

**ORDINANCE NO. 2021-05**

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT  
ADDING SECTION 68.04 TO REGULATION 68, LATENT POWERS OF ARTICLE VI:  
MISCELLANEOUS, ADDRESSING LIBRARY POWERS OF 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 Library services and operations; and

**WHEREAS**, in 1995, MCSD held a special election to determine the public's desire for the authorization of Library Powers to acquire sites for, construct and maintain library buildings, and to cooperate with other governmental agencies for library services; and

**WHEREAS**, the November 7, 1995 election achieved a 78.65% approval; and

**WHEREAS**, the Local Agency Formation Commission (LAFCo) approved the activation of the latent library authorities enabled in the Government Code subject to a vote of the electorate within MCSD; and

**WHEREAS**, based upon the successful results of the 1995 election, LAFCo determined in 1995 through their Resolution No. 92-02, approval of the activation of MCSD's Library Powers; and

**WHEREAS**, while a certificate of completion was not executed after the election, LAFCo has determined that MCSD has complied with subsection (a) of Government Code 61106; and

**WHEREAS**, MCSD's library powers were in effect prior to Government Code 61002(h) which defines "Latent Power" as services and facilities authorized by Part 3 9commencing with Section 61100) that the Local Agency Formation Commission has determined, pursuant to subdivision (i) of Section 56425, that a district did not provide prior to January 1, 2006; and

**WHEREAS**, with such compliance may move forward with subsection (b) of Government Code 61106, ordering the exercising of latent library powers.

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

**Rule 68:01: Introduction** – is revised to include Library powers in the current list of services provided.

**Rule 68:04: Library Powers and Authorization**, is added to Regulation 68, Latent Powers, of Article VI of the District's adopted Rules and Regulations to read as follows:

**Rule 68.04: LIBRARY POWERS AND AUTHORIZATION**

In accordance with California Government Code section 61106(a), McKinleyville CSD has fulfilled the requirements for the approval to exercise the latent power of Library services to the community of McKinleyville. These powers, voted on by 78.65% approval at the November 7, 1995 General Election, includes the authorization to acquire sites for, construct and maintain library buildings, and to cooperate with other governmental agencies for library services.

MCSD has assumed these latent library powers since this election. The McKinleyville Library, as constructed in 1997, is maintained by McKinleyville CSD staff. McKinleyville CSD works in partnership with Humboldt County to provide library services to the community of McKinleyville.

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 June 2, 2021 and passed and adopted by the Board of Directors on July 7, 2021, upon the motion of Director Couch and seconded by Director Binder and by the following roll call vote:

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

Attest:

  
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April Sousa, CMC, Board Secretary

  
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Dennis Mayo, Board President