

ORDINANCE 1997-1

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
AMENDING MCSD'S RULES AND REGULATIONS REGARDING THE
INTERAGENCY INTERCEPT PROGRAM, PROPOSITION 218, AND EMERGENCY
MUNICIPAL BULK WATER SALES

WHEREAS, The Board has enrolled in the State of California's Interagency Intercept Program;

WHEREAS, The Electorate approve Proposition 218 on November 5, 1996,

WHEREAS, The Board desires to facilitate future response to municipal requests for emergency bulk water supply,

WHEREAS, The Board held a public hearing to receive public input on the draft ordinance on February 13, 1997 -- notice of which was both posted and published as a legal advertisement in the Times Standard, and

WHEREAS, The Board considered the second reading of Ordinance 1997-1 on March 13, 1997 at a duly noticed public meeting.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT DOES HEREBY:

1. Add a new rule to the Article II - WATER SERVICE as follows: "Rule 11.04. COLLECTION BY INTERAGENCY INTERCEPT PROGRAM. As an alternate to any of the other procedures herein provided, the District may collect unpaid user fees and charges through the State of California Interagency Intercept Program. Upon submitting an unpaid charge to the State, MCSD will also notify the customer at the last know customer address. Customers may appeal said submittal by filing an appeal as provide for in Rule 65.01."

2. Rescind Rule 28.04 in Article III - Sewer Service and replace it in whole with the following Rule: "Rule 28.04. COLLECTION BY INTERAGENCY INTERCEPT PROGRAM. As an alternate to any of the other procedures herein provided, the District may collect unpaid user fees and charges through the State of California Interagency Intercept Program. Upon submitting an unpaid charge to the State, MCSD will also notify the customer at the last know customer address. Customers may appeal said submittal by filing an appeal as provide for in Rule 65.01."

3. Rescind Rule 53.04 and replace it in whole with the following Rule: "Rule 53.04. ENGINEER'S REPORT. Once the application is deemed complete, the District Engineer shall compile a report to the Board identifying all parcels which will have a special benefit conferred upon them and upon which an assessment is proposed to be imposed; the proportionate special benefit derived by each identified parcel; the entirety of the capital cost of the public improvements; and the maintenance and operation expenses related to those improvements or service to be provided."

4. Rescind the First Sentence of Rule 53.05 and replace it with the following text: "Once the District Engineer has submitted the draft Engineer's Report, MCSD staff shall give written notice of the proposed hearing date to the recorded owner of each parcel proposed for assessment. Said notice shall be mailed no less than 45 days prior to the hearing and include the proposed assessment for each identified parcel; the total amount of assessments chargeable to the entire zone; the duration of such payments; the reason for such assessment; the basis upon which the proposed assessment was calculated; the date, time and location of the public hearing; a ballot; a summary of the procedures applicable to completion, return and tabulation of the ballot together with a disclosure statement that the existence of a majority protest will result in the assessment not being imposed. The ballot shall include MCSD's address for receipt of any such ballots once completed by the owner; reasonable identification of the parcel and reasonable identification of the voting blocks for support or opposition to the assessment."

5. Add an additional sentence to Rule 53.05 following the first sentence to read: "The Board shall not impose the assessment if the weighted vote submitted in ballots from owners in opposition to the assessment are greater than the weighted vote submitted in ballots in favor of the assessment. The weighting shall be proportional to the financial obligation of each affected property relative to the total assessment."

6. Increase the fee set forth in Rule 53.07 from "twenty (\$20) dollars" to "three hundred and fifty (\$350) dollars".

7. Add the following sentence to the end of Rule 54.01: "An Application Fee of \$350 must accompany the petition for the District to process the protest hearing."

8. Rescind Rule 54.02 and replace it in whole with the following Rule: "Rule 54.02. ENGINEER'S REPORT. Once the application is deemed complete, the District Engineer shall compile a report to the Board identifying all parcels which

will have a special benefit conferred upon them and upon which an assessment is proposed to be imposed; the proportionate special benefit derived by each identified parcel; the entirety of the capital cost of the public improvements; and the maintenance and operation expenses related to those improvements or service to be provided."

9. Rescind Rule 54.03 and replace it with the following rule: "Rule 54.03. PROTEST HEARING NOTIFICATION. Once the District Engineer has submitted the draft Engineer's Report, MCSD staff shall give written notice of the proposed hearing date to the recorded owner of each parcel proposed for assessment. Said notice shall be mailed no less than 45 days prior to the hearing and include the proposed assessment for each identified parcel; the total amount of assessments chargeable to the entire zone; the duration of such payments; the reason for such assessment; the basis upon which the proposed assessment was calculated; the date, time and location of the public hearing; a ballot; a summary of the procedures applicable to completion, return and tabulation of the ballots together with a disclosure statement that the existence of a majority protest will result in the assessment not being imposed. The ballot shall include MCSD's address for receipt of any such ballots once completed by the owner; reasonable identification of the parcel and reasonable identification of the voting blocks for support or opposition to the assessment."

10. Rescind Rule 54.04 and replace it in whole with the following Rule: "Rule 54.04. PROTEST HEARING. "After closing the protest hearing the Board may consider the adoption of a resolution initiating formation of the zone. The Board shall not impose the assessment if the weighted vote submitted in ballots from owners in opposition to the assessment are greater than the weighted vote submitted in ballots in favor of the assessment. The weighting shall be proportional to the financial obligation of each affected property relative to the total assessment."

11. Add the following sentence to the end of Rule 54.07: "An Application Fee of \$350 must accompany the petition for the District to process the protest hearing."

12. Add the following sentence to the end of Rule 54.08: "An Application Fee of \$350 must accompany the petition for the District to process the protest hearing."

13. Rescind Rule 72.03 and replace it in whole with the following Rule: "Rule 72.03. ENGINEER'S REPORT. Once the application is deemed complete, the District Engineer shall compile a report to the Board identifying all parcels which will have a special benefit conferred upon them and upon

which an assessment is proposed to be imposed; the proportionate special benefit derived by each identified parcel; the entirety of the capital cost of the public improvements; and the maintenance and operation expenses related to those improvements or service to be provided."

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15. Add the following new Rule as Rule 72.04A: "Rule 72.04A. PROTEST HEARING. "After closing the protest hearing the Board may consider the adoption of a resolution initiating formation of the zone. The Board shall not impose the assessment if the weighted vote submitted in ballots from owners in opposition to the assessment are greater than the weighted vote submitted in ballots in favor of the assessment. The weighting shall be proportional to the financial obligation of each affected property relative to the total assessment."

16. Increase the fee set forth in Rule 72.06 from "twenty (\$20) dollars" to "three hundred and fifty (\$350) dollars".

17. Add a new rule to REGULATION 14 - TEMPORARY in ARTICLE II - WATER SERVICE as follows: RULE 14.10. EMERGENCY MUNICIPAL BULK WATER SALES. Where a public agency has declared a water supply emergency and requests that the District sell bulk water for a period less than one month, staff shall set a temporary meter at a location convenient to that agency at the then prevailing cost and bill that agency at a volume rate equal to one-half (50%) of the rate for the lowest cost block in the District's then current rate schedule.

On the Motion of Director Walund and seconded by
Director Harling, the foregoing ordinance is duly
adopted on second reading this 13th day of March, 1997 by the
following vote:

AYES: Estes, Harling, Klein, Shepherd & Walund

NOES: NONE

ABSENT: NONE

Edward E. Estes
Edward E. Estes, President,
Board of Directors McKinleyville
Community Services District

ATTEST:

Barbara Bethel
Secretary, Board of Directors
McKinleyville Community Services District

I, Barbara 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 13th day of
March, 1997.

Barbara Bethel
Secretary to the Board of
Directors of McKinleyville
Community Services District

NOTICE INTENT
TO ADOPT ORDINANCE

Notice is hereby given that the Board of Directors of the McKinleyville Community Services District will hold a public hearing on the first reading of Ordinance 1997-1 regarding amending MCSD's Rules and Regulations regarding the Interagency Intercept Program, Proposition 218, and emergency municipal "Bulk Water Sales" at 7:30 PM on Thursday, February 13th 1997 at Azalea Hall, 1620 Pickett Road, McKinleyville, CA.

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On the Motion of Director _____ and seconded by Director _____, the foregoing ordinance is duly accepted on second reading this 9 th day of January , 1997 by the following vote:

AYES:

NOES:

ABSENT:)

Edward E. Estes, President,
Board of Directors McKinleyville
Community Services District

ATTEST:

Secretary, Board of Directors
McKinleyville Community Services District

I, _____, 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 _____ day
of _____, 1997.

Secretary to the Board of
Directors of McKinleyville
Community Services District