

ORDINANCE NO. 2021-07

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
ADDING SECTION 68.05 TO REGULATION 68, LATENT POWERS OF ARTICLE VI:
MISCELLANEOUS, ADDRESSING RECLAMATION AUTHORITIES IN THE MCSD
RULES AND REGULATIONS**

WHEREAS, the McKinleyville Community Services District (MCSD) recently discussed and appointed an ad-hoc subcommittee to review the District's Latent Powers; and

WHEREAS, the Latent Powers Committee recommended, later approved by the full MCSD Board, to clarify existing and future Latent Powers of the District; and

WHEREAS, the District wishes to clarify their powers and authorities relating to reclamation authorities as they pertain to current water, wastewater, and parks and recreation powers; and

WHEREAS, the District currently executes reclamation powers such as reclaimed wastewater to irrigate adjacent lands, the ability to modify, dismantle, and reclaim obsolete facilities, such as the old percolation ponds in order to connect and restore them to the Mad River, and the reclamation of biosolids from the wastewater process; and

WHEREAS, these current executed powers are a part of the District's Wastewater Authority under Government Code 61100(b) and the District's National Pollution Discharge Elimination System permit; and

WHEREAS, these uses were well established prior to January 1, 2005 with reclaimed, treated wastewater being used for irrigation at the Fischer property since the 1980's and the use of existing stormwater detention basins installed as part of the District's Open Space powers to reclaim stormwater for groundwater recharge; and

WHEREAS, the District wishes the right to proceed independently on reclamation projects based on this history.

NOW, THEREFORE, the Board of Directors of the McKinleyville Community Services District ordains as follows:

Rule 68.05: Reclamation Authorities, is added to Regulation 68, Latent Powers, of Article VI of the District's adopted Rules and Regulations to read as follows:

Rule 68:05: Reclamation Authorities

The District does not intend to construct, maintain and/or operate flood protection facilities under California Government Code Section 61100(r) as these powers are generally under the purview of Humboldt County in the McKinleyville area.

The District does, however, exercise “reclamation” powers under existing water, wastewater, and parks and recreation authority.

Current powers covered by the Districts Wastewater Authority under 61100(b) and the District’s National Pollution Discharge Elimination System (NPDES) permit include, but is not limited to:

- Use of reclaimed wastewater to irrigate adjacent lands,
- The authority to modify, dismantle, and reclaim obsolete and unused facilities, such as the old percolation ponds to connect and restore them to the Mad River,
- Reclamation of biosolids from the wastewater process,
- Use of stormwater basins to recharge groundwater.

These uses and powers were established before January 1, 2005, with the use of reclaimed treated wastewater at the Fischer property for irrigation since the 1980’s.

The District reserves the legal rights to proceed independently on reclamation projects based upon a history of such projects before January 1, 2005. The District will seek permission from the County to proceed either on a programmatic or project-by-project basis as appropriate for other projects that may be considered “flood control”.

This Ordinance shall take effect and be in full force and effective thirty (30) days after its passage.

Introduced at a regular meeting of the Board of Directors held on _____ and passed and adopted by the Board of Directors on _____, upon the motion of Director _____ and seconded by Director _____ and by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Attest:

Dennis Mayo, Board President

April Sousa, MMC, Board Secretary