

ORDINANCE 42

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT'S RULES AND REGULATIONS TO ESTABLISH PROCEDURES FOR ADMINISTERING OPEN SPACE MAINTENANCE SERVICES AND ASSESSMENTS

THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Article VII is added to the rules and regulations to read:

"ARTICLE VII - OPEN SPACE MAINTENANCE

REGULATION 60.- GENERAL PROVISIONS - OPEN SPACE MAINTENANCE

Rule 60.01. PURPOSE AND POLICY. This article sets forth the standards, processes and fees associated with open space maintenance services. The District desires to encourage the long term maintenance of undeveloped or recreational land under District ownership where the maintenance is either required by Humboldt County or requested by residents of a specific area. This article is intended to implement the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22500 et seq) herein referred to as the "Act."

REGULATION 61. - MAINTENANCE STANDARDS

Rule 61.01. ACCEPTANCE OF UNDEVELOPED LAND. The District reserves the right to accept or reject ownership and maintenance responsibility for any area of land. Nothing herein set forth shall be construed as a limitation upon the power vested in the District's Board of Directors by virtue of the Act or by other provisions of law. The District will not accept environmentally impaired land unless the environmental impairment is resolved by the donor.

Rule 61.02. ESTABLISHMENT OF MAINTENANCE LEVEL. The District reserves the right to set the type of maintenance work and the level of maintenance effort necessary to adequately maintain each specific piece of property for which maintenance services are proposed. The District will not accept maintenance responsibility for road or drainage facilities on such lands.

Rule 61.03. OWNERSHIP INTEREST. The District must own each specific piece of property in fee simple title before the District will supply maintenance services to that piece of property except for property for which fee simple title ownership is not possible. Where District fee simple title

ownership is not possible the District may supply maintenance services on deeded easements. Sufficient access rights must accompany the title to facilitate the District's maintenance responsibility.

Rule 61.04. MAINTENANCE ASSESSMENTS. An assessment district which includes and describes the properties responsible for paying maintenance assessments adequate to fund future maintenance responsibility must be established before the District will supply maintenance services to any parcel.

Rule 61.05. DIVISION OF COSTS. The monthly maintenance assessment for each property located in an assessment district shall be equal to the total monthly maintenance charges for that district, including administrative charges as prescribed by Rule 63.03, apportioned among the properties within the assessment district in a manner which fairly allocates the costs among the properties on the basis of the relative benefits received by each lot or parcel.

#### REGULATION 62.- ASSESSMENT DISTRICT FORMATION

Rule 62.01. APPLICATION TO FORM ASSESSMENT DISTRICT. Any person may apply to form an assessment district by filing the form provided by the District and paying the prescribed fees. The application shall include all required information and documentation. Applications to form assessment districts within inhabited areas shall be signed by at least fifty percent of the property owners within the proposed assessment district.

Rule 62.02. PROPOSAL. The application to form an assessment district shall be accompanied by a detailed proposal describing the land to be the subject to maintenance services or other improvements, the type of maintenance services or improvements requested and the level of maintenance effort proposed. The proposal shall be accompanied by a survey compiled by an independent consultant documenting the presence or absence of environmental impairments including toxic wastes. The proposal shall be reviewed by the manager who shall determine if it is complete. If the manager determines that the proposal is not complete, the applicant shall submit additional information until the application is deemed complete.

Rule 62.03. STAFF REPORT. Once the application is deemed complete, it shall be presented to the Board for consideration of the adoption of a resolution pursuant to Streets and Highway Code Section 22585. Upon adoption of a resolution, the Board shall order the preparation of a report pursuant to Section 22565 of the Act.

Rule 62.04. FORMATION OF ASSESSMENT DISTRICT. Once the report has been completed by the manager, the report shall be presented to the Board at the next available Board meeting. The Board may approve, deny or amend the report. Upon approval of the report, the Board shall proceed to adopt a resolution of intention pursuant to section 22587 of the Act.

Rule 62.05. RESOLUTION OF FORMATION. Following the adoption of a resolution of intention, the Board shall conduct further proceedings in accordance with the Act. Levies of assessments shall be assessed against the properties within the assessment district pursuant to a resolution of formation of the assessment district adopted pursuant to Section 22594 of the Act.

Rule 62.06. APPLICATION FEE. The application fee for formation of a maintenance zone shall be twenty (\$20) dollars.

#### REGULATION 63. - RATES AND CHARGES

Rule 63.01. BASIS FOR DETERMINATION OF CHARGES. The District business manager will determine the charge for each month for each property owner residing in an assessment district based on the total monthly maintenance charges for that assessment district as set forth in rule 63.02, the number of property owners in the assessment district, the formula for division of costs as set forth in the assessment district formation resolution and the current administrative charge as set forth in Rule 63.03.

Rule 63.02. MAINTENANCE CHARGES. Where the District opts to directly conduct the work, total monthly maintenance charges shall be based on the manpower, supply, insurance and replacement requirements for the assessment district detailed in the final maintenance plan multiplied by the then current cost per increment of each such components as set forth annually by the Board by resolution. Where the District opts to retain a private vendor to contract for the maintenance work, total monthly maintenance charges shall be based on the vendors bid to complete the work plus the district's manpower cost to supervise the vendor, and the insurance and replacement requirements for the assessment district detailed in the final maintenance plan multiplied by the then current costs per increment of each such component as set forth annually by the Board by resolution. Copies of the current resolution shall be posted at the District office.

Rule 63.03. ADMINISTRATIVE CHARGES. The District shall charge a fifty cent (\$.50) administrative charge per customer per month.

Rule 63.04. NOTIFICATION. The District business manager shall notify each property owner of changes in the maintenance charge or administrative charges.

Rule 63.05. ADMINISTRATION. Opening and closing bills for less than a normal billing period shall be prorated on a daily use basis. Bills for assessments levied shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided. Every owner of property is liable for maintenance charges for any premises they have rented in the event that any tenant thereof does not pay the assessment.

Rule 63.06 CONSOLIDATED BILL. The District will collect its assessments with the rates for other utility services furnished. The assessment charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charges.

Rule 63.07. DISCONTINUING SERVICE. If all or any part of the bill described in rule 63.05 is not paid when due, the District may discontinue water or sewer service until such bill is paid.

Rule 63.08 COLLECTION ON TAX ROLL. The District may provide for collection of all such delinquent charges upon the tax roll in the manner provided by law therefore.

Rule 63.09. COLLECTION. All laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption are applicable to assessments levied pursuant to this article.

Rule 63.10. USE OF REVENUE. Revenues derived under this article shall be used only for maintenance costs and the administration of maintenance services.

Rule 63.01. Processing Fee. Prior to commencing service a non-refundable fee of \$10 (ten dollars) will be required of all customers."

Section 2. Rule 54.04 is amended in whole to read:

Rule 54.04. Protest Hearing. Any property owner in the proposed zone may protest the formation of a zone by filing their signed form prior to or at the protest hearing. Property owners who have protested may withdraw their protest prior to the conclusion of the hearing. After closing the hearing, the Board may consider the adoption of a resolution initiating formation of a street lighting zone. Such resolution may exclude property owners who have protested

formation of the zone if the Board finds that the protesting property owner will not benefit from the street lighting. The resolution will further direct staff to revise the draft Manager's Report to adjust for excluded properties."

Section 3. Rule 54.06 is amended by deleting the last three sentences.


Section 4. This ordinance when effective shall be added to the Rules and Regulations of the District as a codified ordinance of the Board of Directors of the McKinleyville Community Services District.

On the Motion of Director ESTES and seconded by Director SHEPHERD, the foregoing ordinance is duly adopted on second reading this 11TH day of APRIL, 1991 by the following vote:


AYES: ESTES, HARLING, RAMEY, SHEPHERD, WALUND

NOES: NONE

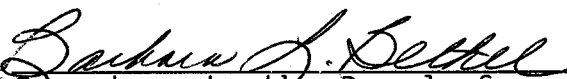
ABSENT: NONE

  
\_\_\_\_\_  
President, Board of Directors  
McKinleyville Community Services  
District

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors  
McKinleyville Community Services District

I, BARBARA L. BETHEL, Secretary to the Board of Directors of the MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of an ordinance duly adopted this 11TH day of APRIL, 1991.

  
\_\_\_\_\_  
Secretary to the Board of  
Directors of McKinleyville  
Community Services District

POSTED \_\_\_\_\_ BY \_\_\_\_\_  
REMOVED \_\_\_\_\_ BY \_\_\_\_\_