



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 2-18

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICE DISTRICT ESTABLISHING AN ABATEMENT, ADMINISTRATIVE APPEAL AND COLLECTION PROCEDURE.

WHEREAS, the Lake Shastina Community Services District has adopted ordinances that require the assessment of penalties, fines and fees for violation of regulations that prohibit hazardous vegetation and protect the health and safety of the District citizens; and

WHEREAS, it is of paramount importance that the citizens have the right to appeal these findings and monetary assessments, and it is of vital importance that the District have a mechanism to enforce penalties and collect the fines and fees.

NOW, THEREFORE BE IT ORDAINED that the Board of Directors adopts the following Ordinance, creating an administrative appeal process, establishing collection procedures for administrative fines, and providing regulations for abatement, and attached hereto as Exhibit A.

It is hereby certified that the forgoing Ordinance No. 2-18 was duly introduced at a regular meeting of the Lake Shastina Community Services District on 18th of April, 2018 and adopted at a regular meeting of the Lake Shastina Community Services District on 16th of May, 2018

ROLL CALL VOTE

AYES: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson

NOES: None

ABSENT: None

Lake Shastina Community Services District by:


Carol Cupp, President

ATTEST


Michael Wilson, District Secretary

ABATEMENT, ADMINISTRATIVE APPEAL AND COLLECTION PROCEDURE

1.01. Abatement.

- A. Whenever a Lake Shastina Community Services District (District) Code Enforcement Official deems it necessary, shall issue a “notice to abate” by certified mail to the property owner as his or her name appears on the last equalized assessment roll and to the address as shown in the records of the County Assessor. This shall constitute a notice of violation.
- B. Any person receiving the notice to abate shall have the right to appeal such notice pursuant to 1.02 Appeal Procedures.
- C. If at the end of the time allowed for compliance in the notice to abate, or as extended in the case of appeal, or as specified by the Board of Appeals, compliance has not been accomplished, the officer issuing the notice to abate may order the hazardous vegetation abated. This can be done through private contractor or District staff.
- D. When the abatement has been completed, the officer shall provide to the District Clerk an itemized statement covering the cost of the work for such abatement. The actual cost of such removal and a reasonable administrative charge may be imposed as a Special Assessment upon the property, and such property shall be subject to a Special Assessment Lien.

1.02. Appeal Procedure.

- A. Any person (the "appellant") upon whom a notice of violation is served by District may appeal the findings, determinations and/or amount of potential fines and penalties set out in the notice of violation pursuant to the procedures set forth in this section. The appellant must file a written appeal with the District General Manager within ten working days of personal service or the date of mailing of the notice of violation. The written appeal shall contain:
 - 1. A brief statement setting forth the interest the appealing party has in the matter relating to the imposition of the penalty;
 - 2. A brief statement of the material facts which the appellant claims support his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted; and
 - 3. An address at which the appellant agrees notice of any additional proceeding or an order relating to imposition of the administrative penalty may be received by first class mail.
- B. The written appeal must be accompanied by payment of a fee as set pursuant to Government Code Section 54954.6 (a)(1)(A) and other relevant code sections. Failure to comply with the requirements of this paragraph within the ten days for filing an appeal set forth in subsection A of this section shall constitute a waiver of the right to appeal.

- C. An appeal of a notice of violation shall be heard by the Board of Appeals. The Board of Appeals shall constitute one individual appointed by the Board of Directors. The District is authorized to enter into a contract with an individual, company or firm to provide hearing officer services, provided the individual, company or firm adopts and follows adequate procedures for maintaining neutrality and avoiding conflicts of interest. The issuer of the Notice of Violation shall not sit on the Board of Appeals.
- D. The appeal hearing shall be set no sooner than twenty calendar days following receipt of the written appeal, unless a different date is mutually agreed upon by the appellant and Board of Appeals. Notice of the appeal hearing shall be mailed by registered mail at least fifteen calendar days before the date set for the hearing. Failure of the appellant to appear timely will cause the notice of violation and the assessment of administrative fines and penalties to become a final order or decision.
- E. In reviewing the notice of violation, Board of Appeals shall consider the factors set forth above, and shall uphold, withdraw, or modify the notice of violation and fines and penalties specified by that notice. The Board of Appeals shall serve a copy of his or her written decision on the appellant. The Board of Appeals' decision shall be mailed by registered mail and shall be deemed served within five working days after the date it was mailed to the address provided by the appellant.
- F. The decision of the Board of Appeals shall constitute the administrative order or decision of the local agency within the meaning of Government Code Section 53069.4(b)(1) and (c) and shall be final unless appealed. Any person aggrieved by a final administrative order or decision imposing an administrative fine may seek relief from the Superior Court.

1.03. Collection.

When an administrative fine or penalty becomes a final order under this section, or Government Code Section 53069.4, the District may proceed to collect the fine or penalty as follows:

- A. The District may commence a civil action to enjoin and/or collect the administrative fines and penalties; in the event a civil action is commenced to collect the administrative fines and penalties, the District shall be entitled to recover all costs associated with the collection of the fines and penalties. Such costs include, without limitation, staff and counsel time incurred in the collection of the penalty, attorney fees for processing the civil action, and those costs set forth in Code of Civil Procedure Section 1033.5.
- B. The amount of any unpaid final administrative fine, plus interest, plus any other costs as provided in this chapter, may be declared a lien on any real property owned by the property owner within the District against whom an administrative penalty has been imposed as follows:
 - 1. Notice shall be given to the property owner before recordation of the lien, and shall be served in the same manner as a summons in the civil action pursuant to Code of Civil Procedure Section 415.10 *et seq.*,
 - 2. The lien shall attach when the District records it with the County recorder's office. The lien shall specify the amount of the lien, the date of the code violations, the date of the final decision, the street address and/or legal description, and

- assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel; and
3. In the event that the lien is discharged, released or satisfied, either through payment or foreclosure, the District shall record a notice of the discharge containing the information specified in subsection B.
- C. The District may withhold issuance of discretionary licenses, permits and other entitlements to the property owner on any project, property or application of any kind whenever an administrative penalty remains unpaid.
 - D. The District may take such other actions as are allowed for enforcement of a civil judgment, such as is provided for pursuant to the Enforcement of Judgment Law, California Code of Civil Procedure section 680.010 *et seq.*
 - E. In any action brought under county code where special assessments, attorney's fees and costs have been ordered, the District may order the costs to be specially assessed against the parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.
 - F. In any action brought under District code against the occupier or owner of the parcel or both, the prevailing party shall be awarded attorney's fees and costs in accordance with California Government Code § 25845(b) and (c).



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Regular Meeting
 Wednesday, April 18, 2018, 1:00 p.m.
 Administration Building
 16320 Everhart Drive • Weed, California 96094 • (530) 938-3281

MINUTES

CALL TO ORDER AND ROLL CALL: 1:00 p.m.

LSCSD Board Roll Call: Cupp absent Lewis √ MacIntosh absent Mitchell √ Thompson √

Also present: GM Wilson, PWS Moser, SAC Nelle, FC Pappas, AA Charvez and District Counsel Margaret Long.
 There were approximately 23 people in the audience.

PLEDGE OF ALLEGIANCE: FC Pappas led the Pledge of Allegiance.

PUBLIC COMMENTS: Comments received.

DISCUSSION / REPORTS: ACTION ITEMS:

- A. Consideration of accepting Cal OES Type 3 Fire Engine: FC Pappas reported and Pat Titus, Cal OES, spoke. The Board asked questions and discussed. Direction was given to Fire Chief to send a letter of intent to the State expressing interest, research additional information, such as insurance, and bring back to the Board with additional information and proposed agreement for Board consideration.

CONSENT CALENDAR: (All items accepted/approved by the Board unless otherwise noted.)

1. A. Approval of Minutes: Regular Meeting March 21, 2018 and Special Meeting March 28, 2018
- B. Ratification of Disbursements: March 1 through March 31, 2018
- C. Budget Comparison / Variance Report: FY 2017/18 YTD
- D. Accounts Receivable Aging Analysis: FY 2017/18 YTD
- E. Report out regarding prior closed session(s)
- F. Approval of transfer from LAIF Reserves to CSD Operating Account

Motion by Dir. Lewis second Dir. Mitchell to approve Consent Calendar.

Ayes: Directors Lewis, Mitchell and Thompson

Noes: None

Absent: Directors Cupp and MacIntosh

DEPARTMENT REPORTS

2. Fire Department Monthly Report: FC Pappas reported.
3. Police Department Monthly Report: PC Wilson reported.
4. Sewer Department Monthly Report: PWS Moser reported.
5. Water Department Monthly Report: PWS Moser reported.

COMMITTEE REPORTS:

6. APPROVED COMMITTEE MINUTES / REPORTS / VERBAL UPDATES, if applicable:
 - A. Budget / Finance Committee: Dir. Mitchell reported.
 - B. Fire Department Advisory Committee: Dir. Mitchell reported.
 - C. Police Department Advisory Committee: Karla Chandler reported.
 - D. Policy Committee: Nothing to report.
 - E. Sewer and Water Systems Oversight Committee: Dir. Thompson, Dir. Lewis and PWS Moser reported.

DISCUSSION / REPORTS: ACTION ITEMS:

7. Approval of Resolution 3-18 calling an Election for LSCSD Board Members - to be consolidated on the 2018 November General Election: The Board discussed.

Motion by Dir. Mitchell second Dir. Lewis to adopt Resolution 3-18 calling the CSD Board Member Election for November 6, 2018, approving the length of Candidates Statement to not exceed 200 words, approving the cost of the Candidate Statement to be paid by Candidate, and requesting the Board of Supervisors to consolidate this election with any other election conducted on said date and request the election services by the County Clerk.

Ayes: Directors Lewis, Mitchell and Thompson

Noes: None

Absent: Directors Cupp and MacIntosh

8. First Reading/Introduction proposed Ordinance 1-18 establishing a Hazardous Vegetation Abatement Ordinance: GM Wilson reported and introduced proposed ordinance by title. The Board discussed and received comments

from the public. With Counsel Long's assistance, Section 6.05 (c) was amended to change the word "county" to "District".

Motion by Dir. Thompson second Dir. Mitchell to accept first reading/introduction of draft Ordinance 1-18 establishing a Hazardous Vegetation Abatement Ordinance, with amendment; second reading and adoption to be on the May 16, 2018 agenda.

Ayes: Directors Lewis, Mitchell and Thompson
Noes: None
Absent: Directors Cupp and MacIntosh

9. **First Reading/Introduction proposed Ordinance 2-18 establishing an Abatement Administrative Appeal Process and Collection Procedures for Administrative Fines and regulation: GM Wilson reported and introduced proposed ordinance by title. The Board discussed and received comments from the public. With Counsel Long's assistance, the following amendments were made: 1) remove the words "for Hazardous Vegetation" from the title, and 2) add the following sentence to Section 1.02.C "The issuer of the Notice of Violation shall not sit on the Board of Appeals."**

Motion by Dir. Thompson second Dir. Lewis to accept first reading/introduction of draft Ordinance 2-18 establishing an Abatement Administrative Appeal Process and Collection Procedures for Administrative Fines and regulation, with amendments; second reading and adoption to be on the May 16, 2018 agenda.

Ayes: Directors Lewis, Mitchell and Thompson
Noes: None
Absent: Directors Cupp and MacIntosh

10. Consideration of purchasing two new vehicles in the FY 2017/18 budget year: PWS Moser reported. The Board discussed.

Motion by Dir. Mitchell second Dir. Lewis to approve the purchase of two new vehicles under the current 2017/2018 fiscal year budget, as presented in memo dated April 18, 2018 (one vehicle for general use and one for Sewer/Water Departments).

Ayes: Directors Lewis, Mitchell and Thompson
Noes: None
Absent: Directors Cupp and MacIntosh

STAFF COMMENTS: Comments received.

BOARD MEMBER COMMENTS: Comments received.

PUBLIC COMMENTS ON CLOSED SESSION: None

ADJOURN TO CLOSED SESSION: With no objections by the Board, Vice Pres. Thompson adjourned to Closed Session at 4:00 p.m.

CLOSED SESSION: 4:03 p.m.

Also present: GM Wilson and District Counsel Long

A. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 Agency Negotiators: Mike Wilson, General Manager; Employee Organization: Teamsters Local 137

With no objections by the Board, Vice Pres. Thompson adjourned Closed Session at 5:21 p.m.

RETURN TO OPEN SESSION: 5:22 p.m.

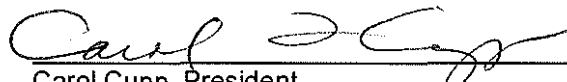
Also present: GM Wilson, PWS Moser, SAC Nelle and District Counsel Long. There were no people in the audience.

REPORT ON CLOSED SESSION: District Counsel Long reported that direction was given to negotiator.


ADJOURNMENT: With no objections by the Board, Vice Pres. Thompson adjourned the meeting at 5:23 p.m.

The next LSCSD Regular Board Meeting is on Wednesday, May 16, 2018, 1:00 p.m. at the Administration Building.

Approval Date: 5/16/18


Carol Cupp, President

ATTEST:


Mike Wilson, Secretary



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Regular Meeting
 Wednesday, May 16, 2018, 1:00 p.m.
 Administration Building
 16320 Everhart Drive • Weed, California 96094 • (530) 938-3281

MINUTES

CALL TO ORDER AND ROLL CALL: 1:02 p.m.

LSCSD Board Roll Call: Cupp * Lewis MacIntosh Mitchell Thompson

*Pres. Cupp arrived at 1:18 p.m., before Consent Calendar; Vice Pres. Thompson chaired the meeting until 1:18 p.m.
 Also present: GM Wilson, PWS Moser, SAC Nelle, FC Pappas, AA Charvez and District Counsel Margaret Long.
 There were approximately 21 people in the audience.

PLEDGE OF ALLEGIANCE: FC Pappas led the Pledge of Allegiance.

PUBLIC COMMENTS: Comments received.

CONSENT CALENDAR: (All items accepted/approved by the Board unless otherwise noted.)

1. A. Approval of Minutes: Regular Meeting April 18, 2018
- B. Ratification of Disbursements: April 1 through April 30, 2018
- C. Budget Comparison / Variance Report: FY 2017/18 YTD
- D. LAIF Quarterly Report
- E. Approval of clarification to language in LOU between LSCSD and General Teamsters Local No. 137
- F. Approval of transfer from LAIF Reserves to CSD Operating Account

Motion by Dir. Thompson second Dir. Lewis to approve Consent Calendar.

Ayes: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson

Noes: None

Absent: None

DEPARTMENT REPORTS

2. Fire Department Monthly Report: FC Pappas reported.
3. Police Department Monthly Report: PC Wilson reported.
4. Sewer Department Monthly Report: PWS Moser reported.
5. Water Department Monthly Report: PWS Moser reported.

COMMITTEE REPORTS:

6. APPROVED COMMITTEE MINUTES / REPORTS / VERBAL UPDATES, if applicable:
 - A. Budget / Finance Committee: Dir. Mitchell reported.
 - B. Fire Department Advisory Committee: Dir. Mitchell reported.
 - C. Police Department Advisory Committee: Nothing to report.
 - D. Policy Committee: Nothing to report.
 - E. Sewer and Water Systems Oversight Committee: Dir. Thompson reported.

DISCUSSION / REPORTS: ACTION ITEMS:

7. Second Reading and Adoption of proposed Ordinance 1-18 establishing a Hazardous Vegetation Abatement Ordinance: GM Wilson reported and recommended the second reading of proposed ordinance by title. The Board discussed and received comments from the public.

Motion by Dir. Mitchell second Dir. MacIntosh to accept second reading by title and adopt Ordinance 1-18 establishing a Hazardous Vegetation Abatement Ordinance.

Ayes: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson

Noes: None

Absent: None

8. Second Reading and Adoption of proposed Ordinance 2-18 establishing an Abatement Administrative Appeal Process and Collection Procedures for Administrative Fines and regulation: GM Wilson reported and recommended the second reading of proposed ordinance by title. The Board discussed and received comments from the public.

Motion by Dir. Thompson second Dir. Lewis to accept second reading by title and adopt Ordinance 2-18 establishing an Abatement Administrative Appeal Process and Collection Procedures for Administrative Fines and regulation.

Ayes: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson

Noes: None

Absent: None

9. Consideration of CPA audit quotes for year ending June 30, 2018 and consider years ending 2019 and 2020: GM Wilson and SAC Nelle reported. The Board discussed.

Motion by Dir. Mitchell second Dir. MacIntosh to approve a three-year audit engagement letter/contract with Larry Bain, CPA for the years ended June 30, 2018, 2019 and 2020, in the amount of \$11,200 per year, per proposal dated April 27, 2018.

Ayes: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson

Noes: None

Absent: None

10. Consideration of proposal received to prepare a Water Rate Study: GM Wilson reported that the total amount for the Study is expected to be between \$25,000 and \$27,000. The Board discussed.

Motion by Dir. Thompson second Dir. MacIntosh to award contract to prepare a Water Rate Study to SHN Engineers & Geologists and authorize GM to negotiate and execute contract.

Ayes: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson

Noes: None

Absent: None

11. Consideration of contracting with SHN Engineers & Geologists to develop a sub-application for FEMA Hazard Mitigation Grant Program Funding to build a new water storage tank for Lake Shastina: GM Wilson reported. The Board discussed.

Motion by Dir. Mitchell second Dir. Thompson to approve SHN Engineers & Geologists to develop a sub-application for the FEMA HMGP to build a new water storage tank for Lake Shastina.

Ayes: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson

Noes: None

Absent: None

STAFF COMMENTS: Comments received.

BOARD MEMBER COMMENTS: Comments received.

PUBLIC COMMENTS ON CLOSED SESSION: None

ADJOURN TO CLOSED SESSION: With no objections by the Board, Pres. Cupp adjourned to Closed Session at 4:11 p.m.

CLOSED SESSION: 4:15 p.m.

Also present: GM Wilson

A. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 Agency Negotiators: Mike Wilson, General Manager; Employee Organization: Teamsters Local 137

With no objections by the Board, Pres. Cupp adjourned Closed Session at 4:23 p.m.

RETURN TO OPEN SESSION: 4:24 p.m.

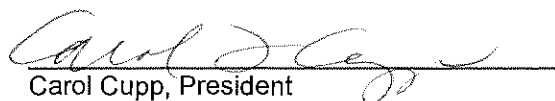
Also present: GM Wilson and SAC Nelle. There were 3 people in the audience.

REPORT ON CLOSED SESSION: GM Wilson reported there was nothing to report.

ADJOURNMENT: With no objections by the Board, Pres. Cupp adjourned the meeting at 4:25 p.m. to a Special Meeting/Workshop on May 17, 2018 at 2:00 p.m.

The next LSCSD Regular Board Meeting is on Wednesday, June 20, 2018, 1:00 p.m. at the Administration Building.

Approval Date: 6/20/18


Carol Cupp, President

ATTEST:


Mike Wilson, Secretary

AFFIDAVIT OF PUBLICATION

LAKE SHASTINA COMMUNITY SERVICES

16320 EVERHART DR

WEED, CA. 96094

IN THE MATTER OF

NEWS# 9778

NOTICE OF ADOPTED ORD 2-18

STATE OF CALIFORNIA) ss:
County of Siskiyou)

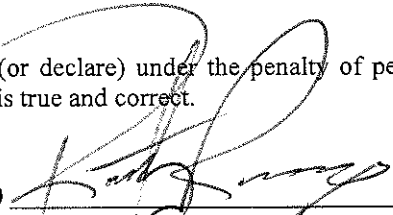
ROBERT J RAMEY

of said County, being duly sworn, deposed and says: THAT he is and at all times herein mentioned was a citizen of the United States of America, over the age of twenty-one years, and that he is not, nor was he at any of the times hereinafter named a party to, nor interested in the above entitled matter; that he is the PRINCIPAL CLERK OF THE PRINTER of THE SISKIYOU DAILY NEWS, a newspaper of general circulation, printed and published in the City of Yreka, County of Siskiyou, State of California, and which newspaper is published for the dissemination of local and telegraphic news and intelligence of a general character, and which newspaper at all times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of Yreka, County of Siskiyou, State of California, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to; and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or any number of same; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following; dates, to-wit:

05/25/18

Siskiyou Daily News adjudicated May 18, 1953, No. 15190

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

(Signed) 
Date: 5/25/18

NOTICE OF ADOPTED ORDINANCE 2-18
On May 16, 2018, the Lake Shastina Community Services District (LSCSD) adopted Ordinance No. 2-18 regarding abatement, administrative appeal and collection procedure; in effect 30 days after adoption. The full text for the Ordinance is available in the Administration Office, 16320 Everhart Drive, Weed CA or on the District website www.lakeshastina.com. Summary of Ordinance: The LSCSD Board of Directors has adopted ordinances that require the assessment of penalties, fines and fees for violation of regulations that prohibit hazardous vegetation and protect the health and safety of the District citizens; and it is of paramount importance that the citizens have the right to appeal these findings and monetary assessments, and it is of vital importance that the District have a mechanism to enforce penalties and collect the fines and fees. **BE IT ORDAINED** that the Board adopts Ordinance 2-18, creating an administrative appeal process, establishing collection procedures for administrative fines, and providing regulations for abatement. The full text is available as noted above. Ordinance No. 2-18 was duly introduced at a regular meeting of the LSCSD on the 18th day of April, 2018 and adopted at a regular meeting of the LSCSD on the 16th day of May, 2018. Signed by: LSCSD President Carol Cupp. Attest by: LSCSD Secretary Mike Wilson. Roll Call Vote: Ayes: Directors Cupp, Lewis, Macintosh, Mitchell and Thompson. Noes: None. News #9778. Pub. May 25, 2018