establish by ordinance programs for the management of groundwater resources within the District in accordance with prescribed procedures. The bill authorized the MCCSD to exercise the powers of a water replenishment district, and, subject to approval by District voters, to fix and collect rates for the extraction of groundwater or levy a water replenishment assessment. AB 786 was signed into law by Governor Deukmejian in 1987.

### Statutory Authority under which District Was Formed and Is Authorized to Operate

Mendocino City Community Services District (MCCSD) is a community services district in accordance with Title 6, Division 3 of the California Government Code, Section 61000 et seq. MCCSD provides wastewater treatment, street lighting, and groundwater management to a small rural district serving approximately 425 customers (population of about 1,000). It acquired groundwater management authority in accordance with California Water Code 10700 et seq. It is accordingly a local public agency as defined in Water Code 71720 and as provided under Section 10795.

### Legal Authority to Enter into a Grant Agreement with the State of California

Mendocino City Community Services District (MCCSD) has the legal authority to enter into a grant agreement with the State of California under Government Code 61616. Government Code 61616 permits a district to make contracts for any and all purposes necessary or convenient for the full exercise of its powers. In addition, each district has power generally to perform all acts necessary to carry out fully the provisions of Division 3, Title 6 of the Government Code in accordance Section 61622.

### Legal Agreements among Partner Agencies or Organizations to Ensure Performance of Project

In 1990, the District assumed responsibility for groundwater management from Mendocino County, as authorized by AB 786. MCCSD entered into an agreement with the County of Mendocino Public Health Department to regulate groundwater extraction within the District's boundaries in accordance with Water Code Sections 10700–10717 and Mendocino County BOS Agreement No. 90-113 (Exhibit 2). The County Health Department had previously enforced the groundwater extraction provisions of Policy 4.13-16, in the Mendocino Town Plan.

Kennedy/Jenks Consultants and MCCSD will approve an agreement to perform the six project tasks following notification of a grant award. Kennedy /Jenks Senior Hydrologist Mike Maley will act as project manager to coordinate and supervise the project work plan activities and preparation of project deliverables and progress and technical reports.

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**Exhibit 1**

Assembly Bill No. 786

CHAPTER 472

An act to add Part 2.7 (commencing with Section 10700) to Division 6 of the Water Code, relating to groundwater.

[Approved by Governor September 9, 1987. Filed with Secretary of State September 9, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AB 786, Hauser. Groundwater resources: Town of Mendocino.

Under existing law, certain special districts are authorized to establish programs for the management of groundwater resources within their boundaries.

This bill would, subject to specified limitations, authorize any local agency whose jurisdiction includes the area within the Mendocino City Community Services District, and which is authorized by law to provide water services, to establish, by ordinance, or by resolution if not authorized to act by ordinance, programs for the management of groundwater resources within the area in which that water service is being provided in accordance with prescribed procedures. The bill would authorize the local agency to exercise specified powers of a water replenishment district and, subject to approval of the voters of the agency, to fix and collect rates for the extraction of groundwater or to levy a water replenishment assessment. The local agency would no longer be authorized to exercise these powers upon completion of a municipal central water system, as prescribed.

*The people of the State of California do enact as follows:*

SECTION 1. Part 2.7 (commencing with Section 10700) is added to Division 6 of the Water Code, to read:

PART 2.7. GROUNDWATER RESOURCES

**WATER CODE**  
**SECTION 10700-10717**

10700. This part applies only to the area within the existing boundaries of the Mendocino City Community Services District.

10701. (a) As used in this part, "local agency" means any city, county, district, agency, or other political subdivision of the state for the local performance of governmental or proprietary functions within limited boundaries.

(b) As used in this part, "groundwater" and "groundwater resources" do not include those subsurface waters incidentally produced in connection with or as a result of natural resource extraction activities when the disposal of those subsurface waters is regulated by state or federal law.

10702. Any local agency which is authorized by law to provide water services may, by ordinance, or by resolution if the local agency is not authorized to act by ordinance, establish programs for the management of groundwater resources.

10703. Prior to the adoption of a groundwater management program, the governing board of the local agency shall hold a public hearing, after publication of notice pursuant to Section 6066 of the Government Code, on the proposed groundwater management program. At the hearing, the board may alter the program or require further study on the program and continue the hearing. At the conclusion of the hearing, the board may adopt a resolution of intention to adopt and implement the program.

10704. After the conclusion of the hearing, and if the governing board adopts a resolution of intention, copies of the groundwater management program shall be published in a newspaper of general circulation. Upon written request, any interested person shall be provided with a copy of the program.

10705. After the adoption of a resolution of intention, the governing board shall hold a second hearing and consider protests to the implementation of the program. Any interested person may appear to be heard concerning any matter set forth in the resolution or matters material thereto. Any time prior to the conclusion of the hearing, any eligible registered voter of the local agency may file a written protest or withdraw a protest previously filed.

10706. A majority protest shall be determined to exist if the governing board finds that the protests filed and not withdrawn prior to the conclusion of the second hearing represent more than 50 percent of the eligible registered voters residing within the boundaries of the local agency.

If the governing board finds that a majority protest exists, the groundwater management program shall be abandoned and no new program shall be considered by

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the board for a period of one year following the date of the second hearing. If a majority protest has not been

filed, the board, within 35 days after the conclusion of the second hearing, may adopt an ordinance or resolution to implement the program.

10707. A local agency authorized to establish programs for the management of groundwater resources pursuant to this part may for that purpose enter into a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

10708. A local agency which establishes a program for the management of groundwater resources pursuant to this part may fix and collect rates for the extraction of groundwater to pay expenses incurred by the local agency for purposes of groundwater management.

10709. For purposes of groundwater management, a local agency authorized to establish programs for the management of groundwater resources pursuant to this part may, in addition to the powers set forth in this act, exercise any of the powers of a water replenishment district under Part 4 (commencing with Section 60220) of Division 18 and may levy a water replenishment assessment in accordance with Part 6 (commencing with Section 60300) of Division 18.

10710. Before a local agency may levy a water replenishment assessment as authorized in Section 10709 or may otherwise fix and collect rates for the extraction of groundwater pursuant to this part, the local agency shall hold an election on the proposition of whether or not the local agency shall be authorized to levy a water replenishment assessment or to fix and collect rates for the extraction of groundwater, and a majority of the votes cast at the election shall be in favor of the proposition. The election shall be conducted in the manner prescribed by the principal act of the local agency.

10711. No local agency shall exercise the powers authorized by this part within the boundaries of another local agency authorized by law to provide water service to any or all of the lands within its boundaries, without the prior agreement of the governing body of that other local agency.

10712. No local agency shall exercise the powers authorized by this part within the boundaries of another local agency providing water service to any or all of the lands within its boundaries, without the prior agreement of the governing body of that other local agency.

10713. If a local agency annexes land subject to a groundwater management program of another local agency, the local agency annexing the land shall continue to comply with the groundwater management program for the annexed property.

10714. This part neither preempts, negates, affects, nor infers the existence of any powers of a local agency in other groundwater basins of the state to establish programs for the management of groundwater resources.

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10715. This part is in addition to, and not a limitation on, any powers of a local agency otherwise granted by law.

10716. This part does not exempt any local agency formed under any act requiring the approval of its leases, contracts, or issuance of securities by the Treasurer from obtaining the report, investigation, and approval of the Treasurer as required by that act or by the District Securities Investigation Law of 1965.

10717. A local agency shall no longer be authorized to exercise the powers conferred by this part upon the completion and implementation of a municipal central water system supplying water to the inhabitants within the boundaries of the local agency.

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## Exhibit 2

BOS AGREEMENT NO. 90-113

MEMORANDUM OF UNDERSTANDING BETWEEN  
MENDOCINO CITY COMMUNITY SERVICES DISTRICT  
AND  
MENDOCINO COUNTY PUBLIC HEALTH DEPARTMENT

WHEREAS, The Mendocino City Community Services District, hereinafter referred to as "District," has adopted an ordinance to manage groundwater within its District boundaries as authorized by Water Code sections 10700 through 10717, and

WHEREAS, the Environmental Health Division of the Public Health Department of Mendocino County, hereinafter referred to as "COUNTY", issues well permits and enforces the groundwater provisions of Policy 4.13-16 of the Mendocino Town Plan, IT IS HEREBY AGREED between DISTRICT and COUNTY as follows:

1. Upon the effective date of DISTRICT's ordinance expressly regulating groundwater extraction within its boundaries, DISTRICT shall authorize and regulate groundwater extraction within its boundaries pursuant to such District Ordinance and Water Code sections 10700-10717.
2. COUNTY shall thereafter relinquish to District to the extent authorized by law COUNTY's regulation of groundwater extraction, except as provided below.
3. COUNTY shall retain its jurisdiction as to all standards for the construction, repair, reconstruction or destruction of wells, test wells and test holes, as described in Mendocino County Code Chapter 16.04.
4. DISTRICT shall monitor and enforce any groundwater extraction quantity limitation established by COUNTY pursuant to any use permit or land division approved by COUNTY prior to the

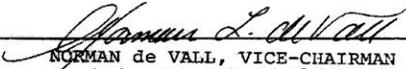
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effective date of this Memorandum of Understanding, except as described in paragraph 5 below.

5. COUNTY will continue to enforce permit conditions placed by COUNTY on any subdivision with community water systems, which permit conditions require review or testing before such subdivision may be expanded to maximum build-out. However, DISTRICT will enforce its own regulations for groundwater extraction if any subdivision applicant applies to construct any new well, proposed development, or change of use not consistent with such applicant's original subdivision application.

6. COUNTY will promptly advise DISTRICT of any application for use permit, land division, building permit or well drilling permit for any property located within DISTRICT's boundaries.

7. DISTRICT and COUNTY will work cooperatively to implement the transition of authority over groundwater extraction from COUNTY to DISTRICT.

DATE 5/15/90 BY   
NORMAN de VALL, VICE-CHAIRMAN  
Mendocino County Board of Supervisors

DATE 6/1/90 BY   
GRAIL DAWSON, President of the Board  
Mendocino City Community Services  
District

APPROVED AS TO FORM:

H. PETER KLEIN, County Counsel

BY   
YVES M. HEBERT, Deputy