

**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 exercises limited reclamation powers including, without limitation, reclaiming wastewater to irrigate adjacent lands, reclaiming 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 currently exercised powers are a part of the District's Wastewater Authority pursuant to California Government Code Section 61100(b) and required by the District's National Pollution Discharge Elimination System permit; and

**WHEREAS**, the reclamation activities detailed below were 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 continue with these limited reclamation activities consistent with 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**

Absent a duly adopted amendment to this Ruel 68:05, the District shall not construct, maintain and/or operate flood protection facilities under California Government Code Section 61100(r), as these powers are generally subject to the jurisdictional purview of the County of Humboldt in the McKinleyville area. The

District has and shall continue, however, to exercise "reclamation" powers under existing water, wastewater, and parks and recreation authority under California Government Code Section 61100(b).

Current powers exercised by the District pursuant to California Government Code Section 61100(b) and pursuant to the District's National Pollution Discharge Elimination System (NPDES) permit include, but are not limited to:

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

These uses and powers were established and exercised by the District before January 1, 2005, with the use of reclaimed treated wastewater at the Fischer property for irrigation commencing in the 1980's.

The District reserves the right to continue with reclamation activities based upon the established history of such activities commencing on or before January 1, 2005. In the event any new or additional reclamation activities are initiated, the District will seek permission from the Humboldt County Local Agency Formation Commission and/or other requisite jurisdictional authority to proceed either on a jurisdiction wide or project-by-project basis, as appropriate for other projects that may be considered to constitute "flood control" or new powers not historically exercised by the District as noted herein.

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 September 8, 2021 and passed and adopted by the Board of Directors on October 6, 2021, upon the motion of Director Clark-Peterson and seconded by Director Couch and by the following roll call vote:

AYES: Binder, Clark-Peterson, Couch, Orsini, and Mayo  
NOES: None  
ABSTAIN: None  
ABSENT: None

Attest:

  
\_\_\_\_\_  
April Sousa, MMC, Board Secretary

  
\_\_\_\_\_  
Dennis Mayo, Board President