



Re-establishing a Stand-alone Water Agency

IMPLEMENTATION PLAN

June 2022



Prepared for Mendocino County Water Agency

Prepared by GEI Consultants, Inc.

Re-establishing a Stand-alone Water Agency Implementation Plan

Mendocino County, CA

Submitted to:

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1. Background

The Mendocino County Water Agency (MCWA or Water Agency) was formed in 1987, when an act of the state legislature amended the 1949 law that created the Mendocino County Flood Control and Water Conservation District (Appendix A). For many years, the agency operated with a varying number of staff and dealt with Countywide water issues. Depending on the year, priorities varied from researching new sources of water supply, reviewing additional surface storage options, and working on watershed improvement projects. In the mid-2000s, MCWA operated with a total of four staff.

Since the Mendocino County budget crisis and staff reductions in 2008, the Water Agency has been functioning with severely reduced staffing, presently staffed with the equivalent of 0.5 FTE assigned to the County Department of Transportation. Principal current functions of the organization involve maintaining compliance with several mandated activities, including implementing the county-wide MS4 stormwater discharge permit, operation of an invasive mussel monitoring program at a County reservoir and collecting monitoring data for the California Statewide Groundwater Elevation Monitoring (CASGEM) Program.

The recent historic drought periods in California, both in 2012 to 2015 and currently, have created renewed interest in having MCWA assume a more active role in water management activities in the County. In 2021, Mendocino County became the poster child for drought in California, highlighted in lead articles in the New York and Los Angeles Times publications. Coastal communities reliant on surface water supplies were critically affected, requiring trucking of water from great distance to serve basic human needs for health and sanitation.

In June of 2021, the County Board of Supervisors voted to evaluate re-establishing MCWA as an active organization representing water interests throughout the County, including water for municipal and industrial supplies, agricultural needs and for the environmental health of County watersheds.

Following input from numerous County-wide stakeholder surveys, telephone interviews with key stakeholders, and receiving input from two steering committee meetings, there is now a growing consensus of focused activities a restructured MCWA should be prioritizing. The clear and present challenge is how to provide resources for MCWA to accomplish these prioritized activities within continuing restrictive budget limitations faced by the County.



Local agriculture relies on a dependable water supply.

Plan Purpose

The goal of this Implementation Plan is to facilitate the decision on how to re-establish the MCWA in a manner that is inclusive of interested parties and paves a path for long-term success in meeting the water resource needs of the County. The Implementation Plan outlines the process used to engage interested parties and the resulting direction for the re-established agency moving forward. This direction includes the following components:

- Mission and Vision – serve as a foundation for role and function
- Goals and Priority Actions – provide purpose and direction to MCWA leadership
- Organizational Scenarios – provide options to consider as staffing and funding are established
- Next Steps and Schedule – anticipate needs moving forward

Process to Re-establish the MCWA

Stakeholder Survey

The consultant team conducted a stakeholder survey during the months of January and February 2022. The survey was conducted online and was sent to more than 100 local and regional stakeholders with 50 responses received. Responses to the survey included diverse geographic areas of the county from inland to the coast and north to south. The survey solicited input on the most critical water-related issues facing the region and asked questions about priority goals and actions for the re-established MCWA. A summary was presented to the Board of Supervisors on March 15, 2022.

Interviews

Interviews were conducted with a select list of 22 interested parties as identified by County staff and augmented by specific requests from interviewees. Interviews included all five County Supervisors, water agencies and interested parties throughout the County, state and federal legislators and their staff, and out-of-county agencies that could provide in-depth insight to inform water priorities. A Stakeholder Assessment was prepared and included a summary of interview responses that was presented to the Board of Supervisors on May 17, 2022, and is included as Appendix B.

Steering Committee

As a result of the interviews, a Steering Committee was formed that consisted of 15 representatives spanning a broad spectrum of water interests from the largest cities to smaller

districts as well as agriculture and business interests. The Steering Committee participated in two remote workshops to inform the development of the goals and priority objectives and to update the mission and vision of the re-established agency. A culmination of the survey, interviews and workshops resulted in the mission, vision, goals, and priority objectives detailed below. For a full list of Steering Committee members, see Appendix C.

Board of Supervisors

The consultants and staff met with the Board of Supervisors during the regular meetings on March 15 and May 17, 2022 and informed them of the process progress. During the March 15, 2022 meeting, the Board of Supervisors voted to form an Ad-hoc Funding Committee in companion to the process to inform future funding in order to establish a sustainable agency. Supervisors McGourty and Haschak were assigned to the ad-hoc committee. The consultant team provided a high level overview of local funding alternatives (Table 1).

Table 1. Local Funding Alternatives

Option	Voter Threshold	Challenges
General Tax (Sales, TOT)	50%	<ul style="list-style-type: none"> • Voter Support • Cost (ballot placement, polling) • Revenue not dedicated to Agency – may be redirected by BOS
Special Tax (Sales, TOT, Parcel)	66.7%	<ul style="list-style-type: none"> • Voter Support • Cost (ballot placement, polling)
Benefit Assessment	50% (landowner votes weighted by assessment amount)	<ul style="list-style-type: none"> • Voter Support • Cost (ballot print/mail, polling) • May not be viable until future years when benefits are better defined • May only work in sub-regions based on benefits

MCWA Mission and Vision

MCWA’s mission and vision serve as the foundation to guide the Agency’s roles and responsibilities in being a hub to facilitate collaboration and cohesion for the common benefit of water security from the coast to the inland areas of the County.

The Mission Statement concentrates on the present, whereas the Vision Statement focuses on the future and the importance of protecting our most vital resource – water.

2022 Mission

Our mission is to support Mendocino County’s regional water interests and to maintain resilient watersheds by protecting and enhancing reliability, availability, affordability, and quality of water resources to the benefit of our community partners.

2022 Vision

We aspire to provide regional leadership for proactive water management that improves long-term water security throughout the County. We assist water stakeholders to understand and prioritize actions to effectively manage, promote, and collaborate for our shared interest of water resiliency.

2. Goals and Priority Actions

Throughout the process of evaluating the re-establishment of the Agency, it was broadly acknowledged that the County has a common interest of creating water reliability for the sake of the residents, economy, and environment. As such, the County has defined six Goals supported by Priority Actions that will further realize achievement of the goals over the next 2 to 5 years:

- Water Resilience
- Compliance with Regulatory Mandates
- Coordination, Cooperation and Advocacy
- Outreach & Education
- Funding & Financing
- Sustained Governance

Goal A: Water Resilience

Goal A: Water Resilience – MCWA will promote the availability of reliable water supplies and water quality commensurate with beneficial use to meet the needs of people, agriculture, and the environment.

Priority Actions to Support Goal A

A.1 Lead Long-term Planning

- Inventory current supplies and demands for water throughout the County for all beneficial uses
- Characterize climate impacts on the County’s long-term supplies and demands
- Develop a countywide water strategy that supports the development of reliable and resilient future water supplies

A.2 Promote Effective Groundwater Management

- Implement the Groundwater Sustainability Plan for the Ukiah Valley Basin

- Characterize groundwater conditions and establish groundwater monitoring in basins in the County outside the Ukiah Valley
 - Evaluate the need for a groundwater extraction permitting process
- A.3 Promote long- term investment in water reliability including the following:
- Storage infrastructure
 - Interconnectivity
 - Emergency Distribution
 - Protection of water rights and entitlements
- A.4 Provide technical and scientific assistance to water systems for underserved communities

Goal B: Compliance with Regulatory Mandates

Goal B: Compliance with Regulatory Mandates – MCWA will continue its role in complying with state and federal regulatory requirements.

Priority Actions to Support Goal B

- B.1 Continue active participation in the Ukiah Valley Basin GSA
- B.2 Manage the countywide Stormwater (MS4) Permit
- B.3 Manage quagga mussel and zebra mussel prevention programs
- B.4 Prepare for and respond to drought including complying with SB 552 requirements for drought planning for small water suppliers and rural communities

Goal C: Coordination, Cooperation, and Advocacy

Goal C: Coordination, Cooperation, and Advocacy – MCWA will collaborate with local, regional, and adjacent basin stakeholders to develop and promote region-wide water solutions that benefit an array of beneficial users.

Priority Actions to Support Goal C

- C.1 Develop and maintain a comprehensive list of water stakeholders for ongoing communication

- C.2 Create a forum for ongoing communication among water interests throughout the County
- C.3 Advocate for the County’s water resources interests with state and federal legislators and agencies
- C.4 Support voluntary efforts on interconnection and/or consolidation of water systems to improve water security and operational effectiveness
- C.5 Coordinate the establishment of mutual-aid agreements among water suppliers
- C.6 Maintain the Mendocino County Water Library as a historical record of water resources studies, reports, and information for the County
- C.7 Develop a clearinghouse of water data being collected throughout the County to improve access to public information while protecting private information

Goal D: Outreach and Education

Goal D: Outreach and Education – MCWA will provide consistent and proactive outreach and education to stakeholders and the public to build trust and water resilience.

Priority Actions to Support Goal D

- D.1: Lead and support water education on topics such as climate impacts, water efficiency and conservation, and water quality protection
- D.2: Conduct public outreach campaigns as aligns with priority goals and actions
- D.3: Develop communication tools such as a Web-based portal of information and social media

Goal E: Funding and Financing

Goal E: Funding and Financing – MCWA will be a partner with key stakeholders and strive to create a funding stream that will reinforce its financial position and benefit water interests countywide by leveraging State and Federal grants.

Priority Actions to Support Goal E

- E.1 Advocate, lead and prioritize studies and projects to position for grants
- E.2 Build and maintain relationships with state and federal funding agencies on behalf of the County’s water interests

- E.3 Develop and support funding ballot measures
- E.4 Lead and coordinate grant applications and grant management

Goal F: Sustained Governance

Goal F: Sustained Governance – MCWA will provide a sustained and coherent governance and staffing so that the County may respond to water challenges as a holistic water enterprise that protects local interests.

Priority Actions to Support Goal F

- F.1 Establish an Agency General Manager position reporting to the Board
 - Hire Chief Executive of the County Water Agency to inform and implement County water policy
 - Build consensus and trust among disparate parties relevant to water interests
 - Represent County interests with state and federal legislative and regulatory bodies – become the “face” of the Water Agency
 - Administer County water programs and County interests in regional programs
- F.2. Policy Analyst
 - Research, facilitate, develop, administer, and track grants
 - Develop, analyze, track, and prepare budgets, data, and reports
 - Serve as a liaison on local water interests with County Departments, businesses, and local stakeholders
 - Review present and pending legislation for effects on MCWA programs
- F.3 Technical Support Staff (hydrologist/hydrogeologist/water resources specialist)
 - Manage technical consultants
 - Perform hydrologic investigations of surface water and groundwater resources
 - Engage in long-range water resources planning on County water interests
 - Maintain County surface and groundwater hydrology models, water resources GIS and database

3. Organizational Scenarios

Informed by the results of the stakeholder surveys and key interviews, and with input from the Steering Committee, GEI prepared a phased staffing plan for the initial three years of a stand-alone County Water Agency. That plan considered an initial hiring of a General Manager and a Department Analyst in the first year, with an experienced technical professional (hydrologist/hydrogeologist/water resources engineer) added in the second year. In year 3, it was assumed an additional (fourth) staff support position would be justified, likely in the form of an additional, more junior technical position or an administrative position as workloads increased.

The staffing plan recommendation was based on a review of the priority goals for a new stand-alone Water Agency and consideration of the various staff capabilities needed to efficiently meet those goals. The following table was prepared to align priority goals with staff capabilities. This should be reviewed from the viewpoint of “what staff level would be most appropriate to accomplish this goal,” recognizing that advancing a particular goal might be able to be accomplished by staff at different levels. For example, the goal of continuing participation in the Ukiah Valley Basin GSA could be advanced by either a General Manager position or an experienced technical professional. Likewise, developing communication tools such as a web-based information portal may be more efficiently accomplished with either the technical professional position or an analyst position. This is not to say a General Manager position could not advance the goal, but rather in an Agency staffed to efficiently advance all priority goals, those tasks would be more efficiently assigned to staff other than the General Manager.

With these caveats in mind, the following matrix (Table 2) was drafted to help identify recommended staffing levels for a stand-alone Water Agency that would advance the priority goals suggested with input from the questionnaires, interviews, and Steering Committee. Example job descriptions for each staff role are provided as Appendix D.

Table 2. Comparison of Staffing Levels and Agency Priority Goals

	General Manager	Hydrologist/ Water Resources Engineer	Analyst
Goal A - Water Resilience			
Lead long-term planning	X	X	
Promote effective groundwater management	X	X	
Promote long-term Investment in water reliability	X	X	
Provide technical/scientific assistance to water systems for underserved communities		X	
Goal B - Comply with Regulatory Mandates			
Continue active participation in the Ukiah Valley Basin GSA	X	X	
Manage the countywide Stormwater (MS4) Permit		X	
Manage quagga mussel and zebra mussel prevention program		X	
Prepare for and respond to drought	X	X	
Goal C - Coordination, Cooperation and Advocacy			
Develop water stakeholder lists		X	X
Create a communication forum for water interests	X	X	X
Advocate County water interests with state and federal legislators and agencies	X		
Support voluntary interconnections and consolidations to improve water security	X	X	
Coordinate establishment of mutual aid agreements among water agencies	X	X	
Maintain a water library for Mendocino County		X	X
Develop a clearinghouse for water data affecting the County		X	X
Goal D - Outreach and Education			
Lead and support water education throughout the County	X	X	X
Conduct public outreach campaigns aligned with priority goals	X		X
Develop communication tools such as a web-based portal of information and social media		X	X
Goal E - Funding and Financing			
Advocate, lead, and prioritize studies and projects to position for grants	X	X	
Build and maintain relationships with state and federal funding agencies	X	X	
Develop and support funding ballot measures	X		
Lead and coordinate grant applications and grant management		X	X
Goal F - Sustained Governance			
Establish an Agency General Manager position reporting to the Board	X		
Policy analyst			X
Technical support staff (hydrologist/hydrogeologist/water resources engineer)		X	

This staffing plan (now identified as Option 2 below) was presented to the Board of Supervisors on May 17, 2022, and subsequently at a meeting of the Ad-Hoc Agency Funding Committee on May 23, 2022. In both meetings, concerns for identifying sufficient funding to support that staffing plan were discussed. Following input from the Ad-Hoc Committee, a range of staffing options is now presented ranging from the fully staffed organization described above to continuation of the status quo with current Water Agency functions performed by a combination of part-time allotments of staff within the Department of Transportation and consultants.

Four options for initial staffing for the MCWA are presented below.

- Option 1 is continuation of the present staffing plan which accomplishes the goal of compliance with regulatory mandates (as they existed prior to the Governor’s recent Executive Order).
- Option 2 is the recommended staffing plan designed to advance most, if not all, of the identified priority goals.
- Options 3 and 4 are compromise staffing options involving the hiring of a single Water Agency employee, either a General Manager position or an experienced technical professional. These last two options recognize the present funding limitations currently experienced by Mendocino County.

It must be recognized that the ability to meet the priority goals of the organization depends on retaining sufficient qualified staff, without which certain goals will remain partially or fully unmet.

Option 1 – Status Quo

This is the current baseline, continuing business as presently handled by the Agency, which supports complying with current regulatory mandates with part-time staffing assigned to the Department of Transportation. These programs include the monitoring and reporting for County MS4 Stormwater permit, invasive species monitoring and reporting at a County Park reservoir, and monitoring groundwater levels in compliance with CASGEM. At present we understand this staffing level to total: 25% time of an Environmental Compliance position, 25% time of the Deputy Director of Transportation, and 5% time of the Director of Transportation. Because this part-time staffing reports through the Department of Transportation and the County Chief Executive, this option does not meet the requirement of a “stand-alone” water agency. The present funding level for continuing current status quo is estimated to be \$191,200 in the draft agency budget for FY22-23, funded through existing property tax assessments.

It is recognized that the status quo level of staffing only covers maintaining compliance with existing regulatory mandates and would not accomplish many of the priority goals of the Agency.

Option 2 – Recommended staffing level for a stand-alone Mendocino County Water Agency

This involves the initial hiring of a new Water Agency General Manager position that would report directly to the Board of Directors of the Water Agency (the County Board of Supervisors). Concurrent with hiring a new General Manager, this option assumes hiring of an Analyst position with similar duties and pay scale as those described in the Department Analyst job series presently in Mendocino County's position descriptions. A future technical position equivalent to a professionally registered hydrogeologist/water resources engineer is assumed to be hired in year 2. An additional technical or administrative position is assumed in year three, with the nature of the position dependent on needs identified by the new General Manager following the first two years of experience with the new, stand-alone agency.

This option provides a new, stand-alone Agency with the executive leadership needed to position the reformulated agency as the water entity with county-wide scope. The new General Manager is supported from the start with the Analyst position to facilitate grant applications and administration and provide data analysis and reporting. The technical professional position is delayed until year 2 when it is assumed some of that position's time might be billed against future grants, the Agency is assuming more responsibilities for investigating and managing county-wide water resources, groundwater studies are initiating and county-wide water resources data is being analyzed and evaluated. A future technical or administrative position is assumed to be added to Agency staffing as the agency matures, workload increases, and funding has been secured.

In addition to staff labor costs, an allowance has been estimated for the cost of additional support staff from other County departments, materials and office supplies, and outside consulting. It is unclear how much of these costs are included in the budget assumed for the status quo, Option 1, so these additional related costs may not be evenly comparable across all options.

An overhead factor of 1.72 was included on direct labor costs to account for employee benefit and retirement costs. An inflation factor of 5% was included to estimate future year costs. Note that a transition over the first 4 months of the fiscal year is assumed.

Table 3. Option 2 - Recommended Staffing with GM and Analyst in Year 1, Technical professional in year 2, additional staff in year 3

Item	2022 Cost	Direct Cost Year 1	Loaded Cost Year 1	Year 1 Adjusted for 8 months	Year 2	Year 3
General Manager	\$ 180,000	\$ 180,000	\$ 309,600	\$ 206,400	\$ 325,080	\$ 341,334
Department Analyst	\$ 70,000	\$ 70,000	\$ 120,400	\$ 80,267	\$ 126,420	\$ 132,741
Hydrologist/Hydrogeologist	\$ 100,000	-	-	-	\$ 180,600	\$ 189,630
Future Technical or Administrative	\$ 90,000	-	-	-	-	\$ 162,540
Inter-County Labor Transfer	\$ 40,000	\$ 40,000	\$ 68,800	\$ 45,867	\$ 72,240	\$ 75,852
Office costs/equipment/supplies	\$ 50,000	\$ 50,000	\$ 50,000	\$ 33,333	\$ 52,500	\$ 55,125
On-Call Consulting support	\$ 75,000	\$ 75,000	\$ 75,000	\$ 50,000	\$ 78,750	\$ 82,688
Initial 4 months of existing staffing				\$ 63,750		
Total		\$ 415,000	\$ 623,800	\$ 479,617	\$ 835,590	\$ 1,039,910

Option 3 – General Manager only

This is a reduction of initial staffing from Option 2, with a new General Manager hired in the first year, but with the support of the Department Analyst position and the technical professional position delayed until additional funding mechanisms are secured. This option brings the Chief Executive of the new, stand-alone agency on board initially as the “face” of the newly rebooted organization, bringing leadership and expertise in water management, building trust with other water stakeholders in Mendocino County, representing county-wide water issues, and providing representation on existing water-related boards such as the Ukiah Valley GSA and the Inland Water and Power Commission.

It is recognized that this position would be stretched thin, requiring the incumbent to perform a wide variety of duties, many of which could be efficiently accomplished at lower salaried positions if they were available. Additional support for administrative, analyst level, and environmental compliance would be needed. It is expected that consulting support for technical studies and assistance would be needed, and this expectation is reflected in the estimated costs for this option. It would be recognized that not all of the Agency’s priority goals would be met. Additional Agency staff to support the General Manager would not be retained until future budget years. The Year 1 annualized budget for this option is approximately \$309,000 greater than the current baseline budget of \$191,200.

Table 4. Option 3 - GM only

Item	2022 Cost	Direct Cost Year 1	Loaded Cost Year 1	Year 1 Adjusted for 8 months	Year 2	Year 3
General Manager	\$180,000	\$ 180,000	\$ 309,600	\$ 206,400	\$ 325,080	\$ 341,334
Department Analyst			-	-	-	-
Hydrologist/Hydrogeologist		-	-	-	-	-
Future Technical or Administrative		-	-	-	-	-
Inter-County Labor Transfer	\$ 50,000	\$ 50,000	\$ 86,000	\$ 57,333	\$ 90,300	\$ 94,815
Office costs/equipment/supplies	\$ 30,000	\$ 30,000	\$ 30,000	\$ 20,000	\$ 31,500	\$ 33,075
On-Call Consulting support	\$75000	\$ 75,000	\$ 75,000	\$ 50,000	\$ 78,750	\$ 82,688
Initial 4 months of existing staffing				\$ 63,750		
Total		\$ 335,000	\$ 500,600	\$ 397,483	\$ 525,630	\$ 551,912

Option 4 – Technical Professional only

This option involves the initial hiring of a technical professional position only, the hydrogeologist/water resources engineer, until additional funding is secured. This position would not be expected to provide the executive level water resources management or possess the political and institutional acumen of a seasoned Agency General Manager. This position would be expected to provide the skillset to advance technical studies and grant opportunities, identify project needs and priorities, continue compliance with existing regulatory mandates, manage outside consulting contracts, and provide some level of representation with the public. This position would be expected to be located in an existing County department, so would not represent the creation of a “stand-alone” Water Agency. Note that the salary estimate for this as the sole position in the Agency is higher than for a staff person under the direction of a general manager. This reflects the need to find a highly qualified individual in this role.

It would be recognized that not all priority goals of the Water Agency would be accomplished at this staffing level. Administrative and Analyst level support would be needed from other County departments, and these expectations are reflected in the cost estimates for this option. This position alone would likely not be as effective as a General Manager position in representing the Board of Directors with other county elected officials and water interests, state agencies and legislators, or represent the County in sensitive water rights negotiations. Without a seasoned General Manager, additional time would be expected from executive level county staff, potentially from the County Administrator’s office. The Year 1 annualized budget for this option is approximately \$206,000 greater than the current baseline budget of \$191,200.

Table 5. Option 4 - Technical Professional only

Item	2022 Cost	Direct Cost Year 1	Loaded Cost Year 1	Year 1 Adjusted for 8 months	Year 2	Year 3
General Manager		-	-	-	-	-
Department Analyst		-	-	-	-	-
Hydrologist/Hydrogeologist	\$ 120,000	\$ 120,000	\$ 206,400	\$ 137,600	\$ 216,720	\$ 227,556
Future Technical or Administrative		-	-	-	-	-
Inter-County Labor Transfer	\$ 50,000	\$ 50,000	\$ 86,000	\$ 57,333	\$ 90,300	\$ 94,815
Office costs/equipment/supplies	\$ 30,000	\$ 30,000	\$ 30,000	\$ 20,000	\$ 31,500	\$ 33,075
On-Call Consulting support	\$ 75,000	\$ 75,000	\$ 75,000	\$ 50,000	\$ 78,750	\$ 82,688
Initial 4 months of existing staffing				\$ 63,750		
Total		\$ 275,000	\$ 397,400	\$ 328,683	\$ 417,270	\$ 438,134

Hybrid Option

While Options 3 and 4 are presented as distinct alternatives, the approach to staffing could involve recruiting for both the General Manager and technical professional positions. Depending on the candidate pool, the initial employee selected might better fulfill the expectations of Option 3, Option 4, or some combination.

4. Next Steps

The evaluation of re-establishing of a stand-alone MCWA is at a critical juncture. Stakeholders, County staff and the Board of Supervisors have provided input on the mission and vision of the agency, as well as priority actions the Agency could undertake. Several options for staffing the agency, and the associated funding needs have been identified. To scope the additional phases of the project, direction is needed on which, if any, of the identified options the County wishes to undertake.

Based on the direction received, the consultant team, working closely with County staff, may:

- Develop a recommended organization structure for the Water Agency within the County
- Develop position descriptions for the General Manager, Water Resources Professional, and Analysts
- Support the recruiting of staff
- Refine budget estimates
- Identify funding alternatives from both local and grant sources
- Finalize a work plan for actions to modify the Agency

At the June 7, 2022 meeting of the Board of Supervisors, the Board allocated \$250,000 from one-time funds (PG&E settlement) to augment the Water Agency budget. The Chair directed the ad-hoc to develop a plan for implementation of this funding.

Appendix A

Mendocino County Flood Control and Water Conservation District (1949) and Mendocino County Water Agency (1987) enabling legislation

STATUTES OF CALIFORNIA

1949

REGULAR SESSION

**Began on Monday, January 3, 1949, and Adjourned
Saturday, July 2, 1949**

Constitution
of act

SEC. 32. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

Severability

SEC. 33. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Short title

SEC. 34. This act shall be known as the "Sonoma County Flood Control and Water Conservation District Act."

Necessity
for special
law

SEC. 35. The area of the district is subject to periodical floods during the rainy seasons precipitated by the waters of the Russian River, which river is an important potential source of water for domestic, industrial and agricultural uses inside and outside the watershed. During the dry season, said river would be without water if it were not for the foreign waters turned into the river. Recognizing this fact, the United States Army Engineers have made studies and recommendations for a proposed plan of improvement for flood control and allied purposes on the Russian River drainage basin located within the area of the district, and upon such recommendations, it is necessary that the district be zoned in such a manner to determine the varying benefits to property located within the district, of the percentage of costs to be split among the zones created, and that no general law contains provisions for the issuance of bonds and for the purpose of raising funds to assist in such work. The cost of adequate flood control and water conservation is beyond the means of the property owners and taxpayers of the district, and it is necessary to negotiate to obtain financial aid from the United States Government. It is recommended by the United States Government and it is desirable to immediately form a political entity to satisfactorily deal with the agency of the United States Government.

Investigation having shown conditions in the County of Sonoma to be peculiar to that county, it is hereby declared that a general law cannot be made applicable thereto and that the enactment of this special law is necessary for the conservation, development, control and use of said waters for the protection of life and property therein and for the public good.

CHAPTER 995

"Mendocino
County Flood
Control and
Water Con-
servation
District
Act"

An act creating the "Mendocino County Flood Control and Water Conservation District" for the controlling, conservation, diversion, storage and disposition of storm, flood,

and other surface waters, prescribing the boundaries, organization, operation, management, financing and powers and duties of the district.

[Approved by Governor July 18, 1949 Filed with
Secretary of State July 20, 1949]

In effect
October 1,
1949

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

SECTION 1. A flood control and water conservation district is hereby created, to be called the "Mendocino County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows:

Creation of
district

All that territory of the County of Mendocino lying within the exterior boundaries thereof.

Boundaries

SEC. 2 As used in this act:

"District" means the Mendocino County Flood Control and Water Conservation District.

"District"

"Board" means the board of directors of the district.

"Board"

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

Purposes
of act

(a) To have perpetual succession.

Powers of
district

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Suits

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

Real per-
sonal and
mixed
property

(e) To acquire and contract to acquire by purchase, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights of way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

Real
property

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof.

Eminent
domain

Condemnation proceedings

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights of way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district.

Changes in existing structures

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights of way for flood control purposes and not from funds appropriated for state highway purposes.

Construction, etc., of water structures

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

Issue bonds, etc

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

Assessments

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

Employees

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(l) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

Boundaries
of zones

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

Contracts

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

Leases, etc

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

Contributions

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

Water
rights

(q) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

Flood control

(r) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902 and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether

Contracts
with
Federal
Government
U S C
Tit 5,
Sec 485;
Tit 43,
Secs 372-
498

for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

Board of
Supervisors
of Mendocino
to be board

SEC. 4. The board of supervisors of the County of Mendocino shall be, and they are hereby designated as, and empowered to act as, ex officio the board of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act. The board may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvement provided in this act. Each member of the board of supervisors shall serve without additional compensation for acting as a member of the board of the district, except that each member shall be allowed his actual, necessary and reasonable traveling expenses. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein.

Powers

Compensation

Directors
not to have
interest in
contracts

SEC. 5. No director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

Other
county
officers
Duties

SEC. 6. The county clerk, county assessor, county tax collector, county auditor, county treasurer, county surveyor, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by said board, without additional compensation, the same various duties for the district as, for the county in order to carry out the provisions of this act.

SEC. 7. All ordinances, resolutions and other legislative acts for said district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

Adoption
etc., of ordi-
nances, etc

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejection of district ordinances in accordance with the procedure established by the laws of the State for the exercise of such powers in relation to counties.

SEC. 8. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

Claims
against
district

SEC. 9. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or waterworks shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

Legal title
to property

SEC. 10. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars (\$2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars (\$2,000) or

Bids for
contracts

where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids *therefor have said work done by force account*. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars (\$2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Exemption The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3, or to a contract authorized by a vote of the electorate of the district.

Indebtedness **SEC. 11.** The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

Exemption This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts, with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

Tax power **SEC. 12.** The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of two cents (\$0.02) on each one hundred dollars (\$100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

Maximum levy

Tax power **SEC. 13.** The board shall have the power, as provided for in this act, to cause taxes to be levied within any of the zones hereinafter created, for the purpose of paying any obligation of the district and to accomplish the purpose of the district and of this act.

SEC. 14. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act. Estimate of money needed to carry out act

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining said amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district to be divided into zones, if in its opinion such division is necessary because of varying benefits to the property within the district, together with a statement as to the percentages of the sum to be raised from each of such zones for the payment of the principal and interest of the bonds of the district. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include all of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and such designation shall show the separate boundaries of each zone and a statement of the percentage to be raised from each zone. Division into zones
Map

SEC 15. Upon the filing of such map, as in Section 14 provided, the board shall give notice to all persons interested in the district by publication in a newspaper of general circulation published in the district, once a week for three successive weeks, which notice shall designate the time and place of hearing by the board, at which time and place any person interested in the district may appear and object to the inclusion of his lands within the zones into which the district is divided, or to the percentage to be raised from each of said zones. All such objections shall be in writing, verified by the person or persons making the objection, and filed with the board on or before the date fixed for such hearing. Upon such hearing, the board may change or modify any of the zones or the percentages to be raised therefrom and shall distribute proportionately the percentage to be raised in each zone in accordance with the benefits received therefrom. Such hearing may be continued from time to time by the board by an order entered on its Notice of hearing
Written objections

minutes. At the conclusion of the hearing the board shall make a final determination as to the extent and boundaries of the zones and the percentages to be raised therefrom.

Board
findings
subject to
ratification
by electors

The location and extent of the zones within the district and the percentages to be raised therefrom shall be finally established and determined by the board and shall prevail for all purposes until any bonds to be issued by the district shall have been fully paid and discharged. Findings and determination of the board as to the extent and boundaries of the zones and the percentages to be raised therefrom shall be final and conclusive subject to ratification by the electors as herein provided.

Special
election

SEC. 16. After the adoption of said report and estimate of the amount of money required to be raised and after the determination of the zones into which the district is divided and the percentages of the sum to be raised for the payment of the principal and interest of the bonds from each of such zones, the board shall call a special election and submit to the qualified voters of said district two propositions:

Propositions
to be sub-
mitted

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, and for any other purpose set forth in Section 3 hereof?

Resolution
calling
election

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

Precincts

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

Conduct of
election

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Voters

At such election all persons whose names appear on the last great register of County of Mendocino as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Publication
of resolution

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least six days a week in said district, or once a week for two

weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds. Bond
validity

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act. Ratification

SEC. 17. Should the proposition be submitted to the electorate as provided in Section 16 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes. Failure of
proposition
to pass

SEC. 18. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within said district and the percentages to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 14, but before the calling of the bond election as provided in Section 16 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of said municipality or political subdivision. Thereupon said charges against said zone or zones shall be canceled to the extent of said amount so agreed to be paid, and thereafter the electors residing within said zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by said municipality or other political subdivision. Substitution
of contract
for tax
assessments

It shall be wholly optional with the board whether or not to proceed as provided in this section.

SEC. 19. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed five percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than forty years from said date. The board shall fix the place, or places (which may be within or without the State of Form, etc.
of bonds

California and which shall be designated in said bonds) where said bonds together with the interest thereon shall be payable.

Denom-
inations, etc
of bonds

SEC. 20. The bonds shall be issued in such denominations as the said board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100) nor of a greater denomination than one thousand dollars (\$1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Suit to
determine
validity

SEC. 21. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Mendocino, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Mendocino County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Mendocino, and if the action or proceeding shall be commenced

by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 22. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter re-advertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 23. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

SEC. 24. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and

Sale of
bondsNotice of
sale

Registration

Sinking
fund
investment,
etc.Issuance of
bonds evi-
dence of reg-
ularity, etc

legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

Bonds as
legal invest-
ments

SEC. 25. Any bonds which shall be issued under the provisions of this act, shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act may be so used.

Deposit of
proceeds

SEC. 26. All proceeds received from the sale of the bonds hereunder shall be deposited with the county treasurer of the County of Mendocino, and be paid out by him only upon authority of the board and by proper warrant. All proceeds from the sale of bonds and interest on such proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which said district was created as in this act provided.

Refunding
bonds

SEC. 27. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Resolution

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of ^{Form} the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Each refunding bond may be exchanged for its correspond- ^{Exchange} ing outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

When any refunding bonds shall have been exchanged. ^{Tax levy} taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 28, all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for ^{Legal investments} fiduciaries and others as provided in Section 25.

SEC. 28. The board shall at the time for fixing the general ^{Annual tax levy, etc} tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no

other purpose than the payment of said bonds and accruing interest.

Taxable
property

Such tax shall be levied upon all taxable property within the district excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

Zones

If the district has been divided into zones and the percentage of the amount to be raised for the redemption of principal and interest of said bonds from each such zone has been determined as provided in this act, the said amount of said tax levied shall be divided according to said percentage, and the percentage to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

Incorporation of state
laws re taxes

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Assessment
taken on
equalized
roll, state-
ments, etc

The board shall take the assessment on the equalized roll of the County of Mendocino as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the percentage of the amount to be raised from each zone. Thereafter each year all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, of said County of Mendocino. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

Annual
tax rate

The board shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars (\$100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as herein above prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the

same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the Board of Supervisors of the County of Mendocino, and the board, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

SEC. 29. Notwithstanding Section 3720 of the Political Code, the Mendocino County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the Mendocino County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1949-1950 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 3720 of the Political Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the Mendocino County Flood Control and Water Conservation District.

For the Fiscal Year 1949-1950, but for no other fiscal year, notwithstanding Section 28 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Year 1949-1950 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1949-1950 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or

taxable situs or value of any property changes between noon on the first Monday in March, 1949, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1949-1950, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

Equalization

In equalizing the assessments made by the county assessor, the Board of Supervisors of Mendocino County, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

Conclusive presumption of correct assessment

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

Procedure

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1949-1950. Except as provided in this section, Section 28 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1949-1950.

Tax levy after first bond election

SEC. 30. After the first bond election in the district at which bonds shall be authorized by the electors of said district the board shall have power, in any year, to levy a tax upon the taxable property in said district as provided in Section 28 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents (\$0.05) on each one hundred dollars (\$100) of the assessed valuation of the property in said district as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If said district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

Maximum levy

Additional levy

SEC. 31. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

SEC. 32. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

SEC. 33. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 34. This act shall be known as the "Mendocino County Flood Control and Water Conservation District Act"

CHAPTER 996

An act to add Section 812 to the Civil Code, relating to estates in real property.

[Approved by Governor July 18, 1949 Filed with
Secretary of State July 20, 1949]

In effect
October 1,
1949

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

SECTION 1. Section 812 is added to the Civil Code, to read:

812. The vacation or abandonment, pursuant to law, of streets and highways shall extinguish all private easements therein claimed by reason of the purchase of any lot by reference to a map or plat upon which such streets or highways are shown, other than a private easement necessary for the purpose of ingress and egress to any such lot from or to a public street or highway, except as to any person claiming such easement who, within two years from the effective date of such vacation or abandonment or within two years from the date of the enactment of this section, whichever is later, shall have recorded in the office of the recorder of the county in which such vacated or abandoned streets or highways are located a verified notice of his claim to such easement over all or any part of any such street or highway which is particularly described in such notice. Nothing in this section shall be construed to create any such private easement, nor to extend any such private easement now recognized by law, nor to make the rights of the public in or to any street or highway subordinate to any such private easement.

STATUTES OF CALIFORNIA

1987-88

REGULAR SESSION

1987 CHAPTERS

CHAPTER 266

An act to amend Sections 1, 2, 3, and 34 of, and to add Sections 7.5, 8.5, 8.6, 8.7, and 12.5 to, the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), relating to the Mendocino County Flood Control and Water Conservation District.

[Approved by Governor July 24, 1987 Filed with
Secretary of State July 27, 1987]

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

SECTION 1. Section 1 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949) is amended to read:

Section 1. A flood control and water conservation district is hereby created, to be called the "Mendocino County Water Agency," and the boundaries and territory of the agency are as follows:

All that territory of the County of Mendocino lying within the exterior boundaries thereof.

SEC. 2. Section 2 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949) is amended to read:

Sec. 2. As used in this act:

(a) "Agency" or "district" means the Mendocino County Water Agency.

(b) "Board" means the board of directors of the agency.

SEC. 3. Section 3 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949) is amended to read:

Sec. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood and other waters of the agency and to that end the agency is hereby created to be a body corporate and politic and as such shall have the following powers:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise, or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, donation, or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts,

lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain, and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful, or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To exercise the right of eminent domain, either within or without the district, to take any property necessary to carry out any of the objects or purposes of this act.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment, or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit, or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit, or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, powerplants, railroads, dredgers, and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer, and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices

in its discretion.

(l) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau, or commission of the State of California or the United States, or any person, firm, association, or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance, and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material, or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease, or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

(q) To control flood and storm waters and other waters within the district and the flood and storm and other waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

(r) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory

thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation, or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights, and privileges possessed by irrigation districts as set out in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(s) To divert, produce, store, transmit, distribute, and sell or otherwise furnish surface waters and groundwater for beneficial uses within or without the agency.

SEC. 4. Section 7.5 is added to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), to read:

Sec. 7.5. If the board of directors by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any project or work for any purposes of the agency, zone, or participating zone or for refunding any outstanding bonds, should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define the project or work as an "enterprise" consistent with the definition in Section 54309 of the Government Code, and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941, and for that purpose the agency shall be considered a "local agency," as defined in Section 54307 of the Government Code.

SEC. 5. Section 8.5 is added to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), to read:

Sec. 8.5. (a) The board of directors may establish zones of benefit within the agency without reference to the boundaries of other zones. The land comprising a zone of benefit need not be contiguous. A zone of benefit shall be established only with respect to a project for the benefit of the zone of benefit and proceedings for the establishment of the zone of benefit may be conducted concurrently with, and as a part of, proceedings for the instituting of projects relating to the zone of benefit, the issuance of special benefit bonds, and the levy of benefit assessments.

(b) Whenever the board of directors determines that a zone of benefit should be formed for the purposes set forth in this act, the board shall adopt a resolution of intention which shall state the following:

(1) The intention of the board to form the proposed zone of benefit.

(2) The purpose for which the proposed zone of benefit is to be formed.

(3) The estimated expense of carrying out the purpose, if known.

(4) That assessments for carrying out the purpose shall be levied exclusively upon the lands in the proposed zone of benefit.

(5) That a map showing the exterior boundaries of the proposed zone of benefit, which map shall govern for all details as to the extent of the proposed zone of benefit, is on file with the district secretary and is available for inspection by any interested person or persons.

(6) The time and place for a hearing by the board on the formation on the proposed zone of benefit, the extent thereof, the purpose for which it is to be formed, the benefit to land within the proposed zone of benefit from carrying out that purpose, the estimated expense of carrying out that purpose, if known, or any other matter relating to any of the foregoing.

(7) That at the time and place specified any interested person, including all persons owning land in the district or in the proposed zone of benefit, may appear and be heard.

(c) Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in the agency, pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for the hearing.

(d) At the time and place so fixed, or at any time or place to which the hearing is continued, the board of directors shall hold the hearing provided for by the resolution of intention, at which time any interested person may appear and be heard concerning any matter set forth in the resolution of intention or any matters material thereto. Upon the conclusion of the hearing, the board may abandon the proposal, modify it, or proceed with the proposal unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposal signed by a majority in number of the eligible voters within the proposed zone of benefit shall be filed with the board, in which event further proceedings relating to the proposal shall be suspended for not less than six months following the date of the conclusion of the hearing.

(e) At the conclusion of the hearing, the board of directors may, by resolution, order the zone of benefit formed for the purpose and with the exterior boundaries described therein. The resolution ordering formation shall state the estimated expense of carrying out the purpose described therein, if known. The resolution shall also number and designate the zone of benefit substantially as "Zone of Benefit Number _____ of the Mendocino County Water Agency."

SEC. 6. Section 8.6 is added to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), to read:

Sec. 8.6. After a zone has been formed, the board of directors may, by resolution, order the creation of a zone council within the zone. The resolution shall set forth the number of members of the

council and their term of office. The zone council for a zone which consists entirely of the territory of an incorporated city may be comprised of the city council of the incorporated city. The members of all other zone councils shall be eligible voters of the zone in which the council is established and shall be elected to the council by the eligible voters of the zone. The resolution establishing the zone council shall set forth the procedure for conducting the election.

(b) Members of the zone council shall take office immediately upon certification of their election, filing of the official oath, and execution of a bond, if any, in an amount set by the board of directors. At its first meeting, the zone council shall elect from its members a chairperson and a vice chairperson and shall fix their terms of office. A majority of the zone council shall constitute a quorum for the transaction of business. The vote of a majority of the zone council members present at any meeting attended by a quorum shall be necessary to take action, unless otherwise specified in this act. Meetings of the zone council shall be conducted in accordance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code). The zone council shall, by resolution, set the time and place for holding regular meetings. Zone councils shall receive compensation, if any, in an amount set by the board of directors.

(c) The purpose of a zone council is to assist the board of directors in the planning, acquisition, construction, operation, maintenance, and administration of projects within the zone in which it is established, and to coordinate the activity of the agency within the zone with the activities of other public entities within the zone. The board of directors shall determine the specific responsibilities and powers of a zone council and may delegate to the zone council any of the authority of the board with respect to the planning, acquisition, construction, operation, maintenance, or administration of a project within the zone.

(d) In the case of projects for the benefit of two or more zones, the board of directors may establish a participating zone council for the project, selected by either (1) the appointment by each zone council of an equal number of representatives selected from its membership, with one additional member of the participating zone council to be appointed by the board of directors or mutually selected by the two affected zone councils, or (2) any other method mutually agreed upon by the two affected zone councils.

(e) A zone council or a participating zone council shall be dissolved upon four-fifths of all members of the board of directors or upon a majority vote of all of the members of the board of directors and a majority vote of all of the members of the zone council.

SEC. 7. Section 8.7 is added to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), to read:

Sec. 8.7. (a) The board of directors shall determine which projects shall be carried out and shall determine, as to each project,

that it is either: (1) for the common benefit of the agency as a whole, or (2) for the benefit of a single zone, whether in existence or not, or (3) for the common benefit of participating zones, whether in existence or not.

(b) The agency may institute countywide projects, projects for single zones, and joint projects for participating zones for studying, planning, financing, constructing, acquiring, maintaining, operating, extending, or repairing any work of common benefit to the district as a whole, to the zone, or to the participating zones, as the case may be. All powers of the agency may be exercised or performed on behalf of and within a zone. Before proceeding with any project, the board of directors shall adopt a resolution of intention setting forth the proposed boundaries designating the benefited area and stating its intention to undertake the project, together with an estimate of the cost of the project to be borne by the agency as a whole, or a particular zone, or participating zones, as the case may be, and fixing a time and place for public hearing on the resolution. The resolution shall refer to a map or maps showing the general location of the project and shall generally describe the project. Notice of the hearing shall be given in the same manner as for a resolution of intention to form a zone of benefit. The proceedings on the resolution proposing the project may be consolidated with the proceedings on a resolution proposing formation of a zone of benefit.

(c) The hearing may be consolidated with a hearing on the formation of a zone, the issuance of special benefit bonds, or the levy of benefit assessments affecting the same area. At the time and place so fixed, or at any time or place to which the hearing is continued, the board of directors shall hold the hearing provided for by the resolution, at which time any interested person may appear and be heard concerning any matter set forth in the resolution or any matters material thereto. Upon the conclusion of the hearing, the board may abandon the proposal, modify it, order an election on the proposal within the area affected, or proceed with the proposal, unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposal signed by a majority in number of the eligible voters within the affected area shall be filed with the board, in which event further proceedings relating to the proposal shall be suspended for not less than six months following the date of the conclusion of the hearing. The board of directors shall not proceed with the proposal without an election unless a majority in number of the eligible voters within the affected area have filed with the board written consent to the proposal. If the election is held, a majority of the votes cast at the election shall be required to approve the proposal.

SEC. 8. Section 12.5 is added to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), to read:

Sec. 12.5. (a) The agency shall be authorized to levy benefit assessments on an agencywide basis or within any zone or

participating zone. The benefit assessment may be levied in any manner which reasonably reflects the benefit that will accrue to the area being assessed for the purpose of the assessment, including, but not limited to: (1) per acre or fraction thereof basis, or (2) for benefit assessments related to drain, storm, or flood control purposes, the proportionate water runoff from each parcel assessed.

(b) Benefit assessments may be levied for expenditures made, or expenditures estimated to be required during the next calendar or fiscal year, for any lawful purpose of the agency, including, but not limited to, the following purposes:

- (1) The administrative expenses of the agency.
- (2) The formation and administrative expenses of any zone.
- (3) Engineering and other expenses in connection with the investigation and preparation of a resource management plan or plan for a work or project.
- (4) Acquisition or construction of any work or project.
- (5) Operation and maintenance of any work or project.

The revenues derived from the benefit assessment shall be used for no purpose other than the purpose specified at the time of levy of the assessment.

(c) The board of directors may adopt a resolution of intention to levy a special benefit assessment on land only. The resolution shall set forth the proposed amount, manner of levy, and purpose of the proposed benefit assessment and designate by a map or otherwise the boundaries of the area proposed for assessment, and shall designate a time and place of hearing on the resolution.

(d) Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in the agency pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for the hearing.

(e) At the time and place so fixed, or at any time or place to which the hearing is continued, the board of directors shall hold the hearing provided for by the resolution, at which time any interested person may appear and be heard concerning any matter set forth in the resolution or any matters material thereto. Upon the conclusion of the hearing, the board may terminate further proceedings on the proposed assessment, modify the proposed assessment, order an election on the assessment within the area to be assessed, or levy the assessment, unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposed assessment signed by a majority in number of the eligible voters within the area to be assessed shall be filed with the board, in which event further proceedings relating to the proposed assessment shall be suspended for not less than six months following the date of the conclusion of the hearing. The board of directors shall not levy the assessment without an election unless a majority in number of the eligible voters within the affected area have filed with the board written consent to levy the assessment. If an election is held, a majority of the votes

cast in the area to be assessed shall be required to approve the assessment.

(f) After its approval, the benefit assessment shall be levied, collected, and enforced at the same time and in the same manner as county taxes.

SEC. 9. Section 34 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949) is amended to read:

Sec. 34. This act shall be known and may be cited as the "Mendocino County Water Agency Act."

CHAPTER 267

An act to add Section 220.5 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 24, 1987 Filed with
Secretary of State July 27, 1987]

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

SECTION 1. Section 220.5 is added to the Revenue and Taxation Code, to read:

220.5. (a) Aircraft of historical significance shall be exempt from taxation.

(b) The exemption provided in subdivision (a) shall only apply if all of the following conditions are satisfied:

(1) The assessee is an individual owner who does not hold the aircraft primarily for purposes of sale.

(2) The assessee does not use the aircraft for commercial purposes or general transportation.

(3) The aircraft is available for display to the public at least 12 days during the 12-month period immediately preceding the lien date for the year for which the exemption is claimed. If the aircraft was first made available for public display less than 12 days prior to the lien date, the exemption may be granted if the claimant certifies in writing that the aircraft will be made available for public display at least 12 days during the 12-month period commencing with the first day the property was made available for public display.

(c) When claiming an exemption pursuant to this section, the claimant shall provide all information required and answer all questions contained in an affidavit furnished by the assessor. The claimant shall sign and swear to the accuracy of the contents of the affidavit before either a notary public or the assessor or his or her designee, at the claimant's option. The assessor may require additional proof of the information or answers provided in the affidavit before allowing the exemption.

(d) For purposes of this section, "aircraft of historical

Appendix B

Stakeholder Assessment

FINAL

Stakeholder Assessment
Re-establish the Mendocino County Water Agency
as a Standalone Agency
July 1, 2022

Prepared by:

GEI Consultants, Inc.

Strategy Driver, Inc.

Project Background and Purpose

In June of 2020, the Mendocino County Board of Supervisors directed staff to undertake an evaluation of re-establishing the Mendocino County Water Agency (MCWA or Water Agency) as a standalone agency. The County subsequently contracted with GEI Consultants, Inc. to carry out the project. One of the initial tasks of the project was to conduct a stakeholder assessment to evaluate the perspectives and interests of stakeholder groups in re-establishing the Agency.

The stakeholder assessment consisted of several essential activities, including the following:

- Working with County staff to identify stakeholder groups and specific individuals to represent those interests
- Development and distribution of an online survey
- Development of interview questions and identifying individuals for follow-up interviews
- Compiling and summarizing input received to prepare this report
- Recommending participants for a Steering Committee to refine the mission, vision, goals, and objectives for the Water Agency

The survey and interviews canvassed stakeholders who included beneficial users of water (agricultural and municipal suppliers), resource agencies, County staff and supervisors, tribes, business and environmental interests, and adjacent counties that share the watershed.

This document is a summary of input received that demonstrates the broad range of viewpoints. Comments are reflected as general statements and are not always exact representations in order to strike the balance of all voices to the inform the County and GEI Team as part of reestablishing the MCWA. Comments represented in this report are not attributed to individuals.

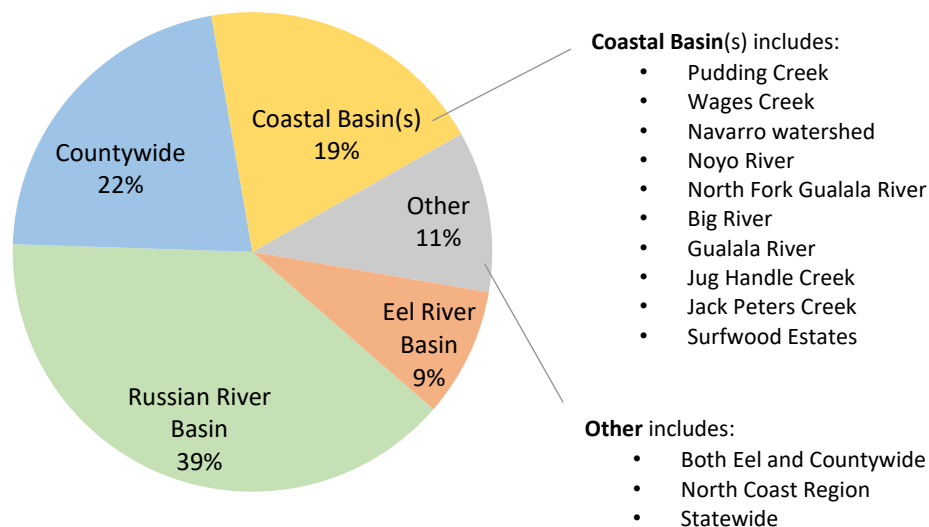
Surveys and Interviews

An online survey was distributed to more than 100 individuals by email, and 50 completed surveys were returned. The Survey questions are included in Appendix A. Survey respondents were asked to identify their geographic location of interest within (or outside) the County. Figure 1 shows the geographic distribution of survey responses.

Participating Stakeholder Groups

- Board of Supervisors
- County offices and leadership
- Cities and City Managers
- Regional, Large and Small Water Providers
- Water Systems
- Water Agencies
- Municipal Advisory Councils
- Tribal Representatives
- Chambers of Commerce
- Business Organizations
- Environmental Organizations
- State Agency Representatives
- State and Federal Legislative Leadership

Figure 1. Areas of the County Represented by Survey Participants



Interviews were conducted with a subset of stakeholders to gain additional information. The specific interview questions are included in Appendix A; however, the questions were only used as a guide and the interviews were conducted to both solicit input in consistent areas across the interviewees and drill down into the specific areas of interest to each individual. A total of 20 interviews were conducted, which included all 5 County Supervisors.

Agency Mission and Vision

In 2015, the Mendocino County Water Agency Action Plan defined the Mission and Vision of the Agency as follows:

Mission

Our mission is to support the citizens of Mendocino County and their regional water interests by assisting community partners in protecting and enhancing the reliability, availability, affordability and quality of water resources. The Agency will support safe, economical, and environmentally sustainable services, through regulatory compliance, advocacy, and collaboration.

Vision

Mendocino County Water Agency aspires to cost-effectively provide high-quality services garnering the trust of residents, community partners and fellow water agencies. To embrace North Coast regional cooperation and collaboration to improve the County's ability to effectively manage county resources, promote sustainability, conservation and a vibrant economy.

Survey respondents were asked to comment on the appropriateness of the mission and vision for what is needed from the Water Agency now. Common themes for incorporation into an updated Mission and Vision include the following:

Mission

- Resiliency
- Addressing Climate change impacts
- Need funding and staff
- Conservation
- Invest in infrastructure
- Protect water quality and water levels
- Conduct scientific studies
- Advocacy and collaboration
- Regulatory compliance
- Healthy watershed

Vision

- Equity and inclusion
- Manage natural resources and habitat
- Clearinghouse for information
- County wide water initiatives
- Support water security and long-term infrastructure solutions
- Increase water capacity

Stakeholder Assessment Results

The GEI Team heard from stakeholders that Mendocino County's population is largely dispersed with small, disconnected water systems serving the coast and inland; bookended with its two largest Cities (Ukiah and Fort Bragg) which are resourced with personnel, water assets, and modest financial means. With the County positioned as one of the largest disadvantaged communities in the State, as well as geographically presiding over 3,800 square miles, we have come to understand that the MCWA has a large and diverse area to serve. While the challenges are not insurmountable, stakeholders remind us that California's counties are facing one of the worst droughts since 2015, the COVID-19 pandemic, and increased responsibility to respond to the state-legislated Sustainable Groundwater Management Act (SGMA). In addition to water scarcity, stakeholder surveys and interviews indicate that the County also faces some severe water quality issues that need to be addressed.

When Mendocino County reorganized in 2008, MCWA lost its dedicated personnel. The region has since faced some of the State's largest water security concerns impacting a population greater than 90,000 and an agricultural revenue greater than \$270 million. County staff were left to respond in a reactionary mode while taking on one of the greatest water crises the County has ever witnessed. Collectively, while many survey respondents thought that it was a missed opportunity when the County did not invest in Lake Mendocino water rights over 70 years ago, they also stated that we should not lose sight to develop storage and water resource options today to create better reliability with a multi-generational outlook. In addition to impacting property values and commerce, stakeholders are concerned that the County may lose its voice and ability to shape water policy if it does not take charge with proactive water management. Survey and interview results indicate that the County has a role to both lead and support various forms of water management to facilitate secure water for its residents, agribusinesses, and natural habitat. With few exceptions, the respondents to the stakeholder survey and interviews

reflected that the County is ill-prepared to meet the mounting challenges of water reliability and water quality, especially in the context of climate change, if action is not taken now.

This stakeholder assessment presents the **risks and challenges** facing the County if the MCWA is not staffed to take leadership on the water issues that impact the County. With each challenge presented, a list of **opportunities and suggested actions** follows. Both the challenges and opportunities are the result of stakeholder input and are presented by topic, as follows:

- Water Availability and Reliability
- Water Quality
- Legislative and Regulatory Mandates
- Long-term Planning
- Coordination, Cooperation, and Advocacy
- Outreach and Education
- Funding and Financing
- Sustained Governance

Water Availability and Reliability

Risks and Challenges

Lack of water availability is risking the livelihoods of people, agriculture, wildlife, and firefighting collectively putting the County's existence at stake.

Status quo is not an option. Stakeholders indicate that both the small and large water purveyors in Mendocino County face water shortages and water quality challenges. Respondents reported, as a whole, that local water purveyors have a basic lack of knowledge of how much water is needed as a county and the quality of the water everyone is drinking. The region cannot rely solely on the cities of Ukiah and Fort Bragg to provide county-wide support, especially in times of extreme drought.

- Fort Bragg was impacted by the recent drought and could not serve the needs of the coastal area, including the Town of Mendocino as it had in the past. Fort Bragg had to cover its own water deficit and benefited from its visionary investment in desalination that helped to manage its own water shortages locally.
- During this recent drought, the City of Ukiah came to the aid of coastal area where a number of local businesses relied upon hauled water and at least 35 wells within the Town of Mendocino were reported going dry due to extreme drought conditions.
- The Mendocino County Board of Supervisors allocated \$1.5 million dollars to subsidize water-hauling costs from Ukiah to Fort Bragg. Provisions of the Agreement enables water to be hauled from Ukiah to Fort Bragg, treated through Fort Bragg's community water system, then available for hauling to residents in need of potable water through February 2023.

Survey respondents commented that the area should have never found itself in the position described above and that it is critical that we prevent these circumstances from reoccurring. Knowing that climate change will undoubtedly put our water systems at greater risk, it is clear that we are not currently prepared to address both the short- and long-term challenges faced by our water systems. Constituents are concerned that Mendocino County agriculture provides significant tax revenue and is at risk if Russian River water supplies are curtailed.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Water Availability and Reliability Actions**:

- **Climate Resiliency**: Lead in creating climate resiliency and safe and affordable water for drinking, farms, firefighting, and fish. Consider Potter Valley, Lake Mendocino, and the Eel and Russian Rivers, as well new sources of water to create a resilient Mendocino County
- **Conservation**: Reinforce water conservation and on-site rainwater harvest in greywater systems
- **Education**: Educate all beneficial users on better solutions for water management
- **Fisheries**: Protect fisheries which are on life support in some parts of the county and improve habitat
- **Infrastructure**: Invest in infrastructure to increase water security
 - **Connectivity**: Identify, prioritize, and invest in infrastructure to create better connectivity among small water systems to help with water reliability (e.g., Town of Covelo, small systems). Create a centralized water distribution system to intertie interior with City of Ukiah
 - **Emergency distribution**: Create distribution for firefighting
 - **Infrastructure Improvements**: Empower and fund MCWA to build water security with real long-term infrastructure improvements
 - **Recycled water**: Expand recycled water beyond Ukiah
- **Planning**: Lead long-term comprehensive water use and land use planning to meet the County's projected demands
- **Potter Valley Project (PVP) Support**: Support the Potter Valley Project (PVP) for the benefit of local agriculture, the County, and the General Fund. The PVP is the largest opportunity for future of the county's water supply. It is paramount to the main mission and goal
- **Prioritize Water Security**: Restore the dignity of communities by prioritizing water security – it is our obligation
- **Technical Assistance**: Develop the capability to provide technical assistance and conduct scientific studies
 - Understand soil moisture and how we can better manage agricultural water resources through efficiency and technology
- **Water Rights**: Protect Mendocino County water interests
 - Help our water purveyors protect water rights
 - Secure water rights on Russian River, Eel River / Lake Mendocino (raise Coyote Dam), future of Lake Pillsbury, Potter Valley Project, Redwood Valley
- **Countywide study**: Develop a county-wide comprehensive Water Resources Study that could identify challenges and priority solutions to optimize water reliability (e.g., water storage, exchanges, acquiring Potter Valley water rights, raising Lake Mendocino, creating water storage on North Hensly Creek)

Water Quality

Risks and Challenges

Lack of consistent water quality coupled with a huge gap in technical capabilities to resolve water challenges creates water security vulnerability.

Stakeholders report that water quality is challenged in many of the small water systems and that illicit cannabis growing is silting our creeks and impacting fish habitat, in addition to illegally diverting water supply. Stakeholders indicate these impacts affect beneficial users at a cost to the County as a whole. They see a lack of water policy enforcement as costing users access to their water.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Water Quality Actions**:

- **Illegal use:** Develop ordinances, monitor, report, and collaborate with enforcement (State Board) to reduce illegal surface diversions and groundwater extraction/pumping impacts that otherwise result in environmental, water quality, and water supply impacts
- **Monitoring:** Prioritize tests for contaminants (such as arsenic in Round Valley) and monitor for contaminants that may be present in the increasing numbers of unregulated cannabis farms within the valley and watershed
- **Enforcement:** Collaborate with the State Water Resources Control Board on water quality enforcement
- **Technical Assistance:** Develop the capability to provide technical assistance and conduct scientific studies
 - Create a comprehensive assessment of condition and status of all water systems; identify which are challenged and which are functioning effectively and determine most critical needs

Legislative and Regulatory Mandates

Risks and Challenges

Lack of region-wide leadership creates a void resulting in an inability to proactively manage legislative and regulatory requirements.

There is mounting concern among stakeholders that we do not have one strong County leader that is advocating for and monitoring for County's interest. Outsourcing or patch-working legal responsibility puts the County at risk to adjudication or a State-sanctioned emergency order. Concerns were expressed that the State's response to SGMA in the last several years could expand to more geographies, subjecting more groundwater basins to SGMA, especially where wells are not performing, thereby creating more regulatory requirements for the County. Additionally, the County has responsibilities for the Stormwater Permit (MS4), drought planning, and mussel prevention.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Legislative and Regulatory Mandates Actions**:

- **Regulatory compliance:** Lead in understanding water regulations and ensuring that our water systems are complying; particularly among the smaller systems.
- **SGMA:** Play an active role in SGMA implementation
- **Drought:** Allocate resources for drought response

Long-Term Planning

Risks and Challenges

Lack of cohesive leadership to provide a water vision and multi-generational outlook for the County means that long-term planning opportunities are missed which are imperative as projects can take decades to plan, fund, design, and build.

Water is the most unifying resource the County should rally around. Stakeholders feel that we have been late to respond to our drought emergency and some feel that our position impacts the County as a whole – not only the local jurisdictions. While coastal and inland challenges and needs are different, the stakeholder comments indicate that the impacts are the same. Without supporting local businesses and property values reliant on water supplies, we risk impacting tax and business revenue which funds the General Fund.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Long-Term Planning Actions**:

- **Centralized Leadership**
 - Provide a centralized vision and policies for providing water to communities in our County with a comprehensive approach where all of the community is a part of the conversation. We need a Water Agency that is in tune with all the various concerns and needs in the diverse landscape of water resources and infrastructure levels throughout the expansive county
 - Create a centralized approach to provide water service to the underserved and address county-wide water issues with one central leader: hire a water specialist that can lead and manage while building trust and bridging key stakeholders to create and facilitate county-wide solutions
 - Create unity and prevent the continuation of poor management decisions and create a common vision, reduce emotional decision making by being unbiased / neutral and calculate the sustainable benefits
- **Planning & Technical Assistance:** Provide technical and scientific planning and assistance to water providers. MCWA can be the entity to understand and provide holistic water situations to improve our water security and reliability
 - Provide in-house technical expertise to serve smaller agencies.
 - Conduct County-wide comprehensive water assessment and infrastructure need and prioritize actions and projects, including the following:
 - Leverage Fort Bragg template on small-scale desalination (Noyo River) and implement at Township of Mendocino
 - Increase agricultural efficiency
 - Expand SGMA beyond UVBGS to other “at risk” basins
 - Potter Valley (two basin solution) / Eel River Diversion / Scotts Dam Removal
 - Improve coastal water supply (system from Cleone to Albion)
 - Obtain more storage (e.g., Raise Coyote Valley Dam; Onsite Residential)
 - Create interties between systems
 - Water conservation / Drought Preparedness
 - Incentivize water storage, turf conversion, hardware upgrades, and infrastructure upgrades, assistance with use of alternative water

sources (rooftop capture, greywater), cooperative arrangements for water withdrawals, groundwater recharge projects

- Protect water supply watersheds and groundwater basins from degradation using incentive-based tools like easements and payment for ecosystems services
- Update the Lake Mendocino Water Control Manual

Coordination, Cooperation and Advocacy

Risks and Challenges

Lack of collaboration with local, regional, and adjacent basin stakeholders prevents development of region-wide solutions that benefit the County and provide benefits to an array of stakeholders.

Stakeholders say that MCWA could facilitate communication and collaboration to enable solutions at the local and regional level. They suggest that the agency focus on addressing County-wide issues, particularly for the small system operators who do not have the financial resources or technical expertise to deal with the complexities of water regulation or sustained water delivery. While the City of Ukiah came to the aid of the most critically challenged water users, respondents repeated that coordination and collaboration is lacking, and that proactive leadership is essential. While it's difficult to give up turf, constituents want politicians, the public, and purveyors to align to secure Mendocino County's water future.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Coordination, Cooperation and Advocacy Actions**:

- **Advocacy.** Advocate for the region's water resources interests by coordinating with relevant agencies for the following:
 - **Coastal Water Users:** Bring our coastal communities into the 21st century
 - **Inland Water & Power Commission (IWPC):** Support the five IWPC commissioners and assist in funding the technical studies we need to retain water supply. Be the leader to diminish the power struggle between the County and IWPC. Form a partnership and support shared goals
 - **Groundwater:** Coordinate with GSA implementing SGMA to manage groundwater sustainably through aquifer recharge and well enhancements, and land use ordinances that regulate new developments such as cannabis cultivation
 - **Environment:** Support the environment by adopting Low Impact Development, bioswales, buffer zones, and protection of the riparian zone
- **Agreement:** Create a uniform Voluntary Agreement for 25% water conservation with reinvestment in groundwater supply and water rights
- **Conservation:** Educate and promote water conservation across the County. Give the County a voice by coordinating a Voluntary Conservation Plan with the appropriated rights in Lake Mendocino that were curtailed
- **Consolidate:** Lead, coordinate, and educate small systems operators (coastal) across the County to discuss consolidation and support Ukiah Valley and smaller adjacent water system operators with their ongoing discussions. Create/Consolidate and have one regional water and sewer service from Redwood Valley to Burke Hill
- **Executive:** Hire a leader to rebuild trust across jurisdictions and provide technical and funding support

- **Messaging:** Moderate the political influence in managing water and restore the public trust
- **Mutual Aid:** Coordinate mutual-aid agreements that provide for sharing of water sources in advance of emergencies
- **Recycled water:** Lead regional collaboration to apply for and receive recycled water (e.g., U.S.Bureau of Reclamation projects)
- **Stakeholder coordination.** Identify, coordinate with, and build trust and cooperation among key water stakeholders, including the following which were suggested by the interviews and survey respondents:
 - Regional Stakeholders
 - California Rural Water Association: help work through problems on sewer side
 - Cities, Towns, and unincorporated
 - Inland Water & Power Commission (IWPC)
 - LAFCo: Activate the County Service Area #3 for water
 - Lake County: association of PVP
 - Municipal advisory councils
 - Russian River Water Association
 - Sonoma Water: Partner as a sister agencies to secure mutually beneficial water rights (Lake Mendocino) and participate on Policy Committee for BioOps review of Eel Russian River Commission. Participate on Water Advisory Committee for planning future water supply action plans (UWMPs, GP and Southern Contractors)
 - Water purveyors: Russian River Flood Control, Round Valley, Laytonville, Westport, Brooktrails CSD, Caspar South, Elk, Redwood Valley, Potter Valley, Calpella, Irish Beach, Hopland PUD, Willits, Willow, Millview, Special Districts, private entities
 - State Stakeholders
 - California Division of Drinking Water
 - California State Association of Counties (CSAC)
 - Regional Water Quality Control Boards
 - SAFER Advisory Group: appointed members that represent public water systems, technical assistance providers, local agencies, nongovernmental organizations, the public and residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells
 - State Water Resources Control Board
 - Non-governmental Organizations (NGOs) Stakeholders
 - North Coast Resource Partnership: Participate on robust Water Conservation Program and funding (IRMWMP) to generate grant dollars for up north; Administer rebate programs
 - Resource Conservation District (RCD): Contracts with County to perform CASGEM monitoring
 - Rural County Representatives of California (RCRC): Help w/rate studies and very helpful and willing
 - Agricultural Stakeholders
 - Active irrigators
 - Ag water users organized under the Mendocino Farm Bureau / Wine Growers
 - Potter Valley Irrigation District

- Redwood Valley Water District
 - Cannabis growers
- Native American Tribe Stakeholders
 - Include with a Support Letter to have a representative from each tribe or at least one at a higher / tech level for MCWA. GSA to engage the tribes in development of their GSP; high level and technical level; identify the capacities of each of tribes
- **Wholesaler:** Serve as a revenue generating water wholesaler

Outreach and Education

Risks and Challenges

Lack of consistent and proactive outreach and education among the purveyors and general public hinders our ability to collectively build water, flood, and fire resilience to rebuild public trust.

Survey and interview respondents comment that there is no mechanism to understanding how other purveyors are faring or resolving water issues. They suggest that MCWA could be a great unifier by understanding and dispersing information on water-related issues. A more robust water education and discussion will encourage others to prioritize water as critical to the County's future.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Outreach and Education Actions:**

- **Educate:** Lead water education to the general public as well as across key water managers. Consider offering education on the following topics:
 - **Climate change:** With climate change imminent and drought conditions worsening we will not be able to conserve our way out of this. Education on how climate will impact us and how each of us as well as our water managers can help create system-wide improvements would be beneficial
 - **Conservation:** Conservation education (don't water sports fields in drought)
 - **IPWC:** Inland Water & Power Commission (IPWC) Ballot Measure to fund water reliability
 - **Mendocino County Water:** Where does our water supply come from? How are we interdependent?
- **Campaign:** Conduct public outreach campaign to show what small districts are trying to do with consolidation/regionalization
 - Communicate with over 140 community water systems registered with Division of Drinking Water and County Health Department.
 - Conduct targeted outreach to DAC and tribal communities
 - Create web-based public portal for public and suppliers on critical information

Funding and Financing

Risks and Challenges

Lack of adequate funding and financing is preventing the County from proactively addressing water reliability.

The County lacks a stable funding stream as one of the largest disadvantaged counties in the State. Stakeholders say that it is also missing out on the ability to leverage State and Federal grants, which is key to reinforcing other financial mechanisms to address the water crisis. Without reestablishing the MCWA, there is concern that the County will not be in a position to leverage State and Federal grants as there is no focal point to advocate, coordinate, or create a unifying message to competitively respond to grant opportunities.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Funding & Financing Actions**:

- **Funding & Financing Strategy:** Develop a funding & financing strategy for the agency, including consideration of collaboration with other agencies to improve competitive edge in grant applications
- **Advocate:** Advocate for the region with State and Federal agencies. This action was recognized across the majority of respondents and may include the following:
 - Lead and administer grant opportunities as a Lead Agency on behalf of multi-jurisdictional water systems
 - Through a multi-jurisdictional approach, unite small and large systems to leverage Mendocino's water scarcity challenges which should better position the County as a designated and eligible disadvantaged community (DAC) for funding
 - Hire a grant writer that would exclusively be focused on understanding water, wastewater, and flood grants and apply on behalf of or in support of smaller operators
- **Ballot Measures:** Develop and support ballot measures that will fund local water users
 - Develop a ballot measure to fund water resources development in Mendocino County.
 - Support PVP Water Bond Ballot Measure
- **County-wide studies and projects:** Advocate, lead and prioritize county-wide studies and infrastructure projects to position for grants
- **Grant Programs:** Consider pursuing grants from the following programs:
 - AB 200/Human Right to Water grants
 - Coastal Commission Resiliency grants
 - DAC Water Quality grants
 - DWR Urban Multi Benefit grant
- **Grant Projects:** Consider how the projects listed below may be funded with grant monies
 - Climate Impact Studies
 - Conservation Strategies
 - Drought Planning
 - Groundwater studies
 - Habitat and watershed restoration
 - Infrastructure Assessments / Design and Build
 - Potter Valley and Ukiah Valley project studies to preserve water rights that benefit county commerce

- Raise Coyote Dam for Lake Mendocino
- Recycled water
- Sewer System for Covelo
- Storage (surface water and groundwater)
- Vulnerability Assessment and Resiliency Planning for fire, flood, drought, Russian River Basin
- Water supply and flood control improvements at Lake Mendocino (Enterprise funds to support)
- Water Quality Studies
- **Taxation:** Consider how tax monies may be used to benefit the County’s water resources.
 - Sales Tax to increase the General Fund
 - Consider parcel tax
 - Leverage MCWA’s financing authority to create special benefit zone property tax assessment. Find the most reasonable, viable and ultimately equitable way to create water agency revenue

Sustained Governance

Risks and Challenges

Lack of sustained and coherent governance has left the County more vulnerable and less able to respond to water challenges as a holistic water enterprise that protects the County’s water interests.

This is the third time resurrecting the MCWA as its own entity. Some stakeholders say that the MCWA needs to be self-funded through grants or that beneficiaries need to pay for MCWA services. However, other stakeholders believe that grant funding will not be sufficient and that our county-wide water challenges are impacting communities across the board. In addition, while the cities generally have adequate technical resources, the depth of water understanding among communities and small districts varies widely. Ultimately, most participants recognized that centralized, knowledgeable staff on water-related issues can build trust and create cohesion among the County stakeholders.

Opportunities and Actions

Survey and interview respondents suggest MCWA take the following **Sustained Governance Actions**:

- **Legal Counsel:** Most respondents said that the combination of a Contracted Attorney to consult on water law and County Counsel to fulfill administrative needs would be the ideal situation for MCWA legal matters.
- **Professional Staff:** Select key staff to run the agency.
 - MCWA needs to employ an Executive whose primary responsibility is to build MCWA bridges amongst the purveyors and foster trust. The General Manager does not need to be an engineer but rather a strong leader who can manage staff and consultants
 - Create political, staffing and funding cohesion to provide capacity to 42+ purveyors
 - Consider hiring a consultant that can act as General Manager and pull on their internal resources for technical, policy, and grant writing assistance
 - Hire a dedicated grant writer
 - Utilize an Outreach Specialist
 - Identify available technical support staff
- **General Manager Reporting:** A few respondents either did not have an opinion or felt strongly that the General Manager needs to report directly to the Board of Supervisors (Supervisors).

The General Manager will need to be empowered and supported by the Supervisors to address county-wide water issues with a *Strategic and Capital Improvement Plan*. One participant did not have confidence that the Supervisors would prioritize an agency enough and that the General Manager needs to be integrated into rest of the County structure.

- Use Cortese Knox Act to consolidate and create necessary powers of authority.
- Emulate organizational structures such as:
 - Transportation regional agency (MCOG)
 - Air Quality Management District (AQMD) not directly tied into the County with a separate Board to be politically more acceptable

The Path Forward – Measures of Success

Survey respondents were asked to identify measures of success for the re-established MCWA, and responses are summarized below.

We asked participants to complete the following statement:

In five years, MCWA will be successful if...

Participant responses included the following:

- ... we are centralized as one regional voice
- ... consolidations are moving forward (one Fire District, Ukiah/Adjacent CSDs, small coastal operators)
- ... countywide outreach and education has created understanding of interdependency of inland and coastal communities and solutions
- ... we establish public trust in the County to be a unifier and build bridges with an authentic seat at the table
- ... we have an established water emergency prevention and response plan
- ... a funding strategy is drafted and implemented to secure financing and state and federal grants to build water security countywide
- ... the GSA is operating effectively and efficiently
- ... illicit water sales to illegal growers is stopped through monitoring and code enforcement
- ... we have improved ag and urban efficiency
- ... we improved cohesiveness of Russian River entities
- ... interties and water distribution is connected
- ... politicians, public, and purveyors are aligned to secure Mendocino County's water future
- ... the Potter Valley Project and licensing is secured and moving forward
- ... the agency is self-funded
- ... water conservation and solutions are aggregated and leveraged

- ... Water Districts acknowledge that they received helpful assistance
- ... water is managed as a human right
- ... we understand County-wide comprehensive water challenges with priority actions for securing water reliability and resiliency for people, ag and the environment
- ... water suppliers can stand on their own and be self-sufficient

Appendix A: Survey and Interview Questions

Survey Questions

1. Contact Information
2. If you are representing an organization, please briefly describe the mission of the organization and your title or role.
3. Which area of the County do you represent?
4. If you answered Coastal Basin(s), please specify your river watershed.
5. Please provide feedback on whether the Mission statement is suitable for the re-establishment of a stand-alone County Water Agency or how it should be changed.
6. Please provide feedback on whether the Vision statement is suitable for the re-establishment of a stand-alone County Water Agency or how it should be changed.
7. What do you think are the three most critical water-related issues facing Mendocino County now and in the future?
8. What do you think are the three most critical water-related projects or actions that should be undertaken in Mendocino County?
9. Please rank the following water resources challenges facing Mendocino County from the most to least significant (1 through 6).
 - a. Climate change
 - b. Drought/water conservation
 - c. Water quality
 - d. Lack of information on groundwater conditions
 - e. Infrastructure
 - f. Water affordability
10. Were there any challenges missing from the ranked list above? If yes, please list.
11. Please respond with your view of the importance of each of the potential activities below, and the preferred role of the Water Agency in each area.
 - a. Partnerships, Advocacy, and Outreach
 - i. Promote education on water issues
 - ii. Build a County identity to engage potential partners
 - iii. Provide a forum for relationship building and collaboration among water stakeholders
 - iv. Advocate on County water issues with legislators and regulators
 - v. Provide information for water and land managers
 - vi. Promote water conservation
 - b. Water Planning and Management
 - i. Manage water rights
 - ii. Plan for countywide water reliability and drought resilience
 - iii. Provide countywide drought response
 - iv. Develop watershed management plans for habitat restoration and enhancement
 - v. Identify and develop new sources of water for the county
 - vi. Facilitate water exchanges and joint use of facilities
 - c. Technical Services
 - i. Provide regulatory support for water users
 - ii. Provide shared staffing to support small water systems

- iii. Coordinate and promote cooperation among water providers
 - iv. Provide technical assistance to water agencies/organizations
 - v. Maintain Geographic Information Systems to support water resources planning
 - vi. Provide services to implement water efficiency measures
- d. Water Facilities Development and Operation
 - i. Manage the Countywide NPDES Stormwater Permit
 - ii. Plan, construct, operate, and maintain water supply facilities
 - iii. Plan, construct, operate, and maintain flood control facilities
 - iv. Plan, construct, operate, and maintain wastewater treatment facilities
 - v. Plan, construct, and maintain water-related recreational facilities
 - e. Funding Assistance
 - i. Track grant opportunities and communicate with groups who might benefit from them
 - ii. Assist in grant preparation
 - iii. Manage/administer grants and other sources of financial assistance
12. Please list any additional activities not identified above that you think are important for the County Water Agency to undertake or be engaged in.
13. Please provide your input on the role the County Water Agency should play in the following organizations.
- a. North Coast Resource Partnership
 - b. Inland Water and Power Commission
 - c. Russian River Flood Control and Water Conservation Improvement District
 - d. Ukiah Valley Basin Groundwater Sustainability Agency
 - e. Other regional organizations (please list both organization and the role the County Water Agency should play)
14. If there is any additional input you would like to provide, please enter it below.

Interview Questions

1. Describe your vision for the new Agency.
2. What are the priority opportunities we could leverage with the Agency assuming optimal staffing and funding?
3. What stakeholders are critical to the Agency's success and how should they be engaged?
4. What level of involvement should the new Agency take with other organizations? (Supervisors, County exec)
5. What should the new Agency's role be with respect to your organization? (districts and other stakeholders)
6. What is at risk if we do not move the agency forward?
7. What are your thoughts on sources of agency funding?
8. What are your expectations for the Agency's accomplishments 3-5 years after it is re-established?
9. Who should the general manager report to, directly to the BOS or to the CEO? (supervisors only)
10. Who should serve as general counsel to the Agency, County Counsel, or a contracted attorney? (supervisors only)
11. What other input do you have?

Appendix B: Supplemental Survey Results

The majority of the data collected for this Stakeholder Assessment was provided in a summarized form in the main portion of this report. The survey results presented below include additional questions and responses received by stakeholders via survey and interview as conducted in January and February 2022. This data was used to supplement the report team’s knowledge and to inform the assessment. The Agency Mission and Vision data will be carried forward to use in future Steering Committee workshops (tentatively planned for March 2022).

Questions and answers are grouped by category.

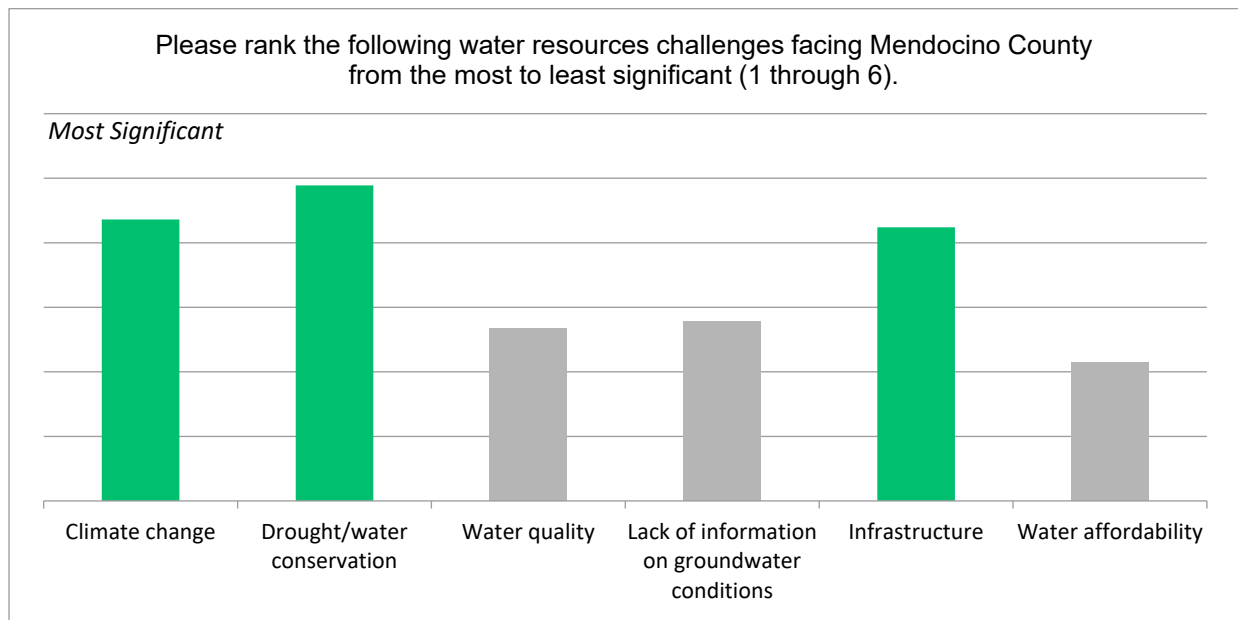
- Challenge Ranking
- Agency Activities and Involvement
- Agency Mission
- Agency Vision
- Definition of Success

Challenge Ranking

Please rank the following water resources challenges facing Mendocino County from the most to least significant (1 through 6). Were there any challenges missing from the ranked list? If yes, please list.

RANKED RESULTS (Most to least significant):

1. Drought/water conservation
2. Climate change
3. Infrastructure
4. Lack of information on groundwater conditions
5. Water quality
6. Water affordability



SUGGESTED ADDITIONAL CHALLENGES:

- Centralized vision and policies
- Community involvement
- Comprehensive approach
- Cooperation
- Coordination of service providers
- Groundwater use
- Healthy aquatic and riparian habitats
- Increased storage
- Information on water conditions
- Training and education
- Water availability for fire preparedness
- Outreach and education
- Water availability and security

Agency Activities and Involvement

Please respond with your view of the importance of each of the potential activities below, and the preferred role of the Water Agency in each area.

Activities are presented by category, as follows:

- Partnerships, Advocacy, and Outreach
- Water Planning and Management
- Technical Services
- Water Facilities Development and Operation
- Funding Assistance

Partnerships, Advocacy, and Outreach Activities Results

Rank	Activity	Preferred Priority	Preferred Water Agency Role
1	Advocate on County water issues with legislators and regulators	High Priority	Lead Role
2	Provide a forum for relationship building and collaboration among water stakeholders	High Priority	Lead Role
3	Promote education on water issues	High Priority	Lead Role
4	Promote water conservation	High Priority	Support Role
5	Provide information for water and land managers	Moderate Priority	Support Role
6	Build a County identity to engage potential partners	Moderate Priority	TIE: Lead Role or Support Role

Water Planning and Management Activities Results

Rank	Activity	Preferred Priority	Preferred Water Agency Role
1	Plan for countywide water reliability and drought resilience	High Priority	Lead Role
2	Provide countywide drought response	High Priority	Lead Role
3	Identify and develop new sources of water for the county	High Priority	Lead Role
4	Facilitate water exchanges and joint use of facilities	Moderate Priority	Support Role
5	Develop watershed management plans for habitat restoration and enhancement	Moderate Priority	Support Role
6	Manage water rights	Moderate Priority	Support Role

Technical Services Activities Results

Rank	Activity	Preferred Priority	Preferred Water Agency Role
1	Coordinate and promote cooperation among water providers	High Priority	Lead Role
2	Maintain Geographic Information Systems to support water resources planning	High Priority	Lead Role
3	Provide technical assistance to water agencies/organizations	High Priority	Support Role
4	Provide shared staffing to support small water systems	Moderate Priority	Support Role
5	Provide regulatory support for water users	Moderate Priority	Support Role
6	Provide services to implement water efficiency measures	Moderate Priority	Support Role

Water Facilities Development and Operation Activities Results

Rank	Activity	Preferred Priority	Preferred Water Agency Role
1	Plan, construct, operate, and maintain water supply facilities	High Priority	Support Role
2	Manage the Countywide NPDES Stormwater Permit	Moderate Priority	Lead Role
3	Plan, construct, operate, and maintain flood control facilities	Moderate Priority	Support Role
4	Plan, construct, operate, and maintain wastewater treatment facilities	Low Priority	Support Role
5	Plan, construct, and maintain water-related recreational facilities	Low Priority	Limited or No Role

Funding Assistance Activities Results

Rank	Activity	Preferred Priority	Preferred Water Agency Role
1	Track grant opportunities and communicate with groups who might benefit from them	High Priority	Lead Role
2	Assist in grant preparation	High Priority	Support Role
3	Manage/administer grants and other sources of financial assistance	High Priority	Support Role

Appendix C

Membership of the Steering Committee

Steering Committee

Devon Boer Jones
Mendocino County Farm Bureau

Janet Pauli
Inland Water and Power Commission

John Smith
City of Fort Bragg

Carre Brown
Former Supervisor, District 1

Elizabeth Salomone
Russian River Flood Control and Water
Conservation Improvement District

Jessica Stull-Otto
Round Valley Mac

Deborah Edelman
Mendocino County RCD

Jim Shields
Laytonville County Water District

James Sullivan
Mendocino CSD

William Hay, Jr.
Point Arena Water Works, Inc.

Javier Silva
North Coast Resource Partnership

Jared Walker
Willow County Water District
(and others)

John Morrill
Westport County Water District

Chantal Simonpietri
Mendocino Cannabis Alliance

Sean White
City of Ukiah



Appendix D

Example Job Descriptions

**MENDOCINO COUNTY WATER AGENCY
GENERAL MANAGER
Draft Job Description**

Class Title

GENERAL MANAGER

Reports to

Board of Directors

JOB SUMMARY:

In accordance with policy direction of the elected five-member Board of Directors, the General Manager is the chief executive officer of the Agency responsible for the total operation of the Mendocino County Water Agency. This position is employed under contract with the Board of Directors.

DISTINGUISHING CHARACTERISTICS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Examples of Duties and Essential Job Functions

The essential responsibilities and duties listed below are illustrative only and are not meant to be a complete and exhaustive listing of all functions required of the position:

1. Provides overall executive direction of day-to-day and long-term operations and activities of the Agency, organizing and assigning responsibilities, and directing and overseeing all staff.
2. Prepares recommendations to, and implements policies and directives set by, the Board of Directors.
3. Within guidelines established by the Board, directs the implementation of the Agency's Strategic Plan long-term goals and objectives.
4. Oversees preparation and ongoing implementation and monitoring of the annual Agency budget.
5. Prepares regular reports to the Board of Directors on the current status of Agency finances and budget.
6. Keeps the Board of Directors advised of Agency activities and laws, issues or problems that may affect Agency operations.

7. Represents the Board of Directors and the Agency in contacts with various federal, state, and local government agencies, community groups and businesses and other professional organizations. Attends training sessions, industry conferences, and community meetings to present and explain Agency priorities and activities.
8. Negotiates, manages, and oversees implementation of a variety of contracts and agreements on the Agency's behalf.
9. Directs the planning, design, construction, operations, emergency operations, and maintenance of Agency facilities.
10. Monitors and implements all personnel rules and regulations, including the recruitment, hiring, performance review, promotion, and discipline of Agency staff.
11. Responds to and resolves difficult and sensitive inquires and complaints.
12. Defines projects and programs, tracks funding programs and manages grant opportunities, and performs limited field work and investigations.
13. Attends meetings and actively participates representing the Agency's interests with other local, regional, and statewide interests,
14. Represents the Agency's interests with legislative and regulatory bodies and keeps the Board of Directors apprised of pending legislation potentially impacting the Agency.

MATERIAL AND EQUIPMENT USED:

- General Office Equipment
- Computer

MINIMUM QUALIFICATIONS REQUIRED:

Education and Experience

A Bachelor's Degree from an accredited college or university in public or business administration, management, engineering, political science, or a related field is required. Significant directly related and increasingly responsible experience may be considered in lieu of a Bachelor's Degree. A Master's Degree in a closely related field is preferred.

Minimum of ten years' experience in the administration of a public agency is desired, with water/wastewater agency and significant management experience preferred. Five years of experience in executive management including budget preparation and implementation.

Licenses and Certifications

Professional certifications (i.e., Professional Engineer or Hydrogeologist, water/wastewater certifications) are desirable but not required.

Must possess a valid California driver's license, have a satisfactory driving record, and be insurable by the Agency to operate Agency vehicles.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of:

- Principles and practices of executive management and leadership, including planning and organizing responsibilities, motivation, and delegation of authority.
- Functions, authorities, and responsibilities of water and wastewater districts.
- Applicable federal, state, and local laws, codes and regulations relative to water, wastewater and stormwater management, including conservation and demand management, water rights, source water protection, and groundwater management.
- Public agency accounting and finance, including transparent fiscal reporting.
- Techniques and methods for long-term planning, goal setting, and establishing objectives.
- Administrative, fiscal, and human resources management principles and practices.
- Principles and practices of construction and service contract negotiations and administration.
- Fundamentals of safety and risk management.
- Operation and application of common business software applications typical for public agencies.

Skills:

- Plan, organize, and direct work at the executive level.
- Work effectively with outside elected and appointed officials, other utility and governmental agency staff, the public, regulatory and funding agencies, and others contacted in the course of work.
- Monitor, control and accurately report the fiscal status of the Agency.
- Plan, establish, implement and monitor programs, services, infrastructure needs, goals, objectives, policies and procedures.
- Analyze complex management and operations problems, evaluate alternatives, recommend and implement positive changes.

- Identify and respond to issues and concerns from the general public and the Board of Directors.
- Communicate effectively orally and in writing, including written reports and oral presentations.
- Establish and maintain cooperative and effective working relationships with those contacted in the course of the work

Mental and Physical Abilities:

- Identify problem situations, gather and analyze relevant data, establish priorities of action based upon such analysis, and take appropriate steps to incorporate such priorities.
- Present appropriate facts and recommendations in written and oral form.
- Read and interpret a variety documents.
- Understand and carry out written and oral instructions, giving close attention to detail and accuracy.
- Solve practical problems and deal with a variety of variables where only limited standardization exists.
- Establish and maintain effective working relationships with others. While performing the essential functions of this job, the incumbent is regularly required to walk, sit, use hands to finger, handle, or feel objects, to reach with hands and arms, and speak and hear and occasionally required to lift and/or move up to 25 pounds.

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- While performing the duties of this job, the employee is regularly required to speak and hear to effectively interface with other staff members and the public, potentially in front of large gatherings; maintain the capacity to sit at a computer for a period of time; walk, stand, kneel, climb, stoop, bend, squat; and use hands and fingers to write and handle, grip, and operate office equipment and drive an Agency vehicle.
- Specific vision abilities required by this job, include close vision, distance vision, peripheral vision and the ability to adjust focus.

OTHER INFORMATION:

Working Conditions

The work environment characteristics described here are representative of those an employee

encounters while performing the essential function of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The majority of the job activities are performed indoors in a temperature-controlled environment; occasional outdoor activities may occur including in inclement weather conditions and including traversing uneven terrain. Minimal exposure to noise generated from the operation of office and field equipment. Routine local travel is required to attend business meetings, with occasional out of area travel including overnight travel and travel by airplane.

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**MENDOCINO COUNTY WATER AGENCY
PROGRAM MANAGER/SENIOR PROGRAM MANAGER
Draft Job Description**

Class Title

PROGRAM MANAGER

Reports to:

General Manager, Board of Directors

JOB SUMMARY:

Under general/administrative direction, and with minimal supervision, this management level position plans, organizes, manages, and directs all activities associated with Agency projects and programs, to advance the Agency's Mission including all duties during program development and implementation, and supervision of assigned staff and outside contractors.

DISTINGUISHING CHARACTERISTICS:

The Program Manager is the entry level management position; individuals may advance to the Senior Program Manager level after successfully completing an introductory period, performing at a high level, and typically gaining at least two additional years of experience and supervision with the Agency or in directly applicable other assignments.

Examples of Duties and Essential Job Functions

The following duties are typical for this position. Depending upon the assignment, the employee may not perform all listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

Management retains the right to add, remove, or change duties at any time.

- Plans, organizes, manages, and coordinates implementation of all Agency projects, programs, and related activities; oversees and participates in project management duties during development and implementation phases. Conducts field monitoring and condition assessments.
- Collection and analyses of surface and groundwater physical and chemical data. Maintain a data repository for both surface and groundwater records, documents, mapping, data, and reference resources.
- Provides general guidance on the development of projects, contracts and other matters related to the Agency's work; oversees proposal and bidding processes and makes recommendations on the award of contracts.
- Reviews project reports, plans, specifications, and technical standards; analyzes special conditions/circumstances as they arise.

- Supervises, directs, monitors, and evaluates the work of assigned staff, consultants, and contractors.
- Prepares and administers the Agency project budgets for major projects and facility development; reviews budget expenditure requests, manages grant contracts, prepares appropriate reports, and recommends expenditure levels.
- Represents the Agency's projects in coordination with other utilities, regulatory and planning agencies, trade and professional associations, and technical groups.
- Participates in the development of a wide variety of planning and environmental documents.
- Responds to emergency situations, including after regular work hours, as available.
- Responds to technical or difficult customer inquiries. Supports public education opportunities on Agency issues.
- Communicates clearly and effectively both verbally and in writing. Researches and prepares technical and administrative reports; prepares written documents and correspondence in a format appropriate for the purpose and audience.

MATERIAL AND EQUIPMENT USED:

- General Office Equipment
- Computer

MINIMUM QUALIFICATIONS REQUIRED:

Education and Experience:

- A Bachelor of Science Degree in Civil Engineering, Hydrology, Hydrogeology, Environmental Studies or closely related field from an accredited college or university. A Master's Degree with a focus in watershed sciences or a related field is preferred.
- Four to 6 years of progressively responsible and directly related experience for the Program Manager and 8-10 years including at least 3 years in a supervisory capacity for the Senior Program Manager

Licenses and Certifications:

- Professional licensing/Certification as a Professional Civil Engineer, Registered Hydrologist or Hydrogeologist or closely related professional discipline is strongly desired.

- Certification as a water treatment or distribution operator, or a wastewater collection or treatment operator is a plus, but not required. Additional professional certifications directly related to the position will also be considered.
- Valid California Driver's License issued by the California Department of Motor Vehicles.
- Proof of good driving record as evidenced by freedom from multiple or serious traffic violations or accidents for at least two (2) years duration. The driving record will not contribute to an increase in the Agency's automobile insurance rates. Individuals who do not meet this requirement due to a physical disability may be considered for accommodation on a case-by-case basis.

KNOWLEDGE, SKILLS, AND ABILITIES

To successfully accomplish the duties of this position, a combination of knowledge, abilities and professional licenses or certifications is expected. **The specific statements shown in each section of this class specification are not intended to be all-inclusive. They represent typical elements and criteria necessary to successfully perform the job.**

Knowledge of:

1. Principles and practices of water resources management, water engineering, hydrology, hydrogeology, watershed management, water, wastewater, reclaimed water and stormwater management, and climate change impacts on watersheds and the water cycle.
2. Rules, regulations, and codes applicable to District planning, design, and implementation functions, including district policies, rules, regulations, and procedures.
3. Work safety standards and requirements.
4. Principles of budget development and expenditure control.
5. Principles of supervision, training, performance reviews and management of human resources.
6. A thorough knowledge of urban and rural water agency statutes, codes, and regulations with an emphasis on water quality issues.
7. Common office computer software and database programs, including the Microsoft Suite of Programs (Word, Excel, Outlook, Access and PowerPoint). Working knowledge of Computer-Aided Drafting, Geographic Information Systems, relational databases, geolocation, and interactive resource mapping applications.
8. Current practices and sources of information relative to water industry projects, operations, and maintenance.

9. Basic principles of California water rights and water law.
10. Principles and practices of modern methods of management, organization, and personnel administration.
11. Contract development, administration, and grant management. Management of outside consultants, contractors, equipment suppliers and vendors
12. Permitting and environmental compliance for project implementation
13. Principles and practices of contract and project management.

Ability to:

1. Plan, organize, effectively budget costs, and direct the work of staff and consultants to achieve efficient operations and meet Agency goals.
2. Read and understand documents, including surface and groundwater management studies and reports, project specifications, operating and maintenance procedure manuals, and engineering drawings associated with water related projects.
3. Multitask numerous interrelated project and program priorities in an efficient manner.
4. Prepare concise and comprehensive reports, internal memoranda, letters, and agreements, including conveying technical information to the public, and maintain detailed records related to Agency projects.
5. Work effectively and represent the Agency with outside elected and appointed officials, other utility and governmental agency staff, the public, regulatory and funding agencies, and others contacted in the course of work.
6. Operate water resources data collection equipment such as streamflow instruments, and well sounding and sampling equipment,
7. Monitor, control and report the fiscal status of Agency projects and programs.
8. Plan, establish, implement, and monitor programs, services, infrastructure needs, goals, objectives, policies and procedures.
9. Develop recommendations and implications of different alternatives to resolving problems; interpret laws, legislative ordinances, administrative policies and procedures.
10. Identify and respond to issues and concerns from the general public and the Board of Directors.
11. Communicate effectively orally and in writing, including written reports and oral presentations tailored for the intended audience.
12. Operate a computer for word processing, database, spreadsheet and presentation applications, and Agency-specific software.

13. Ensure compliance with workplace safety requirements, contracts, permits, codes, regulations, and laws.

Mental and Physical Abilities:

The conditions herein are representative of those required of an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

- Travels occasionally by airplane and frequently by automobile in conducting District business, including occasional overnight travel.
- Communicates frequently with District management staff, co-workers, and the public in one-to-one and both small and large group settings.
- Regularly uses office equipment such as telephones, cell phones, computers, copiers, and fax machines.
- Occasionally walks moderate distances in uneven terrain, making inspections and gathering data in an outdoor environment, with exposure to inclement weather, dirt, dust and noise, and wild flora and fauna indigenous to Mendocino County.
- Sits for extended time periods.
- Hearing and vision within normal ranges with or without correction.
- Incumbents may be required to work weekends, special events, on-call, or outside of a normal work schedule.
- Disaster Service Worker - Pursuant to California Government Code Section 3100-3109, all public employees are declared disaster service workers subject to disaster service activities as may be assigned to them in the event of fire, flood, earthquake, or other natural or man-made disaster.

Other Information

Working Conditions:

Work is performed in a normal office environment with little exposure to outdoor temperatures or dirt and dust. The incumbent's working conditions are typically moderately quiet.

Incumbents may be required to work weekends, special events, on-call, or outside of normal work schedule.

Incumbents who drive on County business to carry out job-related duties must possess and maintain a valid California driver's license upon hire for the class of vehicle driven and meet automobile insurability requirements of the County.

Disaster Service Worker - Pursuant to California Government Code Section 3100-3109, all public employees are declared disaster service workers subject to disaster service activities as may be assigned to them in the event of fire, flood, earthquake, or other natural or man-made disaster.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

DRAFT

**MENDOCINO COUNTY WATER AGENCY
DEPARTMENT ANALYST II
Draft Job Description**

Class Title

DEPARTMENT ANALYST II

Reports to:

General Manager

JOB SUMMARY:

Performs a variety of responsible, complex, professional, administrative, and analytical functions associated with various projects, and/or specialized areas or programs within County departments.

DISTINGUISHING CHARACTERISTICS:

The Department Analyst series is distinguished from the Administrative and Human Resource Analyst series by the highly specialized and/or complex nature of the work of the latter. Department Analysts are distinguished from technicians and clerical staff by the professional and critical nature of analysis performed requiring consideration of unique problems, resulting in the application of professional knowledge or expertise for proper solution or determination. Analyst work often results in changes to processes, procedures, or findings, which are not routinely subject to oversight and review. This series is comparable in responsibility, complexity, and scope of duties to Merit Systems' Staff Services Analyst Series.

Department Analyst II – This is the journey-level of the analyst series; incumbents work under general supervision and perform a full range of duties. Incumbents working at the Analyst II level perform broader and more responsible assignments in management analysis, requiring a higher level of knowledge of administrative or budgetary policies, practices, and techniques.

SUPERVISION EXERCISED:

No supervision exercised; however, may have responsibility for training and technical oversight of the work of Analyst I and/or clerical staff who are performing work in the Analyst's assigned area.

Examples of Duties and Essential Job Functions:

Depending on assignment, duties may include but are not limited to the following:

- Conduct analytical studies unique to department or area of assignment that may include administrative and operational activities, fiscal operations, budget preparation and control, equipment usage, staffing patterns, work flow, space utilization, office automation, facilities, contract, personnel management, etc; design data collection systems; collect and analyze data from a variety of sources including departmental and external records, reports, documents, informational surveys, and contracts; develop and present written and verbal reports and recommendations for appropriate action based on an analysis of gathered data.
- Develop various budgets, reports or recommendations based on analysis of data collected including impact on service levels and operations and/or information required by funding

source; assist in the development of fiscal procedures; control specific departmental purchases and expenditures; review financial data on an ongoing basis to assure conformance with established guidelines; may conduct cost/benefit studies and recommend changes to procedures or operations.

- Recommend and establish contract forms and procedures; develop review and make recommendations concerning bid proposals and agreements; interpret contract terms and monitor adherence to contracts; recommend solutions to contractual problems.
- Research operational and fiscal requirements for specific grant proposals; prepare grant applications and all subsequent follow-up documentation; recommend and monitor procedures for grant implementation; monitor and analyze expenditures to ensure compliance; and tracking all revenues and reconciling grant funds with audit information.
- Review work methods and systems to determine possible modifications to increase service efficiency and effectiveness; develop and recommend various policies and procedures; develop written procedures to implement adopted policies and new or changed regulations or to clarify and describe standard practices; design forms to expedite procedures; coordinate publication and dissemination of such material.
- Research, modify, and adapt available computer software; write or coordinate development of data processing applications to meet operational needs.
- Serve as liaison with clients and representatives of private businesses, State and/or Federal agencies and other County departments to coordinate special projects, provide specified administrative services, represent the department in the development of, or change in programs and regulations, gather information and insight for use in assigned studies or management decisions.
- Review present and pending legislation to determine effect on departmental organization or programs and present recommendations in verbal or written form.
- Prepare a variety of reports, records, correspondence, and other documents.
- Participate in meetings and present requested and independently gathered data to assist managers in making operational and administrative decisions; may provide staff support to committees, commissions, and task forces of the County.
- Perform other related duties as assigned.

MATERIAL AND EQUIPMENT USED:

- General Office Equipment
- Computer

MINIMUM QUALIFICATIONS REQUIRED

Education and Experience:

Depending upon area of assignment, related education and experience, and knowledge skills and abilities required may be specific to an assigned area such as fiscal, programmatic, or related to a specific field such as Public Health, Mental Health, etc.

Bachelor's degree from an accredited college or university, preferably with courses in Public Administration, Business Administration, Accounting or other field related to the listed duties OR, experience performing management, personnel, fiscal, staff development, or other analysis work, including the preparation of recommendations and reports may be substituted for the education on a year-for-year basis; AND, one (1) year of professional experience performing general administrative, personnel, fiscal or program analysis work that is equivalent to the Department Analyst I level.

Licenses and Certifications:

None.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Operations and functions of County government, including structure and organization.
- Modern principles, practices and trends in Public Administration as pertinent to area of assignment.
- Applicable laws, ordinances and legislation.
- Principles, practices and political implications of decisions regarding budgeting, fiscal management, personnel and/or contract management.
- Methods and techniques of research, statistical analysis and report presentation. Correct English usage, including spelling, grammar, punctuation, and vocabulary.
- External governmental bodies and agencies related to area of assignment.
- General office procedures, policies and practices, as well as knowledge of computers and other general office equipment and associated software.
- May require knowledge specific to area of assignment such as fiscal, staff development, training, health or program related.

Skill in:

- Researching, compiling, and summarizing a variety of informational and statistical data and materials.
- Preparing clear and concise reports, correspondence and other written materials.

- Using tact, discretion, initiative and independent judgment within established guidelines.
- Analyzing and resolving administrative situations and problems.
- Interpreting applicable legislation and litigation.
- Organizing work, setting priorities, meeting critical deadlines, and following up on assignments with a minimum of direction.
- Applying logical thinking to solve problems or accomplish tasks.
- Understanding, interpreting and communicating complicated policies, procedures and protocols.
- Communicating clearly and effectively, both orally and in writing, with internal staff, clients, and other departmental staff in order to give and receive information in a courteous manner.
- Operating and routine maintenance of general office machines such as computers, typewriters, copiers, facsimile machines, telephone systems, etc.

Mental and Physical Abilities:

- Identify problem situations, gather and analyze relevant data, establish priorities of action based upon such analysis, and take appropriate steps to incorporate such priorities.
- Present appropriate facts and recommendations in written and oral form.
- Read and interpret a variety documents.
- Understand and carry out written and oral instructions, giving close attention to detail and accuracy.
- Solve practical problems and deal with a variety of variables where only limited standardization exists.
- Establish and maintain effective working relationships with others. While performing the essential functions of this job, the incumbent is regularly required to walk, sit, use hands to finger, handle, or feel objects, to reach with hands and arms, and speak and hear and occasionally required to lift and/or move up to 25 pounds.

Other Information

Working Conditions:

Work is performed in a normal office environment with little exposure to outdoor temperatures or dirt and dust. The incumbent's working conditions are typically moderately quiet.

Incumbents may be required to work weekends, special events, on-call, or outside of normal work schedule.

Incumbents who drive on County business to carry out job-related duties must possess and maintain a valid California driver's license upon hire for the class of vehicle driven and meet automobile insurability requirements of the County.

Disaster Service Worker - Pursuant to California Government Code Section 3100-3109, all public employees are declared disaster service workers subject to disaster service activities as may be assigned to them in the event of fire, flood, earthquake, or other natural or man-made disaster.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

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