



Mission statement of McKinleyville Community Services District:
“Provide McKinleyville with safe and reliable water, wastewater, lighting, open space, parks and recreation, library services, and other appropriate services for an urban community in an environmentally and fiscally responsible manner.”

**NOTICE IS HEREBY GIVEN THAT A REGULAR MEETING OF THE
MCKINLEYVILLE COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS
WILL BE HELD
WEDNESDAY, JUNE 7, 2023 AT 6:00pm**

**LOCATION: AZALEA HALL
1620 Pickett Road
McKinleyville, California**

Or

**TELECONFERENCE Via ZOOM & TELEPHONE:
Use ZOOM MEETING ID: 859 4543 6653 (<https://us02web.zoom.us/j/85945436653>) or DIAL
IN TOLL FREE: 1-888-788-0099 (No Password Required!)**

To participate by teleconference, please use the toll free number listed above, or join through the internet at the Zoom App with weblink and ID number listed above, or the public may submit written comments to the Board Secretary at: comments@mckinleyvillecsd.com up until 4:30 p.m. on Tuesday, June 6, 2023.

All Public Comment received before the above deadline will be provided to the Board at 9 a.m. on Wednesday, June 7, 2023 in a supplemental packet information that will also be posted on the website for public viewing.

AGENDA

6:00 p.m.

A. CALL TO ORDER

A.1 Roll Call

A.2 Pledge of Allegiance

A.3 Additions or Changes to the Agenda

Items may be added to the Agenda in accordance with Section 54954.2(b)(2) of the Government Code (Brown Act), upon a determination by two-thirds vote of the members of the legislative body present at the time of the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the McKinleyville Community Services District after the Agenda was posted.

A.4 Approval of the Agenda

A.5 Closed Session Discussion

At any time during the regular session, the Board may adjourn to closed session to consider existing or anticipated litigation, liability claims, real property negotiations, license and permit determinations, threats to security, public employee appointments, personnel matters, evaluations and discipline, labor negotiations, or to discuss with legal counsel matters within the attorney-client privilege.

- **NO CLOSED SESSION SCHEDULED FOR JUNE 7, 2023**
- **REPORT OUT OF CLOSED SESSION FOR MAY 3, 2023**

B. PUBLIC HEARINGS

These are items of a Quasi-Judicial or Legislative nature. Public comments relevant to these proceedings are invited.

NO PUBLIC HEARING SCHEDULED

C. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS

*Any person may address the Board at this time upon any subject not identified on this Agenda but within the jurisdiction of the McKinleyville Community Services District; however, any matter that requires action will be referred to staff for a report of action at a subsequent Committee or Board meeting. As to matters on the Agenda, an opportunity will be given to address the Board when the matter is considered. **Comments are limited to 3 minutes.** Letters should be used for complex issues.*

D. CONSENT CALENDAR

Consent Calendar items are expected to be routine and non-controversial, to be acted upon by the Board of Directors at one time without discussion. If any Board member, staff member, or interested person requests that an item be removed from the Consent Calendar, it shall be removed so that it may be acted upon separately.

D.1	Consider Approval of the Minutes of the Board of Directors Regular Meeting on May 3 2023	Pg. 5
	Attachment 1 – Draft Minutes from May 2023	Pg. 6
D.2	Consider Approval of April 2023 Treasurer’s Report	Pg. 11
D.3	Compliance with State Double Check Valve (DCV) Law	Pg. 25
D.4	Consider Adoption of Resolution 2023-10 Amending the Rules and Regulations Rule 45.03.b Facility Use Fees and 45.03.c Event Service Fees	Pg. 27
	Attachment 1—Resolution 2023-10	Pg. 29
	Attachment 2—Table of Current Fees to Proposed Fees	Pg. 32
D.5	Consider Approval of Hiller Sports Complex Facility Use Agreement Contracts between MCSD and the Mad River Youth Soccer League (MRYSL)	Pg. 33
	Attachment 1 – HSC Agreement between MCSD and MRYSL	Pg. 35
D.6	Distribution of Annual Board Self Evaluation	Pg. 73
	Attachment 1 – Board Self Evaluation Worksheet	Pg. 74

E. CONTINUED AND NEW BUSINESS

- E.1 Consider Adoption of Resolution 2023-12 Recognizing, Honoring, and Commending April Sousa for Service as District Board Secretary (Action) **Pg. 77**
Attachment 1 – Resolution 2023-12 **Pg. 78**
- E.2 Incorporation Information Presentation by Humboldt LAFCo Staff and Discussion of Response to Humboldt County Civil Grand Jury Report on Incorporation (Action) **Pg. 79**
Attachment 1 – LAFCo Presentation **Pg. 81**
Attachment 2 – Humboldt County Civil Grand Jury Report “Incorporating the City of McKinleyville” **Pg.106**
- E.3 Consider Approval of Project Signs for the Baduwa’t or Mad River Floodplain and Public Access Project (Action) **Pg. 119**
Attachment 1 – Draft Project Signs Layout **Pg. 121**
- E.4 Approve Conveyance of Mad River Restoration Floodplain and Public Access Facilities from CalTrout to MCSD (Action) **Pg. 125**
Attachment 1 – Agreement for Conveyance and Acceptance of Baduwa’t (Mad River) Estuary Floodplain and Public Access Enhancement Project Pg. 127
- E.5 FY2022-23 Budget Review and Potential Amendment (Action) **Pg. 129**
Attachment 1 – FY 2022-23 Revised Budgets **Pg. 131**
- E.6 Consider Approval of FY 2023-24 Proposed Budget and Approve Resolution 2023-11 Establishing Appropriations Limit (Action) **Pg. 137**
Attachment 1 – Budget for FY 2023-24 **Pg. 139**
Attachment 2 – Resolution 2023-11 **Pg. 189**
- E.7 Second Reading and Adoption of Ordinance No. 2023-01 Revising the Rules and Regulations: Amending Rules 22.12, 27.07, Regulation 43 and Removing Regulation 47 (Action) **Pg. 191**
Attachment 1 – Ordinance No 2023-01 with Appendix A (Red Lined Changes to the MCSD Rules and Regulations) **Pg. 193**

F. REPORTS

No specific action is required on these items, but the Board may discuss any particular item as required.

F.1 ACTIVE COMMITTEE REPORTS

- a. Parks and Recreation Committee (Binder/Biteman)
- b. Area Fund (John Kulstad/Binder)
- c. Redwood Region Economic Development Commission (Biteman/Mayo)
- d. McKinleyville Senior Center Board Liaison (Binder/Couch)
- e. Audit and Finance Committee (Orsini/Biteman)
- f. Employee Negotiations (Couch/Mayo)
- g. McKinleyville Municipal Advisory Committee (Orsini/Binder)
- h. AdHoc Committee – Community Forest (Mayo/Orsini)

F.2 LEGISLATIVE AND REGULATORY REPORTS

F.3 STAFF REPORTS

- a. Finance & Administration Department (Nicole Alvarado) **Pg. 339**
- b. Operations Department (James Henry) **Pg. 341**
- c. Parks & Recreation Department (Lesley Frisbee) **Pg. 347**
- d. General Manager (Pat Kaspari) **Pg. 351**
Attachment 1 – WWMF Monthly Self-Monitoring Report **Pg. 356**

F.4 PRESIDENT’S REPORT

F.5 BOARD MEMBER COMMENTS, ANNOUNCEMENTS, REPORTS AND AGENDA ITEMS REQUESTS

G. ADJOURNMENT

Posted 5:00 pm on June 2, 2023

Pursuant to California Government Code Section 54957.5, this agenda and complete Board packet are available for public inspection on the web at McKinleyvillecsd.com/minutes or upon request at the MCSD office, 1656 Sutter Road, McKinleyville. A complete packet is also available for viewing at the McKinleyville Library at 1606 Pickett Road, McKinleyville. If you would like to receive the complete packet via email, free of charge, contact the Board Secretary at (707)839-3251 to be added to the mailing list.

McKinleyville Community Services District will, on request, make agendas available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact the Board Secretary at (707) 839-3251. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements for accommodations.

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **ACTION**

ITEM: D.1 **Consider Approval of the Minutes of the Board of Directors**

PRESENTED BY: **Joey Blaine, Board Secretary**

TYPE OF ACTION: **Roll Call Vote – Consent Calendar**

Recommendation:

Staff recommends the approval of the Minutes of the Board of Directors for the May 3, 2023..

Discussion:

The Draft minutes are attached for the above listed meeting. A reminder that the minutes are approved by the legislative body that is the Board of Directors, not individual members of the Board who were present at a meeting.

Alternatives:

Staff analysis consists of the following potential alternative

- Take No Action

Fiscal Analysis:

Not applicable

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 – Draft Minutes from May 3, 2023 Regular Meeting

MINUTES OF THE REGULAR MEETING OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT HELD ON WEDNESDAY, MAY 3, 2023 AT 6:00 P.M. IN PERSON AT AZALEA HALL – 1620 PICKETT ROAD, MCKINLEYVILLE, CALIFORNIA and TELECONFERENCE Via ZOOM & TELEPHONE: ZOOM MEETING ID: 859 4543 6653 (<https://us02web.zoom.us/j/85945436653>) and TOLL FREE: 1-888-788-0099

AGENDA ITEM A. CALL TO ORDER:

A.1 Roll Call: The meeting was called to order at 6:00 p.m. with following Directors and staff in attendance in person at Azalea Hall:

- | | |
|------------------------------|---|
| Greg Orsini, President | Pat Kaspari, General Manager |
| Scott Binder, Vice President | April Sousa, Board Secretary |
| James Biteman, Director | Joey Blaine, Board Secretary |
| David Couch, Director | James Henry, Operations Director |
| Dennis Mayo, Director | Lesley Frisbee, Parks & Recreation Director |
| | Nicole Alvarado, Finance Director |
| | Norman Schwenn, IT Trainee |

A.2 Pledge of Allegiance: The Pledge of Allegiance was led by Director Binder.

A.3 Additions to the Agenda: There were no additions or changes to the agenda.

A.4 Approval of the Agenda:

Motion: It was moved to approve the agenda.

Motion by: Director Mayo; **Second:** Director Couch

There were no comments from the Board or public.

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

AGENDA ITEM B. PUBLIC HEARINGS: (Time Set Item for 7:00 p.m.)

Conduct Public Hearing for the Annual Levy of Assessments (Fiscal Year 2023/2024) for the Measure B Maintenance Assessment District – Renewal for Parks, Open Space, and Recreational Facilities.

Consider Adopting Resolution 2023-06 Amending and/or Approving the Final Engineer’s Annual Levy Report for the Measure B Maintenance Assessment District - Renewal for Parks, Open Space, and Recreational Facilities for Fiscal Year 2023/2024

Consider Adopting Resolution 2023-07 Ordering the Levy and Collection of Assessments within the Measure B Maintenance Assessment District - Renewal for Parks, Open Space, and Recreational Facilities for Fiscal Year 2023/2024

The public hearing opened at 7:01 p.m.

Parks and Recreation Director Lesley Frisbee gave an overview of the item.

There was no public comment.

The public hearing closed at 7:08 p.m.

Motion: It was moved to adopt Resolutions 2023-06 and 2023-07

Motion by: Director Couch; **Second:** Director Binder

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

AGENDA ITEM C. PUBLIC COMMENT AND WRITTEN COMMUNICATIONS:

Chad Sefcik commented about donating a basketball hoop and volunteer hours.**AGENDA ITEM D. CONSENT CALENDAR:**

General Manger Kaspari pulled Item D.7

D.1 Consider Approval of the Minutes of the Board of Directors

D.2 Consider Approval of March 2023 Treasurer’s Report

D.3 Compliance with State Double Check Valve (DCV) Law

D.4 Adopt Proclamation: April 30-May 6, 2023 Professional Municipal Clerk’s Week

D.5 Consider Approval of 2022 Consumer Confidence Report (CCR)

D.6 Consider Adoption of Resolution 2023-08 Supporting Senate Concurrent Resolution No. 52 and Proclaiming May 14-20, 2023 Special Districts Week

Motion: It was moved to approve the Consent Calendar Items D.1-D.6.

Motion by: Director Mayo; **Second:** Director Couch

There were no comments from the Board or public.

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

D.7 Review and Approve the Amendment to County Lease for Library Facilities

General Manager Kaspari noted that there was a typographical error to the title of the staff note for this item.

Motion: To approve the Amendment to the County Lease for Library Facilities at 1606 Pickett Road and authorize the Board President to sign the lease upon Humboldt County Board of Supervisor approval.

Motion by: Director Mayo; **Second:** Director Binder

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

AGENDA ITEM E. CONTINUED AND NEW BUSINESS:

The items below are in order in which they took place.

E.1 Consider Approval of the Master Plan Design for the BMX Track and Park Project at School Road and Washington Ave.

Parks and Recreation Director Frisbee gave an overview of the item. Patrick Farrar and Michael McIntire of Melton Design Group conducted a PowerPoint presentation of the BMX Track and Park Project Master Plan design. Director Biteman asked clarifying questions regarding the decision of a half versus full basketball court. President Orsini suggested a minimization of turf and inclusion of drought tolerant plants and landscaping. Parks and Recreation Director Frisbee commented that the use of drought tolerant plants was a requirement of grant funding received for the project.

Motion: To approve the Master Plan Design for the BMX Track and Park Project at School Rd. and Washington Ave.

Motion by: Director Mayo; **Second:** Director Biteman

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

E.2 Consider and Possible Approval of Contract with Kennedy Jenks to Provide Engineering Design and Environmental Services for the McCluski Tank Replacement Project

General Manager Kaspari reviewed the item. President Orsini suggested looking at the potential monetary value of the leftover redwood from the tanks being demolished. Member of the public, Manuel Fonseca, asked clarifying questions regarding the decision of constructing bolted steel versus welded tanks. General Manager Kaspari noted that Kennedy Jenks will be evaluating the best option available as part of the design contract.

Motion: To find Kennedy Jenks the most qualified respondent and authorize the General Manager to execute a contract and associated documents with Kennedy Jenks to provide Phase 1 engineering design, environmental and permitting assistance for the McCluski Tanks Replacement Project in the amount of \$212,894 with a 10% contingency of \$21,289 for a total of \$234,183.

Motion by: Director Mayo; **Second:** Director Biteman

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

E.6 Consider Adoption of Resolution 2023-09 Placing in Nomination Dennis Mayo as a Member of the Association of California Water Agencies Region 1 Board Member

Board Secretary April Sousa reviewed the item. There was no public comment.

Motion: To adopt Resolution 2023-09 nominating Director Mayo to be considered by the Associated California Water Agencies (ACWA) Region 1 Nominating Committee for an ACWA Region 1 Board position.

Motion by: Director Mayo; **Second:** Director Couch

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

7:00 P.M. – The Public Hearing referenced in Item B. was time set. The Board shifted to Item B to conduct the public hearing at the approved set time.

E.3 Review and Discuss the McKinleyville Skatepark Quarterly Project Status Update Presented by the Humboldt Skatepark Collective (HSC)

Parks and Recreation Director Frisbee gave an overview of the item.

Charlie Caldwell of the Humboldt Skatepark Collective conducted a PowerPoint presentation. Comments of appreciation were given to Mr. Caldwell for the ongoing work on the project.

This was an information only item. No action taken.

E.4 Review Operations Draft Budget for Water, Wastewater, and Streetlights Funds FY 2023-24

Finance Director Nicole Alvarado presented this item.

This was an information only item. No action taken.

E.5 Transfer of Funds to California CLASS Account

Finance Director Alvarado reviewed the staff note for this item. Members of the Finance and Audit Committee commented on the process. There was no public comment.

Motion: Direct Staff to initiate funds transfers to California Class.

Motion by: Director Biteman; **Second:** Director Mayo

Roll Call: Ayes: Binder, Biteman, Couch, Mayo and Orsini Nays: None Absent: None

Motion Summary: Motion Passed

E.7 First Reading of Ordinance No. 2023-01 Revising the Rules and Regulations: Amending Rules 22.12, 27.07, Regulation 43 and Removing Regulation 47

General Manager Kaspari gave a summary of the item. President Orsini commended staff on the work done on the drafted revisions. There was no public comment.

Motion: To conduct a first reading of Ordinance No. 2023-01 Revising the Rules and Regulations: Amending Rules 22.12, 27.07, Regulation 43 and Removing Regulations 47, by title only.

Motion by: Director Binder; **Second:** Director Mayo

Roll Call: Ayes: Couch Nays: Binder, Biteman, Mayo and Orsini Absent: None

Motion Summary: Motion Did Not Pass

AGENDA ITEM F. REPORTS

F.1 ACTIVE COMMITTEE REPORTS

- a. **Parks and Recreation Committee (Binder/Biteman):** Nothing further to report from Director Frisbee's report.
- b. **Area Fund (John Kulstad/Binder):** No Report. The Board commented that Mr. Kulstad used to come to the Board to give a brief report on this.
- c. **Redwood Region Economic Development Commission (Biteman/Mayo):** Director Biteman gave a brief report.
- d. **McKinleyville Senior Center Advisory Council (Binder/Couch):** Director Binder gave a brief report on the activities of the Senior Center and thanked staff for a smooth process during the Azalea Hall remodel.
- e. **Audit and Finance (Orsini/Biteman):** Did not meet.
- f. **Employee Negotiations (Couch/Mayo):** Did not meet.
- g. **McKinleyville Municipal Advisory Committee (Orsini/Binder):** Director Orsini gave a brief report that included ongoing talks of the Town Center Ordinance for the County.
- h. **Ad Hoc Community Forest Committee (Mayo/Orsini):** Did not meet.

F.2 LEGISLATIVE AND REGULATORY REPORTS

None

F.3 STAFF REPORTS

- a. **Finance and Administration Department (Nicole Alvarado):** Finance Director Alvarado had nothing further to add to her written report.
- b. **Operations Department (James Henry):** Operations Director James Henry had nothing further to add to his written report.
- c. **Parks & Recreation Department (Lesley Frisbee):** Recreation Director Lesley Frisbee briefly reported that the Parks and Recreation Department had received a McKinleyville Area Fund grant for a new Conex Box at the Hiller Sports Site.
- d. **General Manager (Patrick Kaspari):** General Manager Kaspari had nothing further to add to his report.

F.4 PRESIDENT'S REPORT:

It was noted that County Board Supervisor Steve Madrone was attending the meeting virtually and President Orsini gave him a moment to speak.

F.5 BOARD MEMBER COMMENTS, ANNOUNCEMENTS, REPORTS AND AGENDA ITEM REQUESTS:

The Board took a brief recess at 8:07 p.m.

F.6 CLOSED SESSION DISCUSSION

- a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code § 54954.5 and 54957) Title: General Manager—Patrick Kaspari

Closed Session began at: 8:12 p.m.

G. ADJOURNMENT:

Meeting Adjourned at 9:03 p.m.

Joey Blaine, Board Secretary

**McKinleyville Community Services District
Treasurer's Report
April 2023**

Table of Contents

Page 2	Activity Summary by Fund with Selected Graphic Comparisons
Page 9	Cash Disbursement Report

Ratios

as of April 30, 2023

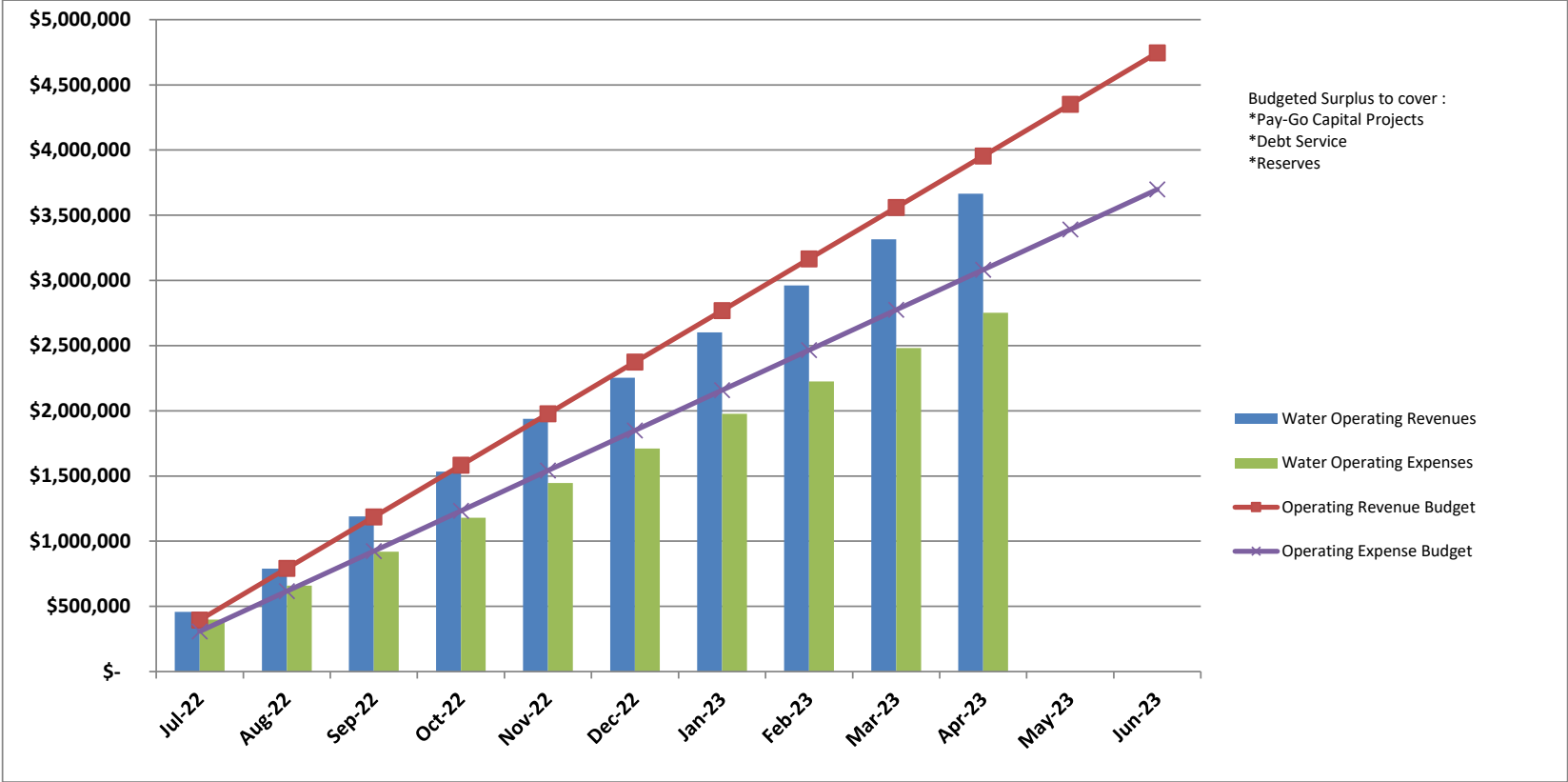
- Utility Accounts Receivable Turnover Days	<table border="1"><tr><td>12</td></tr></table>	12
12		
- YTD Breakeven Revenue, Water Fund:	<table border="1"><tr><td>\$ 2,482,335</td></tr></table>	\$ 2,482,335
\$ 2,482,335		
- YTD Actual Water Sales:	<table border="1"><tr><td>\$ 3,362,774</td></tr></table>	\$ 3,362,774
\$ 3,362,774		
- Days of Cash on Hand-Operations Checking/MM	<table border="1"><tr><td>342</td></tr></table>	342
342		

McKinleyville Community Services District
Activity Summary by Fund, Approved Budget
April 2023

Department Summaries	April	% of Year 83.33% YTD	Approved YTD Budget	Over (Under) YTD Budget	Over (Under) YTD Budget %	% Year Remaining: 16.67%			Notes
						Total Budget	Remaining Budget	Budget %	
Water									
Water Sales	301,702	3,362,774	3,695,188	(332,414)	-9.00%	4,434,226	1,071,452	24.16%	
Other Revenues	48,323	303,277	259,833	43,444	16.72%	311,800	8,523	2.73%	Includes YTD Capacity Fees \$130,249, Contrib. Construction \$73,570
Total Operating Revenues	350,025	3,666,051	3,955,021	(288,970)	-7.31%	4,746,026	1,079,975	22.76%	
Salaries & Benefits	88,133	814,934	1,019,581	(204,647)	-20.07%	1,223,498	408,564	33.39%	Budget spread evenly across 12 months, but actuals vary by schedule
Water Purchased	103,920	1,030,729	1,008,333	22,396	2.22%	1,210,000	179,271	14.82%	
Other Expenses	46,041	573,207	720,582	(147,375)	-20.45%	864,698	291,491	33.71%	Budget spread evenly across 12 months, but actuals vary by project & expenditure
Depreciation	33,333	333,330	333,333	(3)	0.00%	400,000	66,670	16.67%	
Total Operating Expenses	271,427	2,752,199	3,081,829	(329,630)	-10.70%	3,698,195	945,996	25.58%	
Net Operating Income	78,598	913,852	873,192	(618,599)		1,047,831	133,978		
Grants	-	196,620	1,332,500	(1,135,880)		1,599,000	1,402,380	87.70%	
Interest Income	7,502	74,407	41,667	32,740	78.57%	50,000	(24,407)	-48.81%	
Interest Expense	-	(25,112)	(179,834)	(154,722)	-86.04%	(215,801)	(190,689)	88.36%	
Total Non-Operating Income	7,502	245,915	1,194,333	(1,257,862)		1,433,199	1,187,284		
Net Income (Loss)	86,100	1,159,767	2,067,525	(1,876,462)		2,481,030	1,321,263		
Wastewater									
Wastewater Service Charges	332,210	3,390,876	3,642,675	(251,799)	-6.91%	4,371,210	980,334	22.43%	
Other Revenues	54,692	394,081	315,785	78,296	24.79%	378,942	(15,139)	-4.00%	Includes YTD Capacity Fees \$208,528 Contrib.Construction \$72,510
Total Operating Revenues	386,902	3,784,958	3,958,460	(173,502)	-4.38%	4,750,152	965,194	20.32%	
Salaries & Benefits	88,175	1,029,632	1,071,683	(42,051)	-3.92%	1,286,020	256,388	19.94%	
Other Expenses	62,530	665,052	936,255	(271,203)	-28.97%	1,123,506	458,454	40.81%	Budget spread evenly across 12 months, but actuals vary by project & expenditure
Depreciation	102,083	1,020,830	1,020,833	(3)	0.00%	1,225,000	204,170	16.67%	
Total Operating Expenses	252,788	2,715,514	3,028,771	(313,257)	-10.34%	3,634,526	919,012	25.29%	
Net Operating Income	134,113	1,069,444	929,689	139,755		1,115,626	46,182		
Grants	-	381,338	1,606,458	(1,225,120)	-76.26%	1,927,750	1,546,412	80.22%	
Interest Income	14,125	122,380	41,667	80,713	193.71%	50,000	(72,380)	-144.76%	
Interest Expense	-	(34,362)	(338,598)	(304,236)	-89.85%	(406,318)	(371,956)	91.54%	
Total Non-Operating Income	14,125	469,356	1,309,527	840,171		1,571,432	1,102,076	70.13%	
Net Income (Loss)	148,238	1,538,800	2,239,216	(700,416)		2,687,058	1,148,258		
Enterprise Funds Net Income (Loss)	234,338	2,698,566	4,306,741	(1,608,175)		5,168,088	2,469,521		

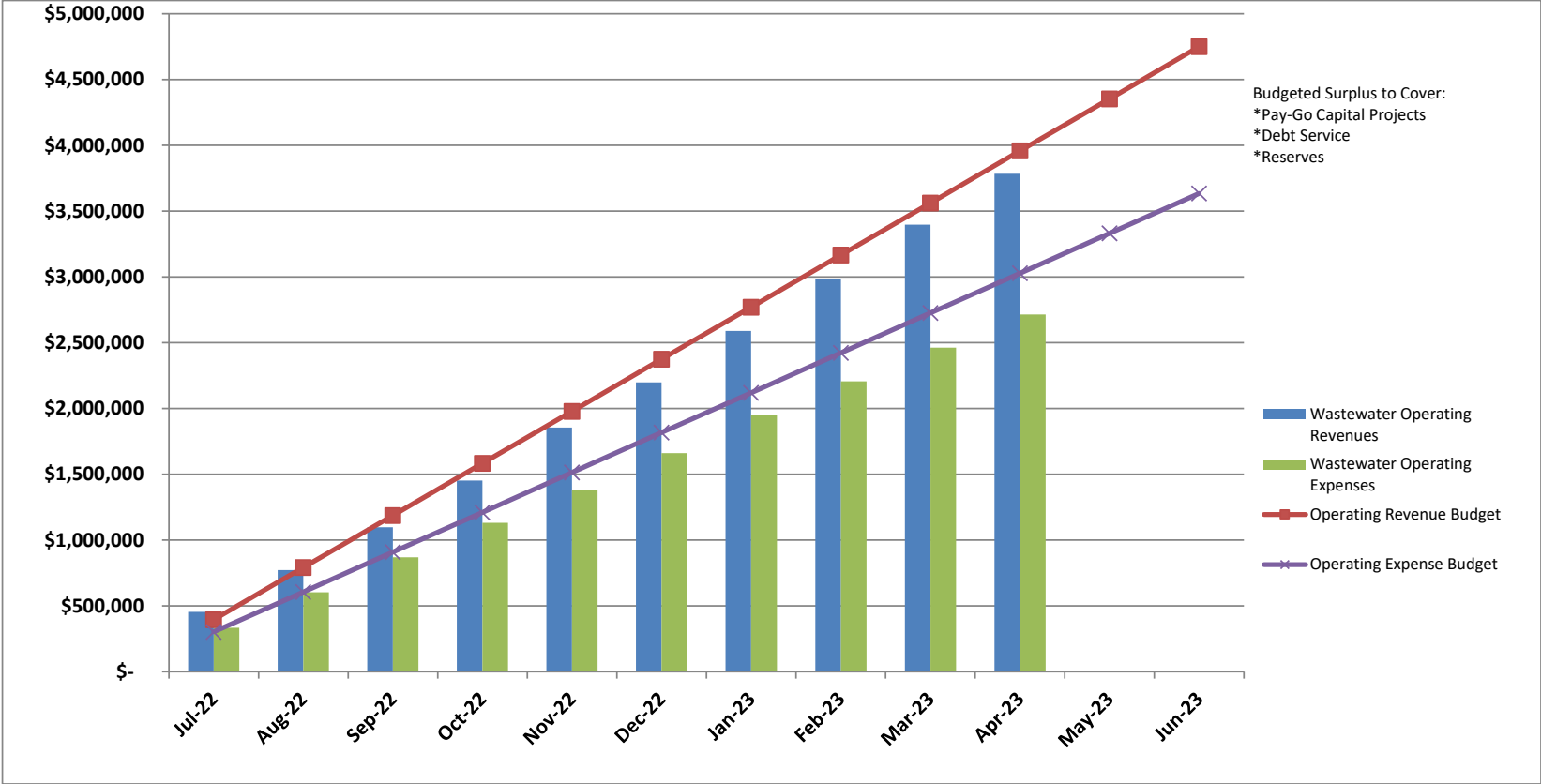
**McKinleyville Community Services District
April 2023**

Comparison of Water Fund Operating Revenues & Expenses to Budget



**McKinleyville Community Services District
April 2023**

Comparison of Wastewater Fund Operating Revenues & Expenses to Budget

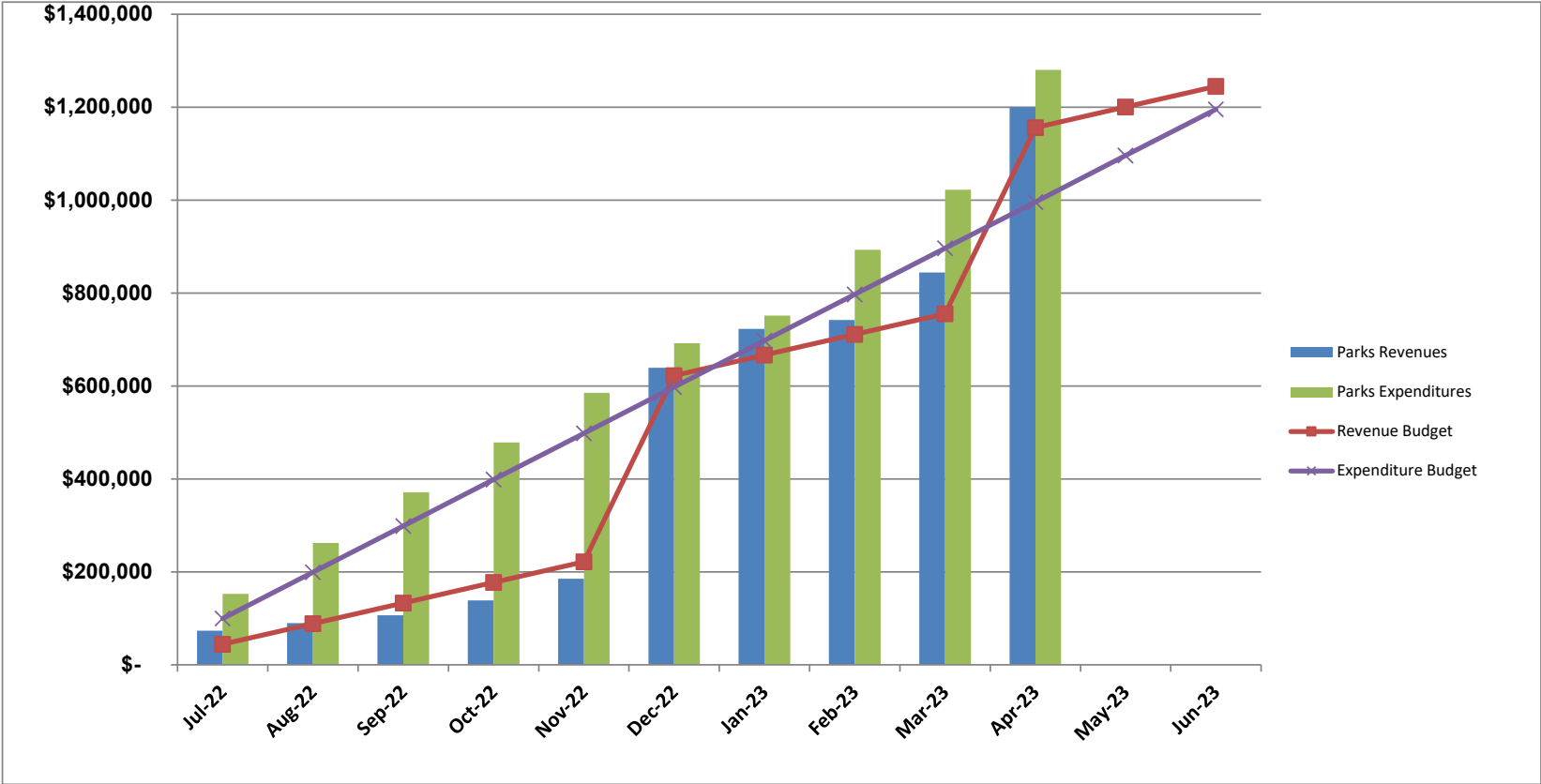


*Parks & Recreation										
Program Fees	5,245	255,474	198,233	57,241	28.88%	237,880	(17,594)	-7.40%	Budget spread evenly across 12 months, but actuals vary by schedule	
Rents & Facility Related Fees	6,553	82,103	57,208	24,895	43.52%	68,650	(13,453)	-19.60%		
Property Taxes	314,750	666,917	593,813	73,104	12.31%	712,575	45,659	6.41%		
Other Revenues	22,640	130,363	158,910	(28,547)	-17.96%	190,692	60,329	31.64%	Budget spread evenly across 12 months, but actuals vary by schedule	
Interest Income	6,930	65,266	29,168	36,098	123.76%	35,002	(30,264)	-86.46%		
						532,224				
Total Revenues	356,119	1,200,123	1,037,332	162,791	15.69%	1,244,799	44,676	3.59%		
Salaries & Benefits	85,104	911,052	486,881	424,171	87.12%	584,258	(326,794)	-55.93%		
Other Expenditures	172,838	369,076	509,309	(140,233)	-27.53%	611,171	242,095	39.61%		
Total Expenditures	257,942	1,280,128	996,190	283,938	28.50%	1,195,429	(84,700)	-7.09%		
Other Financing Sources:										
Grant Revenues	139,541	173,174	1,231,627	(1,058,453)	-85.94%	1,477,952	1,304,778	88.28%		
Capital Expenditures	68,211	245,296	1,016,667	(771,371)	-84.06%	1,525,000	1,279,704	83.92%	Budget spread evenly across 12 months, but actuals vary by project schedule	
Excess (Deficit)	169,506	(152,127)	256,102	(408,229)		2,323	1,434,154			
*Measure B Assessment										
Total Revenues	74,678	220,858	189,420	31,438	16.60%	227,304	6,446	2.84%		
							-			
Salaries & Benefits	8,189	81,853	56,073	25,780	45.98%	67,288	(14,566)	-21.65%	Budget spread evenly across 12 months; actuals vary by maintenance schedule	
Other Expenditures	1,284	18,742	55,057	(36,315)	-65.96%	66,069	47,327	71.63%	Budget spread evenly across 12 months, but actuals vary seasonally	
Capital Expenditures/Loan Repayment	-	112,667	78,062	34,605	44.33%	93,674	(18,993)	-20.28%	Budget is spread evenly across 12 months. Loan prmts are October & April	
Total Expenditures	9,473	213,263	189,192	24,071	12.72%	227,030	13,768	6.06%		
Excess (Deficit)	65,205	7,596	228	7,368		274	(7,322)			
*Street Lights										
Total Revenues	11,305	108,422	103,733	4,689	4.52%	124,480	16,058	12.90%		
Salaries & Benefits	3,104	32,899	44,787	(11,888)	-26.54%	53,744	20,845	38.79%	Budget spread evenly across 12 months; actuals vary by maintenance schedule	
Other Expenditures	3,900	42,380	30,646	11,734	38.29%	36,775	(5,605)	-15.24%		
Capital Expenditures/Loan Repayment	-	-	39,167	(39,167)	-100.00%	47,000	47,000	100.00%	Budget spread evenly across 12 months, but actuals vary by project	
Total Expenditures	7,004	75,279	114,600	(39,321)	-34.31%	137,519	62,240	45.26%		
Excess (Deficit)	4,301	33,143	(10,867)	(44,010)		(13,039)	(46,182)			
Governmental Funds Excess (Deficit)	239,011	(111,389)	245,463	(356,852)		(10,443)	1,380,649			

*Governmental Funds use a modified accrual basis of accounting per GASB

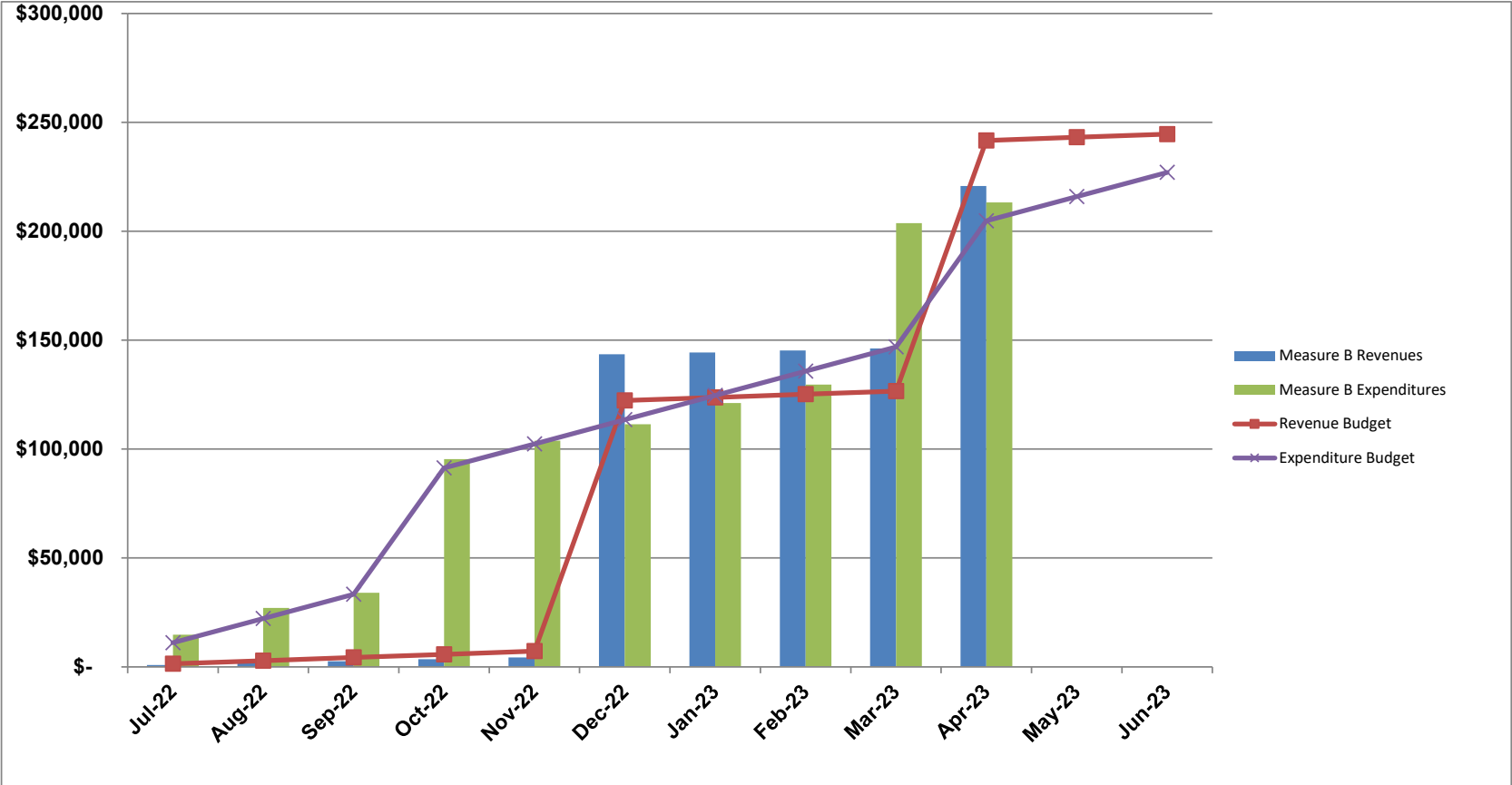
**McKinleyville Community Services District
April 2023**

Comparison of Parks & Recreation Total Revenues & Expenditures to Budget



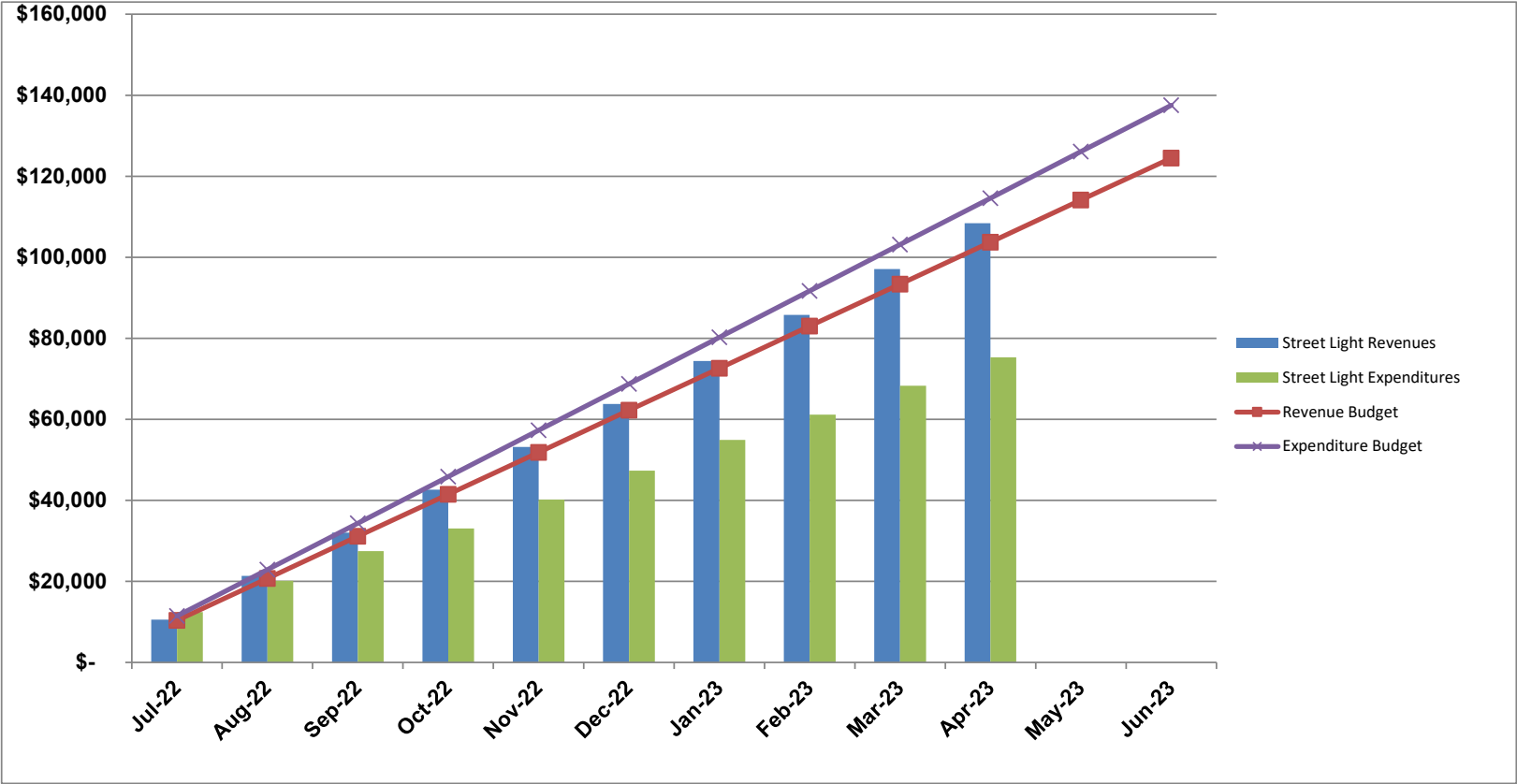
**McKinleyville Community Services District
April 2023**

Comparison of Measure B Fund Total Revenues & Expenditures to Budget



**McKinleyville Community Services District
April 2023**

Comparison of Street Light Fund Total Revenues & Expenditures to Budget



**McKinleyville Community Services District
Cash Disbursement Report
For the Period April 1 through April 30, 2023**

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
Accounts Payable Disbursements						
40979	4/4/2023	MAY02	DENNIS MAYO	125	C30404	DIRECTORS FEES
40980	4/4/2023	\C014	MQ CUSTOMER REFUND FOR CA	16	000C30401	MQ CUSTOMER REFUND FOR CA
40981	4/4/2023	\J015	MQ CUSTOMER REFUND FOR JL	64	000C30401	MQ CUSTOMER REFUND FOR JL
40982	4/4/2023	\L013	MQ CUSTOMER REFUND FOR LA	59	000C30401	MQ CUSTOMER REFUND FOR LA
40983	4/4/2023	\M020	MQ CUSTOMER REFUND FOR MA	54	000C30401	MQ CUSTOMER REFUND FOR MA
40984	4/4/2023	\P004	MQ CUSTOMER REFUND FOR PA	144	000C30401	MQ CUSTOMER REFUND FOR PA
40985	4/4/2023	\R013	MQ CUSTOMER REFUND FOR RE	79	000C30401	MQ CUSTOMER REFUND FOR RE
40986	4/4/2023	\R014	MQ CUSTOMER REFUND FOR RO	53	000C30401	MQ CUSTOMER REFUND FOR RO
40987	4/4/2023	\S024	MQ CUSTOMER REFUND FOR SC	73	000C30401	MQ CUSTOMER REFUND FOR SC
40988	4/4/2023	\S025	MQ CUSTOMER REFUND FOR ST	27	000C30401	MQ CUSTOMER REFUND FOR ST
40989	4/4/2023	\T005	MQ CUSTOMER REFUND FOR TO	24	000C30401	MQ CUSTOMER REFUND FOR TO
40990	4/4/2023	\T009	MQ CUSTOMER REFUND FOR TO	24	000C30401	MQ CUSTOMER REFUND FOR TO
40991	4/4/2023	\V005	MQ CUSTOMER REFUND FOR VA	59	000C30401	MQ CUSTOMER REFUND FOR VA
40992	4/4/2023	\W011	MQ CUSTOMER REFUND FOR WE	70	000C30401	MQ CUSTOMER REFUND FOR WE
40993	4/4/2023	\W012	MQ CUSTOMER REFUND FOR WI	514	000C30401	MQ CUSTOMER REFUND FOR WI
40994	4/7/2023	*0068	CUSTOMER REFUND - TOT-LET	29	C30405	CUSTOMER REFUND - TOT-LET
40995	4/7/2023	*0070	CUSTOMER REFUND - DEPOSIT	100	C30405	CUSTOMER REFUND - DEPOSIT
40996	4/7/2023	*0071	CUSTOMER REFUND - DEPOSIT	100	C30405	CUSTOMER REFUND - DEPOSIT
40997	4/7/2023	*0072	CUSTOMER REFUND - DEPOSIT	100	C30405	CUSTOMER REFUND - DEPOSIT
40998	4/7/2023	*0073	CUSTOMER REFUND - DEPOSIT	165	C30405	CUSTOMER REFUND - DEPOSIT
40999	4/7/2023	ACW01	CB&T/ACWA-JPIA	13,010	698914	GRP. HEALTH INS
41000	4/7/2023	ADV01	ADVANCED SECURITY SYSTEM	1,086	641823	SECURITY SYSTEM
41001	4/7/2023	AMA01	AMAZON CAPITAL SERVICES	94	94YYC9PJJ	SUPPLIES
41002	4/7/2023	BAD01	BADGER METER, Inc.	362	80123774	MONTHLY FEE
41003	4/7/2023	BAS01	PACE ANALYTICAL SERVICES	660	230250028	MONTHLY TESTING
41004	4/7/2023	CAL10	CALIFORNIA HEATING	135	S133977	REPAIRS
41005	4/7/2023	EUR06	EUREKA READY MIX	698	85326	REPAIRS/SUPPLY
41006	4/7/2023	GHD01	GHD	2,659 745	800029575 800029579	WATER RECYCLING PLANNING PROFESSIONAL SERVICES

41006	4/7/2023	GHD01	GHD	19,952	800029664	MCSD CENTRAL MAIN LINE RE
			Check Total:	<u>1,015</u>	800030157	MICROGRID PROJECT
				<u>24,371</u>		
41007	4/7/2023	GRA02	GRAINGER	80	655477850	PARTS AND SUPPLIES
41008	4/7/2023	HAR03	HARPER MOTORS CO.	859	C30405	PARTS/LABOR
41009	4/7/2023	HAR13	The Hartford - Priority A	459	183945278	GRP. HEALTH INS
41010	4/7/2023	HUM01	HUMBOLDT BAY MUNICIPAL WA	100,006	C30405	WTR PURCHASED
41011	4/7/2023	HUM08	HUMBOLDT SANITATION	702	33X02662	TRASH SERVICE - 1656 SUTT
				642	33X02663	TRASH SERVICE - 1705 GWIN
				320	33X02664	TRASH SERVICE - 675 HILLE
				642	33X02795	TRASH SERVICE - 1620 PICK
			Check Total:	<u>2,307</u>		
41012	4/7/2023	INF02	INFOSEND	3,388	233000	MAILING/BILL
41013	4/7/2023	INF03	INFINITE CONSULTING SERVI	4,030	10671	MONTHLY FEES
41014	4/7/2023	KEN02	KENNEDY/JENKS CONSULTANTS	24,938	162416	4.5 MG WATER PROJECT
41015	4/7/2023	LES01	LES SCHWAB TIRE CENTER	666	600531646	REPAIRS
41016	4/7/2023	MCB02	BILL MCBROOME	1,300	C30405	PROFESSIONAL SERVICES - L
41017	4/7/2023	MCK04	MCK ACE HARDWARE	610	C30406	REPAIRS/SUPPLY
41018	4/7/2023	MEN01	MENDES SUPPLY CO.	1,462	C30405	REPAIRS/SUPPLY
41019	4/7/2023	MES01	KIRSTEN MESSMER	79	C30405	EMPLOYEE REIMBURSEMENT
41020	4/7/2023	MIL01	Miller Farms Nursery	631	C30405	REPAIRS/SUPPLY
41021	4/7/2023	MIT01	MITCHELL LAW FIRM	259	52160	LEGAL
41022	4/7/2023	MUD01	MUDDY WATERS COFFEE CO.,I	80	C30405	OFFICE SUPPLIES
41023	4/7/2023	NAP02	NAPA AUTO PARTS	146	C30406	PARTS AND SUPPLIES
41024	4/7/2023	NOR01	NORTH COAST LABORATORIES	4,510	C30406	LAB TESTS
41025	4/7/2023	NOR02	NORTH COAST JOURNAL, INC.	375	23-109962	WEDDING GUIDE
41026	4/7/2023	NOR13	NORTHERN CALIFORNIA SAFET	120	28964	MONTHLY FEE
41027	4/7/2023	PGE11	PGE STREETLIGHTS	21	C30405	GAS & ELECTRIC SEWER PUMP
41028	4/7/2023	PGE12	PGE	48	C30405	GAS & ELECTRIC HILLER SPO
41029	4/7/2023	SOU03	APRIL SOUSA	60	C30405	EMPLOYEE REIMBURSEMENT
41030	4/7/2023	STR01	STREAMLINE	300	DF9E70029	INTERNET SERVICES
41031	4/7/2023	THA01	THATCHER COMPANY, INC.	3,032	C30405	REPAIRS/SUPPLY TREATMENT
41032	4/7/2023	THO02	Thomas Home Center	263	C30405	REPAIRS/SUPPLY
41033	4/7/2023	THR01	THRIFTY SUPPLY COMPANY	2,939	101764501	PARTS AND SUPPLIES
				4,844	101773601	PARTS AND SUPPLIES
			Check Total:	<u>7,783</u>		
41034	4/7/2023	UMP01	UMPQUA COMMERCIAL CARD OP	1,301	0423BD	TRAVEL/TRAINING/SUPPLIES
				1,146	0423JH	TRAVEL/TRAINING/SUPPLIES

			62	0423LF	TRAVEL/TRAINING/SUPPLIES
			450	0423NA	TRAVEL/TRAINING/SUPPLIES
			826	0423PK	TRAVEL/TRAINING/SUPPLIES
			415	0423PARKS	TRAVEL/TRAINING/SUPPLIES
		Check Total:	<u>4,200</u>		
41035	4/7/2023 VAL01	VALLEY PACIFIC PETROLEUM	1,071	L23613874	GAS/OIL/LUBE
41036	4/7/2023 VAL02	VALLEY PACIFIC	916	C30406	GAS/OIL/LUBE
			<u>4,712</u>	L23613332	GAS/OIL/LUBE
		Check Total:	<u>5,628</u>		
41037	4/7/2023 VER01	VERIZON WIRELESS	82	930678345	PAGING/ALARMS
41038	4/13/2023 ACW02	ASSOC. OF CALIFORNIA	650	23INV1219	REGISTRATION FEE
			650	23INV1238	REGISTRATION FEE
			<u>650</u>	23INV1239	REGISTRATION FEE
		Check Total:	<u>1,950</u>		
41039	4/13/2023 ARC07	ARCATA FIRE PROTECTION DI	118	1263	FIT TESTING
41040	4/13/2023 BAY03	BAY TANK AND BOILER WORKS	9	40863	METAL ACTUATORS FOR GATES
41041	4/13/2023 DEP05	DEPARTMENT OF JUSTICE	32	646742	FINGERPRINTING
41042	4/13/2023 FED01	FedEx Office	573	809274858	LAB TESTS TREATMENT
41043	4/13/2023 FIF01	FIFE WATER SERVICES INC	365	23040502	WASTEWATER LAB TREATMENT
41044	4/13/2023 GRS01	G R SUNDBERG, INC.	73,855	5408	1200 TONS OF ROCK AROUND
41045	4/13/2023 HUM22	HUMBOLDT COUNTY SHERIFF	150	C30412	FALSE ALARM FEE
41046	4/13/2023 IND01	INDEPENDENT BUS. FORMS	43	42180	BUSINESS CARDS JBLAINE
41047	4/13/2023 IND02	INDUSTRIAL ELECTRIC SERVI	288	IN46698	BEARING/FREIGHT
			<u>678</u>	IN46870	PARKER/SKINNER HYD VALVE
		Check Total:	<u>1,159</u>		
41048	4/13/2023 INF03	INFINITE CONSULTING SERVI	40	10694	DOMAIN NAME RENEWAL
41049	4/13/2023 MDG01	MELTON DESIGN GROUP INC	11,149	6289	2537 BMX TRACK AND PARK
41050	4/13/2023 MES01	KIRSTEN MESSMER	46	C30412	EMPLOYEE REIMBURSEMENT
41051	4/13/2023 NOR35	NORTHERN HUMBOLDT	793	ES23124	PROFESSIONAL SERVICES
			<u>772</u>	ES23-123	PROFESSIONAL SERVICES
		Check Total:	<u>1,565</u>		
41052	4/13/2023 PAC01	PACIFIC UNION SCHOOL PTO	1,533	C30412	PACIFIC UNION PTO DANCE S
41053	4/13/2023 PGE01	PG & E (Office & Field)	22,137	C30412	GAS & ELECTRIC
41054	4/13/2023 UMP04	UMPQUA BANK	64,152	C30412	LOAN REPAYMENT 9707003451
41055	4/20/2023 ASB01	ASBURY ENVIRONMENTAL SERV	95	918963	USED OIL
41056	4/20/2023 BOR01	BORGES & MAHONEY CO.	569	144353	PARTS AND SUPPLIES
			<u>31</u>	144354	PART AND SUPPLIES
		Check Total:	<u>600</u>		
41057	4/20/2023 COA01	COASTAL BUSINESS SYSTEMS	1,016	33851093	OFFC EQUIP LEAS
41058	4/20/2023 DEL02	DELFINO, MADDEN, O'MALLEY	2,357	C30418	PROFESSIONAL SERVICES
41059	4/20/2023 EUR06	EUREKA READY MIX	698	85787	BASE CLASS II ROCK
41060	4/20/2023 FED01	FedEx Office	435	807126353	LAB TESTS TREATMENT

			500	810025353	LAB TESTS TREATMENT
		Check Total:	<u>935</u>		
41061	4/20/2023	FED02 C.J. BROWN & COMPANY CPAS	6,000	C30418	ACCT. / AUDIT
41062	4/20/2023	HEN04 HENSEL'S ACE HARDWARE	72	C30418	PARTS AND SUPPLIES
41063	4/20/2023	HUM22 HUMBOLDT COUNTY SHERIFF	200	C30418	PERMIT FEES
41064	4/20/2023	IND02 INDUSTRIAL ELECTRIC SERVI	271	IN46929	PARTS AND SUPPLIES
			123	IN46940	PARTS AND SUPPLIES
		Check Total:	<u>394</u>		
41065	4/20/2023	LEW01 THE LEW EDWARDS GROUP	3,000	1	PROFESSIONAL SERVICES
41066	4/20/2023	MAN02 MANTOVA'S TWO STREET MUSI	3,353	C30418	BOARD MEETING MICROPHONES
41067	4/20/2023	MIT02 MITEL	777	43191278	PHONE SERVICES
41068	4/20/2023	MRC01 MRC GLOBAL	1,784	674931001	PARTS AND SUPPLIES
41069	4/20/2023	ORE01 O'REILLY AUTOMOTIVE, INC.	12	C30418	REPAIRS/SUPPLY
41070	4/20/2023	PAC05 PACIFIC ECORISK	953	18910	TOXICITY TESTING
41071	4/20/2023	PGE10 PGE STREETLIGHTS	5	C30418	GAS & ELECTRIC S.L.- ZONE
41072	4/20/2023	STA01 STATEWIDE TRAFFIC	70	9008542	STRIPING APPLICATOR
41073	4/20/2023	STA11 STAPLES CREDIT PLAN	108	C30418	OFFICE SUPPLIES
41074	4/20/2023	STA23 STAPLES	161	C30418	OFFICE SUPPLIES
41075	4/20/2023	STE02 SEWER SPILL INCIDENT	518	C30419	SEWER SPILL INCIDENT
41076	4/20/2023	WIL09 WILLDAN FINANCIAL SERVICE	1,750	010-54385	PROFESSIONAL SERVICES
41077	4/27/2023	*0075 REIMBURSEMENT OF LIVE SCA	35	C30426	REIMBURSEMENT OF LIVE SCA
41078	4/27/2023	70,701 707 PEST SOLUTIONS	1,060	C30426	PEST CONTROL
41079	4/27/2023	ATT04 ATT	856	276597706	TELEMETRY
41080	4/27/2023	COR01 CORBIN WILLITS SYSTEMS, I	1,059	C304151	MONTHLY FEE
41081	4/27/2023	CPS01 CPS HUMAN RESOURCE SERVIC	6,995	9348	AFTER KICK-OFF MEETING
41082	4/27/2023	ESR01 E.S.R.I. INC.	2,420	94469244	ARC GIS DESTOP/MOBILE
41083	4/27/2023	EUR05 Eureka Oxygen Co	613	489790	FIRE SYSTEM SERVICE AZ/TE
41084	4/27/2023	FED02 C.J. BROWN & COMPANY CPAS	550	C30426	ACCT. / AUDIT
41085	4/27/2023	FOR04 FORESTSCAPES LLC	6,000	267	CENTRAL AVE TREE PRUNING
41086	4/27/2023	HAR03 HARPER MOTORS CO.	90	844350/2	PARTS AND LABOR
			90	844372/2	PARTS AND LABOR
		Check Total:	<u>180</u>		
41087	4/27/2023	MAY02 DENNIS MAYO	375	C30427	DIRECTORS FEES 4/5, 4/10,
41088	4/27/2023	MCK01 MCKINLEYVILLE CHAMBER OF	80	C30427	ANNUAL MEMBERSHIP FEE
41089	4/27/2023	MCK02 MCKINLEYVILLE GLASS CO.	1,021	49717	WINDSHIELD REPLACEMENT
41090	4/27/2023	MES01 KIRSTEN MESSMER	58	C30427	EMPLOYEE REIMBURSEMENT

41091	4/27/2023	MUN02	MUNICIPAL MAINTENANCE	79	7942	8 QUICK CLAMP
41092	4/27/2023	PGE09	PGE-STREETLIGHTS	115	C30427	GAS & ELECTRIC S.L. - ZONE
41093	4/27/2023	SHA02	SHADY LADY WINDOW COVERIN	1,997	9282501	WINDOW BLINDS - AZ FINAL
41094	4/27/2023	SMA03	SMALL TOWN AUTO REPAIR	3,126	95	BODY REPAIR AND PAINT #9
41095	4/27/2023	SOU03	APRIL SOUSA	195	C30427	FLEX SPENDING - ACCT BAL
41096	4/27/2023	TPX01	TPx COMMUNICATIONS	2,767	696154880	INTERNET SERVICES
41097	4/27/2023	USP02	USPS: ARCATA BMEU	290	C30427	POSTAGE
D00083	4/4/2023	VARIOUS	BINDER, SCOTT	125	C30404	DIRECTORS FEES
			BITEMAN, JAMES	125	C30404	DIRECTORS FEES
			COUCH, DAVID	125	C30404	DIRECTORS FEES
			ORSINI, GREG	125	C30404	DIRECTORS FEES
			Check Total:	<u>500</u>		
D00084	4/27/2023	VARIOUS	BINDER, SCOTT	375	C30426	DIRECTORS FEES 4/5, 4/10,
			BITEMAN, JAMES	375	C30426	DIRECTORS FEES 4/5, 4/10,
			COUCH, DAVID	375	C30426	DIRECTORS FEES 4/5, 4/10,
			ORSINI, GREG	375	C30427	DIRECTORS FEES 4/5, 4/10,
			Check Total:	<u>1,500</u>		
Total Disbursements, Accounts Payable				<u>446,496</u>		

Payroll Related Disbursements

18869	4/6/2023	CAL12	CalPERS 457 Plan	9,247	C30406	RETIREMENT
				777	1C30406	PERS 457 LOAN PMT
			Check Total:	<u>10,024</u>		
18870	4/6/2023	DIR01	DIRECT DEPOSIT VENDOR- US	43,528	C30406	Direct Deposit
18871	4/6/2023	EMP01	Employment Development	2,136	C30406	STATE INCOME TAX
				829	1C30406	SDI
			Check Total:	<u>2,966</u>		
18872	4/6/2023	EMP02	Employment Dev Department	8,077	C30331	SUI
18873	4/6/2023	HEA01	HEALTHQUITY, ATTN: CLIEN	75	C30406	HSA
18874	4/6/2023	HUM29	UMPQUA BANK--PAYROLL DEP.	7,537	C30406	FEDERAL INCOME TAX
				11,419	1C30406	FICA
				2,671	2C30406	MEDICARE
			Check Total:	<u>21,627</u>		
18875	4/6/2023	ACW01	CB&T/ACWA-JPIA	56,466	C30331	MED-DENTAL-EAP INSUR
18876	4/6/2023	PUB01	Public Employees PERS	23,569	C30331	PERS PAYROLL REMITTANCE
	4/10/2023		Payroll	21,158		
18912	4/24/2023	CAL12	CalPERS 457 Plan	8,549	C30424	RETIREMENT
				777	1C30424	PERS 457 LOAN PMT
			Check Total:	<u>9,326</u>		
18913	4/24/2023	DIR01	DIRECT DEPOSIT VENDOR- US	37,759	C30424	Direct Deposit
18914	4/24/2023	EMP01	Employment Development	1,712	C30424	STATE INCOME TAX
				754	1C30424	SDI
			Check Total:	<u>2,466</u>		

18915	4/24/2023	HEA01	HEALTHEQUITY, ATTN: CLIEN	75	C30424	HSA
18916	4/24/2023	HUM29	UMPQUA BANK--PAYROLL DEP.	6,742	C30424	FEDERAL INCOME TAX
				10,381	1C30424	FICA
				2,428	2C30424	MEDICARE
			Check Total:	<u>19,551</u>		
	4/24/2023		Payroll	21,042		
			Total Disbursements, Payroll	<u>277,708</u>		
			Total Disbursements:	724,204		

7-10-000	1542 Anderson Ave
7-820-000	1477 Whitmire Ave
8-197-000	1791 Lost Ave
8-205-000	760 Montana Rd
8-560-000	1685 Ocean Drive
8-570-000	1731 Ocean Drive
18-099-000	2000 Grange Rd

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **ACTION**

ITEM: D.4 **Consider Adoption of Resolution 2023-10 Amending the Rules and Regulations Rule 45.03.b Facility Use Fees and 45.03.c Event Service Fees**

PRESENTED BY: **Lesley Frisbee, Parks & Recreation Director**

TYPE OF ACTION: **Roll Call Vote – Consent Calendar**

Recommendation:

Staff recommends that the Board consider adoption of Resolution 2023-10 amending the Rules and Regulations Rule 45.03.b Facility Use Fees and 45.03.c Event Service Fees.

Discussion:

Facility use fees are analyzed annually and adjusted incrementally as needed to keep up with inflating costs of maintenance and operations. The last increase in fees was made in 2022 when fees were increased by 2%-2.5%.

Staff considered several factors in determining the amounts of increase for each facility. Staff researched similar facilities locally, analyzed maintenance and operation costs of existing facilities, and existing and historical use of each facility. In the last year costs related to the maintenance and operation of facilities have increased by approximately 18%. However, in order to keep pricing competitive with similar facilities in the region the proposed increase for this year is between 2.5% and 3%. A table comparing the current fees to the proposed increased rates can be viewed in **Attachment 2**. This table also provides information related to facility fees charged for similar facilities in our region.

The changes to the Rules and Regulations Rule 45.03.b Facility Use Fees and 45.03.c Event Service Fees are reflected in **Attachment 1**, Resolution 2023-10.

Alternatives:

Staff analysis consists of the following potential alternative

- Take No Action

Fiscal Analysis:

Facility fees are set to be competitive with similar regional facilities while also providing necessary support for the maintenance and operations. Staff researched similar facilities locally, analyzed maintenance and operation costs of existing facilities as well as analyzed annual usage and the impact the recommended fee increase would have on vendors. Based on the information

available to staff it was determined that a 2.5% - 3% increase in fees would maintain the marketability of facilities, while also increasing the potential to recover the costs of operations and maintenance.

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 – Resolution 2023-10
- Attachment 2 – Table of Current Fees to Proposed Fees

RESOLUTION 2023-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING THE RULES AND REGULATIONS RULE 45.03.B FACILITY USE FEES AND 45.03.C EVENT SERVICE FEES

WHEREAS, the Board wishes to provide quality parks and recreation services to its constituents; and

WHEREAS, the Board has determined that fees and charges should reflect District costs of providing services and maintaining facilities; and

WHEREAS, the District has certain fees which may no longer be covering operating expenses; and

WHEREAS, the Board may revise and/or increase facility rental fees as deemed necessary by Board action; and

WHEREAS, the amended Rules and Regulations will be duly accepted for implementation effective on July 1, 2023

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the McKinleyville Community Services District does hereby amend the Rules and Regulations as follows:

Rule 45.03.b. FACILITY USE FEES - the District shall charge the following rates for use of a District-owned facility for each use specified below:

ACTIVITY CENTER

Non-Profit Groups/Vendors	\$38.75/hour
Private Citizen/Business	\$55.00/hour

AZALEA HALL-ENTIRE FACILITY

Non-Profit Groups/Vendors	\$67.75/hour
Private Citizen/Business	\$90.00/hour

AZALEA HALL-HEWITT ROOM

Non-Profit Groups/Vendors	\$53.00/hour
Private Citizen/Business	\$65.75/hour
All Day Rate	\$550.00
Half Day Rate	\$332.00

AZALEA HALL-MEETING ROOM

Non-Profit Groups/Vendors	\$19.50/hour
Private Citizen/Business	\$26.00/hour

AZALEA HALL-KITCHEN

All Users	\$19.50/hour
-----------	--------------

LIBRARY CONFERENCE ROOM

Non-Profit Groups/Vendors	\$28.75/hour
Private Citizen/Business	\$31.75/hour

TEEN CENTER-ENTIRE FACILITY

Non-Profit/Vendors	\$73.50/hour
Private Citizen/Business	\$91.00/hour
All Day (12 hr) Rate	\$950.00
Half Day (6 hr) Rate	\$495.00

TEEN CENTER-MULTI PURPOSE ROOM

Non-Profit/Vendors	\$42.50/hour
Private Citizen Business	\$51.00/hour

TEEN CENTER-MUSIC ROOM

Non-Profit/Vendors	\$27.00/hour
Private Citizen Business	\$34.25/hour
<u>All Day (8 hr) Rate *weekends only</u>	<u>\$222.00</u>

TEEN CENTER-KITCHEN

Private Citizen/Single Use	\$38.00/hour
Non-Profit/Vendor	\$28.75/hour

PARKS

Gazebo Picnic Area	\$58.25/4 hrs
Picnic Pavilion	\$114.00/4 hrs
Special Event	\$174.00/day
*Commercial Events	\$281.00/day
*Requires Facility Host @ \$36.25 per hour unless overtime wages apply	

SPECIAL EVENT SERVICES

Event Staff	\$19.50/hour
Event Setup	
Events with less than 100 persons	\$91.25
Events with 101-200 persons	\$127.50
Events with more than 200 persons	\$159.50

Event Cleanup

Events with less than 100 persons	\$159.50
Events with 101-200 persons	\$191.00
Events with more than 200 persons	\$234.00

Rule 45.03.c. EVENT SERVICES FEES - the District shall charge a fee of \$19.50 per hour for an event host for those events requiring such a host. The minimum charge shall be two hours. Other events service fees shall be determined each year and are based on the direct expense associated with

providing said service. Such event fees shall be established and adopted by the Board.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the Board of Directors of the McKinleyville Community Services District on June 7, 2023 by the following polled vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gregory P. Orsini, Board President

Attest:

Joey Blaine, Board Secretary

	2022-23	Proposed for							
ACTIVITY CENTER	Hrly Rates	2023-24	1%	1.50%	2%	2.50%	3%	5%	
Public/Business Rate	\$ 53.50	\$ 55.00	\$ 54.04	\$ 54.30	\$ 54.57	\$ 54.84	\$ 55.11	\$ 56.18	
Non-profit/vendor	\$ 37.75	\$ 38.75	\$ 38.13	\$ 38.32	\$ 38.51	\$ 38.69	\$ 38.88	\$ 39.64	
AZALEA HALL-ENT.BLDG									
Public/Business Rate	\$ 87.75	\$ 90.00	\$ 88.63	\$ 89.07	\$ 89.51	\$ 89.94	\$ 90.38	\$ 92.14	
Non-profit/vendor	\$ 66.00	\$ 67.75	\$ 66.66	\$ 66.99	\$ 67.32	\$ 67.65	\$ 67.98	\$ 69.30	
AZALEA HALL-HEWITT ROOM									
Public/Business Rate	\$ 64.00	\$ 65.75	\$ 64.64	\$ 64.96	\$ 65.28	\$ 65.60	\$ 65.92	\$ 67.20	
Non-profit/vendor	\$ 51.75	\$ 53.00	\$ 52.27	\$ 52.53	\$ 52.79	\$ 53.04	\$ 53.30	\$ 54.34	
All Day (12 hr) Rate	\$ 535.00	\$ 550.00	\$ 540.35	\$ 543.03	\$ 545.70	\$ 548.38	\$ 551.05	\$ 561.75	
Half Day (6 hr) Rate	\$ 324.00	\$ 332.00	\$ 327.24	\$ 328.86	\$ 330.48	\$ 332.10	\$ 333.72	\$ 340.20	
AZALEA HALL-MEETING ROOM									
Public/Business Rate	\$ 25.25	\$ 26.00	\$ 25.50	\$ 25.63	\$ 25.76	\$ 25.88	\$ 26.01	\$ 26.51	
Non-profit/vendor	\$ 18.85	\$ 19.50	\$ 19.04	\$ 19.13	\$ 19.23	\$ 19.32	\$ 19.42	\$ 19.79	
AZALEA HALL-KITCHEN									
All Users	\$ 18.85	\$ 19.50	\$ 19.04	\$ 19.13	\$ 19.23	\$ 19.32	\$ 19.42	\$ 19.79	
LIBRARY CONFERENCE ROOM									
Public/Business Rate	\$ 31.00	\$ 31.75	\$ 31.31	\$ 31.47	\$ 31.62	\$ 31.78	\$ 31.93	\$ 32.55	
Non-profit/vendor	\$ 28.00	\$ 28.75	\$ 28.28	\$ 28.42	\$ 28.56	\$ 28.70	\$ 28.84	\$ 29.40	
TEEN CENTER-ENTIRE BLDG									
Public/Business Rate	\$ 88.75	\$ 91.00	\$ 89.64	\$ 90.08	\$ 90.53	\$ 90.97	\$ 91.41	\$ 93.19	
Non-profit/vendor	\$ 71.50	\$ 73.50	\$ 72.22	\$ 72.57	\$ 72.93	\$ 73.29	\$ 73.65	\$ 75.08	
All Day (12 hr) Rate	\$ 933.00	\$ 950.00	\$ 942.33	\$ 947.00	\$ 951.66	\$ 956.33	\$ 960.99	\$ 979.65	
Half Day (6 hr) Rate	\$ 484.50	\$ 495.00	\$ 489.35	\$ 491.77	\$ 494.19	\$ 496.61	\$ 499.04	\$ 508.73	
TEEN CENTER-MULTI PURPOSE RM									
Public/Business Rate	\$ 49.75	\$ 51.00	\$ 50.25	\$ 50.50	\$ 50.75	\$ 50.99	\$ 51.24	\$ 52.24	
Non-profit/vendor	\$ 41.25	\$ 42.50	\$ 41.66	\$ 41.87	\$ 42.08	\$ 42.28	\$ 42.49	\$ 43.31	
TEEN CENTER-MUSIC ROOM									
Public/Business Rate	\$ 33.25	\$ 34.25	\$ 33.58	\$ 33.75	\$ 33.92	\$ 34.08	\$ 34.25	\$ 34.91	
Non-profit/vendor	\$ 26.25	\$ 27.00	\$ 26.51	\$ 26.64	\$ 26.78	\$ 26.91	\$ 27.04	\$ 27.56	
All Day (8 hr) Rate*	\$ 216.00	\$ 222.00	\$ 218.16	\$ 219.24	\$ 220.32	\$ 221.40	\$ 222.48	\$ 226.80	
*available weekends only									
TEEN CENTER-KITCHEN									
All Users	\$ 37.00	\$ 38.00	\$ 37.37	\$ 37.56	\$ 37.74	\$ 37.93	\$ 38.11	\$ 38.85	
	\$ 28.00	\$ 28.75	\$ 28.28	\$ 28.42	\$ 28.56	\$ 28.70	\$ 28.84	\$ 29.40	
PARKS									
Pierson Park Gazebo Picnic Area	\$ 56.75	\$ 58.25	4 hrs \$ 57.32	\$ 57.60	\$ 57.89	\$ 58.17	\$ 58.45	\$ 59.59	
Pierson Park Pavilion	\$ 111.00	\$ 114.00	4 hrs \$ 112.11	\$ 112.67	\$ 113.22	\$ 113.78	\$ 114.33	\$ 116.55	
Hillier Park Picnic Area	\$ 56.75	\$ 58.25	4 hrs \$ 57.32	\$ 57.60	\$ 57.89	\$ 58.17	\$ 58.45	\$ 59.59	
Special Event	\$ 169.25	\$ 174.00	daily \$ 170.94	\$ 171.79	\$ 172.64	\$ 173.48	\$ 174.33	\$ 177.71	
Commercial Event*	\$ 273.25	\$ 281.00	daily \$ 275.98	\$ 277.35	\$ 278.72	\$ 280.08	\$ 281.45	\$ 286.91	
Commercial Event Staff (*Required)	\$ 36.25	\$ 37.25	per hr. \$ 36.61	\$ 36.79	\$ 36.98	\$ 37.16	\$ 37.34	\$ 38.0625	
SPECIAL EVENT SERVICES									
Event Staff	\$ 19.00	\$ 19.50	per hr. \$ 19.19	\$ 19.29	\$ 19.38	\$ 19.48	\$ 19.57	\$ 19.95	
Set-Up									
Events with less than 100 people	\$ 88.75	\$ 91.25	\$ 89.64	\$ 90.08	\$ 90.53	\$ 90.97	\$ 91.41	\$ 93.19	
Events with 101-200 people	\$ 124.00	\$ 127.50	\$ 125.24	\$ 125.86	\$ 126.48	\$ 127.10	\$ 127.72	\$ 130.20	
Events with more than 200 people	\$ 155.00	\$ 159.50	\$ 156.55	\$ 157.33	\$ 158.10	\$ 158.88	\$ 159.65	\$ 162.75	
Clean-Up									
Events with less than 100 people	\$ 155.00	\$ 159.50	\$ 156.55	\$ 157.33	\$ 158.10	\$ 158.88	\$ 159.65	\$ 162.75	
Events with 101-200 people	\$ 185.50	\$ 191.00	\$ 187.36	\$ 188.28	\$ 189.21	\$ 190.14	\$ 191.07	\$ 194.78	
Events with more than 200 people	\$ 227.50	\$ 234.00	\$ 229.78	\$ 230.91	\$ 232.05	\$ 233.19	\$ 234.33	\$ 238.88	

D-Street Comm. Ctr Arcata-
 \$169.50 up to 3hrs (= \$56.50/hr)
 429.75 for 4-5 hrs (= \$107.44 to \$85.95 / hr)
 \$566.00 over 5 hours (= \$94.33/hr at 6 hrs
 \$56.60/hr at 10hrs)

Arcata Comm Ctr-Teen Rm & Arts Rm (Capacity
 of 50)
 \$62.25/hr
 \$170.00 for 4-5 hrs (\$42.50 - \$34.00/ hr)
 \$226.75 over 5 hours (\$37.79/hr at 6 hrs.
 \$22.68/hr at 10hrs)

Arcata Comm Ctr-Sr. Dining Rm & kitchen (occ.
 96 at tables-122 just seats)
 \$311.25 up to 3 hrs (\$103.75 / hr)
 \$452.75 4-5hrs (\$113.19- \$90.550 / hr)
 \$566.00 over 5 hours (= \$94.33/hr at 6 hrs
 \$56.60/hr at 10hrs)

Library Conf Rm- \$33.75/hr (\$27/hr non-profit)

Adorni Center Gymnasium-
 \$330 for first 3 hours, \$125 per hour after (= \$110
 per hour)

Wharfinger Bldg-Great room 2,100 sq ft
 \$570-\$600 for 10 hrs
 \$700-\$750 for 11-14 hrs

Arcata Vets Great Hall-occupancy 240
 \$65/hr
 \$475 for 8 hrs (\$375 nonprofit)

Arcata Vets Dining Hall-occupancy 199
 \$55/hr
 \$400 for 8 hours (\$300 non-profit)

Arcata Vets Meeting Room -occup. 35 (fees
 same for Kitchen)
 \$40/hr
 \$300 for 8 hrs (\$175 non-profit)

Arcata Vets Whole Day rental Whole Bldg only)
 \$1400 (\$1000 non-profit)

CPI increased by approximately 5% in last

Exhibits/Attachments:

- Attachment 1 – HSC Agreement between MCSD and Mad River Youth Soccer League

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT

HILLER SPORTS COMPLEX FACILITY USE AGREEMENT

This HILLER SPORTS COMPLEX FACILITY USE AGREEMENT (this “AGREEMENT”), is made and entered into this 7th day of June, 2023, by and between the McKinleyville Community Services District (DISTRICT), a Community Services District formed under the laws of the State of California, and the Mad River Youth Soccer League (ORGANIZATION), a non-profit youth sports organization, reference to the following facts, which are acknowledged as true and correct by each of the parties:

Recitals

- (a) DISTRICT is the owner of Hiller Sports Complex located at 880 Columbus Road in McKinleyville; and
- (b) DISTRICT desires to maximize financial self-sufficiency of the maintenance of Hiller Sports Complex; and
- (c) DISTRICT desires to maximize community access to recreation programs at Hiller Sports Complex; and
- (d) ORGANIZATION desires to offer recreation programs to the community at Hiller Sports Complex; and
- (e) ORGANIZATION proposes to operate recreation programs, in accordance with the terms and conditions of this AGREEMENT, which supersedes all other previous documents; and
- (f) ORGANIZATION and DISTRICT each desire to secure and enter into an AGREEMENT in accordance with the foregoing; and
- (g) The documents which are part of the AGREEMENT, and each of which are incorporated herein by this reference as though full, are the following:
 - 1. Cover Page: Facility Use AGREEMENT
 - 2. Exhibit A: Hiller Sports Complex Map
 - 3. Exhibit B: Article IV – Rules and Regulations
 - 4. Exhibit C: Hiller Sports Complex Master Facility Fee Schedule
 - 5. Exhibit D: Operation & Maintenance Responsibilities
 - 6. Exhibit E: Guidelines for Field Cancellations

7. Exhibit F: "In Kind Work" & Field Modification Request Form

Definitions

As used in this AGREEMENT, the following terms shall have the following definitions:

1. "AGREEMENT" shall mean Hiller Sports Complex Facility Use AGREEMENT.
2. "DISTRICT" shall mean the McKinleyville Community Services District.
3. "ORGANIZATION" shall mean Mad River Girls Fastpitch Softball Association .
4. "Hiller Sports Complex" shall mean the nineteen-acre parcel of property located at 880 Columbus Road on the east side of the entry way into Hiller Park. Such property contains two (2) little league fields, a regulation softball field, a practice softball field, a Senior League baseball field, two collegiate size soccer fields, batting cages, concession stand, restrooms, bleachers, drinking fountains, walkways, and a parking lot.
5. "Park And Recreation Committee" shall be the said committee operating under the jurisdiction of the McKinleyville Community Services District Board of Directors.
6. "Facility Use Request" shall mean all periods of time, including practices, games, assessment days, tournaments, etc., for which a party desires to utilize Hiller Sports Complex and requested via the DISTRICT Hiller Sports Complex Facility Use Reservation Form.
7. "Facility Use Schedule" shall mean the most current schedule for use of Hiller Sports Complex.
8. "Board of Directors" shall mean the five members of the McKinleyville Community Service District Board of Directors.
9. "Parks & Recreation Director" shall mean the individual employed in said position with the McKinleyville Community Services District.
10. "Article IV- Rules and Regulations" shall mean the portion of the document containing the Rules and Regulations of the McKinleyville Community Services District as adopted by the Board of Directors.

NOW, THEREFORE, in consideration of their mutual covenants and promises set forth herein and incorporating the foregoing recitals of fact, the parties hereto agree as follows:

AGREEMENT

Section 1. Facility Development

The DISTRICT and ORGANIZATION agree to collaborate, assist, and support one another and individual efforts in maintaining Hiller Sports Complex.

Section 2. Grant of Field Use

- 2.1 Grant of Use. The DISTRICT grants the ORGANIZATION field use for recreational and sports activities at Hiller Sports Complex. ORGANIZATION shall be responsible for: (a) setup of Hiller Sports Complex for ORGANIZATION's use, unless otherwise specified; (b) storing any equipment following ORGANIZATION's use; and (c) restoring Hiller Sports Complex to the appropriate condition as found prior to ORGANIZATION's use. ORGANIZATION shall not utilize Hiller Sports Complex prior to the start of the contracted time set forth in the most current Facility Use Schedule and shall vacate the playing area by the end of the contracted time set forth in said schedule.
- 2.2 Facility Use Schedule. ORGANIZATION shall provide DISTRICT with ORGANIZATION's most current field use schedule including team names, coaches/managers & names of individuals to contact in the case of game cancellations; list of official representatives of the organization; game, practice, tournament dates and times; and other scheduled use.
- 2.3 Cancellation. Provided cancellation of use by inclement weather or other unforeseen conditions, DISTRICT shall endeavor to make the decision of said cancellation by 3:00 p.m. of the day for which cancellation shall take place.
- 2.4 Additional Field Use Request. Provided cancellation of use by inclement weather or other unforeseen conditions, ORGANIZATION must notify the DISTRICT of said cancellation and request of additional field use (if needed) within twenty-four (24) hours. DISTRICT shall be responsible to administer and coordinate all additional facility use requests provided such requests do not conflict with the most current Facility Use Schedule of other approved users.
- 2.5 Access
DISTRICT shall provide the ORGANIZATION with one (1) set of keys to Hiller Sports Complex. It is the responsibility of the ORGANIZATION to produce copies and issue keys.

Section 3. Scheduling of Facility

- 3.1 Site Development, Management and Scheduling:
All development, scheduling, maintenance, and use of Hiller Sports Complex shall be coordinated with the Parks & Recreation Director.
- 3.2 Facility Use Requests
ORGANIZATION is responsible to submit a District Facility Use Reservation Form to the Parks & Recreation Director. The Parks & Recreation Director

shall compile a draft Facility Use Schedule resulting from such requests. Parties currently having and maintaining an AGREEMENT with DISTRICT shall be designated for priority use when said schedule is drafted. The draft Facility Use Schedule shall delineate any dates and times with facility scheduling conflicts. The Parks & Recreation Director shall be charged with resolving any scheduling conflicts, in his or her discretion.

ORGANIZATION shall have first priority of Softball Field 3 based on schedules submitted in advance to MCSD, from March 15 through June 30, 2023.

3.3 Facility Use Scheduling Protests

ORGANIZATION and those parties granted facility use by the DISTRICT shall retain the right to protest the facility use. For all protests, refer to Section 16: Resolution of Disputes.

Section 4. Operational Standards

4.1 Conduct and Disorderly Persons

ORGANIZATION agrees to uphold and remain in compliance, at all times, with the current rules and regulations of the recreation and park system as established by the DISTRICT and outlined in Article IV of the DISTRICT's Rules and Regulations.

4.2 Staffing

ORGANIZATION agrees to ensure that an official representative(s) of ORGANIZATION shall be present at all times and shall be responsible for overseeing all use at all times on those dates and times for which use of Hiller Sports Complex is being conducted by ORGANIZATION.

4.3 Equipment and Supplies Storage

Storage of ORGANIZATION's equipment at Hiller Sports Complex shall be at the DISTRICT'S approval and at the ORGANIZATION's sole risk, DISTRICT will not warrant security of stored materials. ORGANIZATION shall unilaterally bear all risks of loss, theft, damage and other casualty incidental to using and/or storing equipment at the Hiller Sports Complex, and will indemnify and defend the DISTRICT from and against all losses arising out of using and/or storing equipment at the Hiller Sports Complex.

4.4 Safety

ORGANIZATION agrees to comply with the DISTRICT's established facility use guidelines, as defined in Article IV of the DISTRICT's Rules and Regulations and attached as Exhibit B, and incorporated by reference herein.

4.5 Use of Equipment

ORGANIZATION agrees not to use equipment owned by others and stored at Hiller Sports Complex without first obtaining written approval from the owner of said equipment. A copy of written approval must be provided to the DISTRICT.

ORGANIZATION agrees not to remove or replace equipment provided at Hiller Sports Complex by DISTRICT without the prior written consent of the Parks & Recreation Director.

4.6 Entry by DISTRICT

ORGANIZATION shall permit DISTRICT, and DISTRICT's agents and assigns, at all reasonable times, to enter the premises, for the purposes of inspection, compliance with the terms of this AGREEMENT, exercise of all rights under this AGREEMENT, posting notices, and all other lawful purposes.

4.7 Environmental Sensitivity

ORGANIZATION agrees that all use by ORGANIZATION shall be conducted in a manner within the intended use of Hiller Sports Complex and with respect to the surrounding neighborhood and community. ORGANIZATION shall abide by all rules and regulations established by the DISTRICT stating that the use of pesticides, herbicides and related products at the Hiller Sports Complex and surrounding areas are strictly prohibited.

4.8 Equal Opportunity and Non-Discrimination Clause

ORGANIZATION shall not discriminate in its offering of programs at Hiller Sports Complex and all duties related to such offering on the basis of race, color, national origin, religious creed, ancestry, sex, age, or physical handicap and shall comply with all applicable state and federal statutes and regulations prohibiting discriminatory practices and/or conduct.

DISTRICT has zero tolerance for harassment or any other form of discriminatory behavior, as set forth in this Policy Against Discrimination. The DISTRICT will not tolerate discrimination or harassment based on gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care or medical leave status, military or veteran status, or any other status protected by federal, state, or local law. MCSD requires that all patrons of facilities adhere to MCSD policy. MCSD will respond to any discriminatory behavior in an appropriate manner, including, but not limited to, termination of facility agreement and/or future facility use, reporting to appropriate legal authorities or other appropriate responses. All incidences of discriminatory behavior are to be reported to the MCSD General Manager immediately.

For all communications, both written and electronic, DISTRICT does not tolerate any correspondence that degenerates into improper use. DISTRICT's technology resources are governed by District policies. Under no circumstances may anyone use DISTRICT's technology resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way, such as sexually explicit or racially disparaging messages, jokes, or cartoons.

4.9 Americans with Disabilities Act Compliance

DISTRICT shall indemnify, defend, and hold harmless ORGANIZATION from any fines or penalties which may be imposed upon it pursuant to the Americans with Disabilities Act as a result of DISTRICT's failure to make any required improvements to the premises as required by the Americans with Disabilities Act.

ORGANIZATION shall be responsible for compliance with any and all requirements of the Americans with Disabilities Act with respect to the operation of recreation programs for which ORGANIZATION is responsible. ORGANIZATION shall indemnify, defend, and hold harmless DISTRICT from and against any and all claims, causes of action, damages, fines and/or penalties pursuant to the Americans with Disabilities Act arising, in whole or in part, as a result of the ORGANIZATION's failure or alleged failure to comply with any requirements of the Americans with Disabilities Act with respect to operation of recreation programs which ORGANIZATION is responsible.

4.10. Compliance with Law

ORGANIZATION and DISTRICT shall comply with and conform to all laws and regulations, state and federal, and any and all requirements and orders of any state or federal board or authority, present or future, in any way relating to the condition or use of Hiller Sports Complex throughout the entire term of this AGREEMENT.

4.11. District Coordination

DISTRICT shall employ a Parks & Recreation Director who shall be the primary contact person with the ORGANIZATION.

Section 5. Prohibited Actions

ORGANIZATION shall not:

- a) Use of Hiller Sports Complex for any purpose other than as authorized in this AGREEMENT and as authorized in the most current Facility Use Schedule; or
- b) Do or permit to be done anything which may interfere with the effectiveness or accessibility of Hiller Sports Complex, nor do or permit to be done anything which may interfere with free access and passage in Hiller Sports Complex or the public areas adjacent thereto, or in the streets or trails adjoining Hiller Sports Complex, or hinder police, fire fighting, or other emergency personnel in the discharge of their duties; or
- c) Interfere with the public's enjoyment and use of Hiller Sports Complex for any purpose which is not essential to public safety; or
- d) Rent, sell, lease, or offer any space for any articles whatsoever within or on Hiller Sports Complex without the written consent of the DISTRICT; or

- e) Place any additional lock of any kind upon any door, cabinet, or storage bin, unless a key therefore is provided to the DISTRICT, and upon expiration or termination of this AGREEMENT; or
- f) Erect, construct, or place any permanent structure upon any portion of the premises without written authorization from DISTRICT; or
- g) Use or allow Hiller Sports Complex to be used for any improper or unlawful purposes or for purposes in violation of Article IV of the McKinleyville Community Services District's Rules and Regulations; or
- h) Allow vehicles access to the concession area via the 10-foot sidewalk driveway access point except for loading and unloading only. The sidewalk driveway area must be kept clear for access to emergency vehicles. All vehicles must park in the parking area.

Section 6. Insurance

6.1. Minimum Scope

ORGANIZATION shall obtain and maintain throughout the term of this AGREEMENT, at ORGANIZATION's cost, comprehensive general public liability insurance issued by insurance carriers acceptable to DISTRICT naming the ORGANIZATION as insured and the DISTRICT as an additional insured against any injuries or damages to persons or property caused by or arising out of ORGANIZATION's occupation and use of Hiller Sports Complex under this AGREEMENT in amounts of not less \$1,000,000.00 for any individual claimant and \$2,000,000.00 per occurrence.

6.2. Proof of Insurance

ORGANIZATION shall cause DISTRICT to be given written notification, prior to the commencement of this AGREEMENT, from the insurance carrier of the existence of such policies and shall provide a certificate of insurance and separate endorsement in the amounts listed in 6.1 prior to the inception of the term which shall provide that coverage provided by the policy shall not be canceled or amended until the DISTRICT is first provided with at least thirty (30) days written notice concerning such cancellation or notice.

Section 7. Hold Harmless, Indemnity and Release Forms

7.1. Hold Harmless and Indemnity

Except for the active negligence or willful misconduct of DISTRICT, ORGANIZATION undertakes and agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless DISTRICT and all its officers, agents, assigns, and employees from and against any and all suits, actions and causes of action, claims, liens, demands, obligations, proceedings, loss or liability of every kind and nature in connection with or arising directly or indirectly out of this AGREEMENT whatsoever and/or

ORGANIZATION's use of the Hiller Park Complex (and surrounding areas), for death or injury to any person including DISTRICT's officers, agents, assigns, and employees, or damage or destruction of any property of either party hereto or of third parties arising out of or in any manner by reason of, or incident to, the performance of this AGREEMENT on part of ORGANIZATION and/or ORGANIZATION's use of the Hiller Park Complex (and surrounding areas), by its officers, agents, assigns, program participants and employees of any tier.

7.2. Participant Liability Release Forms

ORGANIZATION shall provide to DISTRICT a master copy of the liability release form used for ORGANIZATION's program defending, indemnifying, and holding harmless, DISTRICT, its officers, agents, assigns, and employees from and against any and all suits, actions and causes of action, claims, liens, demands, obligations, proceedings, loss or liability of every kind and nature whatsoever, for death or injury to any person including DISTRICT's officers, agents, assigns, and employees, or damage or destruction of any property of either party hereto or of third parties arising out of or in any manner by reason of, or incident to, the program or programs sponsored by ORGANIZATION and conducted at the Hiller Sports Complex.

Section 8. Utilities

8.1. Water

The DISTRICT shall be responsible for all water and sewer related expenses at the site.

8.2. Gas and Electric

ORGANIZATION shall be required to pay a fee based on gas and electrical use for the concession stand, low site lighting, and/or any other type of sporting equipment, which utilizes electricity. This cost will be remitted at the end of the season, based on a percentage of field use.

Section 9. Maintenance

9.1 Ongoing Facility Maintenance

DISTRICT shall provide for all ongoing maintenance of Hiller Sports Complex. ORGANIZATION shall be required to pay a fee based on expenses related to ongoing maintenance as approved by the MCSD Board of Directors. ORGANIZATION may be allowed to decrease their portion of the maintenance fee through the use of in-kind labor or materials that assists with maintenance of the site within the scope of the DISTRICT's maintenance plan or Capital Improvement Plan for the site. Financial credit for approved in kind donation of labor or materials shall be granted only for labor or donations completed for facility maintenance as per the required steps outlined in Exhibit F. Credit shall not be granted for volunteer labor or materials pertaining to field preparation for games. DISTRICT shall assign specific financial value to one volunteer labor hour and or donated materials based on the value of cost

saved in DISTRICT paid labor and/or materials. DISTRICT shall base ORGANIZATION's field use fees on the total financial value of approved in-kind labor and/or materials subtracted from the total financial value of site use. The financial value of in-kind labor or material donations, if in excess of the total field use fee, is not allowed to be placed as a credit toward future facility use.

Should ORGANIZATION perform in-kind labor, all said volunteers must attend a facility maintenance orientation seminar. Designated ORGANIZATION representative must attend a facility maintenance orientation seminar organized and presented by DISTRICT staff. In addition, ORGANIZATION's designated representative must attend facility maintenance meetings as arranged by the DISTRICT.

Furthermore, said volunteers of ORGANIZATION are not to be considered volunteers or employees of DISTRICT.

ORGANIZATION agrees to perform general maintenance of the field site, including but not limited to, field preparation before games, grounds cleanup, restroom cleanup, re-stocking janitorial supplies, general cleanup of the concession stand & parking lot, and trash disposal. These operation and maintenance responsibilities are further explained in Exhibit D, and will not be considered as in-kind labor for the purposes of reducing fees for field and concession use during the period of August 12 through November 4, 2023

9.2. Facility Damages and Repairs

The ORGANIZATION shall be held responsible for all damage or vandalism to District facilities occurring during the ORGANIZATION'S use of the facilities. Upon notification by the DISTRICT, the ORGANIZATION is responsible to repair all damages immediately, or within a schedule approved by the DISTRICT. If ORGANIZATION is unable or unwilling to repair damage immediately, the DISTRICT reserves the right to make the necessary repairs and bill ORGANIZATION for all costs. The ORGANIZATION is responsible to reimburse the DISTRICT within thirty days (30) of presentation of the bill.

Exception: The concession and snack bar area is the sole responsibility of the ORGANIZATION during the entire period of this AGREEMENT. Repair of any and all damage occurring to the concession stand during the AGREEMENT period is the sole responsibility of the ORGANIZATION.

Damaged and unsafe fields shall be unavailable for use until repairs are completed. The assignment of other fields during such time is at the discretion of the DISTRICT.

9.3. Site Improvements

Any ORGANIZATION desiring to perform site improvements must first obtain written approval from the DISTRICT for such improvements and pay for all costs related to approved improvements.

It is understood and agreed between the parties that all installations, additions, and improvements erected or installed at any time at Hiller Sports Complex

during the term of this AGREEMENT shall immediately become the property of and belong to the DISTRICT upon such erection or installation; provided, however, this provision does not apply to participant playing equipment and concession equipment installed and belonging to ORGANIZATION. ORGANIZATION must remove all participant playing equipment and concession equipment prior to the expiration or other termination of this AGREEMENT. Any portion of the premises affected by removal shall be immediately restored and repaired.

Section 10. Purchasing

- 10.1 DISTRICT shall have the responsibility to purchase all grounds maintenance and field preparation supplies needed to maintain Hiller Sports Complex.
- 10.2 ORGANIZATION shall be fully responsible for all expenses related to purchase of all supplies needed to operate the programs including supplies needed for field preparation, should ORGANIZATION choose to prepare fields for their use, and of any supplies needed for operations conducted in the concession stand.

Section 11. Sales

11.1. Participant Registration

ORGANIZATION shall be allowed to retain all revenue related to participant registration fees.

DISTRICT shall provide space for applications and flyers provided by ORGANIZATION at DISTRICT's office and at the McKinleyville Activity Center. DISTRICT shall not otherwise register applicants or provide directions regarding ORGANIZATION's program.

ORGANIZATION shall be responsible for promotion and sale of ORGANIZATION's program to customers. Upon provision by ORGANIZATION, DISTRICT shall provide copies of flyers and promotional materials to customers.

11.2. Advertising

DISTRICT recognizes the importance of advertising revenue to ORGANIZATION and desires to afford ORGANIZATION opportunities to obtain revenue for support of ORGANIZATION's program. However, ORGANIZATION shall first obtain written permission from DISTRICT and allow DISTRICT to review any such advertising prior to installation, placement, distribution, or maintenance of any type of advertising or AGREEMENT with any other vendor involving promotion or advertising of their products or services on and at Hiller Sports Complex. All such advertising placed in accordance with the aforementioned must be removed upon the conclusion of ORGANIZATION's program at a time agreed to by both parties.

11.3. Concessions

ORGANIZATION shall be allowed to retain all proceeds related to operation of a concession stand during granted facility use hours provided concession use fees are paid in full.

Approval for requests for use of the concession stand by ORGANIZATION will be granted only when said request is concurrent with the most current facility use schedule as approved. ORGANIZATION shall not utilize the concession stand prior to the start of the contracted time set forth in the most current facility use schedule and shall vacate the concession stand by the end of the contracted time set forth in said schedule.

Upon issuance of the most current Facility Use Schedule and concession stand use request approvals, should additional concession stand use be available during scheduled events, those ORGANIZATION's having and maintaining a current AGREEMENT with DISTRICT shall be given priority for additional concession stand use requests. Such requests will be awarded on a first come, first serve basis.

Section 12. Licenses and Permits

- 12.1 ORGANIZATION shall apply for, obtain, and maintain all licenses, permits, and other accreditations required in connection with the management and operation of programs, site improvements as approved per 9.3., and as needed for development of the facility. ORGANIZATION shall be responsible to pay the cost of all such licenses and permits.

Section 13. Unavoidable Delays

- 13.1 The provisions of this Section shall be applicable if there shall occur, during the term of this AGREEMENT, any (a) inability to obtain labor or materials, or reasonable substitutes (other than lack of funds); or (b) acts of God, governmental restrictions, regulations or controls, enemy or hostile government, civil commotion, fire, or other casualty; or (c) other conditions similar to those enumerated in this Section beyond the reasonable control of the party obligated to perform (other than lack of funds). If DISTRICT or ORGANIZATION shall, as the result of any of the above-described events, fail to provide or to perform any obligation on its part under this AGREEMENT, then upon written notification to the other within ten (10) days of such event, such failure shall be excused and not be a breach of this AGREEMENT by the party claiming unavoidable delay, but only to the extent occasioned by such event. Notwithstanding anything contained herein to the contrary, this Section shall not be applicable to the obligation of the DISTRICT or ORGANIZATION to pay any sums, monies, costs, charges, or expenses required paid pursuant to the terms of this AGREEMENT, or to fulfill any hold harmless and/or indemnity obligations created by Section 7.1 or elsewhere in this AGREEMENT.

Section 14. Amendments and Assignments

- 14.1 This AGREEMENT contains the complete and final AGREEMENT between the DISTRICT and the ORGANIZATION. No AGREEMENT or other understanding in any way purporting to modify, add to, or supersede the terms and conditions hereof shall be binding upon either party unless made in writing and duly executed by authorized representatives.
- 14.2 This AGREEMENT may not be assigned or transferred, in whole or in part, by ORGANIZATION without first obtaining the written consent of DISTRICT which may be withheld, for any reason, in the DISTRICT's sole discretion.

Section 15. Taxes

- 15.1 ORGANIZATION shall be solely responsible for the payment when due of any possessory interest or other unsecured tax levied by any governmental authority with respect to the use and occupancy of Hiller Sports Complex by ORGANIZATION.

Section 16. Resolution of Disputes

16.1. Process for Resolution

Any dispute arising under the terms of this AGREEMENT, which is not resolved within a reasonable period of time by authorized representatives of the DISTRICT and the ORGANIZATION shall be brought to the attention of the General Manager (or designated representative) of the DISTRICT and the Board President (or designated representative) of the ORGANIZATION for joint resolution.

If joint resolution of the dispute through these means is pursued without success, ORGANIZATION shall seek to resolve the dispute by filing a written grievance with the General Manager (or designated representative). Upon receipt of a written grievance, the General Manager (or designated representative) shall research and investigate the grievance and set an agenda item for the next DISTRICT Board of Director's meeting. At the meeting, the ORGANIZATION or a representative thereof can appear and be heard. The DISTRICT Board of Directors shall consider the item and act thereon, and may adopt, reject, or amend the recommendation.

If resolution of the dispute as adopted by the DISTRICT Board of Directors is not satisfactory, ORGANIZATION may seek resolution employing whatever remedies exist in law or equity beyond this AGREEMENT. Despite an unresolved dispute, the DISTRICT and ORGANIZATION hereto shall continue without delay to perform its obligations under this AGREEMENT.

In the event of any breach or violation of this AGREEMENT by ORGANIZATION, the DISTRICT may employ whatever remedies that exist in law or equity to enforce this AGREEMENT, without resorting to the dispute resolution protocol described above.

16.2. Attorney's Fees

In the event of any litigation arising between the parties regarding the terms of this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees in addition to other relief provided by law.

Section 17. Notices

- 17.1 Any notice, demand, or communication under, or in connection with, this AGREEMENT, may be served upon DISTRICT by personal service, or by mailing the same by certified mail in the United States Post Office, postage prepaid, and directed to the DISTRICT as follows:

General Manager
McKinleyville Community Services District
P.O. Box 2037
McKinleyville, CA 95519

and may likewise be served on ORGANIZATION by personal service or by so mailing the same addressed to ORGANIZATION as follows:

Mad River Youth Soccer League
P.O. Box 103
Arcata, CA 95518

Either DISTRICT or ORGANIZATION may change such address by notifying the other party in writing as to such new address as DISTRICT or ORGANIZATION may desire to be used and which address shall continue as the address until further written notice.

Section 18. Compensation

- 18.1. Funding for Facility Development

Should ORGANIZATION grant DISTRICT monies for development in an amount of more than \$5,000, said monies shall be dedicated to the development of facilities illustrated in Parks & Recreation Master Plan, which would fulfill the needs of ORGANIZATION. Monies granted by ORGANIZATION for development in amount less than \$5,000 shall be dedicated to the general overall development of facilities illustrated in Parks & Recreation Master Plan.

- 18.2. Facility Use and Additional Fees

ORGANIZATION shall pay DISTRICT fees in accordance to Hiller Sports Complex Master Facility Fee Schedule as adopted by the Board of Directors and outlined in Exhibit C.

ORGANIZATION agrees to pay a Cleaning/Damage deposit in the amount of \$1,500.00 to MCSD for the use of Hiller Sports Complex. MCSD may use the Cleaning/Damage deposit for reimbursement of any costs related to additional cleaning requirements, additional turf maintenance, and/or field & turf

damages during the use of ORGANIZATION (see Exhibit D). This deposit must be paid in full prior to the start of the season.

ORGANIZATION is responsible for the cost for propane use, PG&E and the cost to change the locks at the end of each season. This cost will be remitted at the end of the season, based on a percentage of field use.

In the event DISTRICT shall provide maintenance at the expense of ORGANIZATION, or the DISTRICT is required to respond to a call-out at a time outside the DISTRICT'S regular business hours, the ORGANIZATION agrees to reimburse the DISTRICT according to the following rates:

Labor:	\$45.00/hour
Mower:	\$25.00/hour
Utility Vehicle:	\$35.00/hour
Tractor:	\$40.00/hour
Backhoe:	\$70.00/hour
Dump Truck:	\$50.00/hour
Boom Truck:	\$85.00/hour
Call out Fee	\$150 per occurrence + labor cost if time spent exceeds 2 hours

18.3. Delinquent Payment

In the event ORGANIZATION shall be delinquent by more than fifteen (15) days in the payment of any sums due under the terms of section 18.2, DISTRICT shall cancel all future scheduled and yet to be scheduled use of DISTRICT-owned facilities until past due payments are paid in full.

Section 19. Law Governing

This AGREEMENT shall be governed exclusively by the provisions hereof and by the laws of the State of California.

Section 20. Term

20.1. Term and Extensions

Subject to the provisions of this AGREEMENT, the term of this AGREEMENT shall commence on the date herein and shall continue through and including the 4th day of November 2023

Opportunities shall be granted for ORGANIZATION and DISTRICT to review this AGREEMENT on a yearly basis to enact amendments and assignments to AGREEMENT as provided in Section 14 of this AGREEMENT. Any proposed amendments and assignments may be refused by ORGANIZATION or DISTRICT at said parties own discretion.

20.2. Termination by DISTRICT

Notwithstanding the foregoing, DISTRICT, in the case of ORGANIZATION breaches, may terminate this AGREEMENT, with thirty (30) days notification, by giving the ORGANIZATION written notice of any material breach under this AGREEMENT, if:

- a) said breach is curable by the payment of money and remains uncured thirty (30) days after said notice; or
- b) said breach is not curable by the payment of money but is otherwise curable within thirty (30) days after said notice and remains uncured after said thirty (30) days; or
- c) said breach is neither curable by the payment of money nor otherwise reasonably curable within thirty (30) days after said notice and ORGANIZATION fails both to commence said cure within said thirty (30) days and to prosecute diligently said cure to completion thereafter; or
- d) ORGANIZATION files a voluntary petition in bankruptcy or insolvency or otherwise seeks relief as a debtor, or, if an involuntary petition therefore is filed against ORGANIZATION and such petition is not dismissed within ninety (90) days; or
- e) ORGANIZATION fails to remain in compliance with any and all terms of this AGREEMENT; or
- f) ORGANIZATION shall disband.

In the event this AGREEMENT is so terminated, it shall be lawful for DISTRICT immediately hereafter to remove all persons and property from the premises.

20.3. Termination by ORGANIZATION

Notwithstanding the foregoing, ORGANIZATION, in the case of DISTRICT breaches, may terminate this AGREEMENT by giving the DISTRICT written notice of any material breach under this AGREEMENT, if:

- a) said breach is curable by the payment of money and remains uncured thirty (30) days after said notice; or
- b) said breach is not curable by the payment of money but is otherwise curable within thirty (30) days after said notice and remains uncured after said thirty (30) days; or
- c) said breach is neither curable by the payment of money nor otherwise reasonably curable within thirty (30) days after said notice and DISTRICT fails both to commence said cure within said thirty (30) days and to prosecute diligently said cure to completion thereafter; or
- d) DISTRICT fails to remain in compliance with any and all terms of this AGREEMENT.

20.4. Disposition of Certain Property

ORGANIZATION hereby acknowledges and agrees that any and all equipment and all DISTRICT purchased equipment and materials used in connection with Hiller Sports Complex shall remain the property of the DISTRICT, and ORGANIZATION acknowledges that it shall not be entitled to remove such

property from Hiller Sports Complex upon the expiration or termination of this AGREEMENT, regardless of reason.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT as of the day and year as written herein.

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT

Gregory P. Orsini, President of the Board of Directors

ATTEST: _____
April Sousa, Secretary to the Board of Directors

Mad River Youth Soccer League

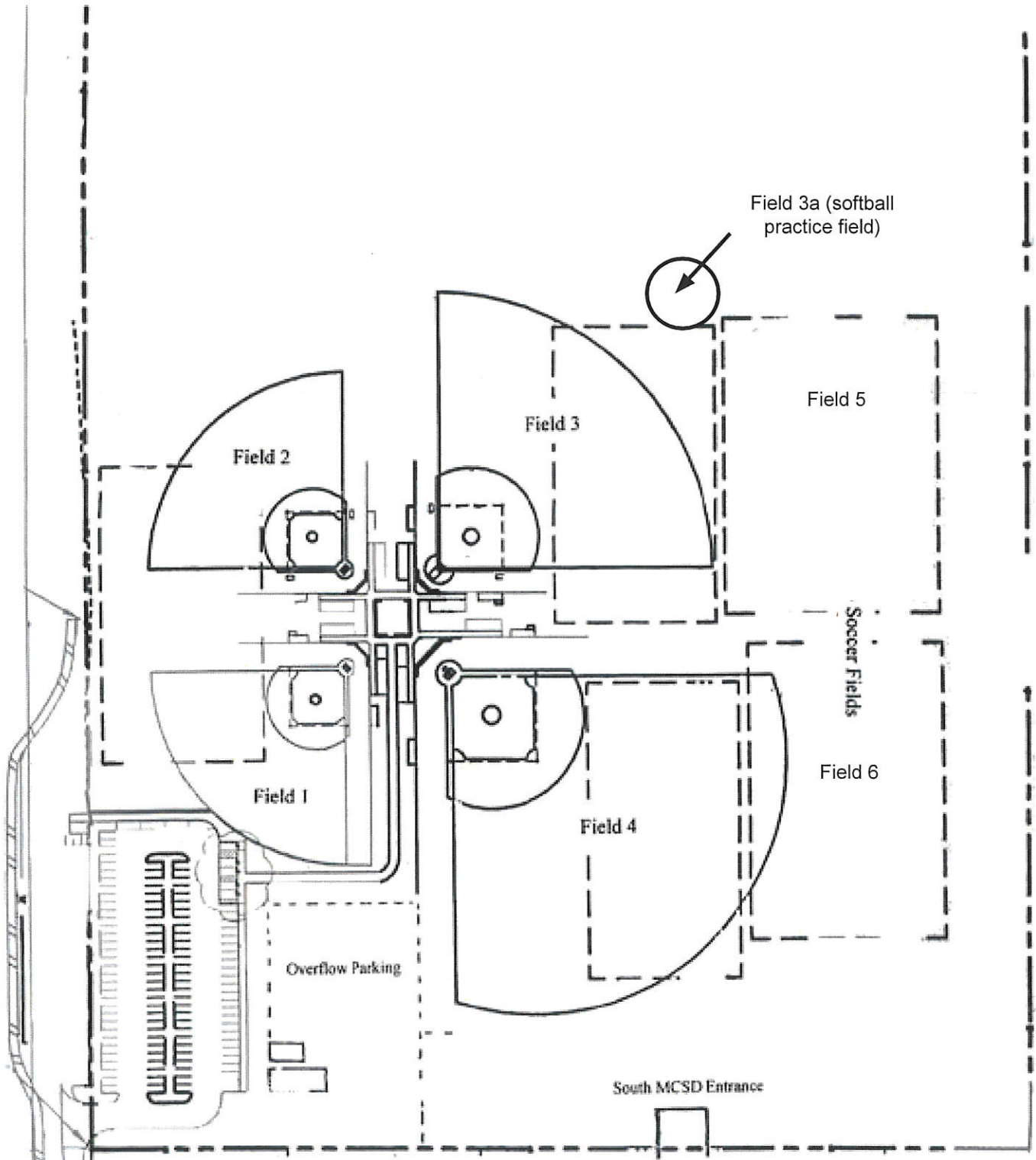
President of Mad River Youth Soccer League

The Facility Use AGREEMENT Checklist

Please note: This contract is not considered complete until the user ORGANIZATION submits the following information to MCSD.

<u>Item:</u>	<u>Completed:</u>	<u>Date:</u>
Completed District Facility Use Form		
League Schedule		
Tournament Schedule (if applicable)		
Practice Schedule		
Proof of Insurance		
Phone List of Managers and Board Members		
Facility (emergency) Cell Phone #		
All Other Field Usage Requests		
Coach/Manager Contact Information		
Organization Liability Release Form		

McKINLEYVILLE COMMUNITY SERVICES DISTRICT
Hiller Sports Complex - Site Map



ARTICLE IV - PARKS AND RECREATION

REGULATION 40 - RECREATION AND PARKS ADVISORY COMMITTEE

Rule 40.01. MEMBERSHIP - the McKinleyville Community Services District Parks and Recreation Committee shall consist of eleven (11) members and two (2) alternate members who shall serve without compensation selected as follows:

- (a) One (1) non-voting member shall be a member of the District Board.
- (b) The remaining ten (10) members will be regular voting members. Of the ten (10) regular voting members, one (1) will be a member of the McKinleyville Area Fund Board of Directors nominated by the McKinleyville Area Fund Board of Directors.
- (c) When possible two (2) of the ten (10) regular voting members shall be High School students, nominated by the McKinleyville High School Principal.
- (d) The two (2) alternate members will not become voting members unless a regular voting member is absent. In the event that both alternates are present when only one regular member is absent, the alternates will decide upon which of the two (2) will fill the absent chair by a mutually agreed upon method. In the event the alternates cannot determine a method of decision, the committee chair will choose an appropriate decision-making method.
- (e) All members of the Parks and Recreation Committee will represent to the extent possible various recreational and outdoor interests of the community including but not limited to business, environmental, equestrian, sports, seniors, trails and youth. Recommendations for appointment may be made by the then current members of the committee.
- (f) Any citizen, residing in the service area of the McKinleyville Community Services District may apply to the District Board for appointment to fill vacant seats on the Parks and Recreation Committee.

Rule 40.02. APPOINTMENT - the committee members shall be appointed as follows:

- (a) The Board of Directors shall announce each vacancy and shall state they are seeking applicants, setting forth the qualifications, if any required.
- (b) The Board of Directors shall interview each applicant, after which a majority of the Board of Directors, may select the most qualified to fill the vacancy.

Rule 40.03. MEMBER QUALIFICATIONS - all members, other than the high school member, shall be resident electors of the McKinleyville Community Services District; the student members shall be a resident of McKinleyville. No members of the Parks and Recreation Committee shall be a family member or related to a full-time MCS D employee.

Rule 40.04. TERMS OF OFFICE -the committee members shall serve terms as follows:

- (a) Appointment of District Board Members shall be for a term of one (1) year. Such member shall be a non-voting member.
- (b) Appointment of the McKinleyville Area Fund member and non-student community members shall be for a term of four (4) years. The term for student members shall be up to 4 years, limited by their High School graduation date.

- (c) Terms of the other non-Board of Director committee members shall be staggered so that no more than two (2) terms shall expire in any given year.
- (d) The annual expiration date of appointment shall be January 31st.

Rule 40.05. REMOVAL - members of the Committee may be removed by a majority vote of the District Board of Directors.

Rule 40.06. ABSENCES - if any member of the Committee is absent without prior notification to the Recreation Director for three (3) regular consecutive meetings, the Recreation Director shall certify that fact to the Board of Directors and the Board of Directors shall thereafter declare the position on the Committee to be vacant and proceed to fill the position by appointment.

Rule 40.07. ELECTION OF OFFICERS - the Committee shall, as soon as is practical, after the time of the annual appointment of a member or members to such Committee, elect its' officers. No member shall hold the same office for more than two (2) consecutive years.

Rule 40.08. OFFICERS - the Committee shall elect a Chairperson and Vice-Chairperson from among its members.

Rule 40.09. MEETINGS - the Committee shall hold regularly scheduled meetings in the Board of Directors Chambers of the District Office, or at such other place within the District as may be designated by the Committee and may hold such additional meetings as it may deem necessary or expedient. All meetings must be noticed in compliance with state and federal laws.

Rule 40.10. TIME/LOCATION OF MEETINGS - the time of the regular meetings shall be as established from time to time by the committee members.

Rule 40.11. QUORUM - a majority of the Committee shall constitute a quorum for the purpose of transacting business of the Committee.

Rule 40.12. RECORDS - written records of all the proceedings, findings, determinations and transactions of the Committee shall be kept, which record shall be a public record and a copy of which record shall be filed with the District Secretary.

Rule 40.13. POWERS AND DUTIES - the Parks and Recreation Committee shall have the following powers and duties:

- (a) To serve in an advisory capacity to the Board of Directors and District Staff in all matters pertaining to public recreation, parks, open spaces, natural resources and their respective facilities;
- (b) To make recommendations to the Board of Directors and District Staff with respect to the provisions of the annual budget for recreation and parks purposes;
- (c) To recommend to the Board of Directors acceptance or rejection of offers of donations of money, personal property and real property to be used for open space, recreation, resource management, and parks purposes;
- (d) To recommend to the Board of Directors a comprehensive recreation, park, and open space management services program for the inhabitants of the District, to promote and stimulate

- public interest therein, and to solicit to the fullest extent the cooperation of school authorities and other public and private agencies interested therein;
- (e) To recommend for adoption by the Board of Directors rules and regulations for the use and improvement of the District's recreation services and parks and their respective facilities;
 - (f) To recommend to the Board of Directors and District staff policies for the acquisition, development and improvement of recreation, parks and open space areas; and
 - (g) To perform such other duties relating to recreation and park matters as may be prescribed by the Board of Directors.

REGULATION 41 - RECREATION AND PARK SYSTEM

Rule 41.01. INJURY TO OR MISUSE OF RECREATION AND PARKS SYSTEM PROPERTY - NO PERSON SHALL:

- (a) Willfully mark, deface, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, bleachers, ball fields, water lines, paving or paving materials or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, or recreation and parks system property or appurtenances whatsoever, either real or personal.
- (b) Litter, soil or defile buildings, structures, grounds, equipment or other recreation and parks system property or appurtenances whatsoever. Trash, litter and other debris must be deposited into the proper receptacles.
- (c) Remove any soil, rock, stones, turf, trees, shrubs, or plants, down timber or other wood or materials or make any excavations by tool, equipment or any other means or agency.
- (d) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility into, upon or across such land except by District permit.
- (e) Trespass upon any area where prohibited.
- (f) Hunt, molest, or otherwise harm wildlife and plant life within the recreation and parks system.
- (g) Announce, advertise or call the public attention in any way to any article or service for sale or hire, except by District permit.
- (h) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever within the recreation and parks system without permission from the District.
- (i) Use any system for amplifying sounds, whether for speech or music or otherwise within the recreation and parks system unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit is first secured from the District.
- (j) Discharge any weapon of any type within the recreation and park system boundaries for any reason.
- (k) Make fires of any type for any reason in any area that is not properly equipped and designated to contain a fire.
- (l) Use model rockets and remote control model airplanes in McKinleyville Parks and Open Space without prior written approval from the District's General Manager.

Rule 41.02. POLLUTING WATERS OR DUMPING REFUSE PROHIBITED - NO PERSON

SHALL:

- (a) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream or any other body of water in or adjacent to any component of the recreation and park system or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of said waters.
- (b) Dump, deposit, or leave any trash not created within the boundaries of the recreation and park system.

Rule 41.03. OPERATION OF MOTORIZED VEHICLES--PROHIBITED ACTS - NO PERSON

SHALL:

- (a) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of motorized vehicles together with such regulations as are contained in this ordinance.
- (b) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- (c) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- (d) Operate a motorized vehicle, other than MCSD-authorized vehicles, within the boundaries of the facility except in those areas designated as driveways.

Rule 41.04. OPERATION OF NON-MOTORIZED VEHICLES--PROHIBITED ACTS - NO

PERSON SHALL:

- (a) Non-motorized vehicles shall be defined as any form of transportation in which human or gravitational energy powers the source of transportation. Examples of such transportation are defined as bicycles, skateboards, roller blades, roller skates, etc.
- (b) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of non-motorized vehicles together with such regulations as are contained in this ordinance.
- (c) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- (d) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- (e) Operate non-motorized vehicles on any sidewalks, on pathways designated for pedestrian traffic only, and within turf and landscaped areas.

Rule 41.05. CONDUCT - ALCOHOLIC BEVERAGES

- (a) Patrons may use alcoholic beverages with meals in designated areas at recreation and parks system facilities, provided a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit have been secured and provided they conduct themselves in an orderly manner;
- (b) Alcoholic beverages may be served or may be sold by permit only at designated recreation and parks system facilities where sales are not prohibited and provided a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit have been secured;

- (c) No person shall be under the influence of intoxicating substances as provided in Section 647 (f) of the California Penal Code;
- (d) The District may withdraw the privilege to use alcoholic beverages at anytime if the rules and regulations as are contained in this ordinance are not abided by;
- (e) Use of intoxicating substances other than alcohol is prohibited.

Rule 41.06. PETS - pets may be off leash at outdoor facilities in designated areas and facilities only and must be under voice control at all times. Animal owners are responsible for removal of animal excrement from the facility.

Rule 41.07. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the grounds or in public buildings or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

Rule 41.08. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated for the containment of fires.

REGULATION 42 - OPERATION OF PIERSON PARK

Rule 42.01. GAZEBO BARBECUE COMPLEX - the gazebo barbecue complex is defined as the area encompassed by the gazebo located in the central portion of the park. Individuals or organizations desiring organized use of any portion of the gazebo barbecue complex for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only..

Rule 42.02. HORSESHOE PITS - the public may use the horseshoe pits on a first come basis. Any individual or organization desiring to use the horseshoe pits for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.03. WESTERLY PICNIC TABLES/BARBECUES - the public may use the picnic tables and barbecues located along the western park perimeter on a first-come basis only.

Rule 42.04. PICNIC PAVILION AND BARBECUE - the picnic pavilion is defined as the large covered picnic area to the west of the playground and east of the horseshoe pits. Individuals or organizations desiring organized use of any portion of the picnic pavilion and barbecue may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.05. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the park grounds or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

Rule 42.06. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designated for the containment of fires.

Rule 42.07. PETS - the designated off leash area is defined as the area of the park east of Azalea Hall's Hewitt Room and north of the gazebo. Horses are not allowed.

REGULATION 43 - OPERATION OF HILLER PARK

Rule 43.01. PICNIC AREA USE - the picnic area is defined as the area of the park east of the western perimeter of the volleyball court. Individuals or organizations desiring organized use of any portion of the picnic area in Hiller Park for the purpose of holding organized functions may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 43.02. PETS - the designated off leash area is defined as the area of the park west of the westerly perimeter of the volleyball court. Horses are prohibited in the picnic area.

Rule 43.03. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designed for the containment of fires.

Rule 43.04. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the park grounds or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

REGULATION 44 - OPERATION OF LARISSA PARK

Rule 44.01. PETS - pets must be on leash at all times.

REGULATION 45 - PERMITS, FEES AND DEPOSITS

Rule 45.01. FACILITY USAGE PERMITS REQUIRED - a valid facility usage permit is required for individuals or organizations to use any indoor facility or any outdoor facility for organized functions, to use any system for amplifying sounds, or to sell or serve alcoholic beverages at an organized function.

Rule 45.01.a. PERMIT TYPE DEFINITIONS - the District shall issue permits based on the following definition of use:

- (a) A "Special Event" shall be defined as use deemed to be non-programmatic with estimated attendance of less than 500 persons and no more than posted capacities at indoor facilities; for which off road and facility parking space is adequate; for which street closures are not required; and for which cancellation of approved vendor programs is not required.
- (b) A "Large Scale Community Event" shall be defined as use deemed to be non-programmatic with estimated attendance of more than 500 persons but no more than posted capacities at indoor facilities or for which off-road and facility parking space is adequate; or for which street closures may be required; or for which cancellation of an approved vendor program is required.

(c) A "Vendor Contract" shall be defined as use by those individuals approved by the District Board of Directors, offering ongoing programs on a regular basis for no more than twelve months.

Rule 45.02. FACILITY USAGE PERMIT PROCESS - any individuals or organizations seeking issuance of a facility usage permit hereunder shall file a request for permit to use District facilities on the appropriate reservation form provided by the District. All requests must be filed with the District along with the required facility usage deposit, usage fees, proof of appropriate insurance coverage, and fees for other services at least (10) working days prior to the actual event date. The Recreation Director, under direction of the Board, may impose additional conditions for approval.

Rule 45.03. FACILITY USAGE FEES - facility usage fees, as established and adopted by the District Board shall be charged for and must accompany each facility usage permit request required hereunder for said facility usage permit request to be fully and properly executed by the District.

Rule 45.03.a. FEE STRUCTURE DEFINITIONS - the District shall identify the following fee structure definitions when charging customers for use of facilities:

- (a) A "Non-Profit Group" shall be defined as any group or organization which can supply proof of non-profit status via the Internal Revenue Service code. Other Governmental entities shall be considered as falling within the guidelines of this definition.
- (b) A "Vendor" shall be defined as an individual or organization, approved by the District Board of Directors that has a fully executed vendor contract for use of District facilities.
- (c) A "Private Citizen/Business" shall be defined as other potential users not fitting within the "non-profit group" or "vendor" definition.
- (d) A "Commercial Event" shall be defined as an event being held for the purpose of private financial gain for an individual or organization.
- (e) An "Event Host" shall be defined as a District employee who has received training regarding use of District facilities for outside events. Event hosts are required for all events except those taking place at Azalea Hall concurrently with McKinleyville Senior Center events or at District facilities for those events sponsored by a District approved vendor.
- (f) The "All Day Rate" shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of twelve continuous hours.
- (g) The "Half-Day Rate" shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of six continuous hours.
- (h) The "Off-Peak Use Discount" shall be defined as a 25% discount on hourly rates only which can be applied to the following facilities and hours only: Activity Center-Monday through Friday before 3:00p.m; Azalea Hall-Sundays and Monday through Thursday after 4:00p.m.

Rule 45.03.b. FACILITY USE FEES - the District shall charge the following rates for use of a District-owned facility for each use specified below:

ACTIVITY CENTER

Non-Profit Groups/Vendors	\$37.75/hour
Private Citizen/Business	\$53.50/hour

AZALEA HALL-ENTIRE FACILITY

Non-Profit Groups/Vendors	\$66.00/hour
Private Citizen/Business	\$87.75/hour

AZALEA HALL-HEWITT ROOM

Non-Profit Groups/Vendors	\$51.75/hour
Private Citizen/Business	\$64.00/hour
All Day Rate	\$535.00
Half Day Rate	\$324.00

AZALEA HALL-MEETING ROOM

Non-Profit Groups/Vendors	\$18.75/hour
Private Citizen/Business	\$25.25/hour

AZALEA HALL-KITCHEN

All Users	\$18.75/hour
-----------	--------------

LIBRARY CONFERENCE ROOM

Non-Profit Groups/Vendors	\$28.00/hour
Private Citizen/Business	\$31.00/hour

TEEN CENTER-ENTIRE FACILITY

Non-Profit/Vendors	\$71.50/hour
Private Citizen/Business	\$88.75/hour
All Day (12 hr) Rate	\$933.00
Half Day (6 hr) Rate	\$484.50

TEEN CENTER-MULTI PURPOSE ROOM

Non-Profit/Vendors	\$40.50/hour
Private Citizen Business	\$49.75/hour

TEEN CENTER-MUSIC ROOM

Non-Profit/Vendors	\$26.25/hour
Private Citizen Business	\$33.25/hour
<u>All Day (8 hr) Rate *weekends only</u>	<u>\$216.00</u>

TEEN CENTER-KITCHEN

Private Citizen/Single Use	\$37.00/hour
Non-Profit/Vendor	\$28.00/hour

PARKS

Gazebo Picnic Area	\$56.75/4 hrs
Picnic Pavilion	\$111.00/4 hrs
Special Event	\$169.25/day
*Commercial Events	\$273.25/day

*Requires Facility Host @ \$36.25 per hour unless overtime wages apply

SPECIAL EVENT SERVICES

Event Staff	\$19.00/hour
Event Setup	
Events with less than 100 persons	\$88.75
Events with 101-200 persons	\$124.00
Events with more than 200 persons	\$155.00

Event Cleanup

Events with less than 100 persons	\$155.00
Events with 101-200 persons	\$185.50
Events with more than 200 persons	\$227.50

Rule 45.03.c. EVENT SERVICES FEES - the District shall charge a fee of \$19 per hour for an event host for those events requiring such a host. The minimum charge shall be two hours. Other events service fees shall be determined each year and are based on the direct expense associated with providing said service. Such event fees shall be established and adopted by the Board.

Rule 45.03.d. RECREATION PROGRAM FEES - the District shall charge participants program fees based on the direct expenses associated with each individual program. Program fees shall be determined each year and as programs are added to the Department's current services index. Program fees shall be adopted by the Board within two months of the inception or change of fees.

Rule 45.04. DEPOSIT - a facility usage deposit, as established and adopted by the District Board must accompany each facility usage permit request for any facility usage permit required hereunder. The facility usage deposit shall be refunded to the applicant within fifteen working days if the facility is restored to pre-use conditions. If District clean-up is required to restore the facility to pre-use conditions or damage is noted to the facility, any refund will be less the expense associated with returning the facility to pre-use conditions.

Rule 45.04.a. FACILITY USE DEPOSIT FEES - the District shall charge a \$100 deposit for events which qualify and are defined as special events. The District shall charge a \$200 deposit for events which qualify and are defined as large-scale community events.

Rule 45.05. INSURANCE - a facility usage permit request shall not be considered fully executed unless the individual or organization seeking issuance of a facility usage permit obtains and furnishes liability coverage for the event which is acceptable to the District. The Recreation Director may impose additional conditions for approval.

Rule 45.06. PERMITS FOR USE OF FACILITIES - the District shall only grant a facility usage permit for organized use of a facility when each of the following findings can be made:

- (a) The requested area of the recreation and parks system for which the facility is located within is available during the period for which the facility usage permit is requested;
- (b) The expected attendance does not exceed the capacity of the facility or area.
- (c) The use for which the facility usage permit is sought complies with the use established for the facility or area requested.

Rule 45.07. USE OF SOUND AMPLIFICATION SYSTEM - the District shall only grant permission for use of any sound amplification system when each of the following findings can be made:

- (a) The individual or organization seeking permission for use of a sound amplification system must file, with the District, a facility usage permit request for the facility in which use of the sound amplification system is requested.
- (b) The sound amplification system proposed will not unduly inconvenience or disturb neighboring properties or other recreation and parks system facility users.
- (c) The maximum noise from use of the sound amplification system complies with Humboldt County's Noise Regulations.
- (d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which sound amplification systems are utilized, the following requirements shall also be required:

- (a) A District supervisor will be assigned to be present throughout the event.

Rule 45.08. SALE OR SERVICE OF ALCOHOLIC BEVERAGES - the District shall only grant permission for sale or service of alcoholic beverages when each of the following findings can be made:

- (a) The individual or organization seeking permission for sale or service of alcoholic beverages must file, with the District, a facility usage permit request for the facility in which the sale of alcoholic beverages is requested;
- (b) If applicable, the individual or organization seeking permission has a valid permit from the Alcohol Beverages Commission to sell alcohol;
- (c) If applicable, the individual or organization seeking permission has secured outside security services;
- (d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which alcohol is served or sold, the following requirements shall also be required:

- (a) A District supervisor will be assigned to be present throughout the event;
- (b) Facilities will not be rented for events at which the consumption of alcoholic beverages will be a principal activity.

The Recreation Director has the authority to impose additional conditions as a requirement for issuance of a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit.

Rule 45.09. USE OF DISTRICT-OWNED EQUIPMENT - the District shall make available to individuals or organizations recreation-related equipment, which can be utilized for outdoor use. District shall only grant permission for use of District-owned equipment when each of the following findings can be made:

- (a) The individual or organization seeking permission for use of District-owned equipment must be requesting said equipment in conjunction with an event at a District facility which is being sponsored by the individual or organization;
- (b) The Individual or organization must file, with the District, a facility usage permit request for the facility in which the equipment will be utilized;

- (c) The requested equipment is available during the period for which use of the equipment is requested;
- (d) The individual or organization requesting use of MCSD-owned equipment furnishes the District with appropriate liability coverage.

Rule 45.10. APPEALS - an appeal of the action of District staff on any Facility Use Permit pursuant to this regulation must be in writing and filed by or on behalf of the individual or organization seeking the facility usage permit, within (10) days after the action of District staff on the facility usage permit request. The appeal shall set forth in detail the factual and legal basis of the appeal. The Board of Directors shall consider and act on the appeal within forty-five (45) days after the appeal is filed. The individual or organization filing the appeal shall be entitled to submit oral or written evidence to the Board in support of the appeal. Action of the Board of Directors on the appeal shall be final.

REGULATION 46 - ENFORCEMENT

Rule 46.01. VIOLATIONS - any violation of these rules and regulations relating to the use of District facilities located within the recreation and parks system is a misdemeanor, punishable by law.

REGULATION 47 - HILLER SPORTS SITE DEVELOPMENT, MANAGEMENT AND SCHEDULING COMMITTEE

Rule 47.01. MEMBERSHIP - the McKinleyville Community Services District Hiller Sports Site Development, Management and Scheduling Committee shall consist of members described below whom shall serve without compensation selected as follows:

- (a) Committee size shall be determined by the number of local sports organizations having and maintaining a current Hiller Sports Site Development, Funding, Maintenance, and Use Agreement with District who nominate a member to the Committee and an additional member shall be from the District's Park and Recreation Committee and an additional member shall be appointed to the Committee by the Board which member shall be of the general public.

Rule 47.02. APPOINTMENT - the committee members shall be appointed as follows:

- (a) All local sports organizations with a valid and current IRS non-profit identification number and who have and maintain a current Hiller Sports Site Development, Funding, Maintenance and Use Agreement with District are invited to nominate one member and one alternate member to the Committee. Such nominations shall be made in writing to the Director of Parks and Recreation. Recommendations for appointment shall be made by the Committee to the Park and Recreation Committee who shall in turn recommend nominees to the District's Board of Directors. Appointment shall be made by the District's Board of Directors.
- (b) One member shall be a member of the Park and Recreation Committee. Recommendations for appointment shall be made by the Park and Recreation Committee. Appointment shall be made by the District's Board of Directors.

- (c) One member shall be a member of the general public who is a resident elector of the District and who shall hold no official office with any local sports organization desiring to offer programs at the Hiller Sports Site. Such member shall be nominated by the Committee who shall forward a recommendation to the Recreation Advisory Committee who shall in turn forward a recommendation to the District's Board of Directors. Appointment shall be made by the District's Board of Directors.

Rule 47.03. MEMBER QUALIFICATIONS - each member shall meet one of the criteria named above in Rule 47.02.

Rule 47.04. TERMS OF OFFICE - the Committee members shall serve terms as follows:

- (a) Appointment of the Recreation Advisory Committee member representative of Committee and member of the general public to the Committee shall be for a term of two (2) years. Such members may be re-appointed to successive terms.
- (b) Terms of other members shall be for a term of one (1) year. Such members may be re-appointed to successive terms.
- (c) The annual expiration date of each term shall be January 31st.

Rule 47.05. REMOVAL - members of the Committee may be removed by a majority vote of the District Board of Directors.

Rule 47.06. ABSENCES - if any member of the Committee is absent without prior notification to the Director of Parks and Recreation for two (2) regular consecutive meetings, the Director of Parks and Recreation shall certify that fact to the organization for whom the individual is a representative and to the District's Board of Directors. The District's Board of Directors shall thereafter declare the position on the Committee to be vacant and proceed to fill the position as outlined in 47.02. Should the vacated position have a designated alternate, said alternate shall be appointed to full membership status. The organization of which the alternate is a member shall be authorized to nominate a designated alternate.

Rule 47.07. ELECTION OF OFFICERS - the Committee shall, as soon as practicable, after the time of the annual appointment of a member or members to such Committee, elect its' officers. No member shall hold the same office for more than two (2) consecutive years.

Rule 47.08. OFFICERS - the member of the Committee who is a representative of the District's Recreation Advisory Committee shall be designated as Chairperson of the Committee. The member of the Committee who is a representative of the general public shall be designated as Vice-Chairperson.

Rule 47.09. RECORDS - written records of all proceedings, findings, determinations, and transactions shall be kept, which record shall be a public record and a copy of which record shall be filed with the District's secretary.

Rule 47.10. POWERS AND DUTIES - the Committee shall have the power and duty to serve in an advisory capacity to the District's Park and Recreation Committee and the Board of Directors in all matters pertaining to the development, scheduling, maintenance, and use of the Hiller Sports site.

REGULATION 48 – COMMUNITY FOREST

RULE 48.01. ACQUISITION OF LAND – The McKinleyville Community Services District has the authority to acquire land to support future community forest operations, including non-contiguous properties.

RULE 48.02. FORMATION OF COMMUNITY FOREST COMMITTEE – the Board of Directors authorizes the formation of a Community Forest Committee to provide the Board of Directors and staff with recommendations regarding the use, management and operation of the community forest.

RULE 48.03. COMMUNITY FOREST USE AND GUIDELINES – the guidelines and regulations for the use, operation, management, budgeting, watershed and environmental protection, forest management planning and practices, trail management and planning, and other uses of the community forest will be established by either existing or new Ordinance and will be consistent with other MCSD Recreation and Park System operations and regulations.

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
Hiller Sports Site Master Facility Fee Schedule

Facility Use Fees

<u>Turf Field Use</u>	\$32/hour per field
<u>Turf Field Use (Youth Sport Org)</u>	\$16/hour per field
<u>Baseball Field Use</u>	\$32/hour per field
<u>Baseball Field Use (Youth Sport Org)</u>	\$16/hour per field
<u>Softball Field Use</u>	\$32/hour per field
<u>Softball Field Use (Youth Sport Org)</u>	\$16/hour per field

Tournament Use

25% reduction from regular hourly rates. Tournaments must have a minimum of 4 teams and 8 hours of continuous play per day.

Additional Fees

<u>Field Preparation- Ballfields</u>	\$45/hour per field
<u>Field Preparation- Turf Areas</u>	\$45/hour per field
<u>Concession Stand Use- Regular weekdays</u>	\$15/day
<u>Concession Stand Use- Regular weekends</u>	\$25/day
<u>Concession Stand Use-Youth Sport Season</u>	\$165/month
<i>Month is calculated by consecutive days of organization's occupation of the concession stand. 30 day = 1 month</i>	
<i>"Occupation" is defined as: the storing equipment, food etc in concession stand.</i>	
<u>Concession Stand Use- Tournaments</u>	\$25/day
<u>Facility Usage Deposit</u>	Variable
<u>Facility Usage Deposit</u>	\$100
Required only for those groups/individuals not having and maintaining a current Agreement with the District.	

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT

Department of Parks & Recreation Department

OPERATION & MAINTENANCE RESPONSIBILITIES HILLER SPORTS COMPLEX

The following information specifies Operation & Maintenance responsibilities performed by Mad River Youth Soccer League (ORGANIZATION) for the season as defined by the McKinleyville Community Services District's (MCSD) Facility Use Agreement Contract:

1. **In-Kind Field Maintenance:**
 - a. Any field maintenance performed by ORGANIZATION representatives must be pre-approved in writing by the DISTRICT in order to be considered as "in-kind labor" for credit towards facility use fees.
 - i. Any maintenance done without pre-approval from the DISTRICT will not be eligible for credit.

2. **Field Preparation:**
 - a. All field preparation will be the responsibility of ORGANIZATION.
 - b. If necessary ORGANIZATION may request MCSD to prep ball fields for a fee.

3. **Field Repairs:** (See section 9.2. of the Facility Use Agreement.)
 - a. ORGANIZATION shall be held responsible for all damage or vandalism to District facilities occurring during ORGANIZATION's use of the facilities.
 - b. Upon notification by MCSD, ORGANIZATION is responsible to repair all damages immediately, or within a schedule approved by MCSD.
 - c. If ORGANIZATION is unable or unwilling to repair the damages, MCSD reserves the right to make the necessary repairs and bill ORGANIZATION for all costs.
 - d. Damaged or unsafe fields shall be unavailable for use until repairs are completed.

4. **Grounds, Daily Restroom & Parking Lot Cleanup:**
 - a. ORGANIZATION agrees to clean grounds and to monitor, patrol, and keep the bathrooms and parking lot clean during their usage.
 - b. Grounds are to include the sports fields, sidewalks surrounding the concession area, under the bleachers, and the sidewalk pathway leading to the parking lot.
 - i. Cleaning of grounds is to include:
 1. Trash pick-up and disposal (**NOTE: the dumpster on site at HSS is owned by McKinleyville Little League and may not be available for use by other Organizations utilizing Hiller Sports Site*)
 2. Sweeping of bark and mulch back into landscape areas
 - c. Restroom cleaning shall include sweeping garbage and debris from floors, stocking supplies as necessary, and removing garbage.
 - d. If multiple organizations are using Hiller Sports Site simultaneously all organizations shall share the burden of clean-up. DISTRICT will develop a schedule for grounds clean-up responsibility, based upon percentage of field use each week.
 - i. Each Organization will be required to ensure clean-up is completed on the dates assigned to the Organization for clean-up by the DISTRICT. If ORGANIZATION wishes to purchase clean-up services from the DISTRICT

they may do so by requesting those services in advance of their scheduled dates of responsibility.

1. The labor rate for clean-up services is \$35 per hour. ORGANIZATIONS will be charged a minimum of 1 hour for services provided on any given day, but will be billed for the total time required to complete clean-up of grounds and restrooms as documented by Maintenance staff.

6. General Cleanup of the Concession Stand:

- a. ORGANIZATION agrees to keep the Concession Stands clean, sanitary, and up to the County Health Department standards at all times.
- b. MCSD reserves the right to inspect the Concession Stands without notice.

7. Overflow Parking:

- a. ORGANIZATION agrees to notify MCSD of any events requiring usage of the overflow parking area.

8. Trash Disposal:

- a. ORGANIZATION agrees to remove all trash bags from inside the sports complex at the end of each day of use.
 - i. Should MCSD staff be required to haul garbage from the Hiller Sports Complex following ORGANIZATION'S use, ORGANIZATION will be billed for the cost of labor and cost of dumping.
- b. No trash bags shall be left in any portion of the Concessions/Storage/Restrooms building.

9. Supervision of Children:

- a. ORGANIZATION agrees to notify all coaches and parents and require proper supervision at all times of all children (players and spectators) inside Hiller Sports Complex.
- b. ORGANIZATION agrees to pay for all damages and vandalism caused from unsupervised children during ORGANIZATION field usage.

10. Rain Cancellations:

- a. ORGANIZATION agrees to comply with MCSD guidelines regarding cancellation of fields due to unsafe conditions and/or inclement weather. (See exhibit E in the Facility Use Agreement Contract.)

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT Parks & Recreation Department

Guidelines for Cancellation of Activity on MCSD Athletic Fields

Due to inclement weather and poor field conditions, the McKinleyville Parks & Recreation Department reserves the right to deny an athletic activity or event from playing on an MCSD field. The two (2) main purposes of these guidelines are to ensure the safety of the participants and to prevent MCSD fields from getting abused and destroyed when the turf is vulnerable. Any MCSD employee or designated person may deny use of a field and/or require an activity to stop.

Examples of conditions that require cancellation of an athletic activity:

- Standing puddles of water on the field
- Footing is unsure and slippery
- Ground is water logged and “squishy”
- Grass can be pulled out of ground easily
- Lightning
- Severe weather storms

When games are played on fields with poor and/or unsafe conditions, it often causes irreversible damages to the field. If this occurs, it can take months and in some cases years to get the field back into quality playing condition.

Teams and/or leagues that refuse to follow these MCSD guidelines on Field Cancellations will be subject to the following disciplinary action:

1. **First Offense:**
Written warning to team and President of the Organization.
2. **Second Offense:**
One week suspension of the team or organization from practicing on fields.
3. **Third Offense:**
Forfeiture of a team’s privilege to either practice or play games on MCSD fields for the remainder of the season.

HILLER SPORTS SITE
In-Kind Labor and/or Materials Criteria
for Receiving Credit towards Facility Use Fees

Requests to provide in-kind labor or materials in exchange for credit towards facility use fees, MUST be made in writing and MUST be pre-approved in writing by DISTRICT staff. In-kind labor exchange will only be considered for necessary (as deemed by DISTRICT staff) field and facility maintenance currently performed by DISTRICT staff. Any work performed by ORGANIZATION representatives or volunteers prior to or without written approval from designated DISTRICT staff will not be considered for credit of any kind.

In-kind material donation exchange will only be considered for necessary (as deemed by DISTRICT staff) materials that would otherwise be purchased by the DISTRICT for use at the Hiller Sports Complex.

- 1) In Kind Labor request proposals must include:
 - a. Description of the labor to be performed
 - b. Estimated number of labor hours required to perform the work
 - i. District reserves the right to determine the amount of credit granted for labor hours based on the equivalent time that DISTRICT staff would have spent on the same task.

- 2) In Kind Material Donation request proposals must include:
 - a. Description of the dollar value of the material being donated
 - i. DISTRICT reserves the right to determine the amount of credit granted for material donations based on the amount the DISTRICT would have spent on the necessary material.
 - b. Name of the business from which the material is being purchased or donated.
 - c. Name and contact information of the individual making the donation on behalf of the ORGANIZATION.

HILLER SPORTS SITE

"In Kind Work" & Field Modification Request Form

This form must be submitted and approved by an authorized MCSD representative prior to any projects being completed by any user group at Hiller Sports Complex.

ORGANIZATION: _____

NAME OF REPRESENTATIVE: _____

PHONE: _____ DATE OF REQUEST: _____

PROJECT: _____

PROJECT TIMELINE: _____

SIGNATURE OF ORG. REPRESENTATIVE: _____

FOR DISTRICT USE ONLY

PROJECT APPROVED: _____ PROJECT DENIED: _____

MCSD REPRESENTATIVE: _____ DATE: _____

NOTES FROM MCSD: _____

SIGNATURE OF MCSD REPRESENTATIVE: _____

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **CONSENT**

ITEM: D.6 **Distribution of the Annual Board Self-Evaluation**

PRESENTED BY: **Joey Blaine, Board Secretary**

TYPE OF ACTION: **Information Only - Consent**

Recommendation:

Staff recommends that the Board review, discuss and take public comment regarding the Annual Board Self-Evaluation.

Discussion:

At the March 2016 Board meeting, a modification to the Board of Director's Policy Manual adding Part 11, Annual Board Self Evaluation, was approved. The policy provides the Directors with a tool to assess its own performance as a Board in order to help identify strengths and areas in which it may improve function.

At the November 2020 Board meeting, modifications to the Board Self-Evaluation worksheet were approved. Modifications to the worksheet included changes to the evaluation questions in order to ensure the desired expectations of this evaluation, which are to clarify roles, enhance harmony and understanding among Board members, and to improve the efficiency and effectiveness of the Board meetings. Additionally, it was approved to move the evaluation to a digital platform, which will automatically compile the results.

At tonight's meeting, the evaluation questions are provided in hard copy form (**Attachment 1**). A digital link will be sent to a Board Member for completion. This evaluation must be completed on or before July 21, 2023. If any Board Director needs assistance completing the digital questionnaire, they can contact the Board Secretary.

The compiled evaluation will be reviewed at the August 2, 2023 meeting.

Alternatives:

Take Action

Fiscal Analysis:

Not applicable

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 - Self-Evaluation Questions

7. Do you have any suggestions for improving the working relationship between the General Manager and the Board?

8. What are MCSD's major programs and services that you would like to know more about?

9. Do you follow trends and important developments in industries and services that MCSD provides? If yes, please give examples. If no, what would help you to do more in this area?

10. Do you understand MCSD's financial statements? What would help you with this?

11. Do you feel that the District and Board act knowledgeably and prudently when making recommendations about MCSD finances and financial policies in consideration of the District as a whole?

12. In what ways do you prepare for and participate at Board/Committee meetings as well as other MCSD events?

13. What skills do you possess that you would be willing to volunteer to further the MCSD vision and mission?

14. Do you complete assignments and responsibilities assigned to you in a responsible and timely manner? If no, what can assist you in this?

15. How often do you take advantage of opportunities to enhance the MCSD public image by periodically speaking to others about the work of the District?

16. Do you have additional ideas for programs or outreach to enhance MCSD's public image?

17. What are the potential challenges you see impacting the Board and/or District in the next 1-3 years? What can be done to limit or overcome these challenges?

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **ACTION**

ITEM: E.1 **Consider Adoption of Resolution 2023-12 Recognizing, Honoring, and Commending April Sousa for Service as District Board Secretary**

PRESENTED BY: **Patrick Kaspari, General Manager**

TYPE OF ACTION: **Roll Call**

Recommendation:

Staff recommends that the Board of Directors consider adoption of Resolution 2023-12 recognizing and honoring April Sousa for her years of service to the McKinleyville Community Services District.

Discussion:

Attached for the Board of Directors' review is Resolution 2023-12 recognizing, honoring, and commending April Sousa for her years of service to the District as Board Secretary on the occasion of her beginning a new adventure as a Minister. Please join us in presenting April with a Resolution acknowledging her outstanding contributions to the McKinleyville Community Services District.

Alternatives:

Staff analysis consists of the following potential alternative

- Take No Action

Fiscal Analysis:

Not applicable

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 – Resolution 2023-12

RESOLUTION 2023 – 12

A RESOLUTION RECOGNIZING, HONORING, AND COMMENDING APRIL SOUSA FOR SERVING MCKINLEYVILLE COMMUNITY SERVICES DISTRICT WITH DISTICTION AS THE BOARD SECRETARY

WHEREAS, APRIL SOUSA, having faithfully served as the Board Secretary of the McKinleyville Community Services District (the “District”) from July 22, 2019 to July 2023; and

WHEREAS, throughout her years of service, April has served with distinction and skill and demonstrated her knowledge and expertise, commitment, and dedication; and

WHEREAS, April provides her talents and experience to the District, to guide numerous District Boards, Department Managers, General Managers, and District Staff through many monthly Board Meetings and the daily operations of the District; and

WHEREAS, April has earned her Master’s in Municipal Clerk degree and played an unparalleled role in ensuring that the organizational foundation of the District is exceptionally firm, and the lawful requirements of the District organization and operation are met or exceeded; and

WHEREAS, April has shown great leadership, creativity, and support in helping to ensure that McKinleyville Community Service District has been recognized as a District of Distinction for all her years of service; and

WHEREAS, April has shown outstanding technical and leadership skills to ensure that the District’s customer outreach and governance systems run smoothly and support the District’s strategic vision; and

WHEREAS, April’s loyalty to the District, unwavering commitment to customers, Staff and coworkers, and trustworthiness in all matters truly has made a lasting impact and improvement to the District and to the community of McKinleyville and will continue to do so for years to come;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the McKinleyville Community Services District does hereby present and confer upon April Sousa, as a token of its appreciation, its highest commendation for the dedicated service she has performed for the District and the community, and further marks this momentous accomplishment as the McKinleyville Community Services District Board Secretary for four years and wishes her happiness and prosperity in her many, many adventures to come.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the Board of Directors of the McKinleyville Community Services District on the 7th day of June 2023 by the following polled vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Gregory P. Orsini, Board President

Attest:

Joey Blaine, Board Secretary

SMcKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **ACTION**

ITEM: E.2 **Incorporation Information Presentation by Humboldt LAFCo Staff and Discussion of Response to Humboldt County Civil Grand Jury Report on Incorporation**

PRESENTED BY: **Patrick Kaspari, General Manager**

Colette Metz-Santsche LAFCo Executive Officer

TYPE OF ACTION: **Roll Call Vote**

Recommendation:

Staff recommends that the Board review the information provided, discuss, take public comment, and air questions about the process that McKinleyville would have to go through to become an incorporated City and the options for MCSD if such a process takes place. Staff further recommends the Board discuss whether the District would like to formally respond to the Grand Jury Report and provide Staff direction as to the form of the response, if any.

Discussion:

The McKinleyville Municipal Advisory Committee (MMAC) established the McKinleyville Incorporation Explorations Subcommittee (MIESC) in September of 2022. The purpose of the MIESC is to gather and present information associated with the process for incorporating the City of McKinleyville. MIESC is not advocating for or against this possibility but is gathering information around the issue to present to the MMAC, who will then potentially make recommendations to the Humboldt County Board of Supervisors. As part of the MIESC exploration process, Colette Metz-Santsche, the Executive Officer of Humboldt LAFCo gave a very informative presentation of the incorporation process (**Attachment 1**). Staff asked Ms. Metz-Santsche to provide the same presentation to our Board with a focus on MCSD's potential role and/or options if the process moves forward.

The Humboldt County Civil Grand Jury also just came out with a report on the possibility of incorporating McKinleyville (**Attachment 2**). As detailed in the Grand Jury Report, the Grand Jury made several Findings and Recommendations associated with Humboldt County and the Board of Supervisors supporting the preparation of an Initial Feasibility Analysis. The Report "invites" MCSD to respond to "all findings and recommendations".

Alternatives:

Take No Action

Fiscal Analysis:

Not applicable

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 – The Incorporation Process – Humboldt LAFCo Presentation
- Attachment 2 – Humboldt County Civil Grand Jury Report “Incorporating the City of McKinleyville”

The Incorporation Process

Humboldt Local Agency
Formation Commission

June 7, 2023

MCS D Board Meeting



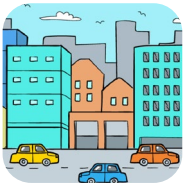
What is LAFCo?

Local Agency Formation Commission



County Members

- Two Regular
- One Alternate



City Members

- Two Regular
- One Alternate



Special District Members

- Two Regular
- One Alternate



Public Members

- One Regular
- One Alternate

- Local Agency Formation Commission (LAFCo) is a 7-member Commission, established in every County in the State
- Primary responsibility is to oversee boundary changes, new or different services, and extensions of service
- Also conducts regular reviews of cities and special districts
- For an unincorporated area to become a City it must receive LAFCo approval

LAFCo Actions-State Law



Incorporation: *Why become a City?*

- ▶ Local control over land use and services
- ▶ Ability to provide additional services
- ▶ Capture revenues from local, state and federal sources and keep these closer to home
- ▶ Create a locally accountable governing body - the City Council
- ▶ Consolidate provision of services

Incorporations: *Humboldt County*

City	Incorporation Date	Founding Legislation
Eureka	1856	Charter City
Trinidad	1870	General Law
Ferndale	1893	General Law
Arcata	1903	General Law
Fortuna	1906	General Law
Blue Lake	1910	General Law
Rio Dell	1965	General Law

Incorporations: *Statewide since 1995...*

- ▶ **Successful Incorporations-** Elk Grove (Sacramento County), Rancho Santa Margarita (Orange County), Aliso Viejo (Orange County), Menifee (Riverside County), Wildomar (Riverside County), Eastvale (Riverside County), and Jurupa Valley (Riverside County)
- ▶ **Incorporations approved by LAFCOs but failed at the ballot-** Alamo (Contra Costa County), Oakhurst (Madera County), Rossmoor (Orange County), Hacienda Heights (Los Angeles County)
- ▶ **Incorporation efforts that did not get to or through LAFCOs-** Sun City- Palm Desert (Riverside County), San Martin (Santa Clara County)

Incorporation: *Services*

- ▶ City residents receive a variety of municipal services:
 - ▶ Law enforcement/animal control, fire protection, libraries, parks & recreation, roads/drainage, public transit, lighting & landscaping, water, sewers, solid waste and recycling, planning and building, and more...
- ▶ **Full service cities:** provide these services themselves
- ▶ **Partial service and contract cities:** rely on special districts and counties to provide many of these services to their residents

Incorporation: *Key pieces to the process...*

- ▶ Community support with committed group-funding
- ▶ Early and often consultation with LAFCo
- ▶ Build understanding of a complex process
- ▶ Use of professional assistance/consultants:
 - ▶ Preliminary Feasibility Study
 - ▶ Petitions and other needed studies and reports
 - ▶ Preparing the LAFCo application/EIR/Special Studies (Plan for Services)
 - ▶ Develop a Comprehensive Fiscal Analysis
 - ▶ Boundary Alternatives: Logical and Contiguous

Steps to Incorporation

Pre-Initiation	Petition	Election	New City
<ul style="list-style-type: none">• Preliminary Feasibility Study• Community outreach and engagement• Fundraising	<ul style="list-style-type: none">• Notice of Intent• Petition signed by 25% of registered voters OR resolution of affected county or district• LAFCo application, review, hearings, and approval or denial of proposal	<ul style="list-style-type: none">• Election must adhere to GC 57077, 57166• Issues to be included on ballot:<ul style="list-style-type: none">▪ “For” or “Against” incorporation▪ Tax levies▪ Election of initial governing body	<ul style="list-style-type: none">• Seat new officials• Adopt Ordinances• Adopt Budget• County and other governments are expected to continue providing services during transition period• City hires staff

Pre-Initiation (Preliminary Feasibility Study)

- ▶ Identify the overall purpose or objectives for the new city:
 - ▶ Determine the range and level of services for which the city will assume responsibility
 - ▶ How those services may be delivered (city staff or contract providers)
 - ▶ Any proposed consolidations or rationale for not consolidating
 - ▶ Any proposed changes to the levels of service
 - ▶ Any objectives or stipulations regarding the establishment of new revenue sources (taxes, assessments, impact fees, regulatory or service fees) or changes to existing fees for services (building permits and planning fees, business license, etc.)

Pre-Initiation (Preliminary Feasibility Study)

- ▶ Defining a logical incorporation boundary and possible boundary alternatives
 - ▶ At least 500 registered voters
- ▶ Determining if proposed boundaries generate sufficient revenues without high service costs to make the new city financially feasible
- ▶ Analysis of the effects of the incorporation on adjacent communities, special districts, and the county
- ▶ Outline steps for drafting and circulating petition
- ▶ Funding estimate for the Incorporation Process

Incorporation: *Logical Boundary*

- ▶ Recognizes jurisdictional boundaries of other agencies
- ▶ Realistic in terms of practical service provision
- ▶ Includes a variety of land uses that are well balanced
- ▶ Considers topography and historic boundaries
- ▶ Does not create unincorporated islands
- ▶ Consistent with the stated goals of incorporation
 - ▶ *Not a “revenue grab”*

Initiation by Petition



- ▶ Before initiation, a “Notice of Intent to circulate a petition” needs to be filed with LAFCo Executive Officer (Draft Petition)
- ▶ Once petition is circulated, must be signed by at least 25% of registered voters within the boundaries of the area proposed to be incorporated
- ▶ Alternately, applications may also be submitted by Resolution of an affected local agency (e.g., County or CSD)

Incorporation: *Application and Costs*

- ▶ Application with Petition or Resolution of Application
- ▶ LAFCo initial deposit with application is \$15,000
- ▶ Comprehensive Fiscal Analysis and Environmental Review can cost \$50,000 to \$100,000+
 - ▶ Depends on type of document and required special studies
- ▶ Public outreach plan may require additional funding
- ▶ Total costs can range from \$70,000 to \$200,000+
- ▶ Costs can escalate depending on complexity and controversy



Incorporation: Comprehensive Fiscal Analysis (CFA)

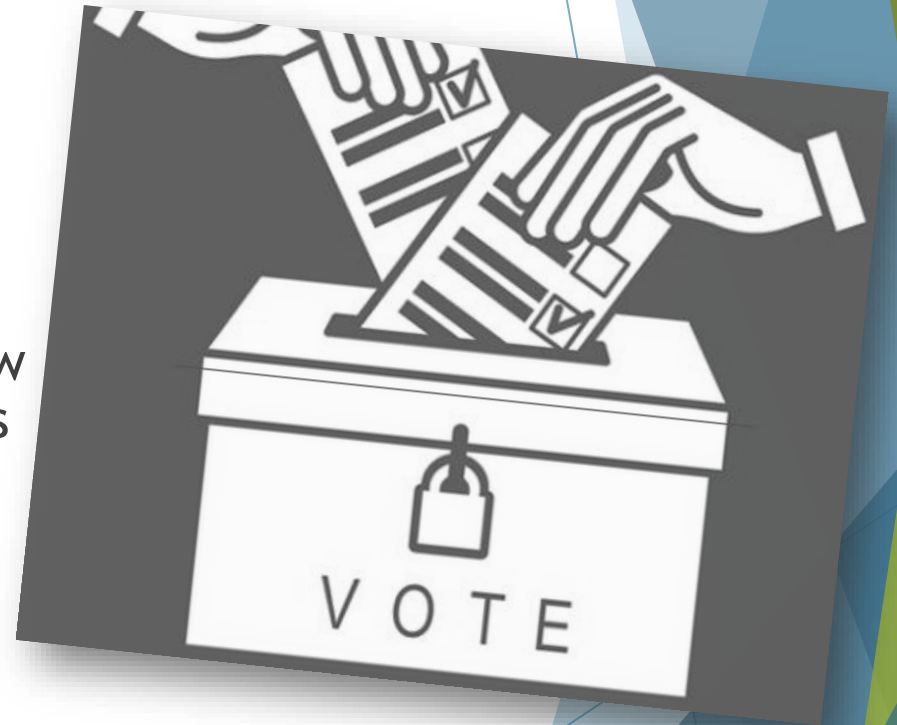
- ▶ Provides foundation/information for decision making
 - ▶ *Revenues - Expenses = Feasibility*
- ▶ Responsibility of LAFCo but funded by proponents
- ▶ Scope of CFA is determined by LAFCo and includes:
 - ▶ Revenues, Expenses, Revenue Neutrality Payments
 - ▶ Conclusions and Feasibility, Boundary Options
 - ▶ Service Analysis
 - ▶ Other Service Providers

Incorporation: *Revenue Neutrality*

- ▶ Revenues/Expenditures transferring the territory must be “substantially equal” - No fiscal harm to the County
- ▶ Revenue neutrality process includes deciding on calculation methods and hopefully agreement
- ▶ LAFCo staff facilitates Committee: County, Affected Agencies, and proponents-come to an agreement
- ▶ If there is not agreement; LAFCo decides
- ▶ One of the most important and challenging hurdles

Election

- ▶ Impartial Analysis prepared by Executive Officer
- ▶ Arguments For and Against
- ▶ Requires 50% plus one of ballots returned by registered voters
- ▶ Election of City Council is included
- ▶ Prop 218 - Election would need to include any new special taxes (voter approval) or new assessments (landowner approval)
- ▶ Cost of Election
 - ▶ Special election is paid for by Proponents
 - ▶ General Election is paid for by new city if successful and by County if unsuccessful



Steps After Effective Date

- ▶ Post Incorporation
 - ▶ County/CSD provides services until transfer complete
 - ▶ Net costs are reimbursed for a defined time period during transition
 - ▶ Implement service transition plan with County and other agencies
 - ▶ Adopt a variety of ordinances that would go into effect on the Effective Date
 - ▶ Long Checklist found in CALAFCO's ["Newly Incorporated Cities: Successfully Transitioning to Cityhood"](#)
 - ▶ Many other steps and details

Overview: Multi-Year Process

- Group Formed to explore Incorporation
- Preliminary Feasibility Study
- Funds Raised and Community Consideration
- Petition Process or Resolution by public agency
- Application Submitted and Reviewed
- RFP for CFA: LAFCo selects consultant
- Revenue Neutrality Agreement
- LAFCo Hearings: Approve, Deny, Modify
- If approved - Election is held

Community Service District Powers & Land Use

Community Services District: *Powers and Land Use*

- ▶ CSD is essentially a city without land use authority
- ▶ Variety of Authorized Powers: “Water, Sewer, Parks and Recreation, Libraries, Streets, Transportation Services, Cemeteries, Solid Waste, Communications, Security Services, Police Protection, etc.,” except for:
 - ▶ Land Use Authority given to County/Cities via the state constitution and police power
- ▶ Land Use Authority not given to a CSD under state law
- ▶ Under 61100 CSD’s can finance land use bodies:
 - ▶ (ac) Finance the operations of **area planning commissions** formed pursuant to Section 65101.
 - ▶ (ad) Finance the operations of **municipal advisory councils** formed pursuant to Section 31010.

Community Services District: *Area Planning Commissions*

- ▶ (ac) Finance the operations of area planning commissions formed pursuant to Section 65101.
 - ▶ Area Planning Commissions can be set up by a County or City with at least 5 members
 - ▶ Legislative Body can establish Planning Commissions with certain land use responsibilities
 - ▶ BOS “shall prescribe issues, responsibilities or geographic jurisdiction assigned to each Commission” GC 65101(a)



Incorporation: *Summary*

- ▶ Process is challenging and expensive
- ▶ Provides for a thorough fiscal analysis
- ▶ Boundaries should be carefully chosen
- ▶ A city that is not financially feasible should not be incorporated
- ▶ End result should be a well researched and well informed decision by LAFCo and area residents

Thank You!



HUMBOLDT

Local Agency Formation Commission

Colette Santsche, AICP
Executive Officer
colettem@humboldtlafo.org
(707) 445-7508

Incorporating the City of McKinleyville: To Be, or Not to Be?

SUMMARY

Humboldt County has a housing shortage. Eureka, Arcata, and Fortuna are largely built-out, with populations that have remained relatively stable or grown slowly for decades. New housing in those cities will come largely from high-density infill projects. But there is one part of our county that's had a steadily increasing population, and that still has room to grow: McKinleyville.

How will McKinleyville grow, and who will make those decisions?

McKinleyville has the third-largest population in our county, opportunities for commercial development and housing, a high quality of life, and a citizenry that has become more cohesive over time. McKinleyville used to be a big, ill-defined area – it's grown into a community. More precisely, it's an unincorporated community – it has no elected government with a City Council that answers directly to the citizens. Much of its future is guided by the County of Humboldt and the Board of Supervisors, only one of whom is elected by the residents of McKinleyville.

Functions that would normally be part of city government come from a variety of places. Land-use planning, building codes, roads, and police protection are provided by the county. A special district provides water and sewer service, streetlights, and parks. Another special district provides fire protection.

Recently, significant interest has been shown in exploring whether that should change.

There are advantages and disadvantages to incorporating into a city. There are many things to consider, including the future of housing and the Town Center, tax and revenue factors, service needs and desires, and a more intangible element, a sense of pride and engagement in one's community.

The purpose of this report isn't to advocate for remaining unincorporated or becoming a city. It won't explore the intricacies of revenue sources, what it might cost to form a planning department, the nuts-and-bolts of the Local Agency Formation Commission, or whether the idea is even practical or not. The topic is simply too complicated for the Grand Jury to tackle. It is something that takes a nonpartisan group of professionals to analyze.

The purpose of this report is to advocate that a preliminary comprehensive independent study on the practicality of McKinleyville incorporating into a city be done. It is only by having this information that the people of McKinleyville and Humboldt County can make important decisions about the wisdom of incorporating into our county's eighth city.

BACKGROUND

The arrival of non-Indigenous people to the area around Humboldt Bay was the singular watershed moment for our area. With the many changes, positive and tragic, came the largest industry in the area – the logging of old-growth redwood trees. Using local redwood, the California Barrel Company of Arcata and San Francisco, better known as Cal Barrel, became the largest barrel-makers in the world, shipping their products around the globe.

With increased logging the forests receded from Humboldt Bay. Transportation was often by horseback and getting workers to fresh timber became a challenge. In the late 1890’s a small community was established on recently logged land about 6 miles north of the Cal Barrel mill and factory. Workers were given land by the company and built their homes out of whatever was available. Appropriately enough, it was named Calville.

Calville was built at what eventually became the intersection of Central Avenue and Sutter Road, in the heart of what we now know as McKinleyville, named after our 25th President, and the third-largest community in Humboldt County.

The growth of McKinleyville started slowly – in 1945 there were only about 500 people. By 1949 that number had jumped to about 1,500. Between 1950 and 1960 the Humboldt County population grew by 33%, and McKinleyville grew right along with it. Today about 16,500 people call McKinleyville home.

Humboldt County, and specifically the northern parts of Humboldt Bay, are poised for significant population growth. Increased enrollment at CalPoly Humboldt and expected increased employment in offshore energy projects and aquaculture will contribute to an already tight housing market. Due to its geographical location and open space McKinleyville is a logical place for much of that population growth.

In 1966 the citizens of McKinleyville first explored the possibility of creating a new city, and it has been explored several times since. At no point has a comprehensive independent study been completed that evaluated the pros and cons of incorporating. Recently an organized group of McKinleyville citizens have once again shown interest. This newly revived interest from the citizens of McKinleyville led the Humboldt County Civil Grand Jury to investigate the background, history, and current status of efforts to incorporate McKinleyville as a city.

GLOSSARY

- BOS Humboldt County Board of Supervisors
- CEQA California Environmental Quality Act
- CalPoly California State Polytechnic University, Humboldt
- IES Incorporation Exploration Sub-committee
- IFA Initial Feasibility Analysis

- LAFCo Local Agency Formation Commission
- MCSD McKinleyville Community Services District
- MMAC McKinleyville Municipal Advisory committee
- MOU Memorandum of Understanding
- “The county” Unincorporated portions of Humboldt County

METHODOLOGY

The methodology for conducting this investigation involved the study of legal authorities and public domain materials, as well as the conducting of interviews.

Public records reviewed include, but were not limited to:

- Relevant provisions of the California Government Code regarding incorporation
- Local Agency Formation Commission (LAFCo) procedures
- Rules and Regulations of the Humboldt County Board of Supervisors regarding the McKinleyville Municipal Advisory Committee (MMAC)
- Correspondence, memos, and presentations on municipal incorporation processes by LAFCo staff
- Correspondence, economic and fiscal analysis, and other work product from the year 2000 to the current time from California State Polytechnic University, Humboldt (CalPoly) graduate students and faculty
- Clerk’s minutes, agendas, and attachments from the recorded proceedings of the MMAC and its Incorporation Exploration Sub-committee (IES)

Interviews and other live proceedings included:

- Attendance at or review of the audio-recorded proceedings of several MMAC and /or IES meetings
- Interviews with people involved with the MMAC, the MCSD, and the LAFCo

DISCUSSION

Government in Humboldt County

Geographically, Humboldt County is large - at 3,567 square miles we're the 14th largest county in California and larger than two states.¹ By contrast, Humboldt County's population is small - in California there are 34 counties and 44 cities with greater populations than our 136,623.² Humboldt County is sparse - we have one person for every 33.3 square miles, 42nd in the state for density.

Forty-seven percent of our citizens live in one of our seven organized, independently governed cities: Eureka, Arcata, Fortuna, Rio Dell, Ferndale, Blue Lake, and Trinidad.³ These cities provide a range of services to their citizens, including water and sewer service, roads, streetlights, law enforcement, land-use planning, building code standards, and zoning and development. Each is governed by a City Council, elected solely by the residents of the city.

The remaining fifty-three percent of our citizens live in "the county", with services such as roads, streetlights, and law enforcement provided by the county government. Land-use planning, building code standards, and zoning and development are applied county-wide with little input and no ultimate control from the affected local communities. Local "special districts" provide other services, such as sewer and water, streetlights, and fire protection. The county is governed by the Board of Supervisors (BOS), who are elected by the voters in each of five particular Supervisorial Districts. More than 72,000 people live in "the county" and are widely dispersed with one exception: McKinleyville. With a population of about 16,500, 12% of the total county population, McKinleyville is the 3rd largest community in our county.⁴

Where does the money come from to pay for all this government? It depends where you live. City and county governments have many revenue sources, which may include property tax, local or countywide sales tax, and other local taxes. It might include money from the state government, the federal government, and from grants. It may include fees for services, such as recreational programs, business permits, or building permits. Some cities have "enterprise funds" for things like water and sewer service, which are run like a business paid for by direct billing for the services. Services provided by a special district, such as the McKinleyville Community Services District (MCSD), are paid for by the people who live within the borders of the district. In short, it's complicated.

¹ Counties by size: <http://www.usa.com/rank/california-state--land-area--county-rank.htm>

² Counties by population: https://www.california-demographics.com/counties_by_population

³ Searchable Census Database: <https://www.census.gov/quickfacts/humboldtcountycalifornia>

⁴ Humboldt County Population Trends: Population change by U.S. Census Division: <https://humboldtgov.org/DocumentCenter/View/467/2010-Population-Change---High-Resolution-PDF?bidId=>

Historical Explorations of Incorporating McKinleyville

The question of whether McKinleyville should be incorporated as a city has been considered in the past. In 1966, when the population was less than 6,500, the issue was put to a vote and was defeated. In 1981, with a population of about 7,700, the issue was again explored, but we could find no evidence that any complete analysis of costs, fiscal impacts or feasibility emerged from that effort.

By 1997 the population had grown to about 13,000 residents, and the McKinleyville Chamber of Commerce formed a committee to investigate the pros and cons of incorporation. In the year 2000 this effort led to the creation of a 27-page draft report by three California Polytechnic State University, Humboldt (CalPoly) graduate students in the Masters of Business program. This report was well done, but it fell far short of examining all the factors needed to make informed decisions about the feasibility of incorporation. The information, data, and analysis developed in that effort was incomplete and didn't move forward to a more formal examination.

The Local Agency Formation Commission

A Local Agency Formation Commission (LAFCo) is created in all but one county and reviews and approves, modifies, or rejects boundary changes, new or different services, and extensions of services.⁵ Importantly, LAFCo must analyze and approve the formation of a new city. This approval comes after a long and involved study of many factors. In 2019, a member of the Board of Supervisors conducted research into incorporating McKinleyville, leading to a LAFCo “City Incorporation Fact Sheet”.⁶

Current Exploration of Incorporating McKinleyville

The McKinleyville Municipal Advisory Committee (MMAC) was created by the Board of Supervisors and consists of eight volunteers who reside, own property, or conduct business in the greater McKinleyville area. Six members are appointed by the BOS. The McKinleyville Community Services District (MCSD) provides water and sewer services, streetlights, and parks and recreation opportunities. It is a special district, receiving most of its funding from fees for the services it provides. In recognition of its importance to the community, the MCSD General Manager and one MCSD board member occupy the two remaining positions on the MMAC.

The MMAC is an advisory group only. It has a minimal budget and staff support from the county. Per the MMAC Rules, Regulations, and Procedures (RRP), they have two primary responsibilities.⁷ The first is to give advice to county departments based on the ideas and local concerns they gather from community members.

⁵ LAFCo website: <https://humboldtlaico.org/>

⁶ LAFCo fact sheet: http://humboldtlaico.org/wp-content/uploads/8A_McKinleyville-Incorporation.pdf

⁷ MMAC Rules, Regulations, and Procedures: <https://humboldtgov.org/DocumentCenter/View/103548/MMAC-Rules-Regs--Procedures-1-27-2022>

The second responsibility is to “review, comment, and provide advisory recommendations to the Planning Commission and the Board of Supervisors on proposed zoning amendments, and General Plan petitions and amendments...” Their RRP is very specific about what the MMAC may *not* do:

- The MMAC will not review, comment or provide advisory recommendations on subdivisions, conditional use permits, special permits, coastal development permits or variances unless they are a part of a larger project which also includes a General Plan Amendment or Zone Reclassification.
- The MMAC is not a decision-making body, but it can make recommendations on proposed zoning, General Plan petitions and amendments.
- The MMAC will not have authority to make, set, provide interpretation of, or enforce county ordinances, policies or laws.

In other words, the MMAC has no binding authority on any matter, and it may not “review, comment or provide advisory recommendations” on significant portions of the land-use decisions in their community.

In 2022 citizens of McKinleyville once again expressed to the MMAC their interest in the possibility of creating a City of McKinleyville.⁸ In response, the MMAC created the Incorporation Exploration Sub-Committee (IES) expressly to facilitate an updated preliminary neutral analysis on the feasibility of McKinleyville becoming our county’s eighth city.

At the MMAC sub-committee’s request, LAFCo gave them a presentation on December 21, 2022, explaining the process needed to create a new city.⁹

Initial Feasibility Analysis: The First Step Toward Incorporation

There are many steps taken prior to forming a new city. The first is an Initial Feasibility Analysis (IFA). Generally, an effective IFA is a study conducted by an independent, experienced professional land use consultant. The focused analysis is just as it sounds – an assessment of the practicality of a proposed project or plan. In this case, the question is principally whether incorporation can or cannot be accomplished. It doesn’t advocate for any particular way to move forward - it merely lays out the facts. Some of the issues to be considered in an IFA are listed below:

- Identifying the overall purpose or objectives for the new city
- Determining the range and level of services the new city may assume
- Demonstrating how those services may be delivered

⁸ MMAC agendas, minutes, and recordings: <https://humboldt.gov/238/McKinleyville-Municipal-Advisory-Committ>

⁹ LAFCo presentation: <https://humboldt.gov/DocumentCenter/View/113826/Humboldt-LAFCo-Presentation-to-MMAC-Incorporation-Subcommittee>

- Exploring the advantages and disadvantages of consolidating services
- Identifying proposed changes to levels of service
- Identifying new revenue sources (taxes, assessments, impact fees, regulatory or service fees, etc.)
- Identifying changes to existing fees for services (building permits and planning fees, business licenses, etc.)
- Defining a logical incorporation boundary and possible boundary alternatives
- Determining the likely revenues and expenditures of the proposed new city to ensure it is financially feasible
- Analyzing the effects of the incorporation on adjacent communities, special districts, and the county
- Outlining steps for drafting and circulating an effective petition for formal incorporation, if supported
- Estimating costs for the incorporation process.

The conclusion of the IFA will determine if the process moves forward. If the IFA shows that creating a new city is impractical for any number of reasons it's likely that support for and interest in the topic will end there. These reasons don't include political considerations – a good IFA is neutral and entirely based on the facts.

There can be advantages to having a community organized as a city, such as:

- Having a locally elected City Council, who answer directly to the people of the city
- Having local control over such things as land-use planning, building code standards, and zoning and development
- Having the ability to provide additional services such as law enforcement and road maintenance, or choosing to contract with the county or another entity for those services
- Having the ability to keep some revenues from local, state, and federal sources closer to home

There can also be disadvantages to having a community organized as a city, such as:

- Possibly having a tax base that is not diverse, leaving the new city more vulnerable to certain kinds of economic downturns
- For urgent issues such as unanticipated road or bridge failures, having fewer resources than the county could provide
- A potential rise in taxes

If the IFA shows that a new city is feasible, the backers of the new city must submit an Initiation Petition to LAFCo. This petition must be signed by 25% of the voters and property owners in the proposed new city. Alternately, a petition may be brought forward by resolution of an affected agency, such as the Board of Supervisors.

The rest of the process is complicated and moves beyond the scope of this Grand Jury report. For instance, the decision to incorporate is subject to environmental and administrative review under the California Environmental Quality Act (CEQA) and other special provisions of law and regulation.

At the culmination of the process, if LAFCo approves moving forward, a vote on whether or not to incorporate is held. Ultimately, incorporation must have public support. The question must meet the threshold of 50% +1 of the ballots returned by registered voters residing in or owning property or a business in the potential new City of McKinleyville.

It should be noted that, similar to 2000, a team from the CalPoly Departments of Geography and Business is currently conducting another fiscal analysis which could constitute an early study of some components of feasibility. This new analysis will assist the MMAC and the Incorporation Exploration Sub-Committee, but it is *not* an IFA suitable for use in moving forward.

Creating an Initial Feasibility Analysis

The MMAC currently receives no substantial support from the county. Staff support is generally in the form of maintenance of the MMAC webpage and the posting, copying, and distribution of meeting agendas. Financial support covers basic supplies and meeting expenses and is at the discretion of the Board of Supervisors through their annual budgeting process. Per the RRP governing the MMAC, “County Staff will be directed to seek available grant funding to support the committee’s efforts.” We have found no evidence that any such grant funding has been sought or applied for.

Currently, the MMAC lacks the authority or funding to commission a thorough, independent Initial Feasibility Analysis. An IFA is much like a Proposition 218 Study, which requires expert fiscal analysis and professional engineering opinions on such things as increases in taxes or assessments of Utility Fee Rates.¹⁰ IFAs are generally prepared by experienced consultants, familiar with the LAFCo, CEQA and municipal incorporation processes.

Costs

In summary, MMAC has no authority or funding to take the next steps as required by LAFCo. They may advise the BOS about the results of the CalPoly study and advise on the proceedings of the Incorporation Exploration Sub-Committee. The ongoing CalPoly study cannot be expected to satisfy LAFCo’s critical assessment of feasibility.

¹⁰ Legislative Analysts Office, Understanding Proposition 218:
https://lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html

The cost for preparation of the IFA will depend upon the scope of the county's Request for Proposal to engage appropriate analysts to conduct the study. We recommend that an independent and neutral IFA be conducted to examine the true costs and benefits or disadvantages of incorporating McKinleyville. We recommend the MMAC make an appropriate budget request to the BOS this year, and each year going forward as needed, to fund this study.

Conclusion

Citizens of McKinleyville have expressed interest in becoming a city. Similar interest has been demonstrated several times over the last 58 years, but aside from the "no" vote of 1966 there hasn't been a comprehensive study of whether incorporation makes any sense. The Humboldt County Board of Supervisors, using discretionary funds, can commission such a study. Thus far, they have not demonstrated interest in exploring the issue.

An independent and neutral Initial Feasibility Analysis will give the 16,500 residents of McKinleyville the knowledge they need to make informed decisions about their future. We believe that they deserve to possess this knowledge. The Board of Supervisors can make this happen, and we believe they should do so.

FINDINGS AND RECOMMENDATIONS

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: Interest in the topic of incorporating McKinleyville as a city has been demonstrated by the citizens of McKinleyville. No in-depth Initial Feasibility Analysis of the advantages and disadvantages of incorporation has ever been conducted, resulting in the citizens not knowing the pros and cons of incorporation.

F2: Incorporation as a city poses financial and other impacts on the residents of the proposed new city, adjacent communities, and the county as a whole. Without an in-depth Initial Feasibility Analysis the citizens of McKinleyville cannot know how these impacts affect them.

F3: The McKinleyville Municipal Advisory Committee is an appointed body that provides recommendations to the County Planning Commission and the County Board of Supervisors on local issues. While the committee has received interest about incorporation from some citizens of McKinleyville, they have no ability to be responsive to these citizens because they cannot implement an in-depth Initial Feasibility Analysis.

F4: An independent and neutral qualified company that specializes in such matters is needed to create an in-depth Initial Feasibility Analysis. No funding for such a study exists.

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: By no later than November 1, 2023, the Humboldt County Board of Supervisors provide the McKinleyville Municipal Advisory Committee and any of its subcommittees with the authority to seek other sources of funding to assist in the creation of the in-depth Initial Feasibility Analysis. **(F1, F2, F3, and F4)**

R2: By no later than November 1, 2023, the Humboldt County Board of Supervisors authorize the McKinleyville Municipal Advisory Committee, and any of its subcommittees, to make recommendations to the Board of Supervisors on the scope and specifics of the in-depth Initial Feasibility Analysis. **(F1, F2, F3, and F4)**

R3: By no later than November 1, 2023, the Humboldt County Board of Supervisors provide additional staff support to assist the McKinleyville Municipal Advisory Committee in accomplishing the creation of the in-depth Initial Feasibility Analysis. See below regarding suggested funding sources. **(F1, F2, F3, and F4)**

R4: By no later than January 1, 2024 the Humboldt County Board of Supervisors create a Request for Proposal to solicit bids from qualified contractors to conduct an in-depth Initial Feasibility Analysis on the effects and impacts of McKinleyville being incorporated as a city. See below regarding suggested funding sources. **(F1, F2, F3, and F4)**

R5: By no later than March 1, 2024, the Humboldt County Board of Supervisors enter into a contract with the qualified contractor chosen from the bidding process for the Request for Proposal to conduct an in-depth Initial Feasibility Analysis on the effects and impacts of McKinleyville being incorporated as a city. See below regarding suggested funding sources. **(F1, F2, F3, and F4)**

R6: By no later than October 1, 2024, an in-depth Initial Feasibility Analysis on the effects and impacts of McKinleyville being incorporated as a city be completed. See below regarding suggested funding sources. **(F1, F2, F3, and F4)**

Funding Recommendation: The Grand Jury recommends that the Humboldt County Board of Supervisors fund the expenses listed in **R3, R4, R5, and R6** with existing appropriations in the current fiscal year. If current appropriations are not sufficient, the Grand Jury recommends that BOS, at its next earliest opportunity, pursue additional funding from an appropriate agency, including state or federal agencies.

REQUEST FOR RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requests each entity or individual named below to respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSES - Within 90 days

The Humboldt County Board of Supervisors
(All findings, all recommendations)

INVITED RESPONSES - Within 60 days

The McKinleyville Municipal Advisory Committee
(All findings, all recommendations)

The McKinleyville Community Services District
(All findings, all recommendations)

Responses are to be sent to:

The Honorable Judge Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

This Page Left Intentionally Blank

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **Action**

ITEM: E.3 **Consider Approval of Project Signs for the Baduwa't or Mad River Floodplain and Public Access Project**

PRESENTED BY: **Pat Kaspari, General Manager**

TYPE OF ACTION: **Roll Call Vote**

Recommendation:

Staff recommends that the Board review the information provided, discuss, take public comment and approve the Project Signs for the District's new restoration and Public Access Project.

Discussion:

As the Board is aware, this project was initiated to address the decommissioning and reclamation of the District's Percolation Ponds, but it has numerous benefits including establishing off-channel habitat and providing public access to the intersection of the bluff area and the Baduwa't or Mad River as it transitions to the ocean. This area is unceded ancestral territory of the Wiyot people and has a long history of use by the Wiyot Tribe. As part of the initial planning and grant process, CalTrout and the District reached out to the Tribe to partner on the Project. CalTrout has been working with multiple Wiyot Tribal staff, most recently Marnie Atkins, as Director of the Cultural Center, to come up with an appropriate Wiyot name for the trail and to finalize the other three signs that will be placed at various locations. It is anticipated that these additional signs will be approved by the Tribe at their June 12th Tribal Council Meeting and then will come to the District Board at our August 2, 2023 Board Meeting.

Meanwhile, in order to close out the Grants that CalTrout obtained to design, permit, and construct the project, a Project Sign with funding agency logos, etc. needs to be posted at the site. CalTrout has been working with Denise Newman at RCAA and in consultation with Marnie Atkins of the Wiyot Tribe and District Staff to develop the Project Sign shown in Attachment 1. A second sign has interpretive content with a nod to the history of the site from the time of settlement and is focused on MCSD's stewardship of the site including recycling water irrigation, and compatible uses of public access and habitat enhancement.

Alternatives:

Staff analysis consists of the following potential alternative:

- Take No Action

Fiscal Analysis:

Not applicable. This project is funded by various grants obtained by CalTrout.

Environmental Requirements:

Not applicable. All necessary permits, including CEQA have been obtained for the project.

Exhibits/Attachments:

Attachment 1 – Draft Project Signs Layout

Baduwa't Floodplain and Public Access Enhancement Project



THIS TRAIL offers a place for connection and reconnection—recognizing the ongoing and vital connection between Wiyot people and their ancestral territory. As you pass through this threshold, we hope you also feel a connection with the world around you.

McKinleyville Community Services District (MCSD) is stewarding this land and its resources to best achieve ecological balance—from water reuse and reclamation to habitat restoration, public access and education.



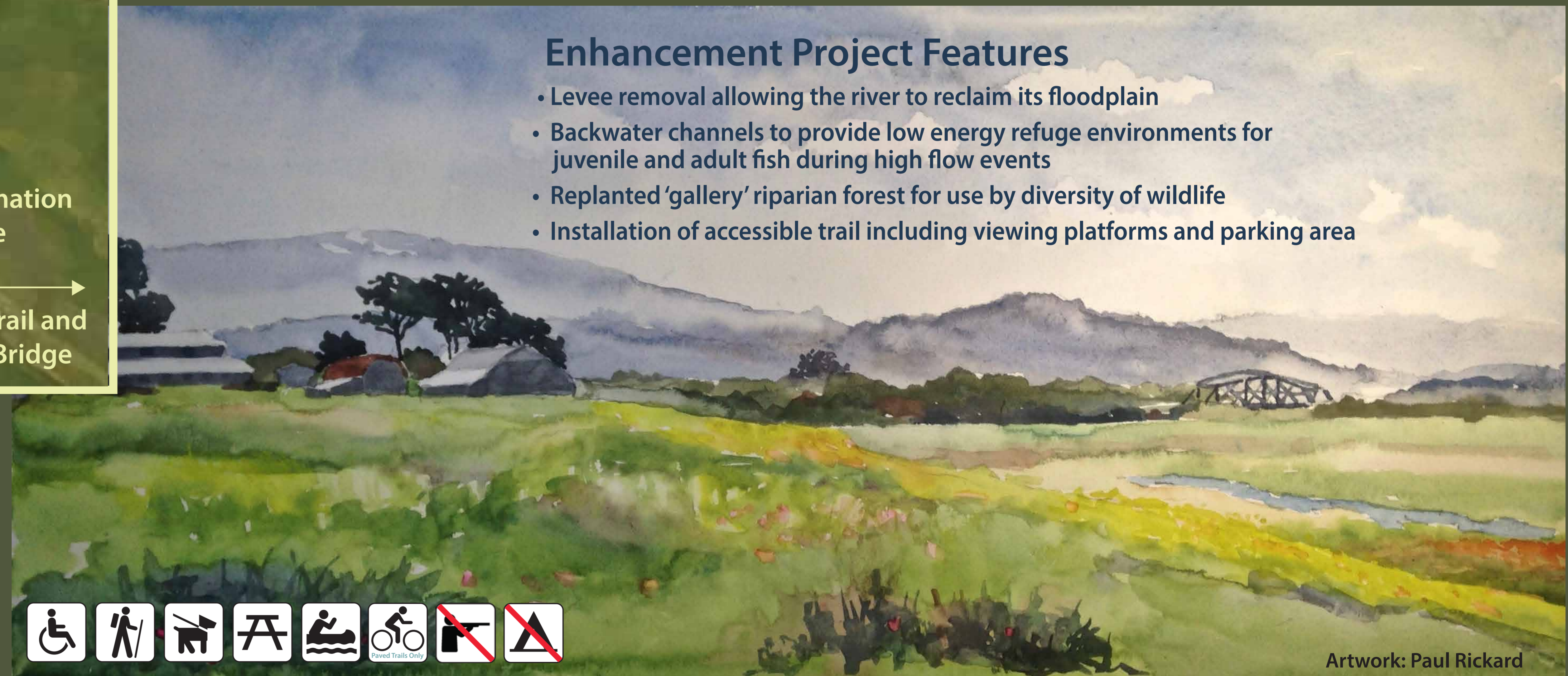
Welcome to the blufftop area overlooking Baduwa't, the Mad River. This is a place where restoration and working lands meet indigenous Traditional Educational Knowledge (TEK) and land renewal.

A short, accessible paved trail leads to river overlooks with picnic tables and benches. The paved trail transitions to gravel as it passes working pastures—dropping into riparian habitat along the low-lying river floodplain. Gravel, seasonal mud and proximity to the river can create unpredictable trail conditions; please use caution.



Enhancement Project Features

- Levee removal allowing the river to reclaim its floodplain
- Backwater channels to provide low energy refuge environments for juvenile and adult fish during high flow events
- Replanted 'gallery' riparian forest for use by diversity of wildlife
- Installation of accessible trail including viewing platforms and parking area



Artwork: Paul Rickard

DAY USE ONLY

- Stay on trail and leash dogs to protect sensitive plants
- River access is at your own risk
- Please call MCSD (707) 839-3251 with any questions
- Call the Sheriff's office (707) 445-7468 to report any suspicious activity



CalTrout is honored to be in partnership with land managers such as MCSD and the Wiyot people, and with project partners: Northern Hydrology and Engineering, GHD, Trinity Associates, McBain Associates, SHN, John Northmore Roberts and Associates, Redwood Community Action Agency, Cal Poly Humboldt, local specialists in trails and botany, Samara Restoration, the CA Conservation Corps, and the Yurok Tribe's revegetation crew for their dedication to the success of the project. Thank you to Kernan Construction and Miller Farms, local contractors whose teams moved the earth and installed the new access amenities, and Humboldt County for development of the parking area. A big thank you to the many generous members, donors and community funding partners.

Partial funding for this project is provided as part of a settlement of a Water Board enforcement action. This enforcement action occurred in a different location under a different land owner/manager.

We are grateful to work with funding and resource agency partners:



Lhiwetgut MCSD Project Sign, Panel #1
40" w x 30" h

RCAA DRAFT 5/31/23

Stewarding a Working & Restored Landscape

Beyond the fenceline, MCSD is actively stewarding 70 acres of pasture, riparian forest and low-lying river floodplain. From upcycling reclaimed water to restoring aquatic habitat, today's land practices help bring natural processes back into balance.

Reclaimed Water Goes with Seasonal Flows

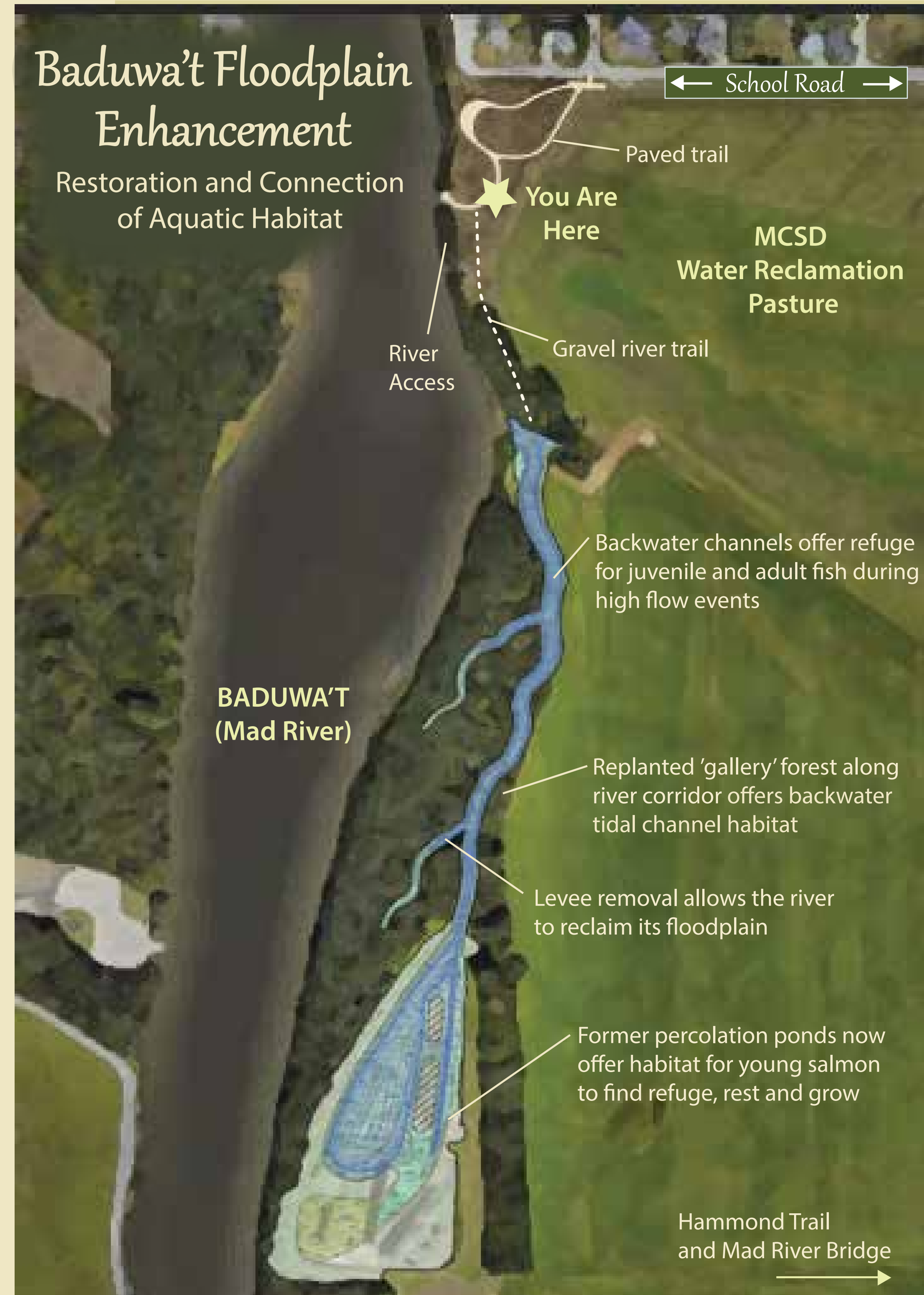
Since 1984, treated reclaimed water from the surrounding community of McKinleyville passes through this site. In late spring to early fall when river flow is low, this water irrigates pasture and grows nearly 500 tons of hay annually—without the need to pump groundwater. In winter, when river flows are high, reclaimed water gets discharged into the river—at a rate no greater than 1% of daily flow volume to minimize water quality impact.

A Return to Renewal

Euro-American development of towns, agriculture, logging, and railroads have greatly shaped the landscape we know today. Thoughtful land management practices can help return a natural balance for native plant and animal communities. Working with local indigenous leaders, the landscape can once again be a place of renewal and reciprocity.



Visible in the distance is the steel bridge of the Hammond Lumber Company, the namesake for the Hammond Trail just east of here. The original covered bridge (left) and trestle (right) was built by Dolbeer and Carson Lumber Company in 1905.



The low-lying floodplain alongside Baduwa't (Mad River), until recently, was disconnected from river flows for the treatment of recycled wastewater. Restoration brings the natural return of off-channel habitat—salmonids and aquatic animals find refuge during high river flows once more.

Lhiwetgut MCSD Pasture Overlook v1, Panel #4
30" w x 20" h

RCAA DRAFT 5/31/23

Stewarding a Working & Restored Landscape

Beyond the fenceline, MCSD is actively stewarding 70 acres of pasture, riparian forest and low-lying river floodplain. From upcycling reclaimed water to restoring aquatic habitat, today's land practices help bring natural processes back into balance.

Reclaimed Water Goes with Seasonal Flows

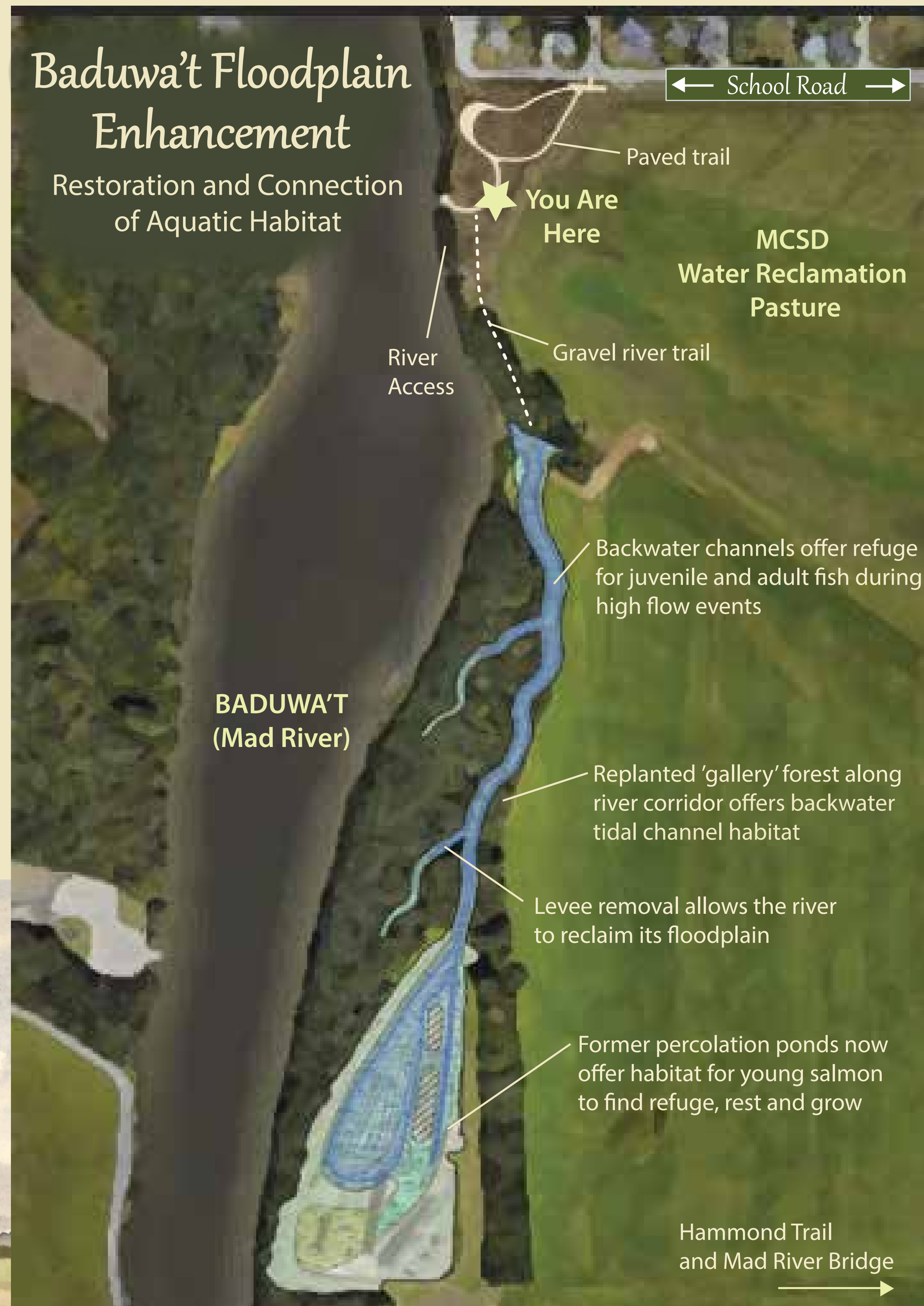
Since 1984, treated reclaimed water from the surrounding community of McKinleyville passes through this site. In late spring to early fall when river flow is low, this water irrigates pasture and grows nearly 500 tons of hay annually—without the need to pump groundwater. In winter, when river flows are high, reclaimed water gets discharged into the river—at a rate no greater than 1% of daily flow volume to minimize water quality impact.



Visible in the distance is the steel bridge of the Hammond Lumber Company, the namesake for the Hammond Trail just east of here. The original covered bridge (left) and trestle (right) was built by Dolbeer and Carson Lumber Company in 1905.



Artwork: Paul Rickard



The low-lying floodplain alongside Baduwa't (Mad River), until recently, was disconnected from river flows for the treatment of recycled wastewater. Restoration brings the natural return of off-channel habitat—salmonids and aquatic animals find refuge during high river flows once more.

This Page Left Intentionally Blank

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **ACTION**

ITEM: E.4 **Approve Conveyance of Mad River Percolation Pond and Floodplain Restoration and Public Access Facilities from CalTrout to MCSD**

PRESENTED BY: **Patrick Kaspari, General Manager**

TYPE OF ACTION: **Roll Call Vote**

Recommendation:

Staff recommends that the Board review the information provided, discuss, take public comment, air questions and adopt the conveyance of the facilities located on APN 508-021-006 & 508-021-007 as detailed in the Agreement included as **Attachment 1**.

Discussion:

In September 2014, the Board approved a Letter of Support to work with CalTrout to submit a grant application to pursue funding for the conversion of the District's Percolation Ponds into off-stream rearing habitat and construct trails and a Mad River Access Point. Since that time, the District has been working with CalTrout to obtain grant funding, prepare design documents, obtain the necessary permits, and construct these projects. The Notice of Completion for the construction of the project has been filed and all construction work is complete. The District greatly appreciates the very successful teamwork with CalTrout, the granting agencies, permitting agencies, design engineers and other project team members, who all worked together to implement this project. Fish monitoring indicates the off-channel habitat is being used by fish and is a habitat restoration success. The bluff trail is being used extensively by the Public on a daily basis and there is hope that it will one day be the anchor to a trail along this stretch of the Mad River.

Since the grants and construction of the facilities were run through CalTrout, they need to be formally conveyed to the District. Similar to subdivisions that install facilities such as water and sewer main extensions, the Mad River Restoration project improvements need to be dedicated to the McKinleyville Community Services District for ownership and on-going maintenance. All facilities were constructed to project plans and specifications and inspected by the engineers prior to acceptance and filing of the Notice of Completion. Humboldt County Public Works and other permitting agencies also approved project completion.

The filing of the Notice of Completion starts the date for the one-year warranty period for the construction activities. If any defects are in evidence during this first year, it is the responsibility of the contractor to remedy the problem. After a period of one year the District is responsible for making repairs of the trail, benches and other amenities in the public access portion of the project, similar to other District Park facilities. CalTrout is also organizing a volunteer group who will help with removing invasive species and provide additional native

plantings for both the Public Access and Restoration portion of the project.

There are ongoing monitoring tasks for the vegetation and fisheries for the Habitat Restoration portion of the project. The District is working with CalTrout, CalPoly and other volunteers and agencies to perform these monitoring activities. The project also requires monitoring for bullfrogs to see if they become established in the project area. The District is working with the California Department of Fish & Wildlife to become trained on monitoring methods. If bullfrogs are identified in the project area, the District will work with CDFW to determine what actions, if any, are necessary. It is the intent that the Restoration portion of the project evolve naturally. There are no “actions” in any of the permits that will require the District to implement additional maintenance activities for this portion of the project. It is possible that the District may choose to perform additional work in this area, like extending a public trail or further habitat restoration, but that work will likely only be performed if additional grant funding is obtained.

Alternatives:

Staff analysis consists of the following potential alternative

- Take No Action

Fiscal Analysis:

A valuation of all infrastructure included in the conveyance will be added to the MCSD Capitol Asset Inventory.

Environmental Requirements:

All required CEQA documentation and permitting have been issued and closed out for this project.

Exhibits/Attachments:

Attachment 1 – Agreement for Conveyance and Acceptance of Baduwa’t (Mad River) Estuary Floodplain and Public Access Enhancement Project

AGREEMENT FOR CONVEYANCE AND ACCEPTANCE OF
BADUWA'T (MAD RIVER) ESTUARY FLOODPLAIN AND PUBLIC ACCESS
ENHANCEMENT PROJECT

This Agreement for Conveyance and Acceptance of Baduwa't (Mad river) Estuary Floodplain and Public Access Enhancement Project (this "Agreement") is made by and between the MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, hereinafter referred to as "MCSD", and California Trout, Inc., a California non-profit corporation, hereinafter referred to as "Developer", this 7th day of June, 2023.

1. Developer hereby grants and conveys to MCSD that certain grading and revegetation to create aquatic and riparian habitat; and public access amenities constructed with funds secured by Developer described as follows:

Habitat Elements, **Construction Value \$607,750:**

- Grading to restore floodplain connectivity to approximately 4 acres of previous percolation ponds.
- Grading to connect a new pond and channel to provide tidally influenced connectivity with the lower Baduwa't (Mad River).
- Revegetation of approximately 7 acres of floodplain – wetland, pond, and riparian habitat.

Public Access Amenity Elements, **Construction Value \$292,095:**

- Asphalt pathway (900 linear feet) with one (1) cast-in-place detectable warning surface
- Three (3) benches and one (1) picnic table
- Four (4) interpretive signs and one (1) project sign with map and permission
- One (1) garbage and recycling container
- One (1) bike rack
- Four (4) bollards
- Split Rail Fences (114 linear feet)

and all related appurtenances.

The facilities are located on AP# 508-021-006 and 508-021-007 and are more specifically described in the grant agreements from:

- NOAA Community Based Restoration Program Award NA20NMF4630301 \$490,167
- Wildlife Conservation Board Public Access Program Award WC-2081HM \$367,745
- CA State Coastal Conservancy Award 20-118 \$276,184
- USFWS National Coastal Wetlands Conservation Program Award F21AP1575 \$358,639

Together with the right to conduct vegetation maintenance and habitat elements, reconstruct, install, replace, repair, remove, alter, inspect, and maintain habitat features, together with the free right of ingress and egress thereto, and such other rights and benefits necessary and convenient to GRANTEE'S full use and enjoyment of the rights herein granted.

2. MCSD accepts the grant and conveyance from Developer of said project elements and agrees to maintain and operate it as part of its MCSD Property Management system, with the understanding and agreement from Developer that defects discovered during a 1-year Warranty Period starting from the date of the final Completion Letter shall be repaired by the Developer.

3. Developer will indemnify, defend (with legal counsel approved by the District) and hold the District exempt and harmless from and against any and all claims and causes of action (or every type and nature), damages, and/or injuries to any person or property (including, without limitation the project elements) arising from: (a) the negligent acts or omissions of Developer, Developer's contractors, agents, consultants and employees; (b) Developer's breach and/or violation of any of the grant agreements recited in Section 1 of this Agreement, and/or any breach or violation committed by Developer's contractors, agents, consultants and employees; and (c) any liens and/or related claims and liabilities arising out of Developer's and/or Developer's contractors failure(s) to pay any contractors, material providers and laborers.

IN WITNESS WHEREOF the parties hereto have executed this agreement effective the date first above written. Electronically scanned signatures (by DocuSign or other method) shall be deemed to constitute original signatures.

Developer: California Trout, Inc., a California non-profit corporation

Signature

Print Name

Its: _____

District: McKinleyville Community Services District

Gregory P. Orsini, Board President

April Sousa, Board Secretary

FY2025-26. For the expense side, “Salaries and Benefits” have been adjusted to reflect the conversion of 3 seasonal labor positions to one full-time maintenance worker position. Salaries and benefits have also been shifted from operations and maintenance to billing and administration to reflect administrative staff time charged to capital improvement projects such as the Microgrid, the Sewer Undercrossing, and the Central Avenue Mainline Replacement.

The Water Fund also has a budget adjustment on the revenue side to account for changes in the 4.5MG Tank project. “Other Revenues” have been adjusted to account for the construction of the 4.5MG Tank, as well as the majority of the grant reimbursements, are projected to be received in FY2023-24 and FY2024-25. On the expense side, much like the Wastewater Fund, “Salaries and Benefits” have been shifted from operations and maintenance to billing and administration to reflect administrative staff time charged to capital improvement projects such as the 4.5mg Tank project and the Central Avenue Mainline Replacement. Other expenses have also been adjusted to reflect various price increases associated with inflation.

Questions from the Directors on any category item or on the budget overall are welcome.

Alternatives:

Staff analysis consists of the following potential alternative

- Take No Action

Fiscal Analysis:

See attached Revised FY2022-23 Budgets.

Environmental Requirements:

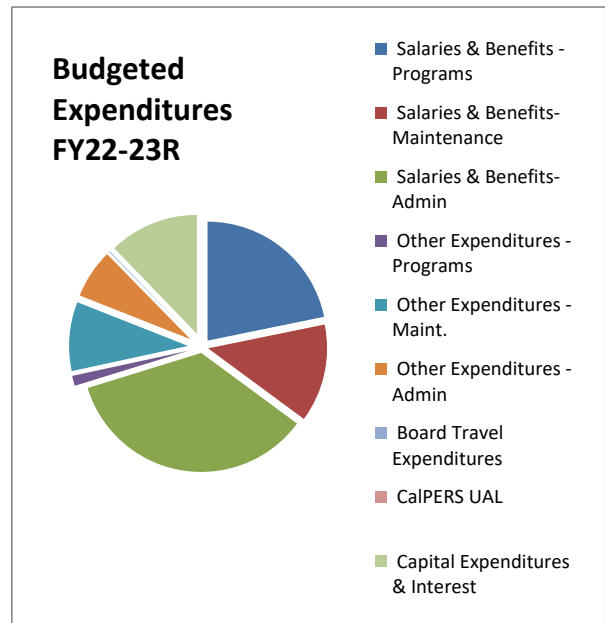
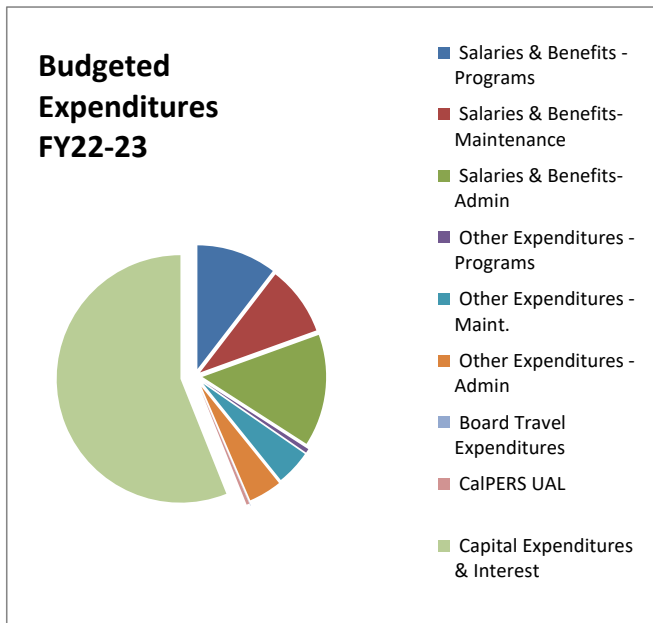
Not applicable

Exhibits/Attachments:

- Attachment 1 - FY2022-23 Revised Budgets

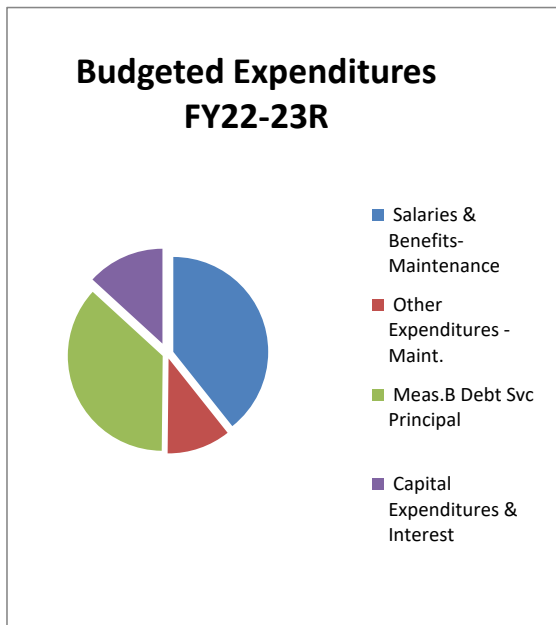
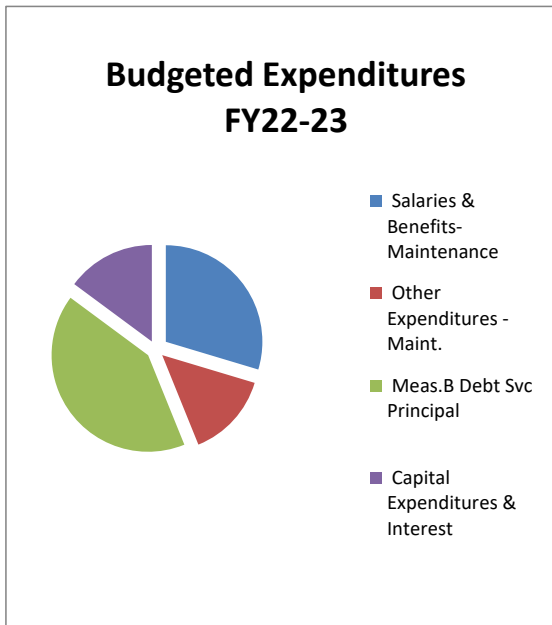
**McKinleyville Community Services District
Parks/General Fund Operating Budget
FY 2022-23R**

Description	Parks/General Fund Approved Budget FY2022-23		Parks/General Fund Revised Budget FY2022- 23R		Difference (Memorandum Only)	
Revenues						Incr(decr)
Program Fees	257,380	9%	376,962	24%	119,582	46.5%
Facility Fees	59,850	2%	81,722	5%	21,872	36.5%
Property Taxes	712,575	26%	751,141	47%	38,566	5.4%
Open Space Fees	132,400	5%	139,674	9%	7,274	5.5%
Contributions & Other Program	1,652	0%	868	0.1%	(784)	-47.5%
Other Revenue	35,940	1%	9,078	1%	(26,862)	-74.7%
Quimby Fees/ Grants/Loans	1,487,952	55%	192,633	12%	(1,295,319)	-87.1%
Interest Revenue	35,002	1.3%	41,849	2.6%	6,847	19.6%
Total Revenues	2,722,751	100%	1,593,928	100%	(1,128,823)	-41.5%
Expenditures						
Salaries & Benefits - Programs	283,781	10%	346,973	22%	63,192	22.3%
Salaries & Benefits- Maintenance	246,162	9%	212,204	13%	(33,958)	-13.8%
Salaries & Benefits- Admin	397,565	15%	559,518	35%	161,953	40.7%
Other Expenditures - Programs	14,325	1%	21,762	1%	7,437	51.9%
Other Expenditures - Maint.	124,770	5%	149,445	9.4%	24,675	19.8%
Other Expenditures - Admin	117,725	4%	106,422	6.7%	(11,303)	-9.6%
Board Travel Expenditures	1,100	0.0%	1,775	0.1%	675	61.4%
CalPERS UAL	10,000	0%	-	0.0%	(10,000)	-0.4%
Capital Expenditures & Interest	1,525,000	56%	194,635	12%	(1,330,365)	-87.2%
Total Expenditures	2,720,428	100%	1,592,734	100%	(1,127,694)	-41.5%
Excess (Deficit)	2,323		1,194			



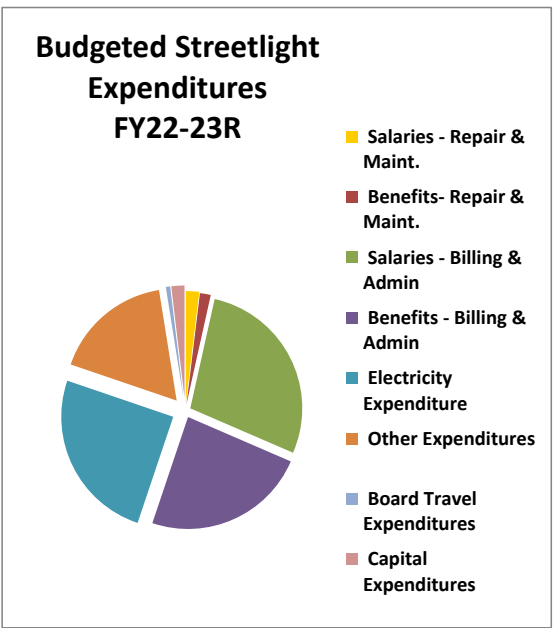
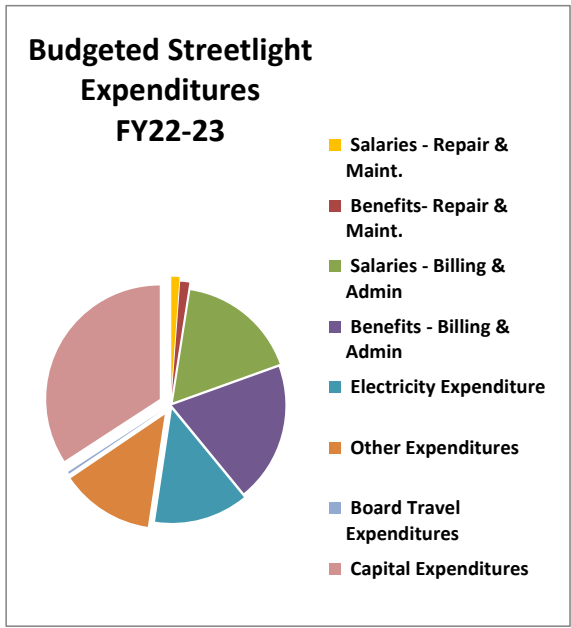
McKinleyville Community Services District
Measure B Fund Operating Budget
FY 2022-23R

Description	Measure B Fund Approved Budget FY22-23		Measure B Fund Revised Budget FY22-23R		Difference (Memorandum Only)	
						Incr(decr)
Revenues						
Measure B Assessment	221,304	97%	221,304	155%	-	58%
Grants/Contributions	-	0%	-	-	-	-
Other Revenue	-	0%	-	0%	-	0%
Proceeds from Debt	-	-	-	0%	-	0%
Quimby Fees/ ReservesDraw	-	0%	-	0%	-	0%
Interest Revenue	6,000	2.6%	10,491	7.4%	4,491	5%
Total Revenues	227,304	100%	142,633	163%	4,491	3%
Expenditures						
Salaries & Benefits- Maintenance	67,288	30%	100,508	39%	33,221	49%
Other Expenditures - Maint.	32,325	14%	27,726	11%	(4,599)	-14%
Meas.B Debt Svc Principal	93,674	41%	93,674	37%	-	0%
Capital Expenditures & Interest	33,744	15%	33,744	13%	0	0%
Total Expenditures	227,030	100%	255,652	100%	28,622	13%
Excess (Deficit)	274		(113,019)		(24,131)	



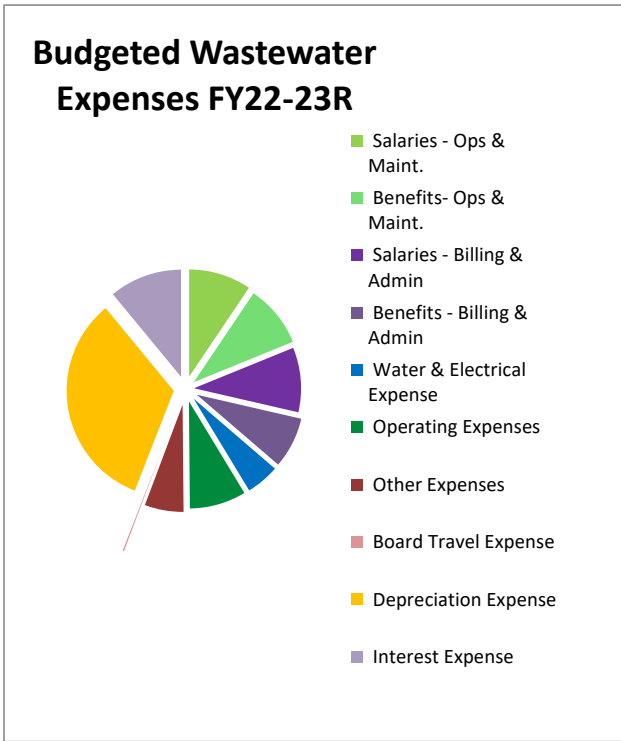
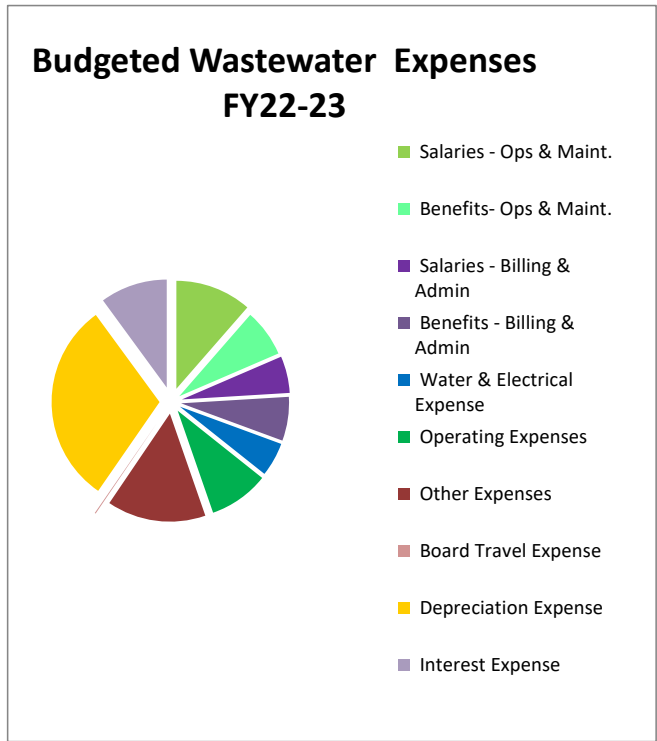
McKinleyville Community Services District
Streetlights Fund Operating Budget
FY 2022-23R

Description	Streetlights Fund Approved Budget FY22-23		Streetlights Fund Revised Budget FY22-23R		Difference (Memorandum Only)	
Streetlight Revenues						
Streetlight Charges	105,930	85%	111,215	86%	5,285	5.0%
Other Charges	18,500	15%	17,379	14%	(1,121)	-6.1%
Interest Revenue	50	0%	57	0%	7	13.8%
Total Revenues	124,480	100%	128,651	100%	4,172	3%
Streetlight Expenditures						
Salaries - Repair & Maint.	1,602	1%	1,755	2%	153	9.6%
Benefits- Repair & Maint.	1,778	1%	1,425	2%	(354)	-19.9%
Salaries - Billing & Admin	23,443	17%	25,497	28%	2,054	8.8%
Benefits - Billing & Admin	26,906	20%	21,556	24%	(5,349)	-19.9%
Electricity Expenditure	18,300	13%	22,824	25%	4,524	24.7%
Other Expenditures	18,090	13%	15,704	17%	(2,386)	-13.2%
Board Travel Expenditures	400	0%	572	1%	172	43.0%
Capital Expenditures	47,000	34%	1,725	2%	(45,275)	-96.3%
Total Expenditures	137,519	100%	91,058	100%	(46,461)	-34%
Excess (Deficit)	(13,039)		37,593			



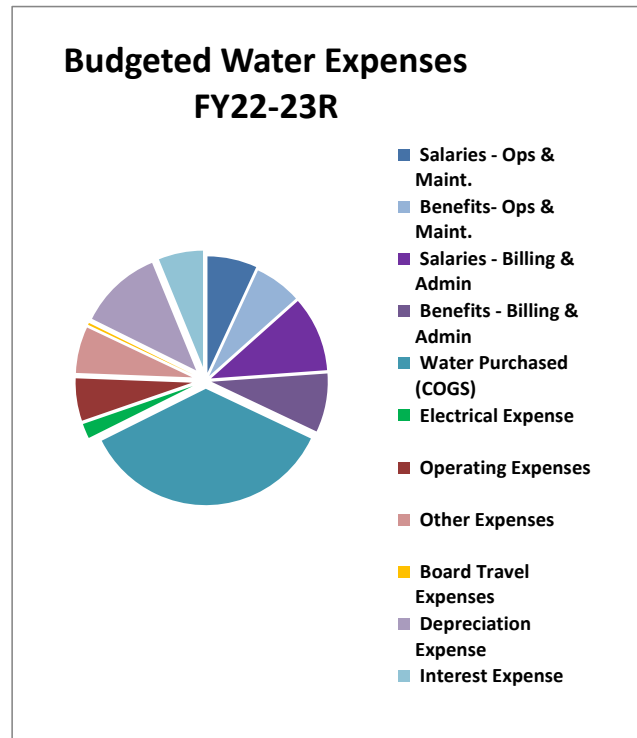
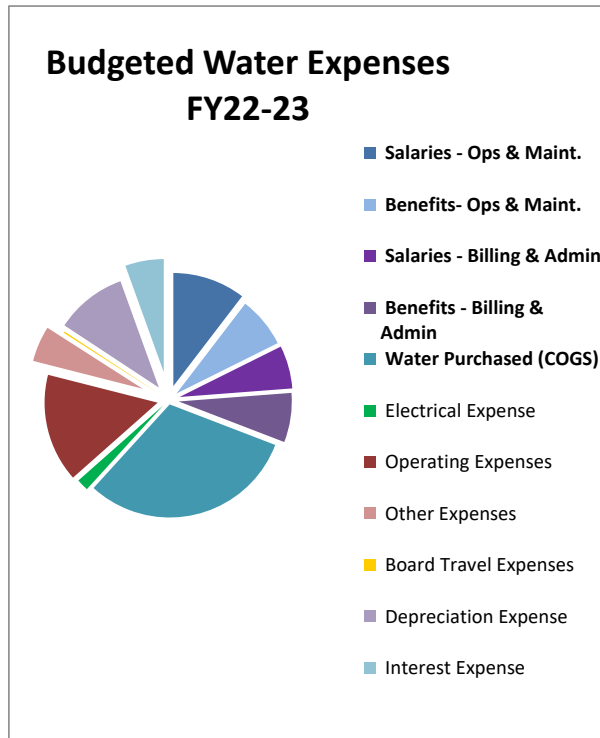
McKinleyville Community Services District
Enterprise Funds: Wastewater Operating Budget
FY 2022-23R

Description	Wastewater Fund Approved Budget FY22-23		Wastewater Fund Revised Budget FY22-23R		Difference (Memorandum Only)	
Wastewater Revenues						
Sewer Service Charges	4,371,210	65%	4,093,666	83%	(277,544)	-6%
Capacity Fees	200,000	3%	244,911	5%	44,911	22%
Other Revenue	2,081,692	31%	406,553	8%	(1,675,139)	-80%
Contributed Construction	25,000	0%	72,510	1%	47,510	190%
Interest Revenue	50,000	1%	134,706	3%	84,706	169%
Total Revenues	6,727,902	100%	4,952,347	100%	(1,775,555)	-26.4%
Wastewater Expenses						
Salaries - Ops & Maint.	461,376	11%	349,094	9%	(112,282)	-24%
Benefits- Ops & Maint.	287,193	7%	348,547	9%	61,354	21%
Salaries - Billing & Admin	222,728	6%	361,101	10%	138,373	62%
Benefits - Billing & Admin	265,576	7%	285,116	8%	19,541	7%
Water & Electrical Expense	205,500	5%	186,313	5%	(19,187)	-9%
Operating Expenses	363,000	9%	315,258	9%	(47,742)	-13%
Other Expenses	598,153	15%	217,199	6%	(380,954)	-64%
Board Travel Expense	6,000	0%	7,717	0%	1,717	29%
Depreciation Expense	1,225,000	30%	1,224,996	33%	(4)	0%
Interest Expense	406,318	10%	406,318	11%	-	0%
Total Expenses	4,040,844	100%	3,701,659	100%	(339,185)	-8.4%
Excess (Deficit)	2,687,058		1,250,688			



McKinleyville Community Services District
Enterprise Funds: Water Operating Budget
FY 2022-23R

Description	Water Fund Approved Budget FY22-23		Water Fund Revised Budget FY22-23R		Difference (Memorandum Only)	
Water Revenues						
Water Sales	4,434,226	69%	4,143,812	87%	(290,414)	-7%
Capacity Fees	150,000	2%	147,578	3%	(2,423)	-2%
Other Revenue	1,735,800	27%	600,000	34%	(1,135,800)	-65%
Contributed Construction	25,000	0%	110,355	0%	85,355	341%
Interest Revenue	50,000	1%	85,827	1%	35,827	72%
Total Revenues	6,395,026	100%	5,087,571	126%	(1,307,455)	-20%
Water Expenses						
Salaries - Ops & Maint.	406,914	10%	239,901	7%	(167,012)	-41.0%
Benefits- Ops & Maint.	283,787	7%	227,106	7%	(56,682)	-20.0%
Salaries - Billing & Admin	240,335	6%	364,314	10%	123,979	51.6%
Benefits - Billing & Admin	275,963	7%	284,481	8%	8,518	3.1%
Water Purchased (COGS)	1,210,000	31%	1,240,204	36%	30,204	2.5%
Electrical Expense	67,000	2%	72,089	2%	5,089	7.6%
Operating Expenses	606,487	15%	205,433	6%	(401,055)	-66.1%
Other Expenses	199,709	5%	224,307	6%	24,598	12.3%
Board Travel Expenses	8,000	0.2%	9,717	0%	1,717	21.5%
Depreciation Expense	400,000	10%	399,996	11%	(4)	0.0%
Interest Expense	215,801	6%	215,801	6%	(0)	0.0%
Total Expenses	3,913,996	100%	3,483,349	100%	(430,648)	-11%
Excess (Deficit)	2,481,030		1,604,222			



This Page Left Intentionally Blank

Alternatives:

Staff analysis consists of the following potential alternative

- Take No Action

Fiscal Analysis:

Budgetary fiscal analysis: see summaries in proposed FY2023-24 Budget.

Appropriations Limit fiscal analysis: As the proposed expenditures subject to the Limit are \$320,501 under the Appropriations Limit threshold, no additional analysis is required.

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 – Proposed Budget for FY2023-24
- Attachment 2 – Resolution 2023-11



BUDGET

For the Fiscal Year Ending June 30, 2024

Adoption Date: June 7, 2023

MCS D BOARD OF DIRECTORS

Gregory P. Orsini, President
Scott Binder, Vice President
David Couch, Director
Dennis Mayo, Director
James Biteman, Director

**McKINLEYVILLE COMMUNITY SERVICES DISTRICT
1656 Sutter Road
McKinleyville, CA 95519
Capital and Operating Budget**

For the Fiscal Year Ending June 30, 2024

INTRODUCTION AND BUDGET GUIDE

This budget is intended to serve as a management tool for operation of the McKinleyville Community Services District (MCSD) during fiscal year July 1, 2023 through June 30, 2024. The Budget sets forth goals and priorities for staff to accomplish during the year in the four district operating departments. This budget is dynamic in that it can be amended as the Board adds goals and changes priorities.

- Page 3 includes information about McKinleyville and the McKinleyville Community Services District.
- The Mission Statement, the estimated Full-Time Employee Equivalents for the fiscal year, and the Organization Chart are included beginning at Page 5.
- Budgets and accompanying graphs for the Governmental Funds & the Enterprise Funds are shown beginning at Page 8. Detailed line-item budgets are available for review by the Board and the public, but are not included in this policy-level document.
- Historical Data is presented beginning at Page 15.
- MCSD's Capital Improvement Program Budgets, Exhibit 11, start on Page 19. Narratives are shown in Appendix A, beginning at Page 24.
- A summary of the MCSD's Board current Strategic Plan 2019-2024 is shown in Appendix B, beginning at Page 29
- The Appropriations Limit calculations required by law for the Fiscal Year 2023-24 are included in Appendix C, starting on Page 41.

DESCRIPTION OF THE COMMUNITY

McKinleyville is an unincorporated community of Humboldt County in the north coastal region of California 300 miles north of San Francisco. McKinleyville has an approximate population of 16,262 according to 2020 data from the U. S. Census Bureau. It is the third largest community population area in Humboldt County behind Eureka (26,512) and Arcata (18,857). McKinleyville borders the Pacific Ocean and has a mild climate year-round with frequent fog and moderate to heavy precipitation mainly between October and April. Because of the combination of coastal, mountain and valley areas, residents have the opportunity for a wide range of recreational activities. Just minutes from McKinleyville, you can surf, fish for salmon and steelhead, hike underneath the world's tallest trees and bike the Pacific Coast Trail.

The original settlers of McKinleyville were the Wiyot Indians who occupied the area for hundreds of years before the first white settlers arrived. Historian Edie Neilson estimates that there were three thousand Wiyots in the vicinity when the first white settlers arrived in the 1850s; by 1900, there were only 150 Wiyots left. Joseph Dow built his cabin in 1862 on the high prairie area near the future site of the Humboldt County Airport. For many years the area from the Mad River to the Little River was known as Dow's Prairie.

Dow's Prairie was isolated from the rest of the north coast communities by the bridgeless rivers to the north and south and the dense forest to the east. When passable, fording the Mad River to get supplies in Arcata was a two-day trip. In 1897, Arcata businessman Isaac Minor built a general store with a post office, a hotel and a creamery here. The general store quickly became the social center for the community and the people decided to call their town Minor in his honor. When President William McKinley was assassinated in 1901, Isaac Minor and the townspeople agreed to change the name of the community to McKinleyville.

The McKinleyville Union School District was founded in 1948 and includes Dow's Prairie School, McKinleyville Middle School and Morris School. MUSD is McKinleyville's largest employer with a payroll of over \$4 million. Graduates of MUSD attend McKinleyville High School, which was opened for the fall 1961 school year. Mack High is one of two high schools in the Northern Humboldt Union High School District.

Opportunities for higher education are nearby. Arcata's Cal Poly Humboldt, a four-year college with a full spectrum of curriculum and graduate programs, is a 10-minute drive from McKinleyville. Eureka, located 20 minutes south of McKinleyville, is the largest city and county seat of Humboldt County. The main branch of College of the Redwoods, a community college system offering comprehensive programs in many academic and technical fields, is located in Eureka.

DESCRIPTION OF THE DISTRICT

McKinleyville Community Services District (MCSD) was created on April 14, 1970 when McKinleyville's residents voted 592 "yes" against 154 "no" to form the District. Initially, the District had authority to serve water and treat sewer wastes. In 1972 the voters added street lighting powers. In 1985 the voters added recreational powers and in 1995 the voters authorized construction of the McKinleyville Library. The District boundaries encompass 12,140 acres ranging from North Bank Road on the south to Patrick Creek on the north. MCSD is an independent governmental unit organized under the Community Services District Law, pursuant to Title 6 Division 3 of the Government Code Section 61000, et seq. A five-member Board of Directors elected to four-year rotating terms in even-numbered years governs the District. The Directors meet on the first Wednesday of each month at Azalea Hall, 1620 Pickett Road, to set policy, consider projects and settle disputes. The District office is located at 1656 Sutter Road just east of Central Avenue.

MCSD's principal activities include water, sewer, parks, recreation, street lighting and open space maintenance services. In recent years, the District has dramatically expanded its recreational services by developing approximately 44 acres of community parks: Hiller Park Playground and Picnic Area, Hiller Park Loop Trails, Hiller Sports Complex, Pierson Park and Larissa Park. In addition, the District has constructed state-of-the-art buildings to provide indoor sports and recreation (McKinleyville Activity Center), a community activities center (Azalea Hall), a Teen and Community Center, and a library (a branch of the Humboldt County Library). In 1999, the Mad River Rotary Club completed the fund-raising and construction of a Law Enforcement Facility on District land adjacent to the Library and Azalea Hall. The facility was then donated to the District and is leased to the Humboldt County Sheriff's Department.

MCSD purchases its wholesale water supply from the Humboldt Bay Municipal Water District, which diverts water from its million-gallon tank on Essex Hill under the Mad River to MCSD's Grant A. Ramey Pump Station at North Bank and Azalea Roads. Water is then pumped to storage tanks at McCluski Hill, Cochran Road and Norton Road; MCSD's six storage tanks have a combined capacity of 5.25 million gallons, approximately a 36-hour supply for our 7,500 water customers.

All sewage for MCSD's 6,600 customers is treated at the Wastewater Management Facility at Hiller Park. MCSD maintains approximately 65 miles of sewer mains. MCSD recycles treated wastewater for agricultural irrigation at the Fischer Irrigation Site, Pialorsi Irrigation Site, and at Hiller Park. With a major upgrade of the Wastewater Management Facility completed in 2019, MCSD is committed to maintaining its sewage collection, treatment and disposal systems as a model for other communities.

Additional information and photographs of MCSD facilities are available on MCSD's website (www.mckinleyvillecsd.com). District staff and Directors can be reached by e-mail at mcsd@mckinleyvillecsd.com.

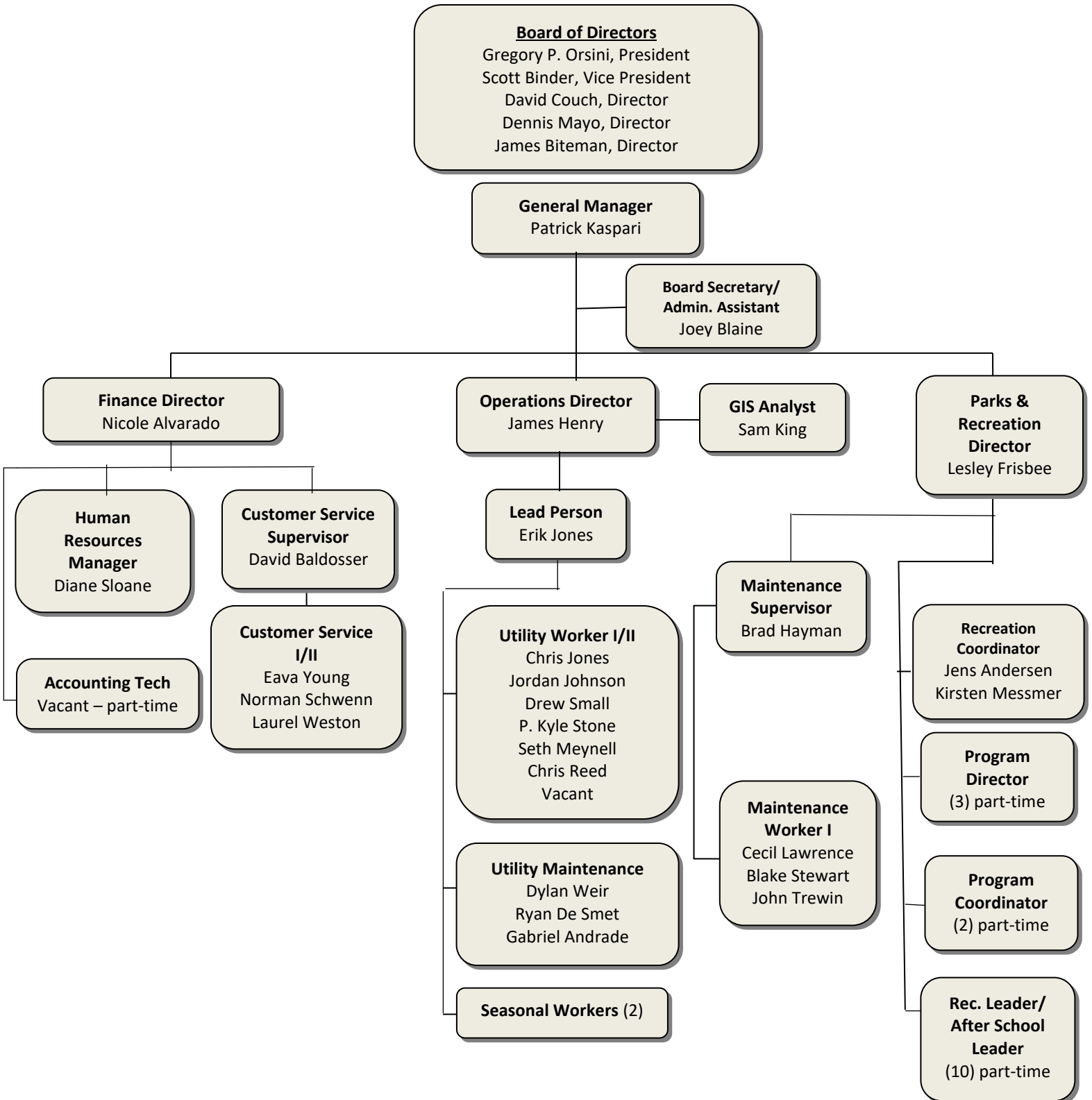
**McKINLEYVILLE COMMUNITY SERVICES DISTRICT
MISSION STATEMENT**

Provide McKinleyville with safe and reliable water, wastewater, lighting, open space, parks and recreation, and library services in an environmentally and fiscally responsible manner.

**Estimated Employee Full Time Equivalents
For the Fiscal Year ending June 30, 2024**

	Full-Time Benefitted	Part-Time & Seasonal	Total FTEs
General Manager	1	0	1
Finance & Administration	7	1	7.5
Operations	13	2	13
Parks & Recreation	7	15	9
Total	28	18	30.5

McKinleyville Community Services District
Organization Chart: Fiscal Year 2023-24
 Revised May 2023



McKinleyville Community Services District
Exhibits of Financial Information
Budget for the year ending June 30, 2024

Table of Contents

<i>Page 08</i>	<i>Exhibit 1 – Fund Budget Summary and Projected Fund Balance</i>
<i>Page 10</i>	<i>Exhibit 2 – Budget & Graphs, Water Fund</i>
<i>Page 11</i>	<i>Exhibit 3 – Budget & Graphs, Wastewater Fund</i>
<i>Page 12</i>	<i>Exhibit 4 – Budget & Graphs, Streetlights Fund</i>
<i>Page 13</i>	<i>Exhibit 5 – Budget & Graphs, General/Parks Fund</i>
<i>Page 14</i>	<i>Exhibit 6 – Budget & Graphs, Measure B Fund</i>
<i>Page 15</i>	<i>Exhibit 7-10 – Historical Data</i>
<i>Page 19</i>	<i>Exhibit 11 – 10 Year Capital Improvement Plans</i>
<i>Page 24</i>	<i>Appendix A – Capital Expenditures Overview and Narratives</i>
<i>Page 29</i>	<i>Appendix B – Strategic Plan Summary 2019-2024</i>
<i>Page 41</i>	<i>Appendix C – Appropriations Limit Calculations</i>

McKinleyville Community Services District
Budget Summary: Net Position - All Funds
PROPOSED FY2023-24

Net Position may serve over time as a useful indicator of a government's financial position. In the case of the District, total assets and deferred outflows of resources are projected in the budget to exceed liabilities and deferred inflows of resources by \$44,839,092 as of June 30, 2024.

The District's total net position is made up of three components: (1) net investment in capital assets, (2) restricted net position, and (3) unrestricted net position.

At the end of the Fiscal Year, June 30, 2024, the net position of the District is projected to increase from the FY21-22 total of \$35,522,356. A moderate increase of approximately 5% or \$1,840,716 is projected for the current fiscal year FY22-23. An increase of approximately 20% for the proposed budgeted year will result in a total net position of \$44,839,092.

An increase in total revenues are projected for the end of the current year of 20%, or \$2,213,542 for a total of \$13,174,843 from all revenue sources. This compares to a larger increase projected for the upcoming budget year of 51% or \$6,728,024 for a total of \$19,902,916 in projected revenues for FY23-24.

Total expenditures are projected to decrease at the end of the current year by 1.4% or \$129,100 for a total of \$9,120,167 for all expenditure types. This compares to an overall increase projected for the coming budget year of 27% or \$2,457,819 for a total of \$11,577,986 projected budgeted expenditures for FY23-24.

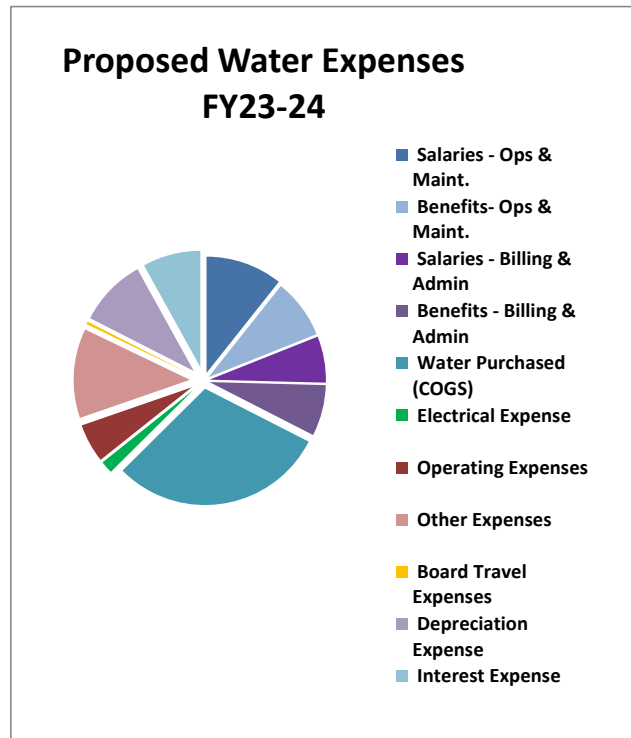
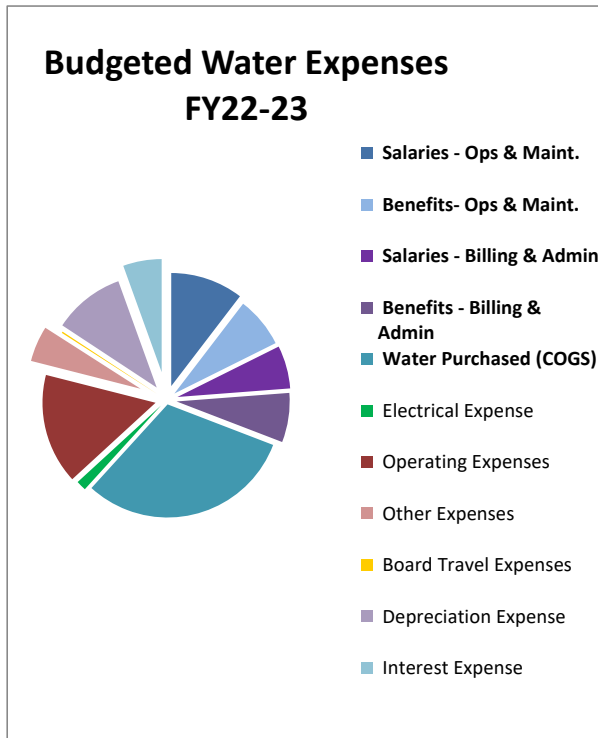
Overall net position is projected to change positively in the current fiscal year. In the coming year, projected net position will increase due to grant revenues and their associated investment in the District's capital assets. In the Enterprise Funds, a larger increase is projected in the Water Fund than the Wastewater Fund due to the construction of a 4.5 MG water tank. In the Governmental Funds, the Parks General Fund will see an increase in revenues due to grants to build a BMX track. These revenues will be offset by associated capital expenditures. In the Streetlight Fund, budgeted expenditures exceed budgeted revenues due to planned pole inspections however this deficit is offset by accumulated surpluses from prior years.

McKinleyville Community Services District
Summary Budgets - All Funds
PROPOSED FY 2023-24

Description	Water Fund	Wastewater Fund	Streetlights Fund	Gen'l/Parks Fund	Measure B Fund	Total (Memorandum Only)
Revenues						
Water Sales	4,300,000					4,300,000
Sewer Service Charges		4,200,000				4,200,000
Capacity Fees	150,000	200,000				350,000
Streetlight Charges			110,000			110,000
Program Fees				324,980		324,980
Facility Fees				69,350		69,350
Property Taxes				773,676		773,676
Measure B Assessment					224,000	224,000
Open Space Fees				141,000		141,000
Contributions & Other Program				1,500		1,500
Other Revenue & Capital Project Grants	7,087,450	871,592	18,500	33,569		8,011,111
Contributed Construction	75,000	125,000				200,000
Proceeds from Long Term Debt (Gov't only)						-
Quimby Fees/Capital Proj. Grants				1,134,000		1,134,000
Interest Revenue	85,000	130,000	100	40,000	8,200	263,300
Total Revenues	11,697,450	5,526,592	128,600	2,518,075	232,200	20,102,917
Expenditures						
Salaries & Benefits - Operations & Maint.	802,169	865,496	3,630			1,671,295
Salaries & Benefits - Billing & Admin	572,666	573,891	55,243			1,201,800
Salaries & Benefits - Rec Programs				358,334		358,334
Salaries & Benefits- Parks Maintenance				212,364	78,368	290,732
Salaries & Benefits- Parks&Rec Admin				438,481		438,481
Water Purchased (COGS)	1,270,398					1,270,398
Water & Electrical Expense	73,100	186,000	22,000			281,100
Operating Expenses	228,500	402,500				631,000
Other Expenses	525,857	534,155	21,887			1,081,899
Other Expenditures - Rec Programs				19,625		19,625
Other Expenditures - Parks Maintenance				170,300	26,450	196,750
Other Expenditures - Parks&Rec Admin				144,700		144,700
Depreciation Expense	400,000	1,500,000				1,900,000
Board Travel Expense	15,000	5,000	600	1,200		21,800
CalPERS UAL - Gov't Funds only				10,000		10,000
Debt Service - Gov't Funds only					102,304	102,304
Interest Expense	340,351	356,267		33,744	25,149	755,511
Parks/Meas.B Capital Expenditures			73,000	1,129,256		1,202,256
Total Expenditures	4,228,041	4,423,309	176,360	2,518,005	232,271	11,577,986
Excess (Deficit)	7,469,409	1,103,283	(47,760)	70	(71)	8,524,930
Fund Balance - July 1, 2022						
Projected Surplus (Deficit) FY2022-23	1,148,187	2,053,588	38,128	(78,322)	(56,017)	3,105,565
Debt Principal FY2022-23 (Enterprise only)	239,826	595,232				835,058
New Borrowing FY2022-23(Enterprise only)						-
Capital Expenditure FY2022-23(Enterprise)	(1,830,390)	(269,517)				(2,099,907)
Projected Fund Balance June 30, 2023	11,780,972	24,997,369	156,130	1,096,307	(667,707)	37,363,072
Budgeted Excess (Deficit) FY2023-24	7,469,409	1,103,283	(47,760)	70	(71)	8,524,930
Anticipated Borrowing FY2023-24(Enterprise)	-	-				-
Capital Project grant funding (contingent)	7,012,500	785,500				7,798,000
Debt Principal FY2023-24(Enterprise only)	264,037	539,053				803,090
Capital Expenditure FY2023-24(Enterprise)	(9,376,000)	(274,000)				(9,650,000)
Projected Fund Balance June 30, 2024	17,150,918	27,151,205	108,370	1,096,377	(667,777)	44,839,092

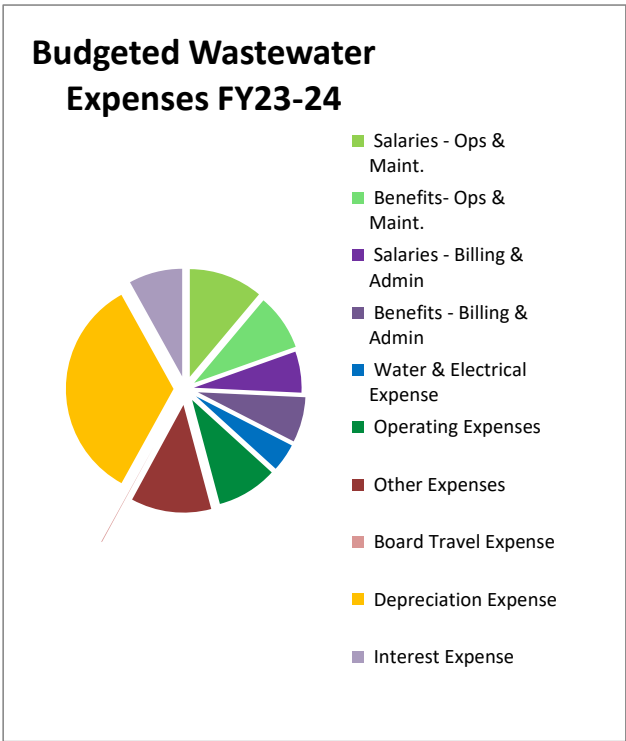
McKinleyville Community Services District
Enterprise Funds: Water Operating Budget
PROPOSED FY 2023-24

Description	Water Fund Approved Budget FY22-23		Water Fund Proposed Budget FY23-24		Difference (Memorandum Only)	
Water Revenues						
Water Sales	4,434,226	69%	4,300,000	38%	(134,226)	-3%
Capacity Fees	150,000	2%	150,000	1%	-	0%
Other Revenue	1,735,800	27%	7,087,450	15%	5,351,650	308%
Contributed Construction	25,000	0%	75,000	0%	50,000	200%
Interest Revenue	50,000	1%	85,000	0%	35,000	70%
Total Revenues	6,395,026	100%	11,697,450	55%	5,302,424	83%
Water Expenses						
Salaries - Ops & Maint.	406,914	10%	451,304	11%	44,391	10.9%
Benefits- Ops & Maint.	283,787	7%	350,865	8%	67,077	23.6%
Salaries - Billing & Admin	240,335	6%	272,414	6%	32,079	13.3%
Benefits - Billing & Admin	275,963	7%	300,252	7%	24,289	8.8%
Water Purchased (COGS)	1,210,000	31%	1,270,398	30%	60,398	5.0%
Electrical Expense	56,000	1%	73,100	2%	17,100	30.5%
Operating Expenses	617,487	16%	228,500	5%	(388,987)	-63.0%
Other Expenses	199,709	5%	525,857	12%	326,148	163.3%
Board Travel Expenses	8,000	0.2%	15,000	0%	7,000	87.5%
Depreciation Expense	400,000	10%	400,000	9%	-	0.0%
Interest Expense	215,801	6%	340,351	8%	124,550	57.7%
Total Expenses	3,913,996	100%	4,228,041	100%	314,045	8%
Excess (Deficit)	2,481,030		7,469,409			



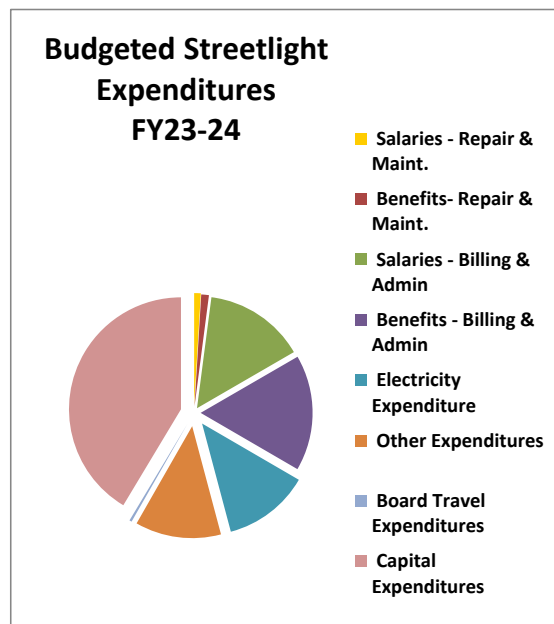
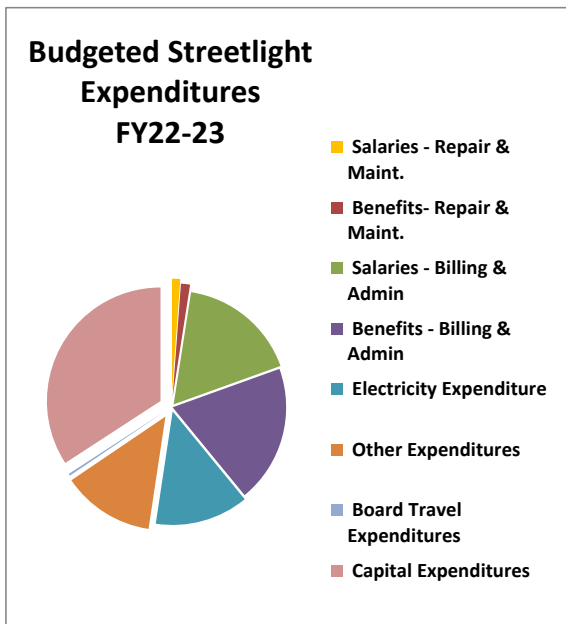
McKinleyville Community Services District
Enterprise Funds: Wastewater Operating Budget
PROPOSED FY 2023-24

Description	Wastewater Fund Approved Budget FY22-23		Wastewater Fund Proposed Budget FY23-24		Difference (Memorandum Only)	
Wastewater Revenues						
Sewer Service Charges	4,371,210	65%	4,200,000	76%	(171,210)	-4%
Capacity Fees	200,000	3%	200,000	4%	-	0%
Other Revenue	2,081,692	31%	871,592	16%	(1,210,100)	-58%
Contributed Construction	25,000	0%	125,000	2%	100,000	400%
Interest Revenue	50,000	1%	130,000	2%	80,000	160%
Total Revenues	6,727,902	100%	5,526,592	100%	(1,201,310)	-17.9%
Wastewater Expenses						
Salaries - Ops & Maint.	461,376	11%	491,516	11%	30,140	7%
Benefits- Ops & Maint.	287,193	7%	373,980	8%	86,787	30%
Salaries - Billing & Admin	222,728	6%	273,023	6%	50,295	23%
Benefits - Billing & Admin	265,576	7%	300,868	7%	35,292	13%
Water & Electrical Expense	205,500	5%	186,000	4%	(19,500)	-9%
Operating Expenses	363,000	9%	402,500	9%	39,500	11%
Other Expenses	598,153	15%	534,155	12%	(63,998)	-11%
Board Travel Expense	6,000	0%	5,000	0%	(1,000)	-17%
Depreciation Expense	1,225,000	30%	1,500,000	34%	275,000	22%
Interest Expense	406,318	10%	356,267	8%	(50,051)	-12%
Total Expenditures	4,040,844	100%	4,423,309	100%	382,465	9.5%
Excess (Deficit)	2,687,058		1,103,283			



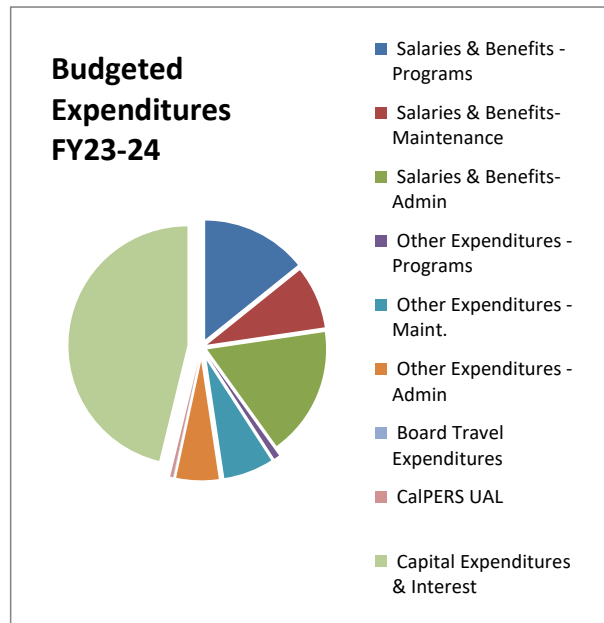
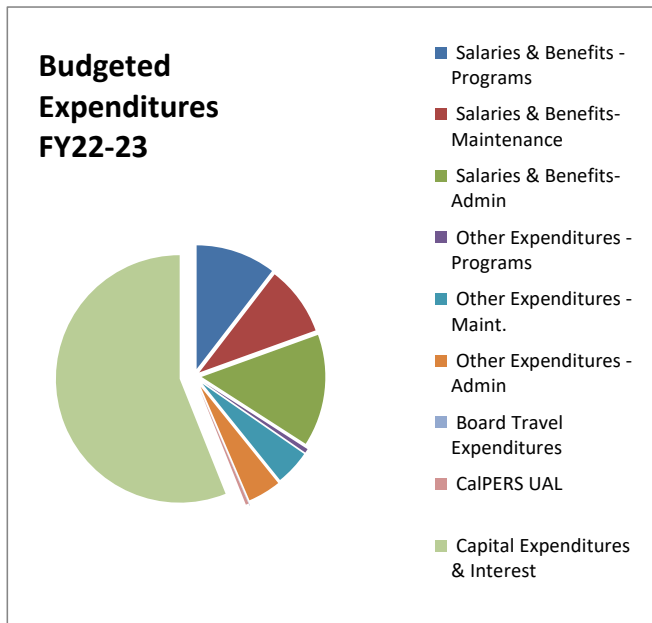
McKinleyville Community Services District
Streetlights Fund Operating Budget
PROPOSED FY 2023-24

Description	Streetlights Fund Approved Budget FY22-23		Streetlights Fund Proposed Budget FY23-24		Difference (Memorandum Only)	
Streetlight Revenues						
Streetlight Charges	105,930	85%	110,000	86%	4,070	3.8%
Other Charges	18,500	15%	18,500	14%	-	0.0%
Interest Revenue	50	0%	100	0%	50	100.0%
Total Revenues	124,480	100%	128,600	100%	4,120	3%
Streetlight Expenditures						
Salaries - Repair & Maint.	1,602	1%	1,678	1%	77	4.8%
Benefits- Repair & Maint.	1,778	1%	1,951	1%	173	9.7%
Salaries - Billing & Admin	23,443	17%	25,725	15%	2,282	9.7%
Benefits - Billing & Admin	26,906	20%	29,518	17%	2,612	9.7%
Electricity Expenditure	18,300	13%	22,000	12%	3,700	20.2%
Other Expenditures	18,090	13%	21,887	12%	3,797	21.0%
Board Travel Expenditures	400	0%	600	0%	200	50.0%
Capital Expenditures	47,000	34%	73,000	41%	26,000	55.3%
Total Expenditures	137,519	100%	176,360	100%	38,841	28%
Excess (Deficit)	(13,039)		(47,760)			



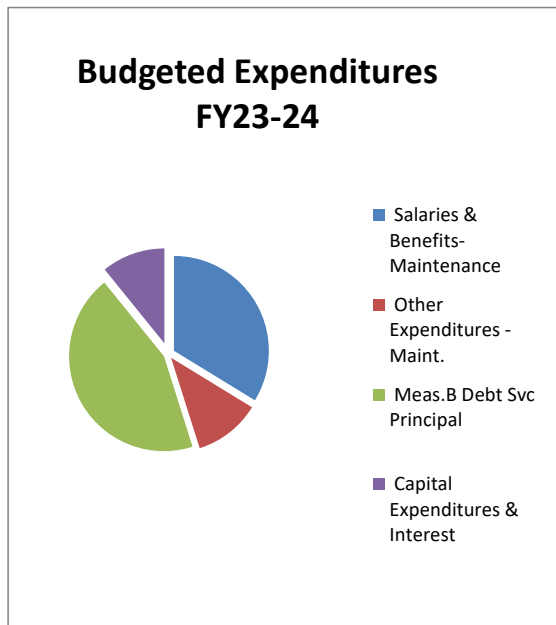
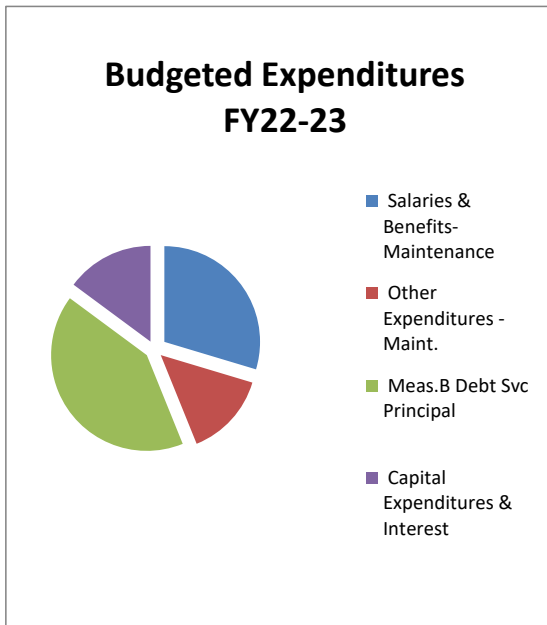
McKinleyville Community Services District
Parks/General Fund Operating Budget
PROPOSED FY 2023-24

Description	Parks/General Fund Approved Budget FY2022-23		Parks/General Fund Proposed Budget FY2023-24		Difference (Memorandum Only)	
Revenues						Incr(decr)
Program Fees	257,380	9%	324,980	13%	67,600	26.3%
Facility Fees	59,850	2%	69,350	3%	9,500	15.9%
Property Taxes	712,575	26%	773,676	31%	61,101	8.6%
Open Space Fees	132,400	5%	141,000	6%	8,600	6.5%
Contributions & Other Program	1,652	0%	1,500	0.1%	(152)	-9.2%
Other Revenue	35,940	1%	33,569	1%	(2,371)	-6.6%
Quimby Fees/ Grants/Loans	1,487,952	55%	1,134,000	45%	(353,952)	-23.8%
Interest Revenue	35,002	1.3%	40,000	1.6%	4,998	14.3%
Total Revenues	2,722,751	100%	2,518,075	100%	(204,676)	-7.5%
Expenditures						
Salaries & Benefits - Programs	283,781	10%	358,334	14%	74,553	26.3%
Salaries & Benefits- Maintenance	246,162	9%	212,364	8%	(33,798)	-13.7%
Salaries & Benefits- Admin	397,565	15%	438,481	17%	40,916	10.3%
Other Expenditures - Programs	14,325	1%	19,625	1%	5,300	37.0%
Other Expenditures - Maint.	124,770	5%	170,300	6.8%	45,530	36.5%
Other Expenditures - Admin	117,725	4%	144,700	5.7%	26,975	22.9%
Board Travel Expenditures	1,100	0.0%	1,200	0.0%	100	9.1%
CalPERS UAL	10,000	0%	10,000	0.4%	-	0.0%
Capital Expenditures & Interest	1,525,000	56%	1,163,000	46%	(362,000)	-23.7%
Total Expenditures	2,720,428	100%	2,518,005	100%	(202,423)	-7.4%
Excess (Deficit)	2,323		70			



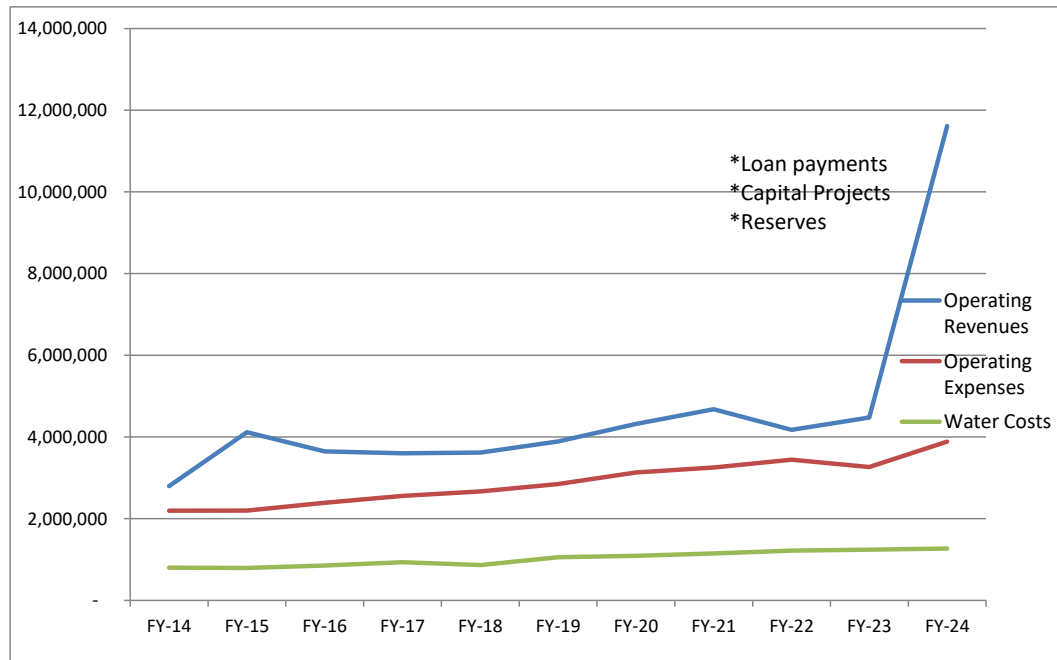
McKinleyville Community Services District
Measure B Fund Operating Budget
PROPOSED FY 2023-24

Description	Measure B Fund Approved Budget FY22-23		Measure B Fund Proposed Budget FY23-24		Difference (Memorandum Only)	
						Incr(decr)
Revenues						
Measure B Assessment	221,304	97%	224,000	96%	2,696	-1%
Grants/Contributions	-	0%	-	-	-	-
Other Revenue	-	0%	-	0%	-	0%
Proceeds from Debt	-	-	-	0%	-	0%
Quimby Fees/ ReservesDraw	-	0%	-	0%	-	0%
Interest Revenue	6,000	2.6%	8,200	3.5%	2,200	1%
Total Revenues	227,304	100%	232,200	100%	4,896	2%
Expenditures						
Salaries & Benefits- Maintenance	67,288	30%	78,368	34%	11,080	16%
Other Expenditures - Maint.	32,325	14%	26,450	11%	(5,875)	-18%
Meas.B Debt Svc Principal	93,674	41%	102,304	44%	8,630	9%
Capital Expenditures & Interest	33,744	15%	25,149	11%	(8,595)	-25%
Total Expenditures	227,030	100%	232,271	100%	5,240	2%
Excess (Deficit)	274		(71)		(344)	



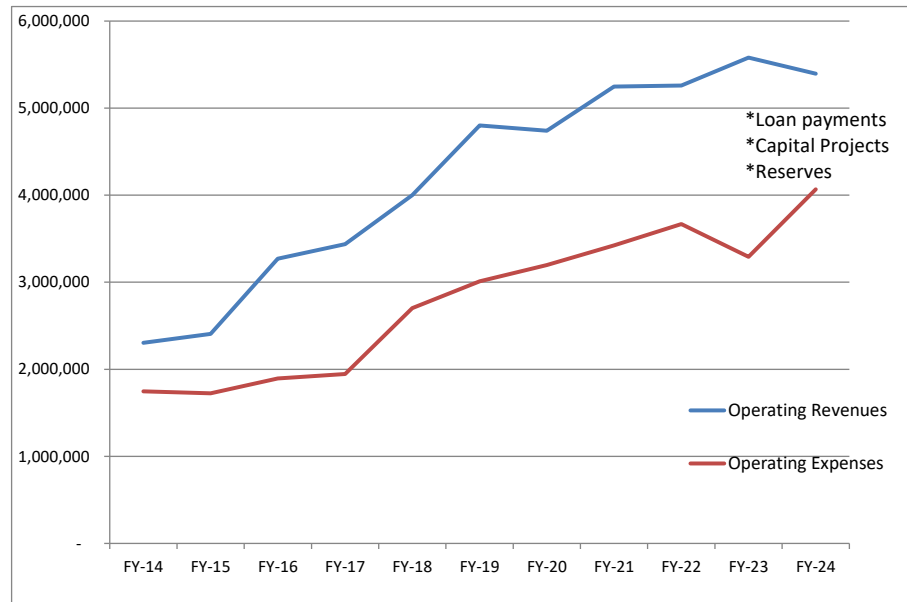
McKinleyville Community Services District
Water Enterprise Fund
Historical Analysis
Fiscal Years Ended (Ending) June 30, 2014-2024

	2014 Actual	2015 Actual	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Estimate	2024 Budget
Operating Revenues											
Water Sales	2,237,058	2,855,251	2,971,172	3,307,872	3,201,667	3,333,250	3,689,722	4,038,710	3,901,039	4,143,812	4,300,000
Other Water Revenues	561,962	1,263,244	677,733	293,149	416,418	560,739	628,746	639,929	273,229	334,329	7,312,450
Total Operating Revenues	2,799,019	4,118,496	3,648,905	3,601,020	3,618,085	3,893,989	4,318,467	4,678,638	4,174,268	4,478,141	11,612,450
Operating Expenses											
Salaries & Benefits	766,832	820,713	901,568	961,086	873,905	793,755	884,086	940,282	902,593	1,114,159	1,374,492
Water Cost	801,270	795,098	855,642	933,907	867,122	1,056,472	1,094,722	1,147,401	1,218,070	1,240,204	1,270,398
Other Expenses	325,537	258,732	290,102	314,758	562,998	610,340	700,340	754,257	935,278	508,649	842,800
Depreciation	303,585	325,895	344,400	346,630	363,985	389,295	455,902	411,197	391,802	399,996	400,000
Total Operating Expenses	2,197,224	2,200,438	2,391,712	2,556,381	2,668,010	2,849,862	3,135,050	3,253,138	3,447,743	3,263,008	3,887,690
Net Operating Income (Loss)	601,796	1,918,057	1,257,193	1,044,639	950,075	1,044,127	1,183,417	1,425,500	726,526	1,215,133	7,724,760
Interest Income	11,079	15,510	19,797	31,579	41,491	79,233	85,414	48,234	47,357	85,827	85,000
Interest Expense	(81,588)	(75,483)	(72,104)	(68,446)	(64,890)	(61,108)	(57,336)	(53,320)	(143,315)	(384,612)	(340,351)
Net Income (Loss)	531,286	1,858,084	1,204,887	1,007,773	926,676	1,062,252	1,211,494	1,420,414	630,568	916,348	7,469,409



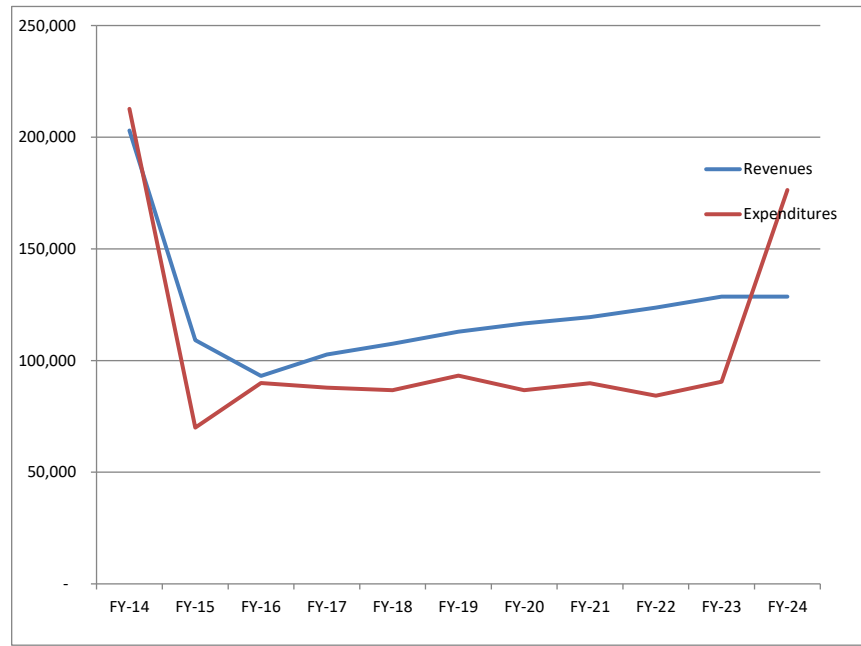
McKinleyville Community Services District
Wastewater Enterprise Fund
Historical Analysis
Fiscal Years Ended (Ending) June 30, 2014-2024

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Estimate	Budget
Operating Revenues											
Wastewater Service Charges	1,768,170	2,062,271	2,519,832	3,062,739	3,333,752	3,705,348	3,716,614	3,969,885	4,027,668	4,093,666	4,200,000
Other Wastewater Revenues	536,218	345,588	750,463	373,867	667,985	1,095,942	1,024,698	1,276,414	1,232,972	1,486,651	1,196,592
Total Operating Revenues	2,304,387	2,407,859	3,270,295	3,436,606	4,001,736	4,801,290	4,741,313	5,246,299	5,260,640	5,580,317	5,396,592
Operating Expenses											
Salaries & Benefits	843,382	865,751	966,967	990,442	1,040,516	991,199	1,040,090	1,172,658	1,154,077	1,339,451	1,456,742
Other Expenses	441,704	388,878	462,582	502,182	832,570	819,105	946,210	973,100	1,073,865	728,080	1,110,300
Depreciation	462,621	469,397	464,200	453,677	829,508	1,201,128	1,211,865	1,276,998	1,439,445	1,224,996	1,500,000
Total Operating Expenses	1,747,706	1,724,026	1,893,749	1,946,301	2,702,594	3,011,431	3,198,164	3,422,757	3,667,387	3,292,527	4,067,042
Net Operating Income (Loss)	556,681	683,833	1,376,547	1,490,305	1,299,142	1,789,858	1,543,149	1,823,542	1,593,253	2,287,790	1,329,550
Interest Income	18,989	20,496	21,382	30,154	48,208	120,116	135,107	85,047	68,616	134,706	130,000
Interest Expense	(37,521)	(31,558)	(27,900)	(23,803)	(198,112)	(225,072)	(313,825)	(225,790)	(317,477)	(368,908)	(356,267)
Net Income (Loss)	538,149	672,771	1,370,029	1,496,656	1,149,238	1,684,902	1,364,431	1,682,799	1,344,392	2,053,588	1,103,283



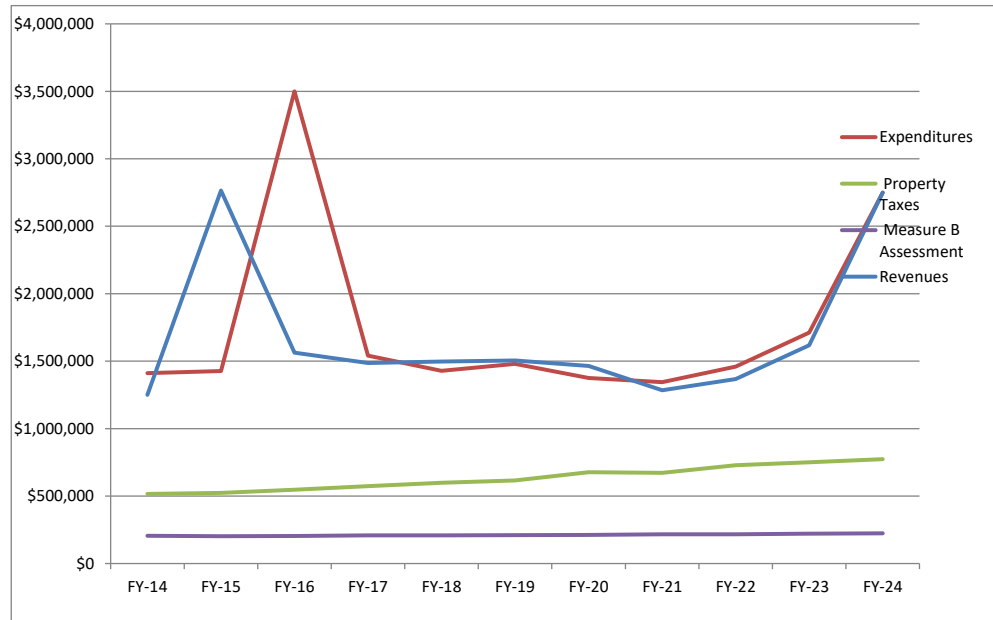
McKinleyville Community Services District
Streetlight Fund
Historical Analysis
Fiscal Years Ended (Ending) June 30, 2014-2024

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Estimate	Budget
Revenues	203,009	109,123	93,109	102,744	107,557	112,870	116,620	119,403	123,692	128,661	128,600
Expenditures											
Salaries & Benefits	45,591	35,942	40,767	37,296	36,852	38,155	39,693	51,443	39,805	46,429	53,024
Other Expenditures	43,141	31,804	29,261	30,719	30,022	35,272	37,198	38,409	40,226	42,380	50,336
Debt Service	-	-	19,865	19,865	19,865	19,865	9,863	-	-	-	-
Capital Expenditures	123,950	2,229	-	-	-	-	-	-	4,273	1,725	73,000
Total Expenditures	212,681	69,975	89,893	87,880	86,739	93,293	86,753	89,853	84,304	90,534	176,360
Excess (Deficit)	(9,672)	39,148	3,216	14,864	20,817	19,578	29,868	29,551	39,388	38,127	(47,760)



McKinleyville Community Services District
Parks & Recreation, Measure B Assessment, & General Fund
Historical Analysis
Fiscal Years Ended (Ending) June 30, 2014-2024

	2014 Actual	2015 Actual	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Actual	2022 Actual	2023 Estimate	2024 Budget
Combined Revenues											
Programs	324,140	320,470	360,399	384,959	374,327	285,629	198,879	153,616	219,800	310,220	306,530
Rentals	66,980	67,407	85,536	89,029	96,868	87,948	69,903	11,947	64,170	81,722	69,350
Property Taxes	516,221	523,970	547,214	574,220	598,430	615,380	677,798	671,671	729,263	751,141	773,676
Measure B Assessment	206,270	202,749	204,177	208,775	209,573	210,254	212,622	217,031	216,405	221,304	224,000
State Bonds & Grants	10,000	25,000	48,876	-	-	7,215	10,128	1,920	5,000	33,633	1,124,000
Other Revenue	120,119	1,612,221	296,868	212,637	198,827	244,785	243,124	191,965	87,634	177,707	212,719
Interest Revenue	6,755	12,773	19,661	16,287	18,799	53,839	51,911	35,578	44,339	41,849	40,000
Total Revenues	1,250,484	2,764,590	1,562,731	1,485,907	1,496,824	1,505,049	1,464,365	1,283,728	1,366,611	1,617,576	2,750,275
Combined Expenditures											
Salaries & Benefits	846,593	909,802	859,611	920,016	975,993	1,017,783	961,057	914,368	1,028,720	1,192,785	1,067,197
Other Expenditures	386,777	348,872	2,401,700	458,267	323,053	308,048	288,697	276,857	298,469	359,957	417,776
Debt Service	-	36,228	79,968	82,831	84,288	85,798	88,872	92,054	95,351	93,674	102,304
Capital Expenditures	177,463	132,323	158,519	80,568	45,473	69,128	36,025	61,264	37,368	65,634	1,163,000
Total Expenditures	1,410,834	1,427,225	3,499,798	1,541,682	1,428,807	1,480,757	1,374,652	1,344,542	1,459,908	1,712,050	2,750,277
Combined Excess (Deficit)	(160,349)	1,337,365	(1,937,067)	(55,775)	68,017	24,292	89,714	(60,815)	(93,298)	(94,474)	(2)



McKinleyville Community Services District
 Enterprise Funds **PROPOSED** Capital Improvement Project Budget
 For the Fiscal Years Ending June 30, 2024 - 2033

(All numbers in \$000s)

	1	2	3	4	5	6	7	8	9	10
	June 30, 2024	June 30, 2025	June 30, 2026	June 30, 2027	June 30, 2028	June 30, 2029	June 30, 2030	June 30, 2031	June 30, 2032	June 30, 2033
Heavy Equipment										
Totals:	308	42	155	335	190	500	0	0	20	70
Utility Vehicles										
Totals:	50	90	90	50	78	78	83	55	85	55
Water System										
Totals:	11,183	12,077	3,817	2,026	1,042	1,062	1,290	1,020	1,580	1,131
Sewer System										
Totals:	2,740	3,927	8,024	1,364	1,288	7,335	1,480	3,310	4,745	1,441
Office, Corporation Yard & Shops										
Totals:	643	1,520	1,530	0	14	0	10	0	10	0
Computers, Software & Equipment										
Totals:	219	46	17	12	12	17	12	12	17	12
Reclamation (Fischer & Pialorsi Ranches)										
Totals:	80	15	15	15	25	15	15	15	15	15

McKinleyville Community Services District
 Enterprise Funds **PROPOSED** Capital Improvement Project Budget
 For the Fiscal Years Ending June 30, 2024 - 2033

(All numbers in \$000s)

	1	2	3	4	5	6	7	8	9	10
	June 30, 2024	June 30, 2025	June 30, 2026	June 30, 2027	June 30, 2028	June 30, 2029	June 30, 2030	June 30, 2031	June 30, 2032	June 30, 2033
Small Equipment & Other										
Totals:	20	20	35	42	20	15	20	20	15	40
Capital Planned Expenditures	15,243	17,737	13,683	3,844	2,669	9,022	2,910	4,432	6,487	2,764
Departmental Allocations:										
Water Fund	11,803	12,936	4,731	2,246	1,199	1,117	1,353	1,064	1,654	1,275
Wastewater Fund	3,440	4,801	8,952	1,599	1,470	7,905	1,558	3,369	4,834	1,545
Total	15,243	17,737	13,683	3,844	2,669	9,022	2,910	4,432	6,487	2,819
Internal Funds/Reserves/Debt - District Share	8,156	9,038	7,375	3,094	2,669	9,022	2,910	4,432	6,487	2,819
Potential Grant Funding Expected	7,088	8,699	6,308	750						

McKinleyville Community Services District
 General Fund (Parks & Recreation) **PROPOSED** Capital Improvement Project Budget
 For the Fiscal Years Ending June 30, 2024 - 2033

(All numbers in \$000s)

	1	2	3	4	5	6	7	8	9	10
	June 30, 2024	June 30, 2025	June 30, 2026	June 30, 2027	June 30, 2028	June 30, 2029	June 30, 2030	June 30, 2031	June 30, 2032	June 30, 2033
1. Hiller Park & Sports Complex Projects										
Totals:	0	80	0	25	12	19	0	0	0	0
2. Pierson Park Projects										
Totals:	0	110	12	8	83	6	15	0	0	0
3. Azalea Hall Projects										
Totals:	28	44	26	15	12	27	119	0	6	0
4. McKinleyville Activity Center Projects										
Totals:	7	57	111	75	0	0	100	0	0	0
5. Other Park Projects & Equipment										
Totals:	16	11	11	6	12	0	12	18	17	0

McKinleyville Community Services District
 General Fund (Parks & Recreation) **PROPOSED** Capital Improvement Project Budget
 For the Fiscal Years Ending June 30, 2024 - 2033

(All numbers in \$000s)

	1	2	3	4	5	6	7	8	9	10
	June 30, 2024	June 30, 2025	June 30, 2026	June 30, 2027	June 30, 2028	June 30, 2029	June 30, 2030	June 30, 2031	June 30, 2032	June 30, 2033
6. Law Enforcement Facility Projects										
Totals:	0	26	10	0	21	0	0	0	0	0
7. McKinleyville Library Projects										
Totals:	23	8	28	29	8	8	8	0	0	0
8. Teen & Community Center										
Totals:	8	0	48	8	13	8	8	48	8	8
9. Projects Contingent Upon Grant Funding										
Totals:	80	30	50	50	0	0	0	0	0	0
10. Projects Funded by Quimby & Other Funds										
Skate Park/ Washington property proj Totals:	1,029	1,152	25	0	0	0	0	0	0	0
Total Planned Capital Expenditures	1,191	1,518	321	216	161	68	262	66	31	8
Grant-Funded Capital Projects	1,057	1,184								

McKinleyville Community Services District
 Streetlights Fund **PROPOSED** Capital Improvement Project Budget
 For the Fiscal Years Ending June 30, 2024 - 2033

	1	2	3	4	5	6	7	8	9	10
	June 30, 2024	June 30, 2025	June 30, 2026	June 30, 2027	June 30, 2028	June 30, 2029	June 30, 2030	June 30, 2031	June 30, 2032	June 30, 2033
1. Heavy Equipment										
Totals:	0	83	0	0	0	0	0	0	0	0
2. Poles and Lights										
Totals:	73	0	0	0	0	0	0	0	0	0
Total Planned Expenditures	73	83	0	0	0	0	0	0	0	0

***PROPOSED Capital Improvement Plan
Water, Sewer and Streetlights Funds
Fiscal Year 2023-24***

Water and Sewer Fund capital asset purchases and projects depend largely on grants, loans, and the strategic use of District Reserves. The Board has made a commitment to not defer scheduled maintenance, repair, or replacement of current service delivery systems. This must be balanced against the Board's equal commitment to fiscal responsibility. Under the leadership of the General Manager, the Operations Director, and Finance Director, staff has taken steps to honor both of these commitments in the budget process by ensuring that the potential financing sources of each project are discussed at the time of project proposal and included with each project's detail notes.

CAPITAL IMPROVEMENT PROGRAM PROJECT DISCUSSION

Heavy Equipment and Utility Vehicles

In 1998, the Board adopted a Fleet Replacement Plan to ensure that MCSD's fleet of heavy equipment and utility vehicles would be replaced in an approximately ten-year cycle. At present, the Water and Wastewater Funds plan to replace one of the District's trucks. Funds have also been set aside for the replacement of a backhoe and a towable generator. The District will also purchase a new 3-foot tractor mounted roller for paving trenches.

Water System

The District will embark on several water projects in FY2023-24. The largest Water project for FY2023-24 is the construction phase of the proposed 4.5 million gallon new storage tank. In FY2022-2023 the District purchased the property where the tank will be built. In FY2023-24 approximately half of the construction funds will be expended (\$6.35 million). Of that, 75% (\$4.7 million) will be grant funded. The District has issued Certificates of Participation (COPs), a debt instrument, to fund the balance of the project.

Another large project that grant funding and design is expected to begin in FY2023-24 is the Mad River Crossing Emergency Water Supply this is a multi-year \$4.2 million project that will provide a redundant water main under the Mad River. In FY2023-24 \$250,000 has been budgeted for design and planning, of that 75% will be granted funded. The District is also expecting grant funding and design for the replacement of McCluski Tank 3, this project will span FY2024-25 and conclude in FY2025-26. In FY2023-24, \$100,000 has been budgeted for the design and planning, 75% of this project will also be grant funded.

\$750,000 is budgeted for a recoating project. Each tank recoating cycle is approximately 20 to 30 years for preventative maintenance to avoid corrosion and maintain structural integrity. Other projects currently proposed for the Water Fund include \$8,000 for the replacement of the water tank cathodic protection system; \$8,000

to upgrade the computer used for reading meters; and \$10,000 to upgrade the digital control and radio telemetry system. The fire hydrant system is still scheduled to be upgraded. The District will use this \$7,000 budget item to upgrade dry barrel hydrants in commercial areas to wet barrel hydrants.

\$1,800,000 is scheduled for the ongoing Water Main Rehabilitation/ Replacement Project. \$1 million of that is a set-aside, per the last Board approved Rate Study. The other \$800,000 is for the water main replacement on Central Avenue, and is debt-funded (COPs).

Wastewater System

The \$240,000 set aside annually to pay for the next bio-solids project has been reduced to \$200,000 annually, as the cost of the bio-solids removal in FY2021-22 was lower than expected. These should occur on a four-to-six year cycle. \$25,000 has been set aside to fund the new National Pollutant Discharge Elimination System (NPDES) permit studies that will be part of the new permit requirements. \$70,000 is allocated for an engineering study on the upgrade of the WWMF's disinfection system. \$1,500,000 is budgeted for the Wastewater Mainline Rehabilitation/ Replacement Project. As with the Water side of this project, \$1 million is a set-aside of rates to build up reserves, as approved by the Board in the 2018 rate study. The other \$500,000 is to start work on the Central Avenue portion of the project.

The Undercrossing project budget portion for the current fiscal year is \$100,000, with the remaining balance budgeted in FY2024-25 (\$1,049,000) and FY2025-26 (\$5,611,000). Other significant Wastewater projects include a set aside of \$40,000 for lift station pump and generator replacements. This number may change once we find out that our grant funding was accepted, a sewer-main camera unit (\$30,000), and \$60,000 to armor the WWMF ponds.

The remaining projects are for smaller dollar amounts. \$5,000 for an underground pipe locator and camera, \$6,000 for a self-contained breathing apparatus (SCBA), \$6,000 for repairs, and \$8,000 for replacement of smaller pumps and motors. Funding for these smaller projects will come from pay-go funding according to the approved Reserves policy for the maintenance and replacement of capital infrastructure.

Office, Corporation Yard, Computers and Software

\$163,000 has been budgeted to finish the architectural design of the District's operations and administrative office, with renovations to be completed in the following years. \$390,000 has been budgeted for purchase of the property behind the District offices. We are actively discussing the purchase of this property with the property owner. If the sale goes through this fiscal year it will come out of this fiscal year's budget. \$20,000 has been set aside for major repairs to the existing offices, \$11,000 has been set aside for the regular upgrade and replacement of office equipment and printers, \$10,000 for miscellaneous facility upgrades and sealcoat and an additional \$8,000 has been added for AutoCAD software.

The District will also replace its existing accounting software with a new enterprise resource planning (ERP) system, \$200,000 has been budgeted in FY2023-24 and \$35,000 has been budgeted in FY2024-25 for software, installation and training.

Reclamation (Fischer & Pialorsi Ranch)

\$35,000 has been budgeted to for reclamation projects. A total of \$45,000 is available for replacement and maintenance of underground valves and piping, irrigation pipes and fittings, improvements on the Pialorsi house and the Fischer house.

Streetlights

\$65,000 for a safety and longevity inspection of all the District's streetlight poles. Replacement of some failing photocells is scheduled, with a \$5,000 budget, along with \$3,000 for pole replacement if needed.

Note on Water & Sewer Funds Capital Improvement Program

The Water and Sewer Funds Capital Improvement Program's planned capital expenditures are shown in thousands: 10 = \$10,000. The planning horizon for the Program is 10 years. It should be noted that all estimated replacement costs are in current year dollars, as future inflation is unknown. Since the CIP is a dynamic plan that is updated annually, future costs will be regularly evaluated.

***PROPOSED Capital Improvement Plan
Parks and General Fund
Fiscal Year 2023-24***

General Fund capital asset purchases and projects are significantly dependent upon property tax revenues and assessments. The Measure B Maintenance Assessment District -- Renewal for Parks, Open Space, and Recreational Facilities was renewed in FY2012-13 for 20 years.

CAPITAL IMPROVEMENT PROGRAM PROJECT DISCUSSION

Utility Vehicles and Equipment

In 1998, the Board adopted a Fleet Replacement Plan to ensure that MCSD's aging fleet of service vehicles would be replaced in an approximately ten-year cycle. Where possible, the District has started to exchange some of the heavier utility vehicles with light compact trucks for savings in capital and operating costs. One mower is scheduled to be replaced in fiscal year 2023-24.

Facility Projects

Replacement of the Hewitt Room floor, renovation of the walls in the Hewitt room, and window covering replacements were covered by Prop 68 funding in fiscal year 2022-23. \$8,000 has been budgeted from these grant funds for replacement of the furnace in Azalea Hall. If funds are remaining in fiscal year 2023-2024 the front entry door will be replaced or fixed with a panic bar system for exit while the door is locked. The dish sanitizer may also be replaced if Prop 68 funds allow.

\$8,000 is budgeted from regular funds for the replacement of the furnace at the McKinleyville Library. A \$15,000 grant is being sought for the replacement of the Library carpet. Quimby funds might also be considered to support the completion of this project. Replacement of the HVAC system at the McKinleyville Activity Center has also been budgeted for \$7,000 from regular funds, if needed.

Parks and Trails Projects

In 2021, the District was awarded a \$2.3 Million grant to construct a BMX Track & Park. Design began in fiscal year 2022-2023 and construction is scheduled to begin in fiscal year 2023-2024, \$1.3 million has been budgeted for construction.

It is anticipated that Green Diamond will donate a portion of forest land to the District in fiscal year 2022-2023. \$80,000 has been budgeted for the development of the Murray Road Access Point.

Small Equipment, Contingency and Other

Nothing has been set aside in the upcoming fiscal year for unanticipated capital emergency equipment repair or replacement of greater than \$5,000. Smaller and less expensive (more than \$500 but less than \$5,000) new equipment and emergency replacement of existing equipment cannot generally be anticipated. These are considered expenditures, rather than capital assets, and are included in the repairs/maintenance/supplies line of the Parks & General Fund Operating Budget.

Note on Parks & General Fund Capital Improvement Plan

The Parks and General Fund Capital Improvement Program's planned capital expenditures are shown in thousands: 10 = \$10,000. The planning horizon for the Program is 10 years. It should be noted that all estimated replacement costs are in current year dollars since future inflation is unknown. Since the CIP is a dynamic plan that is updated annually, future costs will be regularly evaluated.

Strategic Plan

2019-2024

McKinleyville Community
Services District



Table of Contents

Introduction 1

 Purpose 1

 History 1

 Services 1

Mission, Vision & Values 2

 Mission 2

 Vision 2

 Values 3

Goals & Objectives 5

Plan Review, Revisions & Reporting 6

APPENDIX A: Progress Reports A-1

Plan Revisions

Date	Description of Change

Introduction

Purpose

This Strategic Plan (Plan) exists to empower the McKinleyville Community Services District (District) to accomplish its mission by providing vision and specific objectives for the next five years.

The Plan was updated in July 2019 by the District's Board of Directors and staff with the understanding that it is a living document that will be reviewed regularly and revised as needed to better serve the District and the McKinleyville community. The Plan was purposefully fashioned as a succinct, workable document so that it can be easily used to:

- Measure District success
- Generate focused work plans
- Adopt comprehensive, goal-oriented budgets
- Communicate District values and direction to the community

History

The McKinleyville Community Services District created on April 7, 1970 when McKinleyville's voters voted to form the District. Initially, the District had authority to serve water and treat sewer wastes. In 1972, the voters added street lighting powers, in 1985 the voters added recreational powers and in 1995 the voters authorized construction of the McKinleyville Library.

Services

The District boundary encompasses 12,140 acres ranging from North Bank Road on the south to Patrick's Creek on the north and has over 5,300 active water services and 4,470 active sewer connections. The District is an independent, special district governed by a five member Board of Directors. The District provides the following services:

- Water
- Wastewater
- Street Lights
- Open Space
- Parks & Recreation
- Library Services

Mission, Vision & Values

Mission

Provide McKinleyville with safe and reliable water, wastewater, lighting, open space, parks and recreation, library services, and other appropriate services for an urban community in an environmentally and fiscally responsible manner.

Vision

The District is an engaged, collaborative and responsible public agency that is committed to enhancing and preserving McKinleyville's quality of life through the implementation of clear and forward thinking policies and plans for service provision within its scope of power.

The District has established the following visionary goals for the next five years:

- 1 The Parks & Recreation Department has developed and implemented an effective strategy that will close the gap between revenues and expenses, allowing for the long term sustainability of the department.
- 2 The District is prepared for a major natural disaster and the public is educated and aware of MCSD's role in response to a major natural disaster.
- 3 The District will know the number of building permits allocated by the county within the District AND will know the impact accommodating allocated permits will have on District capacity.
- 4 The District will have an effective strategic partnership plan in place.
- 5 The District will have acquired the property for a community forest and will have a plan for sustainable management of said property.

Mission, Vision & Values

Values

The Board of Directors has collectively established the following core values, along with the defining traits, culture and actions.

INTEGRITY

- Definition - Truthfulness; Saying what you mean and doing what you say.
- Culture - Trustworthy performance; Incorruptible.
- Actions - Communicate using non-discriminatory language; Provide clear and factually accurate information to public, staff and fellow board members; Make decisions transparently; Form opinions/make judgments based on facts, not assumptions.

RESPONSIBILITY

- Definition - Dependable and accountable; Doing what is necessary in the best possible way and with the best possible intentions.
- Culture - Accepting all consequences, both good and bad; Adaptive Management.
- Actions - Follow through with commitments and follow up to evaluate results and outcomes; Give full attention to listening to public, staff and/or fellow board members during discussion and comment periods; Accept ownership of decisions and all results/outcomes/consequences of decisions; do not engage in blaming or making excuses; Focus decision making to that which serves the best interest of McKinleyville residents within the powers of the MCSD (water, sewer, streetlights, parks & rec and library powers).

FAMILY

- Definition - Group/Unit that is not always chosen, connected by commonalities and shared experience with defined roles.
- Culture - Efficiency, lightheartedness, respect, listening (open eared), care for members, forgiveness, and understanding with respected leadership.
- Actions - Listen to HEAR, not to REPLY; focus listening until person stops talking and THEN formulate your reply; Do not engage in gossip; Remain mindful and considerate of commonalities between self and others when engaging in challenging dialogue; Volunteer in the community; Express gratitude, regularly and often; Develop a shared vision and goal that we work to achieve together.

Mission, Vision & Values

Values Cont.

FAIRNESS

- Definition - Decisions based on rules, facts and circumstances.
- Culture - Consideration given to all facets in a consistent manner.
- Actions - Clearly communicate criteria for fairness in decisions; Judge according to facts; leave out emotion, 'shoulds', judgements and assumptions; Listen and give due consideration to all sides of an issue with an open mind before forming opinions or making judgements and decisions; Give equitable and consistent consideration to issues and options when making decisions.

Goals & Objectives

GOAL 1

The Parks & Recreation Department has developed and implemented an effective strategy that will close the gap between revenues and expenses, allowing for the long term sustainability of the department.

ACTION DESCRIPTION	PARTY / DEPT RESPONSIBLE	BEGIN DATE	DUE DATE	RESOURCES REQUIRED (staff, tech, etc.)	HAZARD FORECAST	DESIRED OUTCOME
Plan and Implement an annual "Spirits & Appetizers" Event as a fundraiser in Coordination with a local non-profit	Rec. Director	7/1/2019	2/28/2020	Willing & interested non-profit; Volunteers; Vendors; Activity & Teen Ctrs	No interested and willing non-profit; competing events;	Raise minimum of \$10,000 in first year
Add 2-3 revenue generating classes/programs to annual offerings	Rec. Coordinators	7/1/2019	6/30/2023	Facility space; available staff/instructors; supplies and/or technology depending on program	No interest in classes; will not generate revenue exceeding the cost of offering;	Increase dept. revenue by \$5k-\$10k
Implement a comprehensive marketing plan	Rec. Director	6/15/2019	6/30/2020	Staff time; money to invest in marketing strategies	Lack of resources to invest in marketing; possibility of not getting return on investment of marketing.	Increase facility revenue by \$8k-\$15k
Survey community to determine feasibility of increasing Measure B Assessment amount	GM & Rec. Director	7/1/2021	12/31/2021	Consultant/contractor to implement survey and write report	Lack of resources to hire consultants; community does not support increase.	Increase is feasible; know amount of feasible increase based on community support
Implement process for re-assessment of Measure B at higher rate	GM & Rec. Director	1/1/2022	11/10/2022	Consultant/contractor to implement process for reassessing measure B	Community does not support increase	Community supports reassessment and votes to increase in measure tax

Goals & Objectives

GOAL 2

The District is prepared for a major natural disaster and the public is educated and aware of MCSD's role in response to a major natural disaster.

ACTION DESCRIPTION	PARTY / DEPT RESPONSIBLE	BEGIN DATE	DUE DATE	RESOURCES REQUIRED (staff, tech, etc.)	HAZARD FORECAST	DESIRED OUTCOME
Plan and implement Public Education materials related to Disaster Preparedness and the District	EOP Team	8/1/2019	12/31/2019	Staff time; materials	Public does not participate; method of distributing materials does not reach whole community;	Disaster preparedness Education materials related the District's role and the roles of community members are available and distributed widely
Host 2-3 public workshops or trainings related to disaster preparedness specific to McKinleyville	EOP Team	1/2/2020	6/30/2022	Staff time; facility space; materials/resources	Public does not participate; Outreach/invitation methods not effective; lack of staff time	Workshops hosted and community feedback regarding increased knowledge evaluated
Create process for updating public. Outline all methods of putting information out to public.	EOP Team & Admin Staff	5/1/2020	12/31/2020	Staff Time	Lack of staff time; methods are not effective	Information campaign is ready to launch and surveys of public indicate an increase in awareness and knowledge

Goals & Objectives

GOAL 3

The District will know the number of building permits allocated by the county within the District AND will know the impact accommodating allocated permits will have on District capacity.

ACTION DESCRIPTION	PARTY / DEPT RESPONSIBLE	BEGIN DATE	DUE DATE	RESOURCES REQUIRED (staff, tech, etc.)	HAZARD FORECAST	DESIRED OUTCOME
Create process by which county permit allocation information is shared with the District	GM	7/29/2019	12/31/2019	Staff time; County Staff time/participation	County does not cooperate	Process is effective and efficient for collecting the necessary data
Integrate County information into District's Hydraulic Flow Analysis	GIS Tech	1/1/2020	6/30/2020	Staff time; County zoning and building permit data; hydraulic analysis software; GIS software;	Inadequate data or format of data;	Integrated data allows analysis of zoning, planning and hydraulic capacity.
Determine or set annual date for providing this information to the MCSD Board of Directors	GM, GIS Tech and BOD	7/1/2020	8/31/2020	Staff time; Modeling analysis; coordination w/county	Lack of agreement between county and MCSD related to the outcome of the analysis.	An annual date is set and agreed upon by both county and MCSD

Goals & Objectives

GOAL 4

The District will have an effective strategic partnership plan in place.

ACTION DESCRIPTION	PARTY / DEPT RESPONSIBLE	BEGIN DATE	DUE DATE	RESOURCES REQUIRED (staff, tech, etc.)	HAZARD FORECAST	DESIRED OUTCOME
Create a comprehensive list of existing partnerships including projects in progress or completed through the partnership	GM & Dept. Heads	6/1/2021	6/30/2021	Staff time	Lack of staff time; lack of participating/willing partners	List serves as a resource for current and future work of the District
Create a comprehensive list of potential partnerships that have not yet been developed	GM & Dept. Heads, BOD	2/1/2022	3/32/2022	Staff time	Lack of staff time; lack of participating/willing partners	List serves as a resource for current and future work of the District
Create a rubric for determining when to partner, with whom and for what	GM & Dept. Heads, BOD	7/1/2021	12/31/2021	Staff time	Lack of staff time	Rubric exists to guide partnership decisions
Outline the required steps and considerations for developing and implementing partnership agreements	GM & Dept. Heads	1/1/2022	6/30/2022	Staff time	Lack of staff time	Clear guidelines and expectations for staff to follow when developing partnerships and engaging in work with existing partners.
Create a rubric of criteria for measuring the effectiveness of a partnership	GM & Dept. Heads, BOD	7/1/2022	12/31/2022	Staff time	Lack of staff time	Rubric exists to measure effectiveness of partnership

Goals & Objectives

GOAL 5

The District will have acquired the property for a community forest and will have a plan for sustainable management of said property.

ACTION DESCRIPTION	PARTY / DEPT RESPONSIBLE	BEGIN DATE	DUE DATE	RESOURCES REQUIRED (staff, tech, etc.)	HAZARD FORECAST	DESIRED OUTCOME
Define amenities of Community Forest as desired by the community residents	GM, Rec. Dir & BOD	1/1/2019	12/31/2021	Staff time; public input; resources/materials	Lack of public participation	Parameters are defined for a Community Forest
Identify potential properties	GM & BOD	1/1/2022	12/31/2023	Staff time	Lack of available property	Potential properties are identified and available
Identify funding for acquisition of property	GM, Rec. Dir & BOD	7/1/2022	6/30/2024	Staff time	Lack of funding options; lack of public support for new taxes	Funding for acquisition obtained.
Identify Forest management strategies for identified properties	Forest Consultant	1/1/2023	12/31/2024	Resources to fund consultant; staff time	Lack of resources for consultant; lack of resources to support management strategies	Management strategies identified are feasible and funded.

Plan Review, Revisions & Reporting

The District will review this Plan at least once annually to ensure that the Plan continues to be accurate and best serve the needs of the District. Plan revisions may be made at any time. All revisions must be approved by the Board of Directors. A record of revisions will be kept on the Table of Contents page.

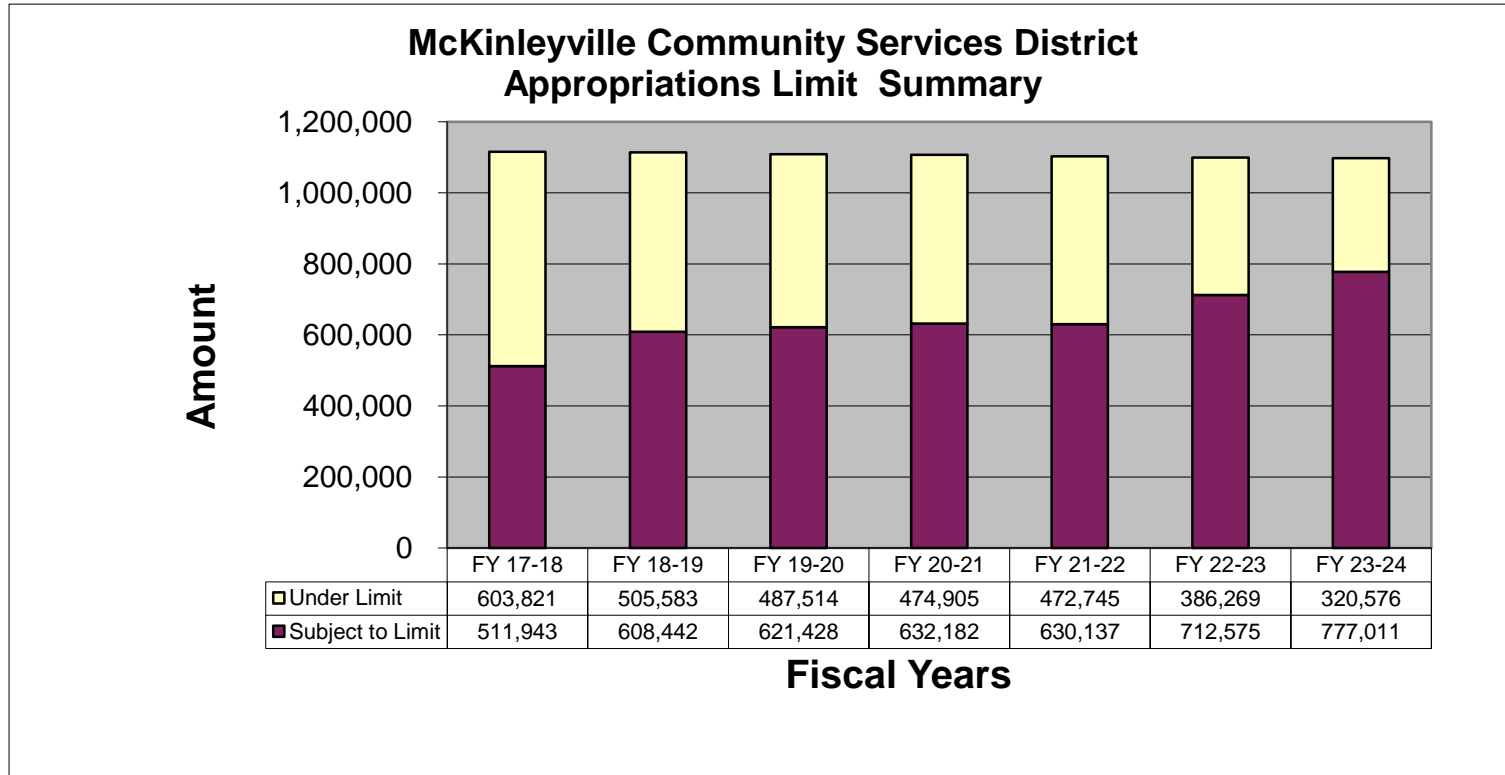
At the end of each fiscal year, the General Manager will prepare a brief report for the Board of Directors summarizing the progress that has been made toward attaining the District's goals and objectives. Reports will be included in the Appendix of this Plan.

McKinleyville Community Services District

Appropriations Limit Calculation Summary

FY 23-24 Budget

Prior Year Final Appropriation Limit	\$ 1,098,844
Allowed Compounded Percentage Increase from Prior Year ⁽¹⁾	
Non-Residential Assessed Valuation Percent Change	0.287%
MCSD Unincorporated County Population Percent Change	-0.400%
Compounded Percentage as an Adjustment Factor	-0.114%
Annual Adjustment Amount to Appropriation Limit	(1,256)
Current Year Appropriation Limit	1,097,588
Current Year Adopted Budget Appropriations From Proceeds of Taxes ⁽²⁾	
Proceeds of Taxes From Adopted Budget ⁽³⁾	792,048
Less Allowable Exclusion of Certain Appropriations ⁽³⁾	(14,961)
Current Year Appropriations Subject to Appropriation Limit	777,087
Current Year Appropriations Under the Appropriation Limit ⁽³⁾	\$ (320,501)
Percentage Under the Limit	-29%



(1) From State Department of Finance, as required by State Law

(2) Proceeds of Taxes are certain revenues as defined by State Law and League of California Cities Article XIII B Appropriations Limit Uniform Guidelines - March 1991. See Worksheets for details.

(3) Summary of worksheets for above calculations of Appropriations Limit and Appropriations Subject to Limit.

Summary of Appropriations From Proceeds of Taxes	From Non Proceeds of Taxes	From Proceeds of Taxes	Total Appropriations
General Fund		1,958,227	2,750,275
Street Lighting Fund		128,600	128,600
Water Fund	11,697,450	-	11,697,450
Wastewater Fund	5,526,592	-	5,526,592
Total Proceeds and Non Proceeds of Taxes	19,310,869	792,048	20,102,917

Summary of Exclusions	
Court Order Costs	-
Federal Mandates	14,961
Qualified Capital Equipment	-
Qualified Debt Service	-
Total Exclusions to Appropriations Subject to Limit	14,961

McKinleyville Community Services District
APPROPRIATIONS LIMIT CALCULATION
FY 23-24 Budget

User Fees in Excess of Costs Analysis
(Worksheet #1 of Guidelines)

	Estimated User Fees Revenues & Expenditures	Allocation By Activity		
		Parks	Street Lighting	Wastewater Operations
GENERAL FUND - Parks				
Charges for Services	376,730	376,730		
Miscellaneous Fees & Reimbursements	33,869	33,869		
Total General Fund	410,599	410,599	-	-
Street Lighting Fund	128,600		128,600	
Water Operations Fund	11,697,450			
Wastewater Operations Fund	5,526,592			5,526,592
Total Estimate of User Fees	17,763,241	410,599	128,600	5,526,592
Current Year Adopted Budget				
Operations & Equipment	10,341,986	1,587,276	103,360	4,423,309
Allocations for Improvements	-			
User Fees (Under) or in Excess of Costs	7,421,255	(1,176,677)	25,240	1,103,283

McKinleyville Community Services District
APPROPRIATIONS LIMIT CALCULATION
FY 23-24 Budget

Calculation of Proceeds of Taxes and Interest Allocation (Worksheets #2 & #3 of Guidelines)

PROCEEDS AND NON-PROCEEDS OF TAXES REVENUE ANALYSIS	Revenue Estimates (1)	Use of Reserves or Fund Balances (2)	Net of Other Uses or Transfers To Other Funds	Net of Other Sources or Transfers From Other Funds	Total Appropriation of Funds (3)	Appropriations From	
						Non-Proceeds of Taxes	Proceeds of Taxes
General Fund							
Property Tax	773,676				773,676	-	773,676
Special Assessment	224,000				224,000	224,000	-
Charges for Services	376,730				376,730	376,730	-
Grants	1,142,800				1,142,800	1,142,800	-
Development Fees	151,000				151,000	151,000	-
Interest (4)	48,200				48,200	29,828	-
Miscellaneous Fees & Reimbursements	33,869				33,869	33,869	18,372
Other Financing Sources	-				-	-	-
Other Sources	-				-	-	-
TOTAL GENERAL FUND REVENUES	2,750,275	0	0	0	2,750,275	1,958,227	792,048
Street Lighting Fund	128,600	47,760				128,600	
Water Fund	11,697,450	(7,694,409)				11,697,450	
Wastewater Fund	5,526,592	(1,103,283)				5,526,592	
Debt Service Fund	-					-	
Total All Funds	20,102,917	(8,749,932)	-	-	2,750,275	19,310,869	792,048

(1) See Worksheet 2.1 for Detail to all Funds

(2) Use of reserves or fund balances are considered non-proceeds of taxes due to prior year appropriation of all fund balances to reserves. A (negative) amount reflects a budgetary increase to reserves or ending fund balance which will be reflected in the final budget appropriations.

(3) Includes all appropriations from all funds to reconcile to adopted budget resolutions.

(4) Interest is allocated between Proceeds and Non-Proceeds on a proportional basis.

**McKinleyville Community Services District
Revenue Estimates Detail
FY 23-24 Budget**

Proceeds Detail (Worksheet 2.1 of Guidelines)

Fnd	Acct	Estimated Revenue (2)	Less Non- Proceeds of Taxes	Net Proceeds of Taxes	Comments
General Fund - Parks					
41050	ADMIN FEE	5,400	5,400		Reimbursement for Services
42020	PROC. FEES	1,200	1,200		User Fees for Services
42030	BAD CHECK FEES	40	40		Miscellaneous Fees and Reimbursements
43002	REFUNDS/REBATES	50	50		Miscellaneous Fees and Reimbursements
43195	OTHER OP. REV.	60	60		Miscellaneous Fees and Reimbursements
43197	LEASE REVENUE	16,819	16,819		Use of Property fees
44000	OPEN SPACE FEES	122,100	122,100		Development Fees
45000	OPEN SPACE FEES	18,900	18,900		Development Fees
47050	MSC PAYROLL REM	-	-		Miscellaneous Fees and Reimbursements
47999	EVENT RENTALS	25,300	25,300		User Fees for Services
48000	COMM. EVENTS	-	-		User Fees for Services
48001	VENDOR CONTRACT	39,000	39,000		User Fees for Services
48002	EVENT SERVICES	4,700	4,700		User Fees for Services
48010	INSURANCE FEES	-	-		User Fees for Services
48020	AD INCOME	350	350		User Fees for Services
48040	COMMISSIONS VND	-	-		User Fees for Services
48050	REC. PROGRAMS	306,530	306,530		User Fees for Services
48051	FRF DISCOUNT	(350)	(350)		User Fees for Services
48055	PROGRAM GRANTS	18,800	18,800		Related to Restricted Grants
48070	SALE OF SCRAP	-	-		Use of Property fees
50001	INT. REVENUE	48,200	29,828	18,372	Allocated
51001	SECURED TAXES	773,676		773,676	
51060	MEASURE B ASSMT	224,000	224,000		Special Assessment Restricted Specific Use
52000	OTHER INCOME	-	-		Miscellaneous Fees and Reimbursements
53001	CONTRIBUTIONS	1,500	1,500		Donations
53002	QUIMBY FEES	10,000	10,000		Development fees
54001	STATE GRANTS	1,124,000	1,124,000		Related to Restricted Grants
57000	GAIN ON DISPOSAL	10,000	10,000		Miscellaneous Fees and Reimbursements
Total General Fund		2,750,275	1,958,227	792,048	

Street Lighting

41050	ADMIN FEE	15,000	15,000		
42020	PROC. FEES	3,500	3,500		
43195	OTHER OP. REV.	50	50		
47001	ST. LIGHT CHGS	103,000	103,000		
47001	ST. LIGHT CHGS	7,000	7,000		
50001	INT. REVENUE	50	50		
Total Street Lighting		128,600	128,600	-	User Fees for Services

Water Fund

40000	WATER BASE CHG	1,800,000	1,800,000		
40001	MTR. WATER SALE	2,500,000	2,500,000		
41001	NEW SVC. FEES	25,000	25,000		
41002	INSTALLATION FEES	-	-		
41020	PL. CK. FEE DEP	-	-		
42001	PERMIT FEES	-	-		
42010	CONN. FEES	150,000	150,000		
42020	PROC. FEES	18,000	18,000		
42030	BAD CHECK FEES	500	500		
42040	RECONN. FEES	6,000	6,000		
42050	DCV INSPECTION	22,000	22,000		
43010	REC. BAD DEBTS	900	900		
43190	CELL TOWER REV.	18,000	18,000		
43195	OTHER OP. REV.	15,000	15,000		
43197	LEASE REVENUE	3,600	3,600		
43198	PAVING FEES	3,000	3,000		

**McKinleyville Community Services District
Revenue Estimates Detail
FY 23-24 Budget**

Proceeds Detail (Worksheet 2.1 of Guidelines)

Fnd	Acct	Estimated Revenue (2)	Less Non- Proceeds of Taxes	Net Proceeds of Taxes	Comments
43199	SERVICE UPGRADE	-	-	-	
46000	AFTER HRS CHGS	-	-	-	
48060	EQUIP USAGE FEE	450	450	-	
48070	SALE OF SCRAP	-	-	-	
50001	INT. REVENUE	85,000	85,000	-	
50005	LATE CHARGES	12,500.00	12,500.00	-	
51011	CONTRIB CONST	75,000.00	75,000.00	-	
52000	OTHER INCOME	-	-	-	
54001-2	GRANTS	7,012,500.00	7,012,500.00	-	
56000	GAIN ON DISPOSAL	-	-	-	
57000	UNREALIZED GAIN/LO	(50,000.00)	(50,000.00)	-	
Total Water		11,697,450	11,697,450	0	User Fees for Services

Wastewater Fund

40002	SWR SVC CHGS.	4,200,000	4,200,000	-	
40010	STORM WATER FEE	-	-	-	
41001	NEW SVC. FEES	30,000	30,000	-	
41002	INSTALLATION FEES	-	-	-	
41020	PL. CK. FEE DEP	-	-	-	
41040	SWR CONST PRMT	2,000	2,000	-	
42001	INSPECTION FEES	-	-	-	
42010	CONN. FEES	200,000	200,000	-	
42020	PROC. FEES	-	-	-	
42030	BAD CHECK FEES	300	300	-	
42040	RECONN. FEES	-	-	-	
42050	DCV INSPECTION	-	-	-	
43010	REC. BAD DEBTS	900	900	-	
43190	CELL TOWER REV.	18,000	18,000	-	
43195	OTHER OP. REV.	6,500	6,500	-	
43197	LEASE REVENUE	64,392	64,392	-	
43198	PAVING FEES	1,000	1,000	-	
46000	AFTER HRS CHGS	-	-	-	
48060	EQUIP USAGE FEE	-	-	-	
48070	SALE OF SCRAP	-	-	-	
50001	INT. REVENUE	130,000	130,000	-	
50005	LATE CHARGES	13,000	13,000	-	
51011	CONTRIB CONST	125,000	125,000	-	
52000	OTHER INCOME	-	-	-	
54001-2	GRANTS	785,500	785,500	-	
56000	GAIN ON DISPOSAL	-	-	-	
57000	UNREALIZED GAIN/LO	(50,000)	(50,000)	-	
Total Wastewater		5,526,592	5,526,592	0	User Fees for Services

Debt Service

Total Debt Service		-	-	-	Debt Related
---------------------------	--	---	---	---	--------------

Total All Funds		20,102,917	19,310,869	792,048	
------------------------	--	-------------------	-------------------	----------------	--

McKinleyville Community Services District
APPROPRIATIONS LIMIT CALCULATION
FY 23-24 Budget

Calculation of Appropriations Subject to Limit (Worksheet #4 of Guidelines)

	<u>Adopted Budget</u>
Total Appropriations From Proceeds of Taxes (From Worksheet # 2)	\$ 792,048
Less Allowed Exclusions (From Worksheet #7)	(14,961)
Current Year Appropriations Subject to Limit	<u>\$ 777,087</u>
Current Year Appropriations Limit (From Worksheet #6)	1,097,588
Current Year Appropriations Over or (Under) Limit	<u>\$ (320,501)</u>
Percentage Over or (Under) Limit	<u><u>-29%</u></u>

McKinleyville Community Services District

APPROPRIATIONS LIMIT CALCULATION

FY 23-24 Budget

Population and Growth Factors (Worksheet #5 of Guidelines)

	Percent Change Indices		Percent Change in Population [1]		Allowed Annual Percent Growth in Appropriations Limit	Revised Appropriations Limit [2]
	Percent Change in Per Capita Personal Income [3]	Percent Change in Annual Non-Residential Assessed Valuation growth to Total Growth [4]	MCS D (Unincorporated County)	Humboldt County Total		
FY 08-09	4.29	22.13	0.83	0.64	123.14368%	540,411
FY 09-10	0.62	12.02	0.57	0.45	112.65851%	608,820
FY 10-11	-2.54	37.77	0.69	0.53	138.72061%	844,558
FY 11-12	2.51	10.50	0.72	0.66	111.29560%	939,956
FY 12-13	3.77	16.80	0.10	0.00	116.91680%	1,098,967
FY 13-14	3.10	0.02	0.50	0.40	100.51970%	1,104,678
FY 14-15	-0.23	0.50	-0.1	-0.03	100.43433%	1,109,476
FY 15-16	3.82	-0.08	-0.5	-0.30	99.42169%	1,103,060
FY 16-17	5.37	-0.30	0.1	0.00	99.80269%	1,100,883
FY 17-18	3.69	0.25	1.1	1.00	101.35177%	1,115,765
FY 18-19	3.67	0.25	-0.4	-0.30	99.84407%	1,114,025
FY 19-20	3.85	0.14	-0.6	-0.54	99.54377%	1,108,942
FY 20-21	3.73	0.23	-0.4	-0.50	99.83264%	1,107,086
FY 21-22	5.73	0.22	-0.6	-1.50	99.62020%	1,102,882
FY 22-23	7.55	0.03	-0.4	-0.30	99.63388%	1,098,844
FY 23-24	4.44	0.29	-0.4	-0.90	99.88570%	1,097,588

[1] From State Department of Finance per Article XIII B of the California Constitution every May 1st for following Fiscal Year Appropriations Calculation. A 1991 amendment to Article XIII-B dropped use of the CPI and allowed for revising limit with PCI or Growth in non-residential assessed valuation and City or County population growth factors back to FY 87-88. The MCS D may selection by resolution the growth factors to be used to calculate the annual Appropriations Limit. The **Bold type** indicate Factor used in calculation for the individual Fiscal Year.

[2] Appropriations Limit calculation have been revised to correct factors and mathematical calculations. Previous Appropriations limits and combined percentage growth from June 20, 2007 Board Agenda report.

[3] PCI = Per Capita Personal Income - California 4th Quarter - Calculated by State Department of Finance. See Price-Population Letter, Annual

[4] Percent of annual growth in non-residential assessed valuation is from information provided by the Humboldt County Assessor's office on values and property classifications and is calculated as the percent of change in non-residential property valuation to the change in total valuation. Application of the percent change in non-residential valuation is from the prior fiscal year change. For example, the percent change in FY 03-04 of 8.14% was the change in non-residential assessed valuation in FY 02-03 from FY 01-02.

McKinleyville Community Services District
APPROPRIATIONS LIMIT CALCULATION
FY 23-24 Budget

Appropriations Limit Calculation (Worksheet #6 of Guidelines)
--

Prior Year Appropriations Limit (From Worksheet #5)	\$ 1,098,844
Current Year Growth Factors (From Worksheet #5)	
Non-Residential Assessed Valuation Percent Change	0.29%
MCSD Unincorporated County Population Percent Change	-0.40%
Compounded Total Percentage Adjustment Factor	-0.114%
Current Year Annual Adjustment Amount	\$ (1,256)
Other Adjustments to Limit (see detail worksheets)	
Reduction In Limit	
Loss of Responsibility	0
Transfer of Services to Private Sector	0
Transfer of Services to Fees	0
Increase in Limit	
Assumed Responsibility of Services	0
Total Adjustments to Limit	\$ -
Current Year Appropriations Limit	\$ 1,097,588

McKinleyville Community Services District
APPROPRIATIONS LIMIT CALCULATION
FY 23-24 Budget

Exclusions to Appropriations Limit (Worksheet #7 of Guidelines)
--

	Exclusions
Court Orders	-
Federal Mandates	
Fair Labor Standards Act Payments	-
FICA and Medicare Payments	12,538
Unemployment Payments	2,422
Total Federal Mandates	14,961
Qualified Capital Outlays (Assets of over \$100,000)	-
Total Qualified Capital Outlays Paid From Proceeds of Taxes	-
Qualified Debt Service	
Total Qualified Debt Service Paid From Proceeds of Taxes	-
Total Exclusions	14,961

RESOLUTION 2023-11

**A RESOLUTION ESTABLISHING APPROPRIATIONS LIMITS FOR MCKINLEYVILLE
COMMUNITY SERVICES DISTRICT IN FISCAL YEAR 2023-24 PURSUANT TO ARTICLE
XIIIB OF THE CALIFORNIA CONSTITUTION**

WHEREAS, Pursuant to Article XIIIB of the California Constitution, the McKinleyville Community Services District is required to establish, by resolution, the limit to which funds derived from ad valorem taxes may be appropriated during Fiscal Year 2023-24; and

WHEREAS, the District staff has obtained from the California Department of Finance a Population Change Estimate for the area within the McKinleyville Community Services District; and

WHEREAS, the results of the Population Change Estimate have been included within the determination of the McKinleyville Community Services District appropriations limit for Fiscal Year 2023-24; and

WHEREAS, the McKinleyville Community Services District has determined that such limit should be established at \$1,097,588.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the McKinleyville Community Services District does hereby establish the limit to which funds derived from ad valorem taxes may be appropriated during the Fiscal Year 2023-24 pursuant to the provisions of Article XIIIB of the California Constitution as \$1,097,588.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the Board of Directors of the McKinleyville Community Services District on June 7, 2023 by the following polled vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gregory P. Orsini, Board President

Attest:

Joey Blaine, Board Secretary

This Page Left Intentionally Blank

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **ACTION**

ITEM: E.7 **Second Reading and Adoption of Ordinance No. 2023-01
Revising the McKinleyville Community Services District
Rules and Regulations**

PRESENTED BY: **Pat Kaspari, General Manager**

TYPE OF ACTION: **Roll Call**

Recommendation:

Staff recommends that the Board review the material provided, take public comment, and approve the second reading and adoption of Ordinance No. 2023-01, by title only.

Discussion:

Regularly, staff will review the MCSD Rules and Regulations. Recently, several amendments were brought forward, and a comprehensive review followed. The following amendments are required:

Rules 22.12 – the amendments for this rule clarify current procedures.

Rule 27.07 – the amendments for this rule encompass an administrative policy from November 2, 1978 that was not originally codified into the Rules and Regulations.

Regulation 43 – the amendments for the rules within this regulation clarify space and requirements at Hiller Park.

Regulation 47 – the committee noted in Regulation 47 has not been established for several years and it is recommended for removal.

As these are changes to the Rules and Regulations of the District, an Ordinance adoption is required. The first reading of the Ordinance was conducted at the meeting on May 3rd. During this time no changes were requested. A second reading will be conducted at the June 7th Board meeting. If any changes are requested at this meeting, another first reading must take place. If no changes are requested during the second reading, adoption of the Ordinance may take place and the Ordinance will become effective 30 days after approval (July 7, 2023). A second reading and adoption must take place at a Regular Board meeting.

Alternatives:

Staff analysis consists of the following potential alternative:

- Take No Action

Fiscal Analysis:

Not applicable

Environmental Requirements:

Not applicable

Exhibits/Attachments:

- Attachment 1 – Ordinance 2023-01 with Appendix A (Red Lined Changes to the MCSD Rules and Regulations)

**ORDINANCE NO. 2023-01 REVISING THE RULES AND REGULATIONS:
AMENDING RULES 22.12, 27.07, REGULATION 43, AND REMOVING
REGULATION 47**

WHEREAS, the McKinleyville Community Services District (MCSD) reviews the Rules and Regulations regularly; and

WHEREAS, staff conducted a comprehensive review and found several revisions required; and

WHEREAS, revisions to the Rules and Regulations Rule 27.07 will incorporate previous administrative policies from 1978 not originally codified; and

WHEREAS, other revisions are necessary to clarify current policies and procedures of the McKinleyville Community Services District.

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

The MCSD Rules and Regulations are revised and amended in accordance with attachment A.

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 May 3, 2023 and passed and adopted by the Board of Directors on _____, upon the motion of Director _____ and seconded by Director _____ and by the following roll call vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Attest:

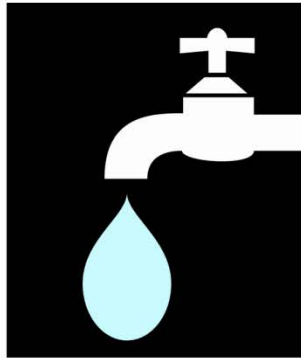
Gregory P. Orsini, Board President

April Sousa, MMC, Board Secretary

McKINLEYVILLE



COMMUNITY SERVICES DISTRICT



MCKINLEYVILLE COMMUNITY SERVICES DISTRICT RULES AND REGULATIONS

TABLE OF CONTENTS

TABLE OF CONTENTS	2
ARTICLE I – DEFINITIONS	15
REGULATION 1 – DEFINITIONS	15
Rule 1.01. ADDITIONAL DEFINITIONS	15
Rule 1.02. ACT OR “THE ACT”	15
Rule 1.03. APPLICANT	15
Rule 1.04. AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER.....	15
Rule 1.05. BENEFICIAL USES.....	16
Rule 1.06. BEST MANAGEMENT PRACTICES OR BMPS	16
Rule 1.07. BIOCHEMICAL OXYGEN DEMAND (denoted BOD).....	16
Rule 1.08. BOARD	16
Rule 1.09. BUILDING	16
Rule 1.10. BUILDING SEWER.....	16
Rule 1.11. CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD	16
Rule 1.12. COMBINED SEWER.....	17
Rule 1.13. COMMUNITY SEWER	17
Rule 1.14. COMPATIBLE POLLUTANT.....	17
Rule 1.15. CONNECTION	17
Rule 1.16. CONNECTION CHARGES	17
Rule 1.17. CONTAMINATION	17
Rule 1.18. CONTRACTOR.....	17
Rule 1.19. COST.....	17
Rule 1.20. CROSS-CONNECTIONS.....	17
Rule 1.21. CUSTOMER.....	17
Rule 1.22. DAILY MAXIMUM LIMIT	17
Rule 1.23. DEVELOPER STREET LIGHTING CHARGES	17
Rule 1.24. DISTRICT.....	18
Rule 1.25. DOMESTIC WASTEWATER.....	18
Rule 1.26. EQUIVALENT RESIDENTIAL UNIT	18
Rule 1.27. FEDERAL ACT.....	18
Rule 1.28. FIXTURE.....	18
Rule 1.29. GARBAGE	18
Rule 1.30. GENERAL MANAGER	18
Rule 1.31. HOLDING TANK WASTES.....	18
Rule 1.32. INCOMPATIBLE POLLUTANT	18
Rule 1.33. USERS OR INDUSTRIAL USER (IU).....	18
Rule 1.34. INTERFERENCE	18
Rule 1.35. INDUSTRIAL WASTEWATER	19
Rule 1.36. INHABITED AREAS	19
Rule 1.37. LATERAL SEWER	19
Rule 1.38. LIVING UNIT	19
Rule 1.39. MAIN	19
Rule 1.40. MAJOR CONTRIBUTING INDUSTRY	19
Rule 1.41. MANAGER	19
Rule 1.42. MASS EMISSION RATE.....	19
Rule 1.43. MULTIPLE LIVING UNIT	19
Rule 1.44. MEDICAL WASTE	19

Rule 1.45. NEW SOURCE	20
Rule 1.46. NUISANCE	20
Rule 1.47. OWNER	20
Rule 1.48. OUTLET	21
Rule 1.49. OUTSIDE SEWER.....	21
Rule 1.50. PASS THROUGH.....	21
Rule 1.51. PERMIT	21
Rule 1.52. PERSON	21
Rule 1.53. PH.....	21
Rule 1.54. POLLUTION	21
Rule 1.55. PREMISES	21
Rule 1.56. PRETREATMENT REQUIREMENTS.....	21
Rule 1.57. PRETREATMENT STANDARDS OR STANDARDS.....	21
Rule 1.58. PRIVATE FIRE PROTECTION SERVICE	22
Rule 1.59. PUBLIC FIRE PROTECTION SERVICE.....	22
Rule 1.60. PUBLICLY OWNED TREATMENT WORKS OR POTW	22
Rule 1.61. REGULAR WATER SERVICE	22
Rule 1.62. REPORT	22
Rule 1.63. SANITARY SEWER.....	22
Rule 1.64. SEWER.....	22
Rule 1.65. SEWER SERVICE CHARGES	22
Rule 1.66. SHALL	22
Rule 1.67. SIDE SEWER.....	22
Rule 1.68. SIGNIFICANT INDUSTRIAL USER (SIU)	22
Rule 1.69. SLUG LOAD OR SLUG DISCHARGE	23
Rule 1.70. STORM SEWER or STORM DRAIN	23
Rule 1.71. STREET	23
Rule 1.72. STREET LIGHTING FACILITIES	23
Rule 1.73. STREET LIGHTING PLAN	23
Rule 1.74. STREET LIGHTING ZONE	24
Rule 1.75. SUSPENDED SOLIDS (denoted SS).....	24
Rule 1.76. TEMPORARY WATER SERVICE.....	24
Rule 1.77. TREATMENT WORKS	24
Rule 1.78. UNPOLLUTED WATER	24
Rule 1.79. USER.....	24
Rule 1.80. USER CLASSIFICATION.....	24
Rule 1.81. WASTE.....	24
Rule 1.82. WASTEWATER.....	24
Rule 1.83. WASTEWATER CONSTITUENTS AND CHARACTERISTICS.....	25
Rule 1.84. WASTEWATER DISCHARGE PERMIT	25
Rule 1.85. WASTEWATER WORKS.....	25
Rule 1.86. WATER DEPARTMENT.....	25
Rule 1.87. WATERS OF THE STATE	25
Rule 1.88. PARK SYSTEM.....	25
Rule 1.89. VEHICLE.....	25
Rule 1.90. OUTDOOR SURFACE - is any patio, porch, veranda, driveway, or sidewalk	25

ARTICLE II - WATER SERVICE..... 26

REGULATION 2 – GENERAL PROVISIONS 26

Rule 2.01. WORDS AND PHRASES..... 26

Rule 2.02. WATER SYSTEM..... 26

Rule 2.03. SEPARABILITY	26
Rule 2.04. PRESSURE CONDITIONS	26
Rule 2.05. MAINTENANCE OF WATER PRESSURE AND SHUTTING DOWN FOR EMERGENCY REPAIRS	26
Rule 2.06. TAMPERING WITH DISTRICT PROPERTY	26
Rule 2.07. PENALTY FOR VIOLATION	26
Rule 2.08. RULING FINAL	27
REGULATION 3 – NOTICES.....	27
Rule 3.01. NOTICES TO CUSTOMERS	27
Rule 3.02. NOTICES FROM CUSTOMERS	27
REGULATION 4 – WATER DEPARTMENT.....	27
Rule 4.01. CREATION.....	27
Rule 4.02. MANAGER	27
Rule 4.03. ID. – DUTIES	27
Rule 4.04. ID. – VIOLATION, REPAIRS.....	27
Rule 4.05. ID. – SUPERVISION	27
Rule 4.06. BILLING CLERK.....	27
Rule 4.07. ID. – DUTIES	28
Rule 4.08. PERFORMANCE OF DUTIES	28
REGULATION 5 – APPLICATION FOR REGULAR WATER SERVICE.....	28
Rule 5.01. APPLICATION.....	28
Rule 5.02. UNDERTAKING OF APPLICANT	28
Rule 5.03. PAYMENT FOR PREVIOUS SERVICE	29
Rule 5.04. INSTALLATION CHARGES.....	29
Rule 5.05. INSTALLATION OF SERVICE	29
Rule 5.06. CHANGES IN CUSTOMER'S EQUIPMENT	29
Rule 5.07. SIZE AND LOCATION.....	29
Rule 5.08. CURB COCK	30
Rule 5.09. DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION	30
Rule 5.10. SERVICE CONNECTIONS	30
Rule 5.11. WATER CAPACITY FEE	30
Rule 5.12. COMMERCIAL LANDSCAPE METERS -	31
Rule 5.13. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.....	31
REGULATION 6 – COMMUNITY WATER FACILITIES CONSTRUCTION.....	31
Rule 6.01. PERMIT REQUIRED	31
Rule 6.02. PLANS, PROFILES AND SPECIFICATIONS.....	32
Rule 6.03. EXTENSION CHARGES GENERAL.....	32
Rule 6.04. ALTERNATE CHARGES	32
Rule 6.05. PUBLIC WATER CONSTRUCTION PERMIT.....	32
Rule 6.06. PLAN CHECK FEE	32
Rule 6.07. ACTIVITIES PROHIBITED	32
Rule 6.08. APPLICATION FOR PERMIT.....	32
Rule 6.09. SUBDIVISIONS	33
Rule 6.10. EASEMENTS OR RIGHTS-OF-WAY	33
Rule 6.11. PERSONS AUTHORIZED TO PERFORM WORK	33
Rule 6.12. GRADE STAKES	33
Rule 6.13. COMPLIANCE WITH LOCAL REGULATION	33
Rule 6.14. PROTECTION OF EXCAVATION	33
Rule 6.15. DESIGN AND CONSTRUCTION STANDARDS	34
Rule 6.16. MAIN EXTENSION.....	34

Rule 6.17. ADVANCE COSTS AND REFUNDS.....	34
Rule 6.18. COMPLETION OF WATER FACILITIES REQUIRED.....	35
Rule 6.19. ZONES OF SPECIAL BENEFIT.....	35
REGULATION 7 – GENERAL USE REGULATION.....	35
Rule 7.01. NUMBER OF SERVICES PER PREMISES.....	35
Rule 7.02. WATER WASTE.....	35
Rule 7.03. RESPONSIBILITY FOR EQUIPMENT ON CUSTOMER PREMISES.....	36
Rule 7.04. DAMAGE TO WATER SYSTEM FACILITIES.....	36
Rule 7.05. GROUND-WIRE ATTACHMENTS.....	36
Rule 7.06. CONTROL VALVE ON THE CUSTOMER PROPERTY.....	36
Rule 7.07. CROSS-CONNECTIONS.....	36
Rule 7.08. ID. – SPECIAL CASES.....	36
Rule 7.09. RELIEF VALVES.....	36
Rule 7.10. BACK FLOW DEVICE.....	37
Rule 7.11. ID. – INSPECTION.....	37
Rule 7.12. ID. – DISCONTINUED SERVICE.....	37
Rule 7.13. INTERRUPTIONS IN SERVICE.....	37
Rule 7.14. INGRESS AND EGRESS.....	37
REGULATION 8 – METERS.....	37
Rule 8.01. METER INSTALLATIONS.....	37
Rule 8.02. CHANGE IN LOCATION OF METERS.....	37
Rule 8.03. METER TESTS – DEPOSIT.....	37
Rule 8.04. ADJUSTMENT FOR METER ERRORS - FAST METERS.....	38
Rule 8.05. ADJUSTMENT FOR METER ERRORS - SLOW METERS.....	38
Rule 8.06. NON-REGISTERING METERS.....	38
REGULATION 9 – BILLING.....	38
Rule 9.01. BILLING PERIOD.....	38
Rule 9.02. METER READING.....	38
Rule 9.03. OPENING AND CLOSING BILLS.....	38
Rule 9.04. WATER CHARGES.....	38
Rule 9.05. PAYMENT OF BILLS.....	39
Rule 9.06. BILLING OF SEPARATE METERS NOT COMBINED.....	39
Rule 9.07. CONSUMER'S GUARANTEE.....	39
Rule 9.08. WATER USED WITHOUT REGULATION APPLICATION BEING MADE.....	39
Rule 9.09. DAMAGES THROUGH LEAKING PIPES AND FIXTURES.....	39
Rule 9.10. DAMAGE TO METERS.....	39
Rule 9.11. MANUAL METER READING SERVICE.....	40
REGULATION 10 – DISCONTINUANCE OF SERVICE.....	40
Rule 10.01. TERMINATION OF SERVICE.....	40
Rule 10.02. RECONNECTION.....	41
Rule 10.03. RECONNECTION CHARGE.....	41
Rule 10.04. UNSAFE APPARATUS.....	41
Rule 10.05. CROSS-CONNECTIONS.....	41
Rule 10.06. FRAUD OR ABUSE.....	41
Rule 10.07. NON-COMPLIANCE WITH REGULATIONS.....	41
Rule 10.08. UPON VACATING PREMISES.....	41
Rule 10.09. RETURNED CHECK FEE.....	42
REGULATION 11 – COLLECTION BY SUIT.....	42

Rule 11.01. PENALTY.....	42
Rule 11.02. SUIT.....	42
Rule 11.03. COSTS.....	42
Rule 11.04. COLLECTION BY INTERAGENCY INTERCEPT PROGRAM	42
REGULATION 12 – PUBLIC FIRE PROTECTION	42
Rule 12.01. USE OF FIRE HYDRANTS	42
Rule 12.02. HYDRANT RENTAL.....	42
Rule 12.03. MOVING OF FIRE HYDRANTS	42
REGULATION 13 – PRIVATE FIRE PROTECTION SERVICE	43
Rule 13.01. PAYMENT OF COST	43
Rule 13.02. NO CONNECTION TO OTHER SYSTEM.....	43
Rule 13.03. USE.....	43
Rule 13.04. METER RATES.....	43
Rule 13.05. MONTHLY RATES	43
Rule 13.06. WATER FOR FIRE STORAGE TANKS	43
Rule 13.07. VIOLATION OF AGREEMENT	43
Rule 13.08. WATER PRESSURE AND SUPPLY.....	43
Rule 13.09. FIRE SERVICES	43
REGULATION 14 – TEMPORARY SERVICE	44
Rule 14.01. DURATION OF SERVICE	44
Rule 14.02. DEPOSIT	44
Rule 14.03. INSTALLATION AND OPERATION	44
Rule 14.04. RESPONSIBILITY FOR METERS AND INSTALLATIONS.....	44
Rule 14.05. SUPPLY FROM FIRE HYDRANT.....	45
Rule 14.06. UNAUTHORIZED USE OF HYDRANTS.....	45
Rule 14.07. CREDIT.....	45
Rule 14.08. SHORT TERM PROCESSING FEE.....	45
Rule 14.09. BULK WATER SALES.....	45
Rule 14.10. EMERGENCY MUNICIPAL BULK WATER SALES.....	45
REGULATION 15 – GENERAL PROVISIONS	46
Rule 15.01. POOLS AND TANKS.....	46
Rule 15.02. RESPONSIBILITY FOR EQUIPMENT	46
Rule 15.03. SERVICE OUTSIDE DISTRICT	46
Rule 15.04. WATER CONSERVATION	46
REGULATION 16 – RATES	47
Rule 16.01. RATE SCHEDULE	47
ARTICLE III - PUBLIC SEWER.....	49
REGULATION 17 – GENERAL PROVISIONS – SEWER.....	49
Rule 17.01. PURPOSE AND POLICY	49
Rule 17.02. VIOLATION UNLAWFUL.....	49
Rule 17.03. RELIEF ON APPLICATION	49
Rule 17.04. RELIEF ON OWN MOTION	49
Rule 17.05. DISTRICT INSPECTOR.....	49
Rule 17.06. SEWER PERMITS AND FEES	50

REGULATION 18 – USE OF PUBLIC SEWERS REQUIRED	50
Rule 18.01. TREATMENT OF WASTEWATERS REQUIRED	50
Rule 18.02. UNLAWFUL DISPOSAL	50
Rule 18.03. SEWER REQUIRED	50
Rule 18.04. PRIVATE WASTEWATER DISPOSAL SYSTEMS	50
Rule 18.05. OCCUPANCY PROHIBITED	51
Rule 18.06. ABANDONED SEWAGE DISPOSAL SYSTEMS.....	51
REGULATION 19 - PERMITS AND FEES	51
Rule 19.01. PERMIT REQUIRED	51
Rule 19.02. APPLICATION FOR PERMIT.....	51
Rule 19.03. SEWER PERMITS.....	51
Rule 19.04. PLAN CHECK FEES.....	52
Rule 19.05. COMPLIANCE WITH PERMIT	52
Rule 19.06. AGREEMENT	52
Rule 19.07. ALL WORK TO BE INSPECTED	52
Rule 19.08. NOTIFICATION.....	52
Rule 19.09. CONDEMNED WORK.....	52
Rule 19.10. ALL COSTS PAID BY OWNER.....	53
Rule 19.11. STREET EXCAVATION PERMIT	53
Rule 19.12. LIABILITY	53
Rule 19.13. TIME LIMIT IN PERMITS.	53
REGULATION 20 - EXTENSION CHARGES	53
Rule 20.01. GENERAL.....	53
REGULATION 21 - CONNECTION CHARGES	54
Rule 21.01. GENERAL	54
Rule 21.02. CONNECTION CHARGE.....	54
Rule 21.03. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.....	55
Rule 21.04. DEVELOPMENT CREDIT	56
REGULATION 22 - BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS.....	56
Rule 22.01. PERMIT REQUIRED	56
Rule 22.02. DESIGN AND CONSTRUCTION REQUIREMENTS.....	56
Rule 22.03. MINIMUM SIZE AND SLOPE	56
Rule 22.04. BUILDING DRAIN.....	56
Rule 22.05. SEPARATE SEWERS.....	56
Rule 22.06. OLD BUILDING SEWERS.....	57
Rule 22.07. CLEANOUTS.....	57
Rule 22.08. SEWER TOO LOW	57
Rule 22.09. JOINTS AND CONNECTIONS.....	57
Rule 22.10. CONNECTION TO PUBLIC SEWER.....	57
Rule 22.11. PROTECTION OF EXCAVATION	57
Rule 22.12. MAINTENANCE OF BUILDING SEWER	57
Rule 22.13. TESTING	58
REGULATION 23 - COMMUNITY SEWER CONSTRUCTION	58
Rule 23.01. PERMIT REQUIRED	58
Rule 23.02. PLANS, PROFILES and SPECIFICATIONS.....	58
Rule 23.03. SUBDIVISIONS	58
Rule 23.04. EASEMENTS OR RIGHTS OF WAY	59
Rule 23.05. PERSONS AUTHORIZED TO PERFORM WORK	59

Rule 23.06. GRADE STAKES	59
Rule 23.07. COMPLIANCE WITH LOCAL REGULATIONS	59
Rule 23.08. PROTECTION OF EXCAVATION	59
Rule 23.09. DESIGN AND CONSTRUCTION STANDARDS	59
Rule 23.10. MAIN EXTENSION.....	60
Rule 23.10.1.	60
Rule 23.10.2.	60
Rule 23.11. COMPLETION OF SEWER REQUIRED	60
Rule 23.12. ZONES OF SPECIAL BENEFIT	61
Rule 23.13. SEWER SERVICE AREA	61
Rule 23.14. EXPANSION OF SEWER SERVICE AREA.....	61
Rule 23.15. APPLICATION TO INCLUDE LANDS INTO SEWER SERVICE AREA	61
Rule 23.16. PROCESS FOR CONSIDERATION OF APPLICATION TO INCLUDE LANDS IN SEWER SERVICE AREA.....	62
Rule 23.17. ADVANCE COSTS AND REFUNDS.....	62
REGULATION 24 - USE OF THE PUBLIC SEWERS	62
Rule 24.01. PROHIBITIONS ON DISCHARGES	62
Rule 24.02. PROHIBITIONS ON STORM DRAINAGE AND GROUND WATER	64
Rule 24.03. PROHIBITIONS ON UNPOLLUTED WATER	64
Rule 24.04. LIMITATIONS ON RADIOACTIVE WASTES.....	64
Rule 24.05. LIMITATIONS ON THE USE OF GARBAGE GRINDERS.....	64
Rule 24.06. LIMITATIONS ON POINT OF DISCHARGE.....	64
Rule 24.07. HOLDING TANK WASTE.....	64
Rule 24.08. NATIONAL CATEGORICAL PRETREATMENT STANDARDS	64
Rule 24.09. LIMITATIONS ON WASTEWATER STRENGTH (LOCAL LIMITS).....	65
Rule 24.09.01.....	65
Rule 24.09.02.....	67
Rule 24.10. DISPOSAL OF UNACCEPTABLE WASTE	67
Rule 24.11. INTERCEPTORS REQUIRED	67
Rule 24.11.01. GREASE INTERCEPTORS/TRAPS.....	67
Rule 24.11.02. GREASE INTERCEPTORS	67
Rule 24.11.03. GREASE TRAPS	68
Rule 24.11.04. TIME OF COMPLIANCE.....	70
Rule 24.11.05. MONITORING AND REPORTING.....	70
Rule 24.12. PRELIMINARY TREATMENT OF WASTES	70
Rule 24.13. MAINTENANCE OF PRETREATMENT FACILITIES.....	70
Rule 24.14. AVAILABILITY OF DISTRICT FACILITIES	71
Rule 24.15. HAULED WASTEWATER	71
Rule 24.16. ADDITIONAL PRETREATMENT MEASURES.....	71
Rule 24.17. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS	72
REGULATION 25 - WASTEWATER VOLUME DETERMINATION	72
Rule 25.01. METERED WATER SUPPLY.....	72
Rule 25.02. METERED WASTEWATER VOLUME AND METERED DIVERSIONS	72
Rule 25.03. ESTIMATED WASTEWATER VOLUME.....	73
Rule 25.03.1.	73
Rule 25.03.2.	73
REGULATION 26 - REPORT, WASTEWATER DISCHARGE PERMITS, AND ADMINISTRATION	73
Rule 26.01. DISCHARGE REPORTS.....	73
Rule 26.02. BASELINE MONITORING REPORTS.....	73
Rule 26.03. COMPLIANCE SCHEDULE PROGRESS REPORTS.....	74
Rule 26.04. REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE	75

Rule 26.05. PERIODIC COMPLIANCE REPORTS.....	75
Rule 26.06. REPORTS OF CHANGED CONDITIONS	76
Rule 26.07. REPORTS OF POTENTIAL PROBLEMS	76
Rule 26.08. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.....	76
Rule 26.09. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE	76
Rule 26.10. OTHER REPORTING REQUIREMENTS	77
Rule 26.10.01. RECORDKEEPING.....	77
Rule 26.10.02. CERTIFICATION STATEMENTS	77
Rule 26.10.03. SAMPLE COLLECTION	78
Rule 26.11. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMITS	79
Rule 26.11.01. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REQUIREMENT	79
Rule 26.11.02. PERMIT APPLICATION CONTENTS.....	80
Rule 26.11.03. APPLICATION SIGNATORIES AND CERTIFICATIONS.....	81
Rule 26.11.04. PERMIT ISSUANCE PROCESS	81
Rule 26.11.05. WASTEWATER DISCHARGE PERMITTING: GENERAL PERMIT	81
Rule 26.11.06. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT CONTENTS.....	82
Rule 26.11.07. PERMIT MODIFICATION	83
Rule 26.11.08. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REVOCATION.....	83
Rule 26.11.09. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REISSUANCE	84
Rule 26.11.10. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT DURATION.....	84
Rule 26.11.11.....	85
Rule 26.12. MONITORING FACILITIES	85
Rule 26.13. INSPECTION AND SAMPLING	85
Rule 26.14. PRETREATMENT	86
Rule 26.15. PROTECTION FROM ACCIDENTAL DISCHARGE	86
Rule 26.16. CONFIDENTIAL INFORMATION	86
Rule 26.17. SPECIAL AGREEMENT.....	87
Rule 26.18. PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE	87
REGULATION 27 - WASTEWATER CHARGES AND FEES	88
Rule 27.01. CLASSIFICATION OF USERS.....	88
Rule 27.02. TYPES OF CHARGES AND FEES	88
Rule 27.03. BASIS FOR DETERMINATION OF CHARGES	88
Rule 27.04. SEWER CHARGE	88
Rule 27.05. EXTRAORDINARY CHARGES	89
Rule 27.06. RELIEF FROM UNJUST RATES	89
Rule 27.07. WAIVER OF SEWER SERVICE CHARGES	90
Rule 27.08. LATE NOTICE AND TERMINATION NOTICE FEES	90
Rule 27.09. PRETREATMENT CHARGES AND FEES	90
REGULATION 28 - BILLING AND COLLECTING	91
Rule 28.01. BILLING.....	91
Rule 28.02. OPENING AND CLOSING BILLS	91
Rule 28.03. BILLING TIME	91
Rule 28.04. COLLECTION BY INTERAGENCY INTERCEPT PROGRAM	91
Rule 28.05. COLLECTION BY SUIT.....	92
Rule 28.06. OTHER UTILITY CHARGES	92
Rule 28.07. DISCONTINUING SERVICE	92
Rule 28.08. BILLING AND COLLECTING DELINQUENCIES ON TAX ROLL.....	92
Rule 28.09. OTHER REMEDIES	92
Rule 28.10. PROCEDURE	92
Rule 28.11. ALTERNATIVE	92
Rule 28.12. REPORT	92

Rule 28.13. NOTICE	92
Rule 28.14. HEARING	93
Rule 28.15. FINAL DETERMINATION OF CHARGES.....	93
Rule 28.16. FILING OF REPORT WITH COUNTY AUDITOR	93
Rule 28.17. PARCELS OUTSIDE THE DISTRICT	93
Rule 28.18. PARCELS NOT ON ROLL	93
Rule 28.19. LIEN	93
Rule 28.20. TAX BILL	93
Rule 28.21. COLLECTION.....	93
Rule 28.22. COMPENSATION OF COUNTY	93
Rule 28.23. USE OF REVENUES	94
Rule 28.24. DISCONNECTION.....	94
Rule 28.25. ABATEMENT.....	94
Rule 28.26. SHORT-TERM PROCESSING FEE	94
REGULATION 29 - ENFORCEMENT.....	94
Rule 29.01. ACCIDENTAL DISCHARGES	94
Rule 29.01.1.	94
Rule 29.01.2.	95
Rule 29.01.3.	95
Rule 29.02. NOTICE OF VIOLATION.....	95
Rule 29.03. CONSENT ORDERS.....	95
Rule 29.04. COMPLIANCE ORDERS	95
Rule 29.05. ADMINISTRATIVE FINES	96
Rule 29.06. ISSUANCE OF CEASE AND DESIST ORDERS.....	96
Rule 29.07. EMERGENCY SUSPENSIONS	97
Rule 29.08. TERMINATION OF DISCHARGE.....	97
Rule 29.09. APPEALS	97
Rule 29.10. REMEDIES NON-EXCLUSIVE	98
Rule 29.11. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS	98
Rule 29.11.1. UPSET	98
Rule 29.11.2. BYPASS	99
REGULATION 30 - ABATEMENT	100
Rule 30.01. PUBLIC NUISANCE	100
Rule 30.02. INJUNCTIVE RELIEF.....	100
Rule 30.03. DAMAGE TO FACILITIES	100
Rule 30.04. CORRECTION OF VIOLATIONS; COLLECTION OF COSTS; INJUNCTION	100
Rule 30.05. CIVIL PENALTIES	100
Rule 30.06. CRIMINAL PROSECUTION.....	101
REGULATION 31 - WASTEWATER CAPITAL RESERVE FUND.....	101
Rule 31.01. WASTEWATER CAPITAL RESERVE FUND	101
Rule 31.02. WITHDRAWAL OF WCRF MONIES.....	102
ARTICLE IV - PARKS AND RECREATION.....	102
REGULATION 40 - RECREATION AND PARKS ADVISORY COMMITTEE.....	102
REGULATION 41 - RECREATION AND PARK SYSTEM.....	105
Rule 41.01. INJURY TO OR MISUSE OF RECREATION AND PARKS SYSTEM PROPERTY	105
Rule 41.02. POLLUTING WATERS OR DUMPING REFUSE PROHIBITED	105

Rule 41.03. OPERATION OF MOTORIZED VEHICLES--PROHIBITED ACTS	106
Rule 41.04. OPERATION OF NON-MOTORIZED VEHICLES--PROHIBITED ACTS	106
Rule 41.05. CONDUCT - ALCOHOLIC BEVERAGES	106
Rule 41.06. PETS	107
Rule 41.07. OVERNIGHT USE PROHIBITED.....	107
Rule 41.08. FIRES	107
REGULATION 42 - OPERATION OF PIERSON PARK.....	107
Rule 42.01. GAZEBO BARBECUE COMPLEX.....	107
Rule 42.02. HORSESHOE PITS.....	107
Rule 42.03. WESTERLY PICNIC TABLES/BARBECUES	107
Rule 42.04. PICNIC PAVILION AND BARBECUE.....	107
Rule 42.05. OVERNIGHT USE PROHIBITED.....	107
Rule 42.06. FIRES	107
Rule 42.07. PETS	107
REGULATION 43 - OPERATION OF HILLER PARK	108
Rule 43.01. PICNIC AREA USE.....	108
Rule 43.02. PETS	108
Rule 43.03. FIRES	108
Rule 43.04. OVERNIGHT USE PROHIBITED.....	108
REGULATION 44 - OPERATION OF LARISSA PARK.....	108
Rule 44.01. PETS	108
REGULATION 45 - PERMITS, FEES AND DEPOSITS.....	108
Rule 45.01. FACILITY USAGE PERMITS REQUIRED	108
Rule 45.01.a. PERMIT TYPE DEFINITIONS	108
Rule 45.02. FACILITY USAGE PERMIT PROCESS.....	109
Rule 45.03. FACILITY USAGE FEES.....	109
Rule 45.03.a. FEE STRUCTURE DEFINITIONS.....	109
Rule 45.03.d. RECREATION PROGRAM FEES	111
Rule 45.04. DEPOSIT	111
Rule 45.04.a. FACILITY USE DEPOSIT FEES	112
Rule 45.05. INSURANCE	112
Rule 45.06. PERMITS FOR USE OF FACILITIES	112
Rule 45.07. USE OF SOUND AMPLIFICATION SYSTEM	112
Rule 45.08. SALE OR SERVICE OF ALCOHOLIC BEVERAGES.....	112
Rule 45.09. USE OF DISTRICT-OWNED EQUIPMENT.....	113
Rule 45.10. APPEALS	113
REGULATION 46 - ENFORCEMENT.....	113
Rule 46.01. VIOLATIONS	113
REGULATION 47 - HILLER SPORTS SITE DEVELOPMENT, MANAGEMENT AND SCHEDULING COMMITTEE	114
REGULATION 48 – COMMUNITY FOREST	115
RULE 48.01. ACQUISITION OF LAND	115
RULE 48.02. FORMATION OF COMMUNITY FOREST COMMITTEE	115
RULE 48.03. COMMUNITY FOREST USE AND GUIDELINES	115
ARTICLE V - STREET LIGHTING SERVICES.....	117

REGULATION 50 - GENERAL PROVISIONS - STREET LIGHTS.....	117
Rule 50.01. PURPOSE AND POLICY	117
REGULATION 51 - STREET LIGHTING STANDARDS	117
Rule 51.01. DESIGN AND CONSTRUCTION STANDARDS	117
Rule 51.02. SITING	117
Rule 51.03. EFFICIENCY	117
Rule 51.04. LOT SIZE AND SUBDIVISION SIZE.....	117
Rule 51.05. DIVISION OF COSTS-FACILITIES OWNED BY UTILITY	117
Rule 51.06. DIVISION OF COSTS-FACILITIES OWNED BY DISTRICT.....	117
Rule 51.07. STREET LIGHTING FIXTURE STANDARDS.....	118
Rule 51.08. DEDICATION OF STREET LIGHT FACILITIES TO DISTRICT	118
REGULATION 52 - APPLICATION FOR REGULAR LIGHTING SERVICE	118
Rule 52.01. APPLICATION.....	118
Rule 52.02. UNDERTAKING OF APPLICANT	118
Rule 52.03. PROCESSING FEE	118
Rule 52.04. PAYMENT FOR PREVIOUS SERVICE	118
REGULATION 53 - ZONE FORMATION - NEW SUBDIVISIONS	119
Rule 53.01. PERMIT REQUIRED	119
Rule 53.02. APPLICATION TO FORM STREET LIGHTING ZONE AND INSTALL STREET LIGHTING.....	119
Rule 53.03. PLANS, PROFILES AND SPECIFICATIONS.....	119
Rule 53.04. ENGINEER'S REPORT	119
Rule 53.05. FORMATION OF STREET LIGHTING ZONE FOR NEW SUBDIVISION.....	119
Rule 53.06. ISSUANCE OF LIGHTING PERMIT	120
Rule 53.07. APPLICATION FEE	120
Rule 53.08. COORDINATION WITH ELECTRIC PUBLIC UTILITY	120
REGULATION 54 - ZONE FORMATIONS - INHABITED AREAS	120
Rule 54.01. PETITION	120
Rule 54.02. ENGINEER'S REPORT	120
Rule 54.03. PROTEST HEARING NOTIFICATION	121
Rule 54.04. PROTEST HEARING	121
Rule 54.05. NOTIFICATION OF ZONE FORMATION HEARING	121
Rule 54.06. ZONE FORMATION.....	121
Rule 54.07. ZONE AMENDMENT.....	121
Rule 54.08. ZONE DISSOLUTION	121
Rule 54.09. SINGLE PROPERTY EXCEPTION	122
REGULATION 55 - STREET LIGHTING FACILITIES - INHABITED AREAS	122
Rule 55.01. PERMIT REQUIRED	122
Rule 55.02. APPLICATION TO INSTALL STREET LIGHTING FACILITIES.....	122
Rule 55.03. PLANS, PROFILES AND SPECIFICATIONS.....	122
Rule 55.04. ISSUANCE OF LIGHTING PERMIT.....	122
Rule 55.05. APPLICATION FEE	122
Rule 55.06. EASEMENTS	122
Rule 55.07. PERSONS AUTHORIZED TO PERFORM WORK	123
Rule 55.08. COMPLIANCE WITH LOCAL REGULATIONS	123
Rule 55.09. REPAIR TO EXISTING PUBLIC WORKS.....	123
REGULATION 56 - RATES AND CHARGES	123
Rule 56.01. BASIS FOR DETERMINATION OF CHARGES	123

Rule 56.02. ADMINISTRATIVE CHARGE.....	123
Rule 56.03. NOTIFICATION.....	123
Rule 56.04. ADMINISTRATION.....	123
Rule 56.05. CONSOLIDATED BILL.....	123
Rule 56.06. DISCONTINUING SERVICE.....	123
Rule 56.07. COLLECTION ON TAX ROLL.....	124
Rule 56.08. COLLECTION.....	124
Rule 56.09. USE OF REVENUES.....	124
ARTICLE VI. - GENERAL PROVISIONS.....	125
REGULATION 60. - JUDICIAL REVIEW.....	125
Rule 60.01. JUDICIAL REVIEW.....	125
REGULATION 61 - BOARD MEETINGS.....	125
Rule 61.01. REGULAR MEETINGS.....	125
Rule 61.02. MAILING ADDRESS.....	125
REGULATION 62 - SEVERABILITY.....	125
Rule 62.01. SEVERABILITY.....	125
REGULATION 63 - VARIANCES.....	125
Rule 63.01. VARIANCES.....	125
Rule 63.02. VARIANCE APPLICATION.....	126
REGULATION 64 - MISCELLANEOUS FEES.....	126
Rule 64.01. MEETING NOTICE FEE.....	126
Rule 64.02. RESEARCH FEES.....	126
REGULATION 65 - APPEALS.....	126
Rule 65.01. APPEALS.....	126
Rule 65.02. APPEAL APPLICATION.....	126
REGULATION 66 - INFORMAL BIDDING PROCEDURE.....	126
Rule 66.01. INFORMAL BID PROCEDURES.....	126
Rule 66.02. CONTRACTOR LIST.....	126
Rule 66.03. NOTICE INVITING FORMAL BIDS.....	127
Rule 66.04. AWARD OF CONTRACTS.....	127
REGULATION 67 - CONSULTANT SELECTION.....	127
Rule 67.01. INTRODUCTION.....	127
Rule 67.02. SELECTION OF "PROFESSIONAL" CONSULTANTS.....	127
Rule 67.03. SELECTION OR OTHER CONSULTANTS FOR MAJOR PROJECTS.....	128
Rule 67.04. SELECTION OF CONSULTANTS FOR SMALL CONTRACTS.....	129
REGULATION 68 – LATENT POWERS.....	130
Rule 68.01: INTRODUCTION.....	130
Rule 68.02: EXERCISING LATENT POWERS.....	130
Rule 68.03: SERVICES FOR THOSE EXPERIENCING HOMELESSNESS.....	130
Rule 68.04: LIBRARY POWERS AND AUTHORIZATION.....	131
Rule 68.05: RECLAMATION AUTHORITIES.....	131

RULE 68.06: LAW ENFORCEMENT FACILITATION	132
---	------------

ARTICLE VII - OPEN SPACE MAINTENANCE 133

REGULATION 70 - GENERAL PROVISIONS - OPEN SPACE MAINTENANCE 133

Rule 70.01. PURPOSE AND POLICY	133
Rule 70.02. RECREATIONAL USE DEFINED	133
Rule 70.03. DETENTION BASINS DEFINED.....	133
Rule 70.04. RECREATIONAL AREAS AND NON-RECREATIONAL AREAS AS DETENTION BASINS	133
Rule 70.05. DETENTION BASIN CONSTRUCTION REQUIREMENTS.....	133

REGULATION 71 - MAINTENANCE STANDARDS..... 134

Rule 71.01. ACCEPTANCE OF UNDEVELOPED LAND	134
Rule 71.02. ESTABLISHMENT OF MAINTENANCE LEVEL	134
Rule 71.03. OWNERSHIP INTEREST	134
Rule 71.04. MAINTENANCE ASSESSMENTS	135
Rule 71.05. DIVISION OF COSTS.....	135

REGULATION 72 - ASSESSMENT DISTRICT FORMATION 135

Rule 72.01. APPLICATION TO FORM ASSESSMENT DISTRICT.....	135
Rule 72.02. PROPOSAL.....	135
Rule 72.03. ENGINEER'S REPORT	135
Rule 72.04. PROTEST HEARING NOTIFICATION	135
Rule 72.04.A. PROTEST HEARING.....	136
Rule 72.05. RESOLUTION OF FORMATION.....	136
Rule 72.06. APPLICATION FEE.....	136

REGULATION 73 - RATES AND CHARGES. 136

Rule 73.01. BASIS FOR DETERMINATION OF CHARGES	136
Rule 73.02. MAINTENANCE CHARGES	136
Rule 73.03. ADMINISTRATIVE CHARGES.....	137
Rule 73.04. NOTIFICATION.....	137
Rule 73.05. ADMINISTRATION	137
Rule 73.06. CONSOLIDATED BILL	137
Rule 73.07. DISCONTINUING SERVICE	137
Rule 73.08. COLLECTION ON TAX ROLL.....	137
Rule 73.09. COLLECTION.....	137
Rule 73.10. USE OF REVENUE	137
Rule 73.11. PROCESSING FEE.....	137
Rule 73.12. STORM WATER CAPACITY FEE	137

ARTICLE VIII: WATER CONSERVATION 138

REGULATION 80 – WATER CONTINGENCY PLAN 138

RULE 80.01 INTRODUCTION.....	138
RULE 80.02	DECLARATION OF WATER SHORTAGE EMERGENCY
.....	138
RULE 80.03	APPLICATION
.....	139
RULE 80.04	DETERMINATION OF STAGE OF ACTION NECESSARY
.....	139

RULE 80.05	WASTE OF WATER PROHIBITED	139
RULE 80.06	PROHIBITION OF NON-ESSENTIAL USE OF WATER	139
RULE 80.07	WATER SHORTAGE CONTINGENCY PLAN SHORTAGE STAGES	139
RULE 80.08	ENFORCEMENT	142
RULE 80.09	VARIANCES	144
Rule 80.10	DROUGHT SURCHARGE RATES	144

APPENDIX A – CURRENT SPECIAL FEE SCHEDULE..... 145

ARTICLE I – DEFINITIONS

REGULATION 1 – DEFINITIONS

Rule 1.01. ADDITIONAL DEFINITIONS - unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. For the purpose of this ordinance, additional terms shall have the meaning indicated in Chapter 1 of the most recent edition of the "Uniform Plumbing Code," copies of which are on file in the District.

Rule 1.02. ACT OR “THE ACT” - the Federal Water Pollution Control act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any other amendments thereof.

Rule 1.03. APPLICANT - shall mean the person making application for a permit for wastewater discharge or for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

Rule 1.04. AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER

(a) If the User is a corporation:

- i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommend-ations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather

complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the MCSD.

Rule 1.05. BENEFICIAL USES - shall mean the uses of waters of the State that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by Federal or State law.

Rule 1.06. BEST MANAGEMENT PRACTICES OR BMPS - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rule 24 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Rule 1.07. BIOCHEMICAL OXYGEN DEMAND (denoted BOD) - shall mean quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory conditions in five (5) days at 20 C, expressed in milligrams per liter (mg/l).

Rule 1.08. BOARD - means the Board of Directors of McKinleyville Community Services District.

Rule 1.09. BUILDING - shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Rule 1.10. BUILDING SEWER - shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private wastewater disposal system.

Rule 1.11. CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD - any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Rule 1.12. COMBINED SEWER - shall mean any sewer receiving both surface runoff and wastewater.

Rule 1.13. COMMUNITY SEWER - shall mean a sewer owned and operated by the District.

Rule 1.14. COMPATIBLE POLLUTANT - shall mean BOD, SS, pH and fecal coliform bacteria, plus additional pollutants identified in the Authority's National Pollutant Discharge Elimination System (NPDES) Permit if the District's treatment works were designed to treat such pollutants, and in fact do remove such pollutants to a substantial degree.

Rule 1.15. CONNECTION - means the pipeline and appurtenant facilities such as the curb stop, meter and meter box all used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Rule 1.16. CONNECTION CHARGES - shall mean any fee or charges made by the District for the privilege of connecting to the sanitary sewer system.

Rule 1.17. CONTAMINATION - shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

Rule 1.18. CONTRACTOR - shall mean any individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit and shall be responsible to the owner or their agent.

Rule 1.19. COST - means the cost of labor, materials, transportation, supervision, engineering, and all other necessary overhead expenses.

Rule 1.20. CROSS-CONNECTIONS - means any physical connection between the piping system from the District service and that of any other water supply that may be forced or drawn into the District distribution mains.

Rule 1.21. CUSTOMER - means, the water user, the tenant, or the owner.

Rule 1.22. DAILY MAXIMUM LIMIT - is the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Rule 1.23. DEVELOPER STREET LIGHTING CHARGES - shall mean the total monthly street lighting charge for all lots in a new subdivision which are imposed upon the

subdivision developer prior to the developer's sale of individual lots and the establishment of regular street lighting service pursuant to Regulation 52.

Rule 1.24. DISTRICT - means the McKinleyville Community Service District, McKinleyville, California.

Rule 1.25. DOMESTIC WASTEWATER - shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like.

Rule 1.26. EQUIVALENT RESIDENTIAL UNIT - shall mean a free-standing, single family residential structure. The average hydraulic flow from such a structure is 5,386 gallons per month. Other types of structures such as apartments, mobile home installations, RV parks, and commercial establishments, will be evaluated by the District on an individual basis with respect to average monthly flows, and the capacity charge imposed thereon will be proportionate to the standard charge imposed on Equivalent Residential Units.

Rule 1.27. FEDERAL ACT - the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et. seq, and any amendments thereof.

Rule 1.28. FIXTURE - shall mean any sink, tub, shower, receptor, water closet or other facility connected by a drain to the sewer.

Rule 1.29. GARBAGE - shall mean the solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Rule 1.30. GENERAL MANAGER - shall mean the MCSD General Manager or appointed representative.

Rule 1.31. HOLDING TANK WASTES - shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Rule 1.32. INCOMPATIBLE POLLUTANT - shall mean any pollutant which is not a "compatible pollutant" as defined in Rule 1.10.

Rule 1.33. USERS OR INDUSTRIAL USER (IU) - a source of indirect discharge. An indirect discharge is the introduction of pollutants from a non-domestic source into a publicly owned waste-treatment system. Indirect dischargers can be commercial or industrial facilities whose wastes enter local sewers.

Rule 1.34. INTERFERENCE - a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the MCSD's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid

Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Rule 1.35. INDUSTRIAL WASTEWATER - shall mean the wastewater in which the liquid wastes from industrial and manufacturing processes, laboratory, trade or business predominate as distinct from domestic wastewater (Rule 1.25).

Rule 1.36. INHABITED AREAS - shall mean any specifically described geographic area within the District.

Rule 1.37. LATERAL SEWER - shall mean the portion of a sewer lying within a public street connecting a building sewer to the community sewer.

Rule 1.38. LIVING UNIT - shall mean any residence, trailer, mobile home, habitation or other structure customarily occupied by a person or family containing bath and kitchen facilities.

Rule 1.39. MAIN - means a water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of water.

Rule 1.40. MAJOR CONTRIBUTING INDUSTRY - shall mean any wastewater contributor identified by the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that: (1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed for the period of use); or (2) has a flow or pollutant loading greater than five percent of the design capacity of the elements of the District's treatment works which serve the wastewater contributor; or (3) has in its wastes toxic pollutants in toxic amounts as defined in the standard issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972; or (4) is found by the Manager to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

Rule 1.41. MANAGER - shall mean the District Manager or appointed representative.

Rule 1.42. MASS EMISSION RATE - shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

Rule 1.43. MULTIPLE LIVING UNIT - shall mean any residential complex with two or more residences on one property including duplexes, triplexes, apartments, trailer parks, mobile home parks and manufactured home parks but excluding motels, hotels and boarding houses.

Rule 1.44. MEDICAL WASTE - isolation wastes, infectious agents, human blood and blood products, blood byproducts, pathological wastes, sharps, body parts, fomites,

etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Rule 1.45. NEW SOURCE

- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)ii or (a)iii above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - i. Begun, or caused to begin, as part of a continuous onsite construction program
 - a) Any placement, assembly, or installation of facilities or equipment; or
 - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - ii. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Rule 1.46. NUISANCE - shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Rule 1.47. OWNER - means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office,

or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.

Rule 1.48. OUTLET - means any properties of a sewer system to which a fixture may be connected.

Rule 1.49. OUTSIDE SEWER - shall mean any private sewer beyond the limits of the District.

Rule 1.50. PASS THROUGH - a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the MCSD's NPDES permit, including an increase in the magnitude or duration of a violation.

Rule 1.51. PERMIT - shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of the District for the installation of, connection to, or use of any water or wastewater works.

Rule 1.52. PERSON - shall mean any individual, firm, company, partnership, association, and private, public, and Municipal Corporation's responsible corporate officer, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Rule 1.53. PH - shall mean the reciprocal of the negative logarithm of the hydrogen ion concentration in moles per liter of solution.

Rule 1.54. POLLUTION - shall mean alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for the beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

Rule 1.55. PREMISES - means a lot or parcel of real property under one ownership, except where there are well- defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be deemed separate premises. Apartment houses, trailer courts and office buildings may be classified as single premises.

Rule 1.56. PRETREATMENT REQUIREMENTS - any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Rule 1.57. PRETREATMENT STANDARDS OR STANDARDS -Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Rule 1.58. PRIVATE FIRE PROTECTION SERVICE - means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore.

Rule 1.59. PUBLIC FIRE PROTECTION SERVICE - means the service and facilities of the entire water supply, storage and distribution system of the District including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

Rule 1.60. PUBLICLY OWNED TREATMENT WORKS OR POTW - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the MCSD. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Rule 1.61. REGULAR WATER SERVICE - means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefore.

Rule 1.62. REPORT - means the report referred to in Section 5473 of the Health and Safety Code of the State of California.

Rule 1.63. SANITARY SEWER - shall mean a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Rule 1.64. SEWER - shall mean any pipe or conduit for carrying wastewater.

Rule 1.65. SEWER SERVICE CHARGES - means fees, rates or other charges for service or the ability to provide service furnished by District in connection with its sanitation or sewerage system.

Rule 1.66. SHALL - is mandatory; "May" is permissive.

Rule 1.67. SIDE SEWER - shall mean the sewer line beginning at the foundation wall of any building and terminating at the community sewer and includes the building sewer and lateral sewer together.

Rule 1.68. SIGNIFICANT INDUSTRIAL USER (SIU) - except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:

(a) An Industrial User subject to categorical Pretreatment Standards; or

(b) An Industrial User that:

- i. Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

- ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. Is designated as such by the MCSD on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (c) The MCSD may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- i. The Industrial User, prior to MCSD's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - ii. The Industrial User annually submits the certification statement required in Rule 26.10.02 (b) [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - iii. The Industrial User never discharges any untreated concentrated wastewater.
- (d) Upon a finding that a User meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the MCSD may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Rule 1.69. SLUG LOAD OR SLUG DISCHARGE - any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Rule 24 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Rule 1.70. STORM SEWER or STORM DRAIN - shall mean a conduit which carries storm and surface or ground waters and drainage, but excludes domestic and industrial wastewater.

Rule 1.71. STREET - shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

Rule 1.72. STREET LIGHTING FACILITIES - shall mean all works or improvements used or useful for the lighting of public places as set forth in sections 22533 and 22534 of the California Streets and Highway Code.

Rule 1.73. STREET LIGHTING PLAN - shall mean the staff report and any related drawings pertaining to the location of street lighting facilities within a street lighting zone.

Rule 1.74. STREET LIGHTING ZONE - shall mean the geographic area included in a resolution adopted pursuant to Rule 53.05 or Rule 54.06.

Rule 1.75. SUSPENDED SOLIDS (denoted SS) - shall mean solids that either float on the surface, or are in suspension in water, wastewater or other liquids, and which are removable by laboratory filtering, and are referred to as non-filterable residue in the laboratory test described in "Standard Methods for the Examination of Water and Wastewater."

Rule 1.76. TEMPORARY WATER SERVICE - means water service and facilities rendered for construction work and other uses of limited duration and the water available therefore.

Rule 1.77. TREATMENT WORKS - shall mean any devices and systems used in the storage, treatment, recycling, and reclamation of domestic or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

Rule 1.78. UNPOLLUTED WATER - shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

Rule 1.79. USER - shall mean any person that discharges, causes or permits the discharge of wastewater into a community sewer.

Rule 1.80. USER CLASSIFICATION - shall mean the classification of users based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

Rule 1.81. WASTE - shall include wastewater and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purposes of, disposal.

Rule 1.82. WASTEWATER - shall mean any waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Rule 1.83. WASTEWATER CONSTITUENTS AND CHARACTERISTICS - shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Rule 1.84. WASTEWATER DISCHARGE PERMIT - shall mean the permit issued by the District to control the discharge of industrial wastewater to the treatment works.

Rule 1.85. WASTEWATER WORKS - shall mean the system of building sewers, lateral sewers, community sewers, and treatment works designed for collection, conveyance, treatment, and disposal of wastewater.

Rule 1.86. WATER DEPARTMENT - means the Board of Directors performing functions related to the District water service, together with the Manager and other duly authorized representatives.

Rule 1.87. WATERS OF THE STATE - shall mean any water, surface or underground, including saline waters within the boundaries of the State.

Rule 1.88. PARK SYSTEM - means Hiller Park, Pierson Park, or any other area in the District owned or used by the District and devoted to recreation.

Rule 1.89. VEHICLE - means any wheeled conveyance, whether motor powered, animal drawn, or self propelled. The term shall include any trailer in tow of any size or kind.

Rule 1.90. OUTDOOR SURFACE - is any patio, porch, veranda, driveway, or sidewalk

ARTICLE II - WATER SERVICE

REGULATION 2 – GENERAL PROVISIONS

Rule 2.01. WORDS AND PHRASES - for the purpose of this article all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Rule 2.02. WATER SYSTEM - the District will furnish a system, plant works and undertaking used for and useful in obtaining, conserving and distributing of water for public and private uses, including all parts of the Enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

Rule 2.03. SEPARABILITY - if any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Rule 2.04. PRESSURE CONDITIONS - all applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

Rule 2.05. MAINTENANCE OF WATER PRESSURE AND SHUTTING DOWN FOR EMERGENCY REPAIRS - the District shall not accept any responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs, etc. Consumers dependent upon a continuous supply should supply emergency storage.

Rule 2.06. TAMPERING WITH DISTRICT PROPERTY - no one except an employee or representative of the Water Department shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of the District's system; or interfere with meters or their connections, street mains or other parts of the water system.

Rule 2.07. PENALTY FOR VIOLATION - for the failure of the customer to comply with all or any part of this article, and any ordinance, resolution or order fixing rates and charges of the District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the District that in the future he will comply with all the rules and regulations established by ordinance of the District and with all rates and charges of this District.

Rule 2.08. RULING FINAL - all rulings of the Manager shall be final unless appealed in writing to the Board of Directors within (5) days. When appealed, the Director's ruling shall be final.

REGULATION 3 – NOTICES

Rule 3.01. NOTICES TO CUSTOMERS - notices from the District to a customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

Rule 3.02. NOTICES FROM CUSTOMERS - notice from the customer to the District may be given by him or his authorized representative in writing at the District's operating office.

REGULATION 4 – WATER DEPARTMENT

Rule 4.01. CREATION - a Water Department is hereby created comprising the Board of Directors, a Manager, and a Billing Clerk.

Rule 4.02. MANAGER - the position of Manager is hereby created. He shall regularly inspect and maintain all physical facilities related to the District water system, to see that they are in good repair and proper working order, and to note violations of any water regulations. He shall report directly to the Board of Directors.

Rule 4.03. ID. – DUTIES - the Manager shall have, subject to approval of the Board of Directors, full charge and control of the maintenance, operation and construction of the water works and system; authority to employ and discharge all employees and assistants; fix and alter the compensation of employees and assistants subject to approval by the Board; and shall have charge of all employees and assistants. He shall perform such other duties as are imposed from time to time, and shall report to the Board of Directors in accordance with the rules and regulations as adopted by the Board.

Rule 4.04. ID. – VIOLATION, REPAIRS - He shall promptly report any violation or disrepair to the Board of Directors. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers.

Rule 4.05. ID. – SUPERVISION - he shall supervise all repair of construction work authorized by the Board and perform any other duties prescribed elsewhere in this ordinance or which shall be hereafter prescribed by the Board.

Rule 4.06. BILLING CLERK - the position of the Billing Clerk is hereby created. He shall have charge of the office of the Water Department and of the billing for and collecting

the charges herein provided. He shall perform such other duties as shall be determined by the Manager and Board.

Rule 4.07. ID. - DUTIES - the Billing Clerk shall compute, prepare and mail bills as hereinafter prescribed, make collections, maintain proper books of account, collect account for and refund deposits, do whatever else is necessary or directed by the Board to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Board.

Rule 4.08. PERFORMANCE OF DUTIES - the foregoing duties of Manager and Billing Clerk may be performed by an additional employee or employees.

REGULATION 5 – APPLICATION FOR REGULAR WATER SERVICE

Rule 5.01. APPLICATION - a property owner or his agent may make application for regular water service on the following application form or by letter giving the same information and paying a nonrefundable processing fee of \$20.00 (twenty dollars).

MCS D APPLICATION FOR SERVICE				
APPLICANT'S NAME (PRINT):		PHONE NUMBERS:		
NAME OF CO APPLICANT:		HOME:	CELL:	
OWN OR RENT?	DRIVER'S LICENSE #:	WORK:		
		IF RENTED, OWNER'S NAME:		
E-Mail:				
<small>I the undersigned hereby request that the McKinleyville Community Services District deliver utility services as specified above, to the address or location as listed below. I do hereby agree to comply with the applicable provisions of the Rules and Regulation and the standard specifications of the McKinleyville Community Services District, copies of which are available upon request.</small>				
SIGNATURE:				
DATE ON	DATE OFF	ROUTE/ACCT.	ADDRESS/SERVICE LOCATION	CUST.#
MAILING ADDRESS:				
Name:				
Employer:		Contact Person:		
SSN:		Phone Number:		
DOB:				

In addition to the application for service the District will require a deposit equivalent to 2 1/2 (two and one-half) times the monthly average for each class of customers other than property-owners. (See current MCS D fee schedule in Appendix A) This refundable deposit can be waived if the customer can bring in proof of a good payment history with another utility. The deposit will be applied to the account as a credit after 12 months with a good payment record.

Rule 5.02. UNDERTAKING OF APPLICANT - such application will signify the customers' willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for all fees, costs and expenses associated with provision of the water service. In the event an application is executed by two or more individuals as the customer, each individual executing the application shall be jointly and severally liable to make payment for all fees, costs and expenses associated with provision of the water service.

Rule 5.03. PAYMENT FOR PREVIOUS SERVICE - an application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

Rule 5.04. INSTALLATION CHARGES - services and meters shall be installed without charge for all applications for water service received prior to or during the initial construction of the District's water system. The charges below will apply to applications received after the District's Contractor has progressed with the work beyond their property frontage. Such services and meters will be installed without charge only to areas having an existing need providing the owner guarantees to pay at least the minimum each month (whether used or not) for at least a one- year period.

Where service is installed without charge for a vacant lot the owner must guarantee to pay at least the minimum each month (whether used or not) for at least a two-year period.

Where the applicant requests installation of a 1 1/2 inch or larger water meter or where unusual circumstances exist, the charge for installation of water service shall be equal to the estimated cost plus 10 percent of such service connection. The applicant shall deposit said amount with the District prior to installation, the District will track actual expenditures, the District will compute the difference between the deposit and the actual expenditure, the District will rebate the difference to the applicant where the actual expenditure is less than the deposit. The term "unusual circumstances", as used in this rule, shall include water mains deeper than 6 feet, slopes greater than 20 percent, service line lengths of more than 35 feet and closure of roadway due to traffic safety considerations. The schedule for all other service connections is as follows:

5/8" x 3/4" Meter	\$1,780.00
3/4" Meter	\$1,810.00
1" Meter	\$1,920.00

Where the applicant requests the installation of a water meter in an existing water meter box, and the requested meter is to be connected to an existing meter set, the schedule of water meter installation charges shall be as follows:

5/8" x 3/4" Meter	\$285.00
3/4" Meter	\$310.00
1" Meter	\$371.00

Connection charges do not include paving over trenches as required by Humboldt County Public Works Department. Paving costs are the responsibility of the Developer.

Rule 5.05. INSTALLATION OF SERVICE - regular water services will be installed as desired by the applicant of the size determined by the Water Department. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as hereby provided. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location.

Rule 5.06. CHANGES IN CUSTOMER'S EQUIPMENT - customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.

Rule 5.07. SIZE AND LOCATION - the District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be

served. The laying of consumer's pipeline to the meter should not be done until the location of the service connection has been approved by the District.

Rule 5.08. CURB COCK - every service connection installed by the District shall be equipped with a curb cock on the inlet side of the meter. The curb cock is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb cock is damaged by the consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

Rule 5.09. DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION - it shall be unlawful to maintain a connection excepting in conformity with the following rules:

- (a) **SEPARATE BUILDING.** Each house or building under separate ownership must be provided with a separate service connection. Two or more houses on the same lot shall have separate services if the houses could legally be sold separately. Two or more houses under one ownership and on the same lot or parcel of land may (with specific Board approval, based on hardship or extenuating circumstances) be supplied through the same service connection; provided that for each house under a separate roof an additional minimum will be applied to the single meter serving said houses. The District reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection. This rule will not apply to the extent it conflicts with rules regarding ADUs.
- (b) **SEPARATE PROPERTY.** A service connection shall not be used to supply property of the same owner across a street or alley, without written approval for specific cases otherwise meeting the intent of this ordinance.
- (c) **DIVIDED PROPERTY.** When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

Rule 5.10. SERVICE CONNECTIONS - the service connections extending from the water main to the property line and including the meter, meter box and curb cock or wheel valve, shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

Rule 5.11. WATER CAPACITY FEE - a water capacity fee shall be collected from each applicant requesting a new water service in addition to any processing fees and/or installation charges. The capacity fee is based on meter size, as follows:

Size	Fee	Size	Fee
5/8"	\$4,552	3"	\$59,681
3/4"	\$6,523	4"	\$99,058
1"	\$10,461	6"	\$197,501
1 1/2"	\$20,308	8"	\$315,631
2"	\$32,118	10"	\$453,452

Due to recent changes in building code regulations, new single-family homes are to be sized with a 3/4" meter because of fire protection systems, rather than the typical 5/8" meter. It is recommended that all new single family residential units, with meter sizes 5/8" and 3/4" be charged the 5/8" meter rate to reflect their typical demand on the system.

Each July 1st, each rate set forth above shall be adjusted by the percentage change in the Construction Cost Index for the San Francisco Bay Area as published in the Engineering News Record between June 2017 and the then most recently published Construction Cost Index.

Rule 5.12. COMMERCIAL LANDSCAPE METERS - the manager shall encourage all commercial users to install an irrigation meter in addition to the regular water meter. Where the customer agrees to install an irrigation meter, the overall connection charge shall be the same as if one water meter had been installed and the installation charge shall reflect the actual time and materials cost of adding an additional meter on the service line constructed for the primary meter.

Rule 5.13. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.

- (a) For the purposes of this Rule, and in conformance with California Government Code Section 65852.2 and Humboldt County Ordinance Title III, Division I, Chapters 3 and 4, an Accessory Dwelling Unit (ADU) shall be defined as follows: For a unit detached from the Primary Dwelling Unit, an ADU is a detached unit with a total floor area of 1,200 square feet or less. For a unit attached to the Primary Dwelling Unit, an ADU is a unit with a total floor area that does not exceed 50 percent of the floor area of the Primary Dwelling Unit. Any detached Secondary Dwelling in excess of 1,200 square feet or attached Secondary Dwelling Unit over 50 percent of the floor area of the Primary Dwelling Unit shall be charged connection fees as detailed in Rule 21.02.
- (b) An ADU constructed within an existing primary dwelling unit or existing structure shall not be charged any connection fees or charges per Humboldt County Code Section 69.05.4.1.3 unless the ADU was constructed with the Primary Dwelling or unless the connection is requested by the owner or developer and installed. If the ADU is constructed with a new Primary Dwelling, or the owner or developer requests a connection not otherwise required, the fixture count within the ADU and the Primary Dwelling shall be used to establish the ERU and fees for the structure as detailed in Rules 5.04 and 5.11.
- (c) The District may require a newly constructed ADU, not contained within the existing space of the primary residence, to install new water and sewer connections. If new connections are required and installed or are requested by the owner or developer and installed, the connection charges shall correspond to those established in Rules 5.04 and 5.11. If a new, separate ADU is constructed and utilizes the existing water and sewer connection of the primary residence as approved by the District, no new connection fees or charges will be required by the District.

REGULATION 6 – COMMUNITY WATER FACILITIES CONSTRUCTION

Rule 6.01. PERMIT REQUIRED - no person shall construct, extend or connect to any community water facilities without first obtaining a written approval from the District and paying all fees and furnishing bonds as required therein.

Rule 6.02. PLANS, PROFILES AND SPECIFICATIONS - the application for community water line construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the District prepared by a Registered Civil Engineer showing all details for the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the Manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, and approval by the Board of Directors, a permit shall be issued predicated upon the payment of all fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

Rule 6.03. EXTENSION CHARGES GENERAL - in general, those requiring service that requires a main extension to or in front of their property shall pay the entire cost of such service, which in some cases may be partially reimbursable if other parties connect, or as allowed by District Ordinance. Upon application, the Manager will determine the cost of such extension and arrange for such extension, either by District or outside contract services. Upon approval by the Board, and upon advance of funds by the applicant for such work, the District will cause the work to be performed. The applicant may provide for the construction in accordance with District specifications. If the work is to be accomplished by District forces, or by outside contract, the estimated cost will be placed on deposit prior to the commencement of work. Any actual difference in cost will either be refunded to the applicant or paid in addition by them prior to the use of the main extension.

Rule 6.04. ALTERNATE CHARGES - notwithstanding the provisions of Section 102 above, the Board of Directors may approve alternate methods for funding main extensions where they determine it is in the interest of the general public's health, safety and welfare.

Rule 6.05. PUBLIC WATER CONSTRUCTION PERMIT - an amount equal to 3% of the estimated construction cost shall be deposited by the applicant prior to commencement of construction. Actual cost will be charged prior to commencement of construction. Actual cost will be charged when the project is approved and accepted by the District.

Rule 6.06. PLAN CHECK FEE - a plan check fee in the amount of 2% of the estimated construction cost for main extensions and the engineering review of subdivisions will be charged when an application for service is filed with the District. Actual cost will be charged when the application is approved by the Board of Directors.

Rule 6.07. ACTIVITIES PROHIBITED - no person shall uncover, make a connection with or opening into, use, alter, extend, or disturb any public water facilities or perform any work without first obtaining a written permit from the District.

Rule 6.08. APPLICATION FOR PERMIT - any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The

Manager may require plans, specifications or drawings and such other information as may be deemed necessary. The application shall be reviewed by the Manager who shall determine if it is complete. Where the Manager deems the application to be complete, the manager shall set consideration of the application on the agenda of an upcoming Board meeting. Where the manager deems the application to be incomplete, the applicant shall submit the additional information itemized by the manager until the Manager deems the application to be complete. Where the County of Humboldt has required the applicant to offer the dedication of property to MCSD as a condition of land use approval, the Manager shall not deem the main extension application to be complete unless the applicant has satisfied the assessment district formation application requirements of Rule 72.01 and Rule 72.02 of Regulation 72 of the District's Rules and Regulations.

Rule 6.09. SUBDIVISIONS - the requirements of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which community water lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing water facilities to serve the tract is not completed within the time limit allowed in the permit, the Manager may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub-divider.

Rule 6.10. EASEMENTS OR RIGHTS-OF-WAY - in the event that an easement is required for the extension of the community water or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection, normally 20 feet minimum.

Rule 6.11. PERSONS AUTHORIZED TO PERFORM WORK - only properly licensed contractors shall be authorized to perform the work of community water construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor.

Rule 6.12. GRADE STAKES - grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community water facilities construction.

Rule 6.13. COMPLIANCE WITH LOCAL REGULATION - any person constructing water facilities within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting and protecting trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Rule 6.14. PROTECTION OF EXCAVATION - the applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a water line facility is under construction and of each dangerous condition to be encountered

as a result thereof. The applicant shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the County and District and any other person having jurisdiction there over.

Rule 6.15. DESIGN AND CONSTRUCTION STANDARDS - minimum standards for the design and construction of water facilities within the District shall be in accordance with the applicable provisions of the ordinances, rules and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. The District may permit modifications or may require higher standards where unusual conditions are encountered. "As- built" drawings showing the actual location of all mains, structures, and appurtenances shall be filed with the District before final acceptance of the work.

Rule 6.16. MAIN EXTENSION - the District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager. Normally the main shall be extended the same size as terminated or as a minimum six (6) inch unless a waiver for short dead-end line is allowed by the Manager, in which case a four (4) inch will be the minimum size required. In the event the applicant is required to pay for the construction of a main extension across others property frontage where the property is already served by the District, the District may share in the cost of construction for that portion of the main extension, provided it is not a part of the applicant's frontage. The District will share in the cost of construction only where it is the Manager's opinion, the applicant cannot reasonably expect a refund as provided in Section 116 of this Ordinance.

The maximum District contribution toward construction costs will be fifty percent (50%) of the total construction cost. Or One Thousand Two Hundred and Fifty Dollars (1,250.00), whichever is less. The District will determine the fair and reasonable value for construction of said facilities. The District will pay its share of construction costs when all facilities are completed in accordance with the District Standard Specifications and accepted by the District. The District will not be a party of any agreement, either verbal or written, by or between the applicant and their contractor. The cost sharing provisions of this section do not apply to subdivisions.

Rule 6.17. ADVANCE COSTS AND REFUNDS - when a person applies to connect their property to a main extension previously paid for by others as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally. When a person applies for an additional or enlarged service to property that fronts on a main extension paid for by others subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. when such

additional or enlarged service is connected within ten years of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the applicant who paid for the main extension originally. Refund provisions do not apply to subdivision lots.

Rule 6.18. COMPLETION OF WATER FACILITIES REQUIRED - before acceptance of any facilities by the District and prior to the commencement of water service, the facilities shall be tested and shall be complete in full compliance with all requirements of the accepted specifications and to the satisfaction of the Manager. When completed in accordance with District specifications, the Directors shall act to accept the facilities into the District's maintained system.

Where the Applicant has applied to form an Open Space Maintenance Zone pursuant to Regulation 72 of the District's Rules and Regulations for the project, the District shall not consider acceptance of the facilities until the title to the donated property has been transferred and all conditions of the open space maintenance plan approval have been satisfied.

Applicants may execute a development agreement compatible with current state law and Board adopted policy in lieu of securing Board Acceptance of works prior to finalization of the subdivision map for the project. Where a development agreement is so executed, MCSD shall not activate water service to any portion of the subject property until all required improvements are installed to MCSD's satisfaction.

Rule 6.19. ZONES OF SPECIAL BENEFIT - the Board may, by resolution form zones of special benefit where service to a specific geographic area will entail extraordinary operating or maintenance costs that benefit only those properties in that specific geographic area. The resolution establishing each such zone shall describe the extraordinary operating and maintenance requirements, establish the initial annual zone wide extraordinary operating and maintenance costs, determine the formula for division of annual costs among the properties within the zone, establish a monthly fee for each such property and direct staff to collect fees on the consolidated utility bill. The Board may amend the requirements, costs, formula and monthly fee by subsequent resolution to reflect any changes in the zone or the costs of providing extraordinary services to the zone.

REGULATION 7 – GENERAL USE REGULATION

Rule 7.01. NUMBER OF SERVICES PER PREMISES - the applicant may apply for as many services as may be reasonably required for his premises provided that the pipe line system from each service be independent of the others and that they not be interconnected.

Rule 7.02. WATER WASTE - no customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the District may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

Rule 7.03. RESPONSIBILITY FOR EQUIPMENT ON CUSTOMER PREMISES - all facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, replaced or repaired by the Water Department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made by District for placing or maintaining said facilities on private property.

Rule 7.04. DAMAGE TO WATER SYSTEM FACILITIES - the customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Rule 7.05. GROUND-WIRE ATTACHMENTS - all individuals or business organizations are forbidden to attach any ground- wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

Rule 7.06. CONTROL VALVE ON THE CUSTOMER PROPERTY - the customer shall provide a valve on his side of the service installation, as close to the meter location as practicable, to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn water on and off for his convenience.

Rule 7.07. CROSS-CONNECTIONS - the customer must comply with State and Federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross-connections. Back flow protective devices must be installed as near the service as possible and shall be open to test and inspection by the Water Department. Plans for installation of back flow protective devices must be approved by the Water Department prior to installation.

Rule 7.08. ID. – SPECIAL CASES - in special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the back flow preventive devices.

Rule 7.09. RELIEF VALVES - as a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valve or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

Rule 7.10. BACK FLOW DEVICE - whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines. The District shall charge each water customer with a device a monthly charge of \$2.58 to be collected on the District's bill.

Rule 7.11. ID. – INSPECTION - the double check valve or other better approved back flow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be services, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by customer. The District shall charge each water customer with a device a monthly charge of \$2.58 to be collected on the District's bill.

Rule 7.12. ID. – DISCONTINUED SERVICE - the service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

Rule 7.13. INTERRUPTIONS IN SERVICE - the District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Water Department.

Rule 7.14. INGRESS AND EGRESS - representatives from the Water Department shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

REGULATION 8 – METERS

Rule 8.01. METER INSTALLATIONS - meters will be installed in the sidewalk area, and shall be owned by the District and installed and removed at its expense. No rent or other charge will be paid by the District for a meter or other facilities, including connections. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

Rule 8.02. CHANGE IN LOCATION OF METERS - meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at its expense. If the lateral distance which the customer desires to have the meter moved exceeds eight feet (8') he will be required to pay for new service at the desired location.

Rule 8.03. METER TESTS – DEPOSIT - All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. If a customer desires to have the meter serving his premises tested, he shall first deposit Twenty dollars

(\$20.00) and shall be present when the meter is tested. Should the meter register more than two percent (2%) fast, the deposit will be refunded, but should the meter register less than two percent (2%) fast the deposit will be retained by the Water Department.

Rule 8.04. ADJUSTMENT FOR METER ERRORS - FAST METERS - if a meter tested at the request of a customer is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

Rule 8.05. ADJUSTMENT FOR METER ERRORS - SLOW METERS - if a meter tested at the request of a customer is found to be more than twenty-five percent (25%) slow in the case of domestic services, or more than five percent (5%) slow for other than domestic services, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

Rule 8.06. NON-REGISTERING METERS - if a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other methods as is determined by the Water Department and its decision shall be final.

REGULATION 9 – BILLING

Rule 9.01. BILLING PERIOD - the regular billing period will be monthly or bi-monthly at the option of the District.

Rule 9.02. METER READING -meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-seven (27) days or more than thirty-three (33) days for bills rendered monthly or less than fifty-four (54) days and more than sixty-six (66) days for bills rendered bi-monthly, will be pro-rated.

Rule 9.03. OPENING AND CLOSING BILLS - opening and closing bills for less than the normal billing period shall be pro-rated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the Water Department for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

Rule 9.04. WATER CHARGES - water charges are due and payable at the office of the district on the date of mailing the bill to the property owner or his agent as designated in the application, and delinquent 15 days after the Post Office cancellation date. The District shall charge \$0.60 (sixty cents) in addition to any other charges for each notice mailed to the customer advising the customer that a payment has not been received by the District within the 15 day payment period. The District will charge \$2.50 (two dollars and fifty cents) in

addition to any other charges for each notice mailed to the customer notifying the customer that service will be terminated if payment is not received.

Rule 9.05. PAYMENT OF BILLS - bills for metered water service shall be rendered at the end of each billing period. Bill shall be payable on presentation and shall be deemed delinquent thirty (30) days from the date printed on the bill. On each bill for water service rendered by the District shall be printed substantially the following: "If this bill is not paid within sixty (60) days after the date of delinquency, service may be discontinued. A reconnection charge and penalties will be made in accordance with the District's Rules and Policy for Discontinuation of Water Service for Nonpayment and collected prior to renewing service following discontinuance." In order to comply with the amended California Civil Code Section 1798.29, the District will notify, without unreasonable delay, any customer whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

Rule 9.06. BILLING OF SEPARATE METERS NOT COMBINED - separate bills will be rendered for each meter installation except where the Water Department has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter reading will be combined for billing purposes.

Rule 9.07. CONSUMER'S GUARANTEE - the water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the District for any purpose whatever, the customer must sign a form in which he guarantees payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the district is notified in writing to discontinue service or to transfer the account to another party.

Rule 9.08. WATER USED WITHOUT REGULATION APPLICATION BEING MADE - a person taking possession of premises and using water from an active service connection without having made application to the District for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

Rule 9.09. DAMAGES THROUGH LEAKING PIPES AND FIXTURES - when turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Water Department's jurisdiction and responsibility ends at the property line and the Board of Directors and/or District will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

Rule 9.10. DAMAGE TO METERS - the District reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable, however, for any

damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises.

Rule 9.11. MANUAL METER READING SERVICE - the District may, at its discretion, cause meters to be read via radio transmission or other electronic method. In the event (i) a customer refuses to permit the installation of meter equipment necessary for such electronic meter reading or (ii) a customer requests that such equipment, once installed, be deactivated or left unused, the customer shall be charged for a “manual read” charge of \$15.00 per billing period. This charge shall be in addition to, and collected along with, the customer’s water charges. The customer shall also be subject to a one-time \$90.00 charge when initiating “manual read” service. A Customer can avoid this charge by permitting the District to install and use the District’s electronic meter reading equipment.

REGULATION 10 – DISCONTINUANCE OF SERVICE

Rule 10.01. TERMINATION OF SERVICE - water service may be terminated by the District in compliance with the notice and other requirements of Chapter 9.6 of Division 1, title 6, of the California Government Code and Chapter 6 of Part 12 of Division 104 of the California Health and Safety Code.

(a) Water service may be discontinued for any one of the following reasons:

- i. Delinquency in payment of any residential water service rate or charge in accordance with the District’s Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges.
- ii. Delinquency in payment of any commercial or other nonresidential water service rate or charge.
- iii. The unauthorized taking of water or the taking of water in excess of the amount paid for.
- iv. Failure of the customer to maintain his facilities in suitable condition to prevent waste of water.
- v. The existence of an unprotected cross connection on the customer's premises or the lack of adequate backflow protection at the service connection.
- vi. Any violation by the customer of any rules of the District governing water service.

(b) The process that will be followed prior to discontinuance of residential service for non-payment is set forth in the District’s Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges.

(c) The following process will be followed prior to a discontinuance other than a discontinuance of residential service for non-payment: At least ten (10) days before discontinuing such a water service the District shall provide written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the Manager, or the Manager's designee, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the Manager, or the Manager's

designee, shall be included in any such notice of proposed discontinuance given to the customer.

(d) No water service shall be discontinued to any customer because of any delinquency in payment on any Saturday, Sunday, legal holiday or at any time during which the business office of the District is not open to the public.

Rule 10.02. RECONNECTION - failure to receive bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the district in any court of competent jurisdiction for the amount thereof.

Rule 10.03. RECONNECTION CHARGE - a reconnection charge plus penalties as applicable shall be made and collected prior to renewing service following an initial discontinuance or suspension. The reconnection charge for residential water service is set forth in the District's Rules and Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges. The reconnection charge for commercial or other nonresidential water service will be equivalent to 2/3 (two-thirds) of an hour at the loaded Operations average hourly payroll rate as listed in the current MCSD fee schedule in Appendix A. Service reconnection shall also require the payment of all charges currently due in addition to the reconnection charges. An additional refundable deposit equivalent to 2 1/2 (two and one-half) times the monthly average for each class of customer will be required of water/sewer accounts that have begun new service, reconnected or with an outstanding balance remaining from a previous MCSD service. (See current MCSD fee schedule in Appendix A.)

Rule 10.04. UNSAFE APPARATUS - water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

Rule 10.05. CROSS-CONNECTIONS - water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal laws.

Rule 10.06. FRAUD OR ABUSE - service may be discontinued if necessary, to protect the District against fraud or abuse.

Rule 10.07. NON-COMPLIANCE WITH REGULATIONS - service may be discontinued for non-compliance with this or any other ordinance or regulation relating to the water service.

Rule 10.08. UPON VACATING PREMISES - customers desiring to discontinue service should so notify the Water Department two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customers shall be liable for charges whether or not any water is used.

Rule 10.09. RETURNED CHECK FEE - the District shall charge the full returned payment fee or \$20 (twenty dollars), whichever is greater, each time a customer's payment is rejected by that customer's financial institution.

REGULATION 11 – COLLECTION BY SUIT

Rule 11.01. PENALTY - water rates and charges which are not paid on or before the day of delinquency shall be subject to a penalty of ten percent (10%) and thereafter shall be subject to a further penalty of two percent (2%) per month on the first day of each month following.

Rule 11.02. SUIT - all unpaid water rates and charges and penalties herein provided may be collected by suit.

Rule 11.03. COSTS - defendant shall pay all costs of suit in any judgment rendered in favor of District.

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 known customer address. Customers may appeal said submittal by filing an appeal as provided for in Rule 65.01.

REGULATION 12 – PUBLIC FIRE PROTECTION

Rule 12.01. USE OF FIRE HYDRANTS - fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Water Department prior to use and shall operate the hydrant in accordance with instructions issued by the Water Department. Unauthorized use of hydrants will be prosecuted according to law. (Note: do not use hydrant valve for flow control, water truck loading, etc., as it undermines hydrant through relief valve at base).

Rule 12.02. HYDRANT RENTAL – charge, to be determined by contract between the District and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection.

Rule 12.03. MOVING OF FIRE HYDRANTS - when a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in size, type or location of the hydrant, he

shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

REGULATION 13 – PRIVATE FIRE PROTECTION SERVICE

Rule 13.01. PAYMENT OF COST - the applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer's premises including the cost of a detector check meter or other suitable and equivalent device, valve and meter box, said installation to become the property of the district. The District may agree to install the connection and meter at cost plus ten percent (10%).

Rule 13.02. NO CONNECTION TO OTHER SYSTEM - there shall be no connections between this fire protection system and any other water distribution system on the premises.

Rule 13.03. USE - there shall be no water used through the fire protection service except to extinguish fires and for testing the firefighting equipment.

Rule 13.04. METER RATES - any consumption recorded on the meter will be charged for at 5 times the regular service rates except that no charge will be made for water used to extinguish fires where such fires have been reported to the fire department.

Rule 13.05. MONTHLY RATES - the monthly rates for private fire protection lines shall be five dollars and fifteen cents (\$5.15) times the diameter/inch.

Rule 13.06. WATER FOR FIRE STORAGE TANKS - occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The regular water rates will be applied.

Rule 13.07. VIOLATION OF AGREEMENT -if water is used from a private fire service in violation of the agreement or of these regulations, the District may, at its option, discontinue and remove the service.

Rule 13.08. WATER PRESSURE AND SUPPLY - the District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

Rule 13.09. FIRE SERVICES - the following rules shall apply to fire service connections:

- (a) Valve. When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.
- (b) Meter. If the District has not required a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, it shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises.
- (c) Additional Service. The District shall have the right to take a domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The Board of Directors shall also have the right to determine the proportion of the installation cost properly chargeable to each service connection, if such segregation of costs shall become necessary.
- (d) Check Valve. The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a by-pass meter at the expense of the owner of the property.

REGULATION 14 - TEMPORARY SERVICE

Rule 14.01. DURATION OF SERVICE - temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the District.

Rule 14.02. DEPOSIT - the applicant shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish said service exclusive of the cost of salvageable materials. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. If service is supplied through a fire hydrant, the applicant will be charged in accordance with the following rate schedule:

Deposit per meter:	\$500.00
Flat charge per connection, for both installation and removal of service facilities:	\$15.00
Each additional move of facilities to another location:	\$15.00

Rates-The monthly base rate is equivalent to that for a 3" meter and water use is billed at current rates.

Rule 14.03. INSTALLATION AND OPERATION - all facilities for temporary service to the customer connection shall be made by the Water Department and shall be operated in accordance with its instructions.

Rule 14.04. RESPONSIBILITY FOR METERS AND INSTALLATIONS - the customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are

installed until they are removed, or until 48 hours notice in writing has been given to the District that the contractor or any other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer or deducted from the amount of the deposit.

Rule 14.05. SUPPLY FROM FIRE HYDRANT - an applicant for temporary use of water from a fire hydrant must secure a permit therefore from the District and pay the regular fee charged for the installation and removal of a meter to be installed on said hydrant; the applicant shall provide a valve for shutoff control, and a hydrant wrench necessary to operate such hydrant, or pay the District Five Dollars (\$5.00) for the loan of such equipment, and pay for the water used in accordance with the meter readings, at the rates prescribed by the District.

Rule 14.06. UNAUTHORIZED USE OF HYDRANTS - tampering with any fire hydrant for the unauthorized use of water from, or for any purpose, is a misdemeanor, punishable by law.

Rule 14.07. CREDIT - the applicant shall pay the estimated cost of service in advance.

Rule 14.08. SHORT TERM PROCESSING FEE - a property owner or his agent may set up a short-term water account to purchase up to 500 cubic feet of water for use at an existing meter for up to a two-week period by paying a non-refundable fee of \$20 (twenty dollars). The property owner may extend the time period and/or consumption limit by paying an additional non-refundable processing fee of \$20 (twenty dollars) for one additional increment of time and/or consumption. The District will bill the customer for all water consumption over the 500 cubic foot consumption limit in any two-week period at the then current water rates.

Rule 14.09. BULK WATER SALES - the Manager may sell water to water transporters who have first secured a permit pursuant to Rule 14.05 for subsequent individual bulk sales in a specified transport vehicle. The Manager shall charge the water transporter by truckload for the rated volume capacity of the transport vehicle based on the following schedule. Each truckload will be charged a processing fee per load of water. The processing fee will be set at 1/10 (one-tenth) of an hour at the loaded Operations average hourly payroll rate. (See current MCSD fee schedule in Appendix A.) Truckloads to be used inside the District boundaries will pay for the cost of water at current rates based on the capacity of the water transport vehicle. Truckloads to be used outside of District boundaries will pay for the cost of water at one and one-half (1.5) times the cost of water at current rates.

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.

REGULATION 15 – GENERAL PROVISIONS

Rule 15.01. POOLS AND TANKS - when an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced thereby.

Rule 15.02. RESPONSIBILITY FOR EQUIPMENT - the customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, operating or interfering with such equipment.

Rule 15.03. SERVICE OUTSIDE DISTRICT - where possible, potential customers outside the District shall annex before service is allowed if their property is contiguous to the District boundary or if the board considers it to be in the best interest of the District. In addition to all other costs for providing service, the applicant shall be charged for the annexation proceedings. Where in the opinion of the Board, annexation is not feasible or desirable, immediately, upon application, the board may elect to provide service outside of the District. The terms and conditions of service shall be the same as in District except charges for water shall be 150% of the rates specified in Article 17 of this Ordinance. In addition, the applicant, his heirs or assigns must agree not to protest annexation if initiated at a later time.

Rule 15.04. WATER CONSERVATION - starting in Fiscal Year 1995-96 and in every year thereafter, the District shall fund and implement a water conservation program intended to reduce total water consumption, peak rate water consumption, and total sewer hydraulic flow. The program shall include:

- (a) Contact with Humboldt County Building Department to inform the Department of State Law requiring enforcement of water conserving fixture units including the requirement for Ultra low Flush toilets in all new construction.
- (b) Quarterly transmittal of conservation inserts and notices that free leakage detection tablets, toilet tank displacement bags and low water use landscape guides will be available at the District office in the Districts Newsletter.
- (c) Annual funding for water distribution system audit, leak detection and leak repair.
- (d) Metering of all water connections in the water system.
- (e) Coordination with Humboldt County to develop water efficient landscaping standards for new construction.
- (f) Promoting water conservation and explaining water conservation practices in every edition of the District's quarterly newsletter.

- (g) Reviewing and commenting to Humboldt County on all pre-site forms for new commercial and industrial development applications to encourage Humboldt County to require efficient water use as a condition of the County building permit.
- (h) Moving closer to a uniform commodity rate schedule as water rates are adjusted and ultimately adopting a uniform commodity rate structure.
- (i) Cooperating with Humboldt County to develop and implement guides to promote water efficient landscaping practices for new construction.
- (j) Designating the Manager as the District Water Conservation Coordinator.
- (k) Granting water charge credits to customers that fix leaks, pursuant to the adopted policy.

REGULATION 16 – RATES

Rule 16.01. RATE SCHEDULE - the monthly charge for water service to a customer shall be calculated by adding the following components: (a) a fixed monthly charge based on the size of the customer’s water meter, (b) a consumption charge based on the amount of water consumed by the customer and(c) a “pass-through” charge based on the amount of water consumed by the customer.

- (a) The fixed monthly charge shall be calculated as follows, effective January 1 of the years shown:

Description	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Monthly Base Charge					
5/8 Inch	\$ 20.45	\$ 21.68	\$ 22.98	\$ 24.13	\$ 25.10
3/4 Inch	\$ 28.39	\$ 30.10	\$ 31.90	\$ 33.50	\$ 34.85
1.0 Inch	\$ 44.28	\$ 46.93	\$ 49.75	\$ 52.24	\$ 54.34
1.5 Inch	\$ 83.98	\$ 89.02	\$ 94.36	\$ 99.08	\$ 103.06
2.0 Inch	\$ 131.63	\$ 139.53	\$ 147.89	\$ 155.29	\$ 161.54
3.0 Inch	\$ 242.81	\$ 257.37	\$ 272.80	\$ 286.46	\$ 297.97
4.0 Inch	\$ 401.63	\$ 425.72	\$ 451.25	\$ 473.83	\$ 492.88
6.0 Inch	\$ 798.69	\$ 846.60	\$ 897.36	\$ 942.27	\$ 980.15
8.0 Inch	\$1,275.17	\$1,351.65	\$1,432.70	\$1,504.40	\$1,564.87

- (b) The consumption charge shall be calculated as follows, effective on January 1 of the dates shown, with the first eight hcf (hundred cubic feet) or portion of an hcf consumed charged at the tier one rate and each hcf (or portion) in excess of eight hcf charged at the tier two rate:

Description					
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Volume Per 100CF:					
0-800 CF	\$ 2.47	\$ 2.62	\$ 2.78	\$ 2.92	\$ 3.04
over 800 CF	\$ 3.32	\$ 3.51	\$ 3.73	\$ 3.91	\$ 4.07

- (c) The pass-through charge shall be the wholesale rate charged by Humboldt Bay Municipal Water District to the District, expressed on a per Hundred Cubic Feet basis. Effective January 1, 2019, the pass-through charge shall be \$1.59 per hcf. The pass-through charge shall automatically adjust each time a change in the wholesale cost becomes effective; however, (i) no further adjustments to the pass-through shall occur after January 1, 2027 unless the district conducts additional proceedings pursuant to Article XIII D, Section 6 of the Constitution and (ii) no adjustment to the pass through shall take effect until notice of such adjustment has been given pursuant to Government Code Section 53756(d).
- (d) Customers residing in a zone of special benefit will pay the fee specified in the then current resolution for their zone in addition to the charges specified above.
- (e) Service charge revenues shall be used to fund costs of providing water service and for no other purpose.

ARTICLE III - PUBLIC SEWER

REGULATION 17 – GENERAL PROVISIONS – SEWER

Rule 17.01. PURPOSE AND POLICY - this wastewater Discharge Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the District to comply with the administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pre-treatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Authority and District systems. This Ordinance provides a means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

Rule 17.02. VIOLATION UNLAWFUL - it shall be unlawful for any person whose building is required to be connected to a public sewer under this Ordinance to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to a public sewer in the manner as in this Ordinance provided.

Rule 17.03. RELIEF ON APPLICATION - when any person, by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to their premises, they may make written application to the Board of Directors, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their premises.

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

Rule 17.04. RELIEF ON OWN MOTION - the Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstance, or any part thereof.

Rule 17.05. DISTRICT INSPECTOR - the Manager may personally perform or employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, and facilities in connection therewith in the District, to be known as the District Inspector.

Rule 17.06. SEWER PERMITS AND FEES - no public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained and all fees paid in accordance with the requirements of this Ordinance, and any other ordinance adopted by the Board of Directors.

REGULATION 18 – USE OF PUBLIC SEWERS REQUIRED

Rule 18.01. TREATMENT OF WASTEWATERS REQUIRED - it shall be unlawful to discharge to any stream or watercourse any domestic or industrial wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

Rule 18.02. UNLAWFUL DISPOSAL - except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of wastewater.

Rule 18.03. SEWER REQUIRED - the owner of any proposed building to be situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required to connect, at their expense, said building directly with the proper public sewer in accordance with the provisions of this Ordinance provided that said public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer.

The owner of any existing building, provided with a lateral connection resulting from the Special Assessment proceedings or otherwise, shall connect to the public sewer within ninety (90) days after date of official notice to do so.

Rule 18.04. PRIVATE WASTEWATER DISPOSAL SYSTEMS - where a public sewer is not available under the provisions of Section 18.03, or as determined by the Board of Directors, the building sewer shall be connected to a private wastewater disposal system complying with public health Ordinances of the County of Humboldt and applicable regulations of the California Regional Water Quality Control Board, North Coast Region.

(a) **DETERMINATION.** Where in the opinion of the Board, public sewer service is not available in accordance with this Ordinance, due to lack of treatment facilities capacity available to the District, approval may be given for the interim use of private Wastewater disposal systems.

(b) **APPLICATION.** When regular application is made for sewer service, and it is determined that treatment capacity is not available to provide service to the property, the owner must enter into an agreement with the District to provide for the following:

- i. Apply for and secure a private wastewater disposal permit from the Humboldt-Del Norte County Health Department, and/or California Regional Water Quality Control Board.
- ii. Pay all applicable costs for the installation of a sanitary sewer connection.

- iii. Construct the building sewer within three (3) feet of the final connection point of the building.
- iv. Agree to abandon the private wastewater disposal system and make a final connection to the sanitary sewer within ninety (90) days of notice from the District that public sewer is available.

Rule 18.05. OCCUPANCY PROHIBITED. No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the District.

Rule 18.06. ABANDONED SEWAGE DISPOSAL SYSTEMS. Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within thirty (30) days from the time of connecting to the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five (5) feet of the property line.

REGULATION 19 - PERMITS AND FEES

Rule 19.01. PERMIT REQUIRED - no unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any community sewer or appurtenances or perform any work on any lateral or building sewer without first obtaining a written permit from the District and paying to the District the applicable permit fee.

- Rule 19.02. APPLICATION FOR PERMIT** - there shall be five (5) classes of permits:
- (a) Single Family Residence.
 - (b) Multiple Dwellings.
 - (c) Commercial, Industrial, School, Public and Other User Permit.
 - (d) Public Sewer Construction Permit.
 - (e) Sewer Alteration Permit and Trailer Court.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Manager may require plans, specifications or drawings and such other information as may be deemed necessary.

If the Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, a permit shall be issued upon payment of the required fees. The issuance of wastewater discharge permits to establishments producing industrial wastes shall be governed by the provisions of Regulation 26 of this Ordinance.

Rule 19.03. SEWER PERMITS - there shall be five (5) classes of permits requiring various fees, as follows:

- (a) Single Family Residence: \$30.00

- (b) Multiple Dwellings: \$30.00 plus \$2.00 per living unit up to 50 units (all over 50 units at \$1.00 per unit).
- (c) The fees charged for (a) and (b) above allows for one on-site inspection. Any follow-up inspections required will be charged to the applicant at cost.
- (d) Commercial, Industrial, School, Public and Other User Permit: \$30.00 plus \$.25 per ft. over 100 feet of building sewer length.
- (e) Public Sewer Construction Permit: \$30.00 plus an amount equal to 5% of the estimated Construction Cost shall be deposited prior to Commencement of Construction. Actual cost will be charged when the project is approved by the District.
- (f) Sewer Alteration Permit and Trailer Court. \$30.00 - ONE CALL ONLY

Rule 19.04. PLAN CHECK FEES - a plan check fee in the amount of 2% of the estimated construction cost for main extensions and engineering review of subdivisions will be charged when an application for service is filed with the District. Actual Cost will be charged when the application is approved by the Board of Directors.

Rule 19.05. COMPLIANCE WITH PERMIT - after approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the Manager or other authorized representatives.

Rule 19.06. AGREEMENT - the applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications filed with their application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Rule 19.07. ALL WORK TO BE INSPECTED - all sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's community sewer until the work covered by the permit has been completed, inspected and approved by the Inspector. If the test proves satisfactory, the Inspector shall issue a certificate of satisfactory completion.

Rule 19.08. NOTIFICATION - it shall be the duty of the person doing the work authorized by permit to notify the Manager of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

Rule 19.09. CONDEMNED WORK - when any work has been inspected and the work condemned and no certification of satisfactory completion given, the owner of the premises,

or the agent of such owner, shall repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Rule 19.10. ALL COSTS PAID BY OWNER - all costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. Such costs shall include the costs expended by the District for the installation of lateral sewers. These costs are in addition to any other connection permit fee required by this or any other ordinance of the District that provides for connection fees, rates and charges. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Rule 19.11. STREET EXCAVATION PERMIT - a separate permit must be secured from the State, County or any other person having jurisdiction there over by owners or contractors intending to excavate a public street for the purpose of installing sewers or making sewer connections.

Rule 19.12. LIABILITY - the District and its officer, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from, any liability imposed by law upon the District or its officers, agents, or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

Rule 19.13. TIME LIMIT IN PERMITS. If work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

REGULATION 20 - EXTENSION CHARGES

Rule 20.01. GENERAL. In general, those requiring service that requires a main extension to or in front of their property shall pay the entire cost of such service, which in some cases may be partially reimbursable if other parties connect, all as allowed by District Ordinance.

Upon application, the Manager will determine the cost of such extension and arrange for such extension, either by District or outside contract services. Upon approval by the Board, and upon advance of funds by the applicant for such work, the District will cause the work to be performed.

The District shall use, as a guide for the cost of such services, the average cost of initial installation for the District system modified by inflation, depth, paving, and ground conditions as determined by the Manager. If the work is to be accomplished by District

forces, or by outside contract, the estimated cost will be placed on deposit prior to the commencement of work. Any actual difference in cost will either be refunded to the applicant or paid in addition by them prior to use of the main extension.

REGULATION 21 - CONNECTION CHARGES

Rule 21.01. GENERAL. It is hereby found and determined that it is necessary to reimburse the District for money advanced and to establish conditions of equality as to properties, either not assessed or by later occurring facts, deemed to have been under-assessed, during special assessment proceedings conducted by the District for the purpose of constructing sewer mains and facilities to serve properties within the assessment district created therefore when such non-assessed properties are permitted to connect to such sewer mains and facilities.

"Non-assessed properties" include, but are not limited to, portions of larger parcels which, at the time of assessment levy, were expected to continue in residential use by a single family but which are thereafter divided or segregated for separate residential use, either alone or in combination with other property, and may include properties which at the time of assessment levy, were owned by a government entity but which thereafter become privately owned. "Non-assessed properties" also include acreage who's later parceling or subdivision results in a larger number of direct connections to the system than was originally anticipated at the time of assessment, or may also be the result of any "more intensive" use than was contemplated by the original assessment levy.

Rule 21.02. CONNECTION CHARGE. The connection charge provided by this Ordinance shall be computed by the Manager based upon "what the share of the cost of said sewer main and facilities of the connecting property would have been had it been assessed in said proceedings, using the same formula as used in the assessment district for determining the assessment." The basis of the original assessment levy is as follows:

- (a) General area charge (all land within 600 feet of sewer main) = \$180.00 per acre.
- (b) Local area charge (all land within 200 feet of a sewer main) = \$540.00 per acre,
- (c) Unit Charge
 - i. Lateral Charge - 4 inch = \$1,600.00
 - Lateral Charge - 6 inch = \$1,825.00
 - ii. (Local Sewer Availability) Capital Cost/Connection - 4 inch = \$472.00
 - (Local Sewer Availability) Capital Cost/Connection - 6 inch = \$692.00
- (d) Sewer Capacity Fee – If in a sewer service area, a Sewer Capacity fee shall be collected from each applicant requesting a new water service in addition to any processing fees and/or installation charges. The capacity fee is \$8110 per Equivalent Residential Unit (ERU) plus \$472 for a total fee of \$8582. Please note, an additional \$472 related to joint costs (capital cost per connection) is applied only once, not per ERU. Each July 1st, each rate set forth in this subdivision (d) shall be adjusted by the percentage change in the Construction Cost Index for the San Francisco Bay Area as published in the Engineering News Record between July 2017 and the then most recently published Construction Cost Index.

- (e) Development intensity charge - per excess living unit with allowance of one living unit per one-half (1/2) acre of land = \$225.00 per unit.
- (f) Example of application of above described charges- For a one-half (1/2) acre parcel of normal shape that falls entirely within the local and general area with a single dwelling unit constructed thereon, cost would be:

General area charge - \$180.00 x .5 acre =	\$90.00
\$540.00 x .5 acre =	\$270.00
4-inch lateral =	\$1,600.00
(Sewer availability) Capital Cost/Connection=	\$472.00
Capacity charge =	<u>\$8110.00</u>
Subtotal =	\$10,542.00
- (g) Buy in capacity charge - For all lands added to the sewer service area the Manager shall collect the additional charges set forth in the respective Resolution amending the sewer service area in addition to the other charges described above.
- (h) Connection charges do not include paving over trenches as required by Humboldt County Public Works Department. Paving costs are the responsibility of the developer.

Rule 21.03. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.

- (d) For the purposes of this Rule, and in conformance with California Government Code Section 65852.2 and Humboldt County Ordinance Title III, Division I, Chapters 3 and 4, an Accessory Dwelling Unit (ADU) shall be defined as follows: For a unit detached from the Primary Dwelling Unit, an ADU is a detached unit with a total floor area of 1,200 square feet or less. For a unit attached to the Primary Dwelling Unit, an ADU is a unit with a total floor area that does not exceed 50 percent of the floor area of the Primary Dwelling Unit. Any detached Secondary Dwelling in excess of 1,200 square feet or attached Secondary Dwelling Unit over 50 percent of the floor area of the Primary Dwelling Unit shall be charged connection fees as detailed in Rule 21.02.
- (e) An ADU constructed within an existing primary dwelling unit or existing structure shall not be charged any connection fees or charges per Humboldt County Code Section 69.05.4.1.3 unless the ADU was constructed with the Primary Dwelling or unless the connection is requested by the owner or developer and installed. If the ADU is constructed with a new Primary Dwelling, or the owner or developer requests a connection not otherwise required, the fixture count within the ADU and the Primary Dwelling shall be used to establish the ERU and fees for the structure as detailed in Rule 21.02.
- (f) The District may require a newly constructed ADU, not contained within the existing space of the primary residence, to install new water and sewer connections. If new connections are required and installed or are requested by the owner or developer and installed, the connection charges shall correspond to those established in Rule 21.02. If a new, separate ADU is constructed and utilizes the existing water and

sewer connection of the primary residence as approved by the District, no new connection fees or charges will be required by the District.

Rule 21.04. DEVELOPMENT CREDIT - for subdivisions or main extensions wherein the owner constructs all of the local sewers at their own cost for connection to the District's system, a credit for such construction cost to be subtracted from the general connection charge may be made for all except the following:

- (a) The Capital Cost per Connection charge of \$472.00 per unit.
- (b) The intense land development charge of \$225.00 per excess unit.
- (c) The capacity charges.

REGULATION 22 - BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Rule 22.01. PERMIT REQUIRED - in accordance with Regulation 21 of this Ordinance, no person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required therein.

Rule 22.02. DESIGN AND CONSTRUCTION REQUIREMENTS - design and construction of building sewers and lateral sewers shall be in accordance with the rules, regulations and ordinances of the District.

Rule 22.03. MINIMUM SIZE AND SLOPE - the size and slope of the building sewer shall be subject to the approval of the Manager, but in no event shall the diameter be less than three (3) inches. The slope of such 3-inch pipe shall not be less than one-fourth (1/4) inch per foot, except where the grade may require a slope of 1/8-inch per foot, which may be installed only with District approval.

Rule 22.04. BUILDING DRAIN - whenever possible, the building sewer shall be brought to the building at an elevation below the lowest floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe fittings, with clean-outs at each 45-degree bend or more, and in general conformance with the "Uniform Plumbing Code."

Rule 22.05. SEPARATE SEWERS - no two adjacent buildings fronting on the same street (or corner) shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a community sewer if such community sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots. Upon the subsequent subdivision and sale of a portion of said lot, the portion not directly connected with such community sewer shall be

separately so connected with a community sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

Rule 22.06. OLD BUILDING SEWERS - old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Manager, to meet all requirements of the District.

Rule 22.07. CLEANOUTS - cleanouts in building sewers shall be provided in accordance with all applicable rules, regulations and ordinances. All cleanouts shall be maintained watertight. Cleanouts shall comply with the Uniform Plumbing Code.

Rule 22.08. SEWER TOO LOW - in all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the community sewer, sanitary wastewater carried by such building sewer shall be lifted by artificial means, approved by the Manager, and discharged to the community sewer at the expense of the owner. In all buildings in which the floor level is below the elevation of the nearest manhole located upstream from the point at which the lateral sewer intersects the main, a backflow prevention device shall be installed in the building sewer at the expense of the owner.

Rule 22.09. JOINTS AND CONNECTIONS - all excavations required for the installation of a side sewer shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the rules, regulations and ordinances of the District, except that no backfill shall be placed until the work has been inspected.

Rule 22.10. CONNECTION TO PUBLIC SEWER - the connection of the building sewer into the community sewer shall be made in strict accordance with standard District specifications and at the applicant's expense. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the community sewer. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the community sewer shall be made in accordance with the rules, regulations and ordinances of the District. Any work on community sewers and any work on lateral sewers done within a public right of way shall be performed by a duly licensed plumber or contractor under the inspection of the District. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District.

Rule 22.11. PROTECTION OF EXCAVATION - all excavations for side sewer installation shall be adequately guarded by the applicant with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District or any other person having jurisdiction there over.

Rule 22.12. MAINTENANCE OF BUILDING SEWER - building sewers shall be maintained by the owner of the property served thereby. In the event of stoppage, the owner shall be responsible for rodding the entire side sewer. ~~The District will perform all other lateral maintenance.~~

Rule 22.13. TESTING - all building sewers and lateral sewers shall be tested in strict accordance with rules, regulations and ordinances of the District.

REGULATION 23 - COMMUNITY SEWER CONSTRUCTION

Rule 23.01. PERMIT REQUIRED - any person legally entitled to apply for a permit shall make such application on forms provided by the District for that purpose. The application shall be reviewed by the Manager who shall determine if it is complete. Where the Manager deems the application to be complete, the Manager shall set consideration of the application on the agenda of an upcoming Board meeting. Where the Manager deems the application to be incomplete, the applicant shall submit the additional information itemized by the Manager until the Manager deems the application to be complete. Where the County of Humboldt has required the applicant to offer the dedication of property to MCSD as a condition of land use approval, the Manager shall not deem the main extension application to be complete unless the applicant has satisfied the assessment district formation application requirements of Rule 72.01 and Rule 72.02 of Regulation 72 of the District's Rules and Regulations. In accordance with Article IV of this Ordinance, no person shall construct, extend or connect to any community sewer without first obtaining a written permit from the District and paying all fees and furnishing bonds as required therein. The provisions of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

Rule 23.02. PLANS, PROFILES and SPECIFICATIONS - the application for a permit for community sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of District prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the Manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, a permit shall be issued predicated upon the payment of all fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

Rule 23.03. SUBDIVISIONS - the requirements of Rule 23.01 and 23.02 of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for dedication for public trail use of easements and right of ways in which community sewer lines are to be constructed where such use does not significantly threaten a sensitive natural resource and where the access is designated in a public agency adopted access/trail plan. If a final subdivision map of a tract is recorded and the work on constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Manager may extend the

time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub-divider.

Rule 23.04. EASEMENTS OR RIGHTS OF WAY - in the event that an easement is required for the extension of the community sewer or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection, normally 20 feet minimum.

Rule 23.05. PERSONS AUTHORIZED TO PERFORM WORK - only properly licensed contractors shall be authorized to perform the work of community sewer construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor. The requirements of this Section shall apply to side sewers installed concurrently with community sewer construction.

Rule 23.06. GRADE STAKES - grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community sewer construction. The contractor shall be responsible for accurately transferring grades to sewer invert.

Rule 23.07. COMPLIANCE WITH LOCAL REGULATIONS -any person constructing a sewer within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting and protecting trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Rule 23.08. PROTECTION OF EXCAVATION - the applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. The applicant shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the County and District and any other person having jurisdiction there over.

Rule 23.09. DESIGN AND CONSTRUCTION STANDARDS - minimum standards for the design and construction of sewers within the District shall be in accordance with the applicable provisions of the ordinances, rules, and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. The District may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" drawings showing the actual location of all mains, structures, Y's, T's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

Rule 23.10. MAIN EXTENSION - the District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager.

Normally the main shall be extended the same size as terminated or as a minimum eight (8) inch unless a waiver for short dead-end lines is allowed by the Manager, in which case a six (6) inch will be the minimum size required.

In the event the applicant is required to pay for the construction of a main extension across others property frontage where the property is already served by the District, the District may share in the cost of construction for that portion of the main extension, provided it is not a part of the applicant's frontage. The District will share in the cost of construction only where it is the Manager's opinion the applicant cannot reasonably expect a refund as provided in Rule 23 of this Ordinance.

The maximum District contribution toward construction costs will be fifty percent (50%) of the total construction cost, or One Thousand Two Hundred and Fifty Dollars (\$1,250.00), whichever is less.

The District will determine the fair and reasonable value for construction of said facilities.

The District will pay its share of construction costs when all facilities are completed in accordance with the District Standard Specifications and acceptance by the District.

The District will not be a party of any agreement, either verbal or written, by or between the applicant and their contractor.

The provisions of this section do not apply to Rule 6.03 of this Ordinance.

Rule 23.10.1. - when a person applies to connect their property to a main extension previously paid for by another person as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally.

Rule 23.10.2. - when a person applies for an additional or enlarged lateral to property that fronts on a main extension paid for by another owner subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. When such additional or enlarged service is connected within ten years of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the main extension originally.

Rule 23.11. COMPLETION OF SEWER REQUIRED - before acceptance of any sewer line by the District and prior to the admission of any wastewater into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the accepted specifications and to the satisfaction of the Manager. Where the Applicant has applied to form an Open Space Maintenance Zone pursuant to Regulation 72 of the District's Rules and Regulations for the project, the District shall not consider acceptance of the

facilities until the title to the donated property has been transferred and all conditions of the open space maintenance plan approval have been satisfied.

Rule 23.12. ZONES OF SPECIAL BENEFIT - the Board may, by resolution form zones of special benefit where service to a specific geographic area will entail extraordinary operating or maintenance costs that benefit only those properties in that specific geographic area. The resolution establishing each such zone shall describe the extraordinary operating and maintenance requirements, establish the initial annual zone-wide extraordinary operating and maintenance costs, determine the formula for division of annual costs among the properties within the zone, establish a monthly fee for each such property and direct staff to collect fees on the consolidated utility bill. The Board may amend the requirements, costs, formula and monthly fee by subsequent resolution to reflect any changes in the zone or the costs of providing extraordinary services to the zone. Where the Board has added new territory into the Sewer Service area, all lands within each such area shall constitute a zone of special benefit and all such lands shall pay the charges and fees set forth in the resolution adopted by the Board for those lands. Applicants may execute a development agreement compatible with current state law and Board adopted policy in lieu of securing Board Acceptance of works prior to finalization of the subdivision map for the project. Where a development agreement is so executed, MCSD shall not activate sewer service to any portion of the subject property until all required improvements are installed to MCSD's satisfaction.

Rule 23.13. SEWER SERVICE AREA - the Board, by resolution, may establish the boundaries of the sewer service area. The initial resolution shall include all properties that are currently in the Sewer Collection System Assessment District administered by Humboldt County on behalf of the District.

Rule 23.14. EXPANSION OF SEWER SERVICE AREA - the Board, by resolution, may expand the boundaries of the sewer service area where the Board finds that the inclusion area is contiguous to the existing sewer service area; that the inclusion will not result in islands of un-served property; that the applicant has paid all collection system, treatment system and disposal system buy in capacity charges and that the inclusion area is inside the District. Said resolution shall also establish one or more zones of special benefit. Where the area proposed for inclusion requires formation of one or more assessment districts to fund construction of sewer improvements, such assessment districts shall be formed prior to amendment of the sewer service area. The collection, treatment and disposal system buy in capacity charges shall be calculated by computing the existing sewer flow from the property and multiplying that flow times the then current annual buy in charge as set forth in a resolution to be adopted by the Board.

Rule 23.15. APPLICATION TO INCLUDE LANDS INTO SEWER SERVICE AREA -any land owner may apply to the District to include properties in Sewer Service Area by submitting the completed form provided by the District along with a processing fee of \$100.00. Said application shall include a map of the area proposed for inclusion, a legal description of the area proposed for inclusion and a report prepared by a professional engineer projecting the sewer flows resulting from full buildout of the inclusion area, and describing the collection system needed to serve inclusion area full buildout sewer flows.

Rule 23.16. PROCESS FOR CONSIDERATION OF APPLICATION TO INCLUDE LANDS IN SEWER SERVICE AREA - when the Manager receives a complete application, the Manager shall set an agenda item on a subsequent Board agenda for Board consideration of the application. The manager shall submit said application and the Engineer's report along with a staff report projecting the buy in capacity charge for the proposed area. The Board shall review the application, the engineer's report and the Manager's report to determine if an assessment district is required to fund the works required to serve the full buildout of the inclusion area.

If no assessment district is required, the Board may consider adoption of a resolution amending the sewer service area or deny the application. Each such resolution shall establish a Zone of Special Benefit and require the payment of the adopted buy in capacity charge as a condition of adding the inclusion area into the sewer service area. If an assessment district is required, the Board may opt to initiate such an assessment district or deny the application. Should the Board agree to initiate such an assessment district, the Board may require the applicant to pay all legal, engineering, environmental and funding costs associated with the formation of said assessment district.

The Board may consider adoption of a resolution amending the sewer service area only after such an assessment district has been formed. Each such resolution shall establish a Zone of Special Benefit and require the payment of the adopted buy-in capacity charge as a condition of adding the inclusion area into the sewer service area.

Rule 23.17. ADVANCE COSTS AND REFUNDS - when a person applies to connect their property to a main extension previously paid for by others, such applicant shall pay to the District, in addition to all other charges, one half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of the original connection of such extension to the District's system, the District shall, upon receipt of payment from applicant, pay the amount so collected to the person who paid for the extension originally.

REGULATION 24 - USE OF THE PUBLIC SEWERS

Rule 24.01. PROHIBITIONS ON DISCHARGES - no User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. This general prohibition applies to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater containing:

- (a) pollutants which cause a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (b) solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference or injury to the treatment works;

- (c) pollutants which cause a danger to life or safety of personnel;
- (d) pollutants which cause a strong offensive odor or prevention of the effective maintenance or operation of the treatment works;
- (e) pollutants which cause air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- (f) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- (g) pollutants which cause a the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation or treatment process;
- (h) pollutants which cause a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District;
- (i) any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the MCDS's NPDES permit;
- (j) pollutants which cause conditions at or near the District's POTW which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body;
- (k) pollutants which cause the District's POTW to be overloaded or cause excessive collection or treatment costs, or may use a disproportionate share of the facilities;
- (l) pollutants which cause a pass through of any pollutant;
- (m) wastewater having a pH less than 6.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (n) wastewater having a temperature greater than 140 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (o) more than 100 mg/l of oil or grease of animal or vegetable origin;
- (p) more than 25 mg/L Total Petroleum Hydrocarbons (TPH) as diesel, motor oil, hydraulic oil or gasoline;
- (q) petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (r) identifiable chlorinated hydrocarbons;
- (s) trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Rule 24.15 of this ordinance;
- (t) substances which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261;
- (u) medical Wastes, except as specifically authorized by the General Manager in an individual wastewater discharge permit, or a general permit.
- (v) any detectable concentration of 4, 4-DDT.

Rule 24.02. PROHIBITIONS ON STORM DRAINAGE AND GROUND WATER - storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer.

Rule 24.03. PROHIBITIONS ON UNPOLLUTED WATER - unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a community sewer.

Rule 24.04. LIMITATIONS ON RADIOACTIVE WASTES - no person shall discharge or cause to be discharged, any radioactive waste into a community sewer except;

- (a) when the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
- (b) when the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal, and
- (c) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

Rule 24.05. LIMITATIONS ON THE USE OF GARBAGE GRINDERS - waste from garbage grinders shall not be discharged by any nondomestic users into the community sewer.

Rule 24.06. LIMITATIONS ON POINT OF DISCHARGE - no person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he has been issued a permit by the District. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District.

Rule 24.07. HOLDING TANK WASTE - no person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the District. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District. An exception to the above is that no permit will be required for discharge of domestic wastes from recreational vehicles holding tanks provided that such discharges are made into a District approved facility designed to receive such wastes.

Rule 24.08. NATIONAL CATEGORICAL PRETREATMENT STANDARDS - users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- (a) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager may impose an alternate limit in accordance with 40 CFR 403.6(e).
- (b) A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40 CFR 403.15]
 - i. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the MCSD. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraphs a) through d) of this Section are met.
 - a) Criteria
 - 1) Either 1- The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or 2- The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - 2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - 3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - 4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The MCSD may waive this requirement if it finds that no environmental degradation will result.

Rule 24.09. LIMITATIONS ON WASTEWATER STRENGTH (LOCAL LIMITS).

Rule 24.09.01. - the General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following concentrations:

POLLUTANT	DAILY MAXIMUM LIMIT (mg/L)
Copper	0.1300
Lead	0.0055
Molybdenum	0.0047
Nickel	0.0052
Zinc	0.135
bis(2-ethylhexyl) phthalate	0.0235
Oil and Grease (petroleum and vegetable)	100
BOD	354

- (a) The above limits apply at the point where the wastewater is discharged to the POTW and apply to instantaneous maximum concentrations. All concentrations for metallic substances are for total metal unless indicated otherwise. The General Manager may impose mass limitations in addition to the concentration-based limitations above.
- (b) **Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the General Manager or other parties approved by EPA.
- (c) **BMPs.** The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, or general permits, to implement Local Limits and the requirements of Rule 24.
- (d) **Right of Revision.** The MCSD reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.
- (e) **Dilution.** No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

Rule 24.09.02 - the General Manager shall cause to be prepared from time to time a list of the maximum permissible quantities or concentrations of certain constituents in industrial or wastewater flows and otherwise issue detailed directions for meeting the requirements of this section.

Limitations on wastewater strength in Rule 24 of this Ordinance may be supplemented with more stringent limitations provided:

- (a) If the District determines that the limitations in Rule 24 may not be sufficient to protect the operation of the District's treatment works, or
- (b) If the Authority determines that the limitations in Rule 24 may not be sufficient to enable the District's POTW to comply with water quality standards or effluent limitations specified in the District's National Pollutant Discharge Elimination System (NPDES) permit.

Rule 24.10. DISPOSAL OF UNACCEPTABLE WASTE - waste not permitted to be discharged into the community sewer must be transported to a State approved disposal site. The required "Waste Haulers Report" must be completed and a copy furnished within 30 days to the District by the discharger.

Rule 24.11. INTERCEPTORS REQUIRED - grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the Manager and shall be so located as to be readily and easily accessible for cleaning and inspection. All such grease, oil and sand interceptors shall be maintained by the Owner, at their expense, in continuous efficient operation at all times.

Rule 24.11.01. GREASE INTERCEPTORS/TRAPS - establishments serving food, manufacturing food products, Slaughter Houses, Packing Establishments, Car Washes, Auto Wash Racks, etc. are grouped into the following major categories:

- (a) **INDUSTRIAL**-commercial facilities as defined in sections 709 and 710 of the Uniform Plumbing Code, and those facilities designated by the General Manager.
- (b) **HIGH VOLUME**-full menu types establishments operating over 16 hours per day and/or serving 500 or more meals per day.
- (c) **MEDIUM VOLUME**-full menu or specialty menu type establishments serving full meals 8 to 16 hours per day, and/or 100 to 400 meals per day.
- (d) **SMALL VOLUME**-fast foot, take out or specialty type food establishments with limited menus, a minimum of dish washing, and/or minimal seating capacity.

Rule 24.11.02. GREASE INTERCEPTORS - industrial facilities, High Volume and Medium Volume food establishments as defined in Section 709 are required to install a grease interceptor. The size, type and location of each grease interceptor shall be approved by the General Manager or his designated representative. Waste in excess of 140°F (60°C) shall not be discharged into a grease interceptor. Grease interceptors shall have a minimum 750-gallon capacity.

Any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take-out, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotels, markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system shall have a grease interceptor.

Interceptors shall be constructed and installed at the expense of the owner, in accordance with the design previously approved by the General Manager.

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Proper location of the grease interceptor shall meet the Uniform Plumbing Code Requirements and the approval of the General Manager.

Each commercial facility or business establishment for which a grease interceptor is required shall have an interceptor which shall serve only that business establishment.

Buildings remodeled for use requiring interceptors shall be subject to these regulations.

For the purpose of this section the term 'fixture' shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease interceptor by any provision of this section.

Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the interceptor when approved by the General Manager. Exception: Toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.

The interceptors shall be maintained in efficient operating condition by periodic removal and proper disposal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private sewer.

Abandoned grease interceptors shall be emptied and filled in the same manner as required for abandoned septic tanks as described in Section 1119 of the Uniform Plumbing Code.

The cover for grease interceptors shall be one-half inch (1/2") steel plate reinforced as required by the General Manager, said reinforcing to depend upon the load to be imposed on the plate. Except as otherwise provided, the cover shall be gas-tight on all interceptors and the waste shall enter the interceptor through the inlet pipe only. Interceptors shall be so designed that they will not become air bound if closed covers are used. Each interceptor shall be properly vented, Sec 708(d) UPC.

Interceptors shall be installed in such a manner that drainage from areas outside the area intended to be served may not enter. Interceptors shall be tested in a manner approved by the District and shall be witnessed by a District Inspector. Grade rings may be used to establish final grade and shall be installed using Ram-Nek and Ram-Nek primer, and inspected by the District.

Rule 24.11.03. GREASE TRAPS - any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take-out, drive-in eating establishments,

ice cream or milk drive-in stations, hospitals, hotels markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system which is deemed by the General Manager or his designated representative to be a Small Volume food establishment as described in Section 24.11.01 may choose to install a grease trap in place of a grease interceptor.

The size, type and location of each grease trap shall be approved by the General Manager or his designated representative. Wastes in excess of 140° F (60°C) shall not be discharged into a grease trap.

For the purpose of this section, the term “fixture” shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease trap by any provision of this section.

Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the grease trap when approved by the General Manager. Exception: Toilets, urinals, and other fixtures containing fecal material may not flow through the grease trap.

No grease trap shall be installed which has an approval rate of flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except with prior written approval of the General Manager.

Each plumbing fixture or piece of equipment connected to a grease trap shall be provided with an approved type flow control or restricting device installed in a readily accessible and visible location in the tailpiece or drain outlet of each such fixture. Flow control devices shall be so designed that the flow through such device or devices shall at no time be greater than the rated capacity of the grease trap. No flow control device having adjustable or removable parts shall be approved.

Each grease trap required by this section shall have an approved rate of flow, expressed in gallons per minutes, which is not less than forty (40) percent of the total capacity in gallons of fixtures discharging into said trap. The grease retention capacity of the trap, expressed in pounds of grease, shall not be less than two times the approved rate of flow in gallons per minute.

Any grease trap installed with the inlet more than four (4) feet lower in elevation than the outlet of any fixture discharging into such grease trap shall have an approved rate of flow which is not less than fifty (50) percent greater than that given in the preceding paragraph. Not more than four (4) separate fixtures shall be connected to or discharged into any one (1) grease trap.

Each fixture discharging into grease trap shall be individually trapped and vented in an approved manner. An approved type grease trap may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease trap does not exceed four (4) feet and the vertical tailpipe or drain does not exceed two and one-half (2 ½) feet.

No water-jacketed grease trap or grease interceptor shall be approved or installed. No mechanical grease trap shall be allowed.

Each grease trap shall have an approved water seal of not less than two (2) inches in depth or the diameter of its outlet, whichever is greater.

Rule 24.11.04. TIME OF COMPLIANCE - all commercial facilities and food establishments described in Division VII shall be required to install a sand and/or grease interceptor or grease trap within the sixty (60) day period after the first occurrence of any of the following events:

- (a) Transfer of any ownership or interest in the commercial facility;
- (b) The issuance by the County of any building permit for the construction, reconstruction or related work to be performed on the premises costing more than \$5,000;
- (c) The backup or discharge of raw sewage on or from the premises due to grease build up in their service lateral;
- (d) Or ninety (90) days after receiving written notice from the General Manager of the necessity for installation of such facilities.

Rule 24.11.05. MONITORING AND REPORTING - all establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property owner and records kept at the site for inspection by the District. Maintenance will vary depending upon the size of the unit and grease loading. The property owner or proprietor shall send a copy of the maintenance records to the District annually from the time of installation or some other agreed upon date by the District. At no time shall the unit be allowed to become clogged with grease so as to create damage to the District collection or treatment facilities. The Proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to District personnel upon request.

Rule 24.12. PRELIMINARY TREATMENT OF WASTES - users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Rule 24 of this ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review, and shall be acceptable to the General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to District under the provisions of this ordinance.

Rule 24.13. MAINTENANCE OF PRETREATMENT FACILITIES - users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Rule 24 of this ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review, and shall be acceptable to the General Manager before such facilities are constructed.

The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the MCSD under the provisions of this ordinance.

Rule 24.14. AVAILABILITY OF DISTRICT FACILITIES - if sewerage capacity is not available, the District may require the discharger to restrict their discharge until sufficient capacity can be made available. When requested, the District will advise persons desiring to locate new facilities as to the areas where wastewater of their proposed quantity and quality can be received by available sewerage facilities. The District may refuse service to persons locating facilities in areas where their proposed quantity or quality of wastewater is unacceptable in the available collection facility.

Rule 24.15. HAULED WASTEWATER -

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate Rule 24 of this ordinance or any other requirements established by the MCSD. The General Manager may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.
- (b) The General Manager may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The General Manager may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The General Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- (c) Industrial waste haulers may discharge loads only at locations designated by the General Manager. No load may be discharged without prior consent of the General Manager. The General Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The General Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Rule 24.16. ADDITIONAL PRETREATMENT MEASURES -

- (a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the General Manager, shall comply with the MCSD's Oil and Grease Management ordinance Rule 24.11 and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the MCSD's Oil and Grease Management ordinance Rule 24.11 by the User at their expense.

Rule 24.17. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS - the General Manager may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the General Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the General Manager of any accidental or Slug Discharge, as required by Rule 26.07 of this ordinance; and
- (d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

REGULATION 25 - WASTEWATER VOLUME DETERMINATION

Rule 25.01. METERED WATER SUPPLY - when charges and fees are based upon water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged into a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District.

Rule 25.02. METERED WASTEWATER VOLUME AND METERED DIVERSIONS - when charges and fees are based upon water usage and where, in the opinion of the District, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the District, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters shall measure either the amount of wastewater discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Manager.

Wastewater meters and vaults shall be approved by the District. They must be accurate, trouble free and allow easy access at any time, by District personnel for inspection, measurement or waste character and strength.

Rule 25.03. ESTIMATED WASTEWATER VOLUME.

Rule 25.03.1. - for users where, in the opinion of the District, it is unnecessary or impractical to install meters the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the District. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such determinations of water use necessary to estimate the wastewater volume discharged.

Rule 25.03.2. - for users who, in the opinion of the District, divert a significant portion of their flow from a community sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the District provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

REGULATION 26 - REPORT, WASTEWATER DISCHARGE PERMITS, AND ADMINISTRATION

Rule 26.01. DISCHARGE REPORTS - the District may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the District may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports and other reports contained in Rule 26.02 through 26.10.

Rule 26.02. BASELINE MONITORING REPORTS -

- (a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph (b), below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (b) Users described above shall submit the information set forth below.
- i. All information required in Rule 26.11.02(a), Rule 26.11.02 (g), Rule 26.11.02 (k), and Rule 26.11.02 (l).
 - ii. Measurement of pollutants.
 - a) The User shall provide the information required in Rule 26.11.02 (m) (i) through (v).
 - b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d) Sampling and analysis shall be performed in accordance with Rule 24.09.01 (b) and Rule 26.10.03;
 - e) The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - f) The baseline report shall indicate the time, method, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (c) **Compliance Certification.** A statement, reviewed by the User's Authorized Representative as defined in Section 1 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (d) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Rule 26.03 of this ordinance.
- (e) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Rule 26.10.02 (a) of this ordinance and signed by an Authorized Representative as defined in Section 1.

Rule 26.03. COMPLIANCE SCHEDULE PROGRESS REPORTS - the following conditions shall apply to the compliance schedule required by Rule 26.02 (d) of this ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months; and
- (c) The User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

Rule 26.04. REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE - within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Rule 26.11.02(l) and Rule 26.11.02(m) and Rule 26.02 (b)(ii) of this ordinance. All compliance reports must be signed and certified in accordance with Rule 26.10.02(a) of this ordinance. All sampling will be done in conformance with Rule 26.10.03.

Rule 26.05. PERIODIC COMPLIANCE REPORTS -

- (a) Any Significant Industrial User subject to a pretreatment standard must, at a frequency determined by the General Manager, submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Rule 26.10.02 (a) of this ordinance.
- (b) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

Rule 26.06. REPORTS OF CHANGED CONDITIONS - each User must notify the General Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least (45) days before the change.

- (a) The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Rule 26.11.02 of this ordinance.
- (b) The General Manager may issue an individual wastewater discharge permit or a general permit under Rule 26.11.09 of this ordinance or modify an existing wastewater discharge permit or a general permit under Rule 26.11.07 of this ordinance in response to changed conditions or anticipated changed conditions.

Rule 26.07. REPORTS OF POTENTIAL PROBLEMS -

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

Rule 26.08. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING - if sampling performed by a User indicates a violation, the User must notify the General Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the MCSD performs sampling at the User's facility at least once a month, or if the MCSD performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the MCSD receives the results of this sampling, or if the MCSD has performed the sampling and analysis in lieu of the Industrial User.

Rule 26.09. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE -

- (a) Any User who accidentally discharges hazardous waste shall notify the General Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the General Manager of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Discharge of hazardous waste is prohibited under Rule **24.01 (t)** of this ordinance.

Rule 26.10. OTHER REPORTING REQUIREMENTS -

- (a) All periodic compliance reports must be signed and certified in accordance with Rule 26.10.02 (a) of this ordinance.
- (b) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in Rule 26.10.03 of this ordinance, the results of this monitoring shall be included in the report.

Rule 26.10.01. RECORDKEEPING - users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Rule 24.09.01 (c). Records shall include the date, exact place, method, and time of sampling, and the name of the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the MCSD, or where the User has been specifically notified of a longer retention period by the General Manager.

Rule 26.10.02. CERTIFICATION STATEMENTS -

- (a) **CERTIFICATION OF PERMIT APPLICATIONS, USER REPORTS** — The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Rule 26.11.03; Users submitting baseline monitoring reports under Rule 26.02 (e) [Note: See 40 CFR 403.12 (l)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Rule 26.04 [Note: See 40 CFR 403.12(d)]; and Users submitting periodic compliance reports required by Rule 26.05. The following certification statement must be signed by an Authorized Representative as defined in Section 1:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(b) ANNUAL CERTIFICATION FOR NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USERS—A facility determined to be a Non-Significant Categorical Industrial User (defined in Rule 1) by the General Manager pursuant Rule 26.11.03 (c) [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements of authorized or duly authorized representative (defined in Rule 1) [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report required by the General Manager.

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Rule 1.64 (c); [Note: See 40 CFR 403.3(v)(2)]

(2) The facility complied with all applicable Pretreatment Standards and during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information.

Rule 26.10.03. SAMPLE COLLECTION - samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in Section (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the MCSD, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the MCSD, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Rule 26.02 and Rule 26.04 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by Rule 26.05 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Rule 26.11. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMITS

Rule 26.11.01. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REQUIREMENT - no Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the General Manager, except that a Significant Industrial User that has filed a timely application pursuant to Rule 26.11.01(a) of this ordinance may continue to discharge for the time period specified therein.

The General Manager may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.

Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Rule 29 and 30 of this ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

A Zero Discharge Permit may be issued to industrial users generating process wastewaters who would normally be subject to either Rule 26 of this ordinance or subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40CFR Chapter I, Subpart N but are not discharging said wastestream(s) to the system. Zero Discharge Permit holders are subject to all applicable regulations under local, state, or federal laws. Pursuant to Rule 24 of this ordinance, a statement of zero discharge must be submitted to the District annually.

(a) **Individual Wastewater Discharge and General Permitting: Existing Connections.** Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within (45) days after said date, apply to the General Manager for an individual wastewater discharge permit or a general permit in accordance with Rule 26.11.02 of this ordinance, and shall not cause or allow discharges to the POTW to continue after (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or a general permit issued by the General Manager.

(b) Individual Wastewater Discharge and General Permitting: New Connections.

Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Rule 26.11.02 of this ordinance, must be filed at least (45) days prior to the date upon which any discharge will begin or recommence.

Rule 26.11.02. PERMIT APPLICATION CONTENTS - applicants for an Individual or General Wastewater Discharge Permit shall complete an application, in the form prescribed by the District. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) The name and address of the facility, including the name of the operator and owner, and the SIC code.;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Rules 24 as determined by a laboratory approved by the District;
- (d) Time and duration of discharge;
- (e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (g) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes and types of materials which are or could be discharged;
- (h) Each product produced by type, amount, and rate of production;
- (i) Number and type of employees, and hours of work;
- (j) Any other information as may be deemed by the District to be necessary to evaluate the permit application.
- (k) **Environmental Permits.** A list of any environmental control permits held by or for the facility.
- (l) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Rule 24.08 (a) (40 CFR 403.6(e)).
- (m) **Measurement of Pollutants.**
 - i. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the General Manager, of regulated pollutants in the discharge from each regulated process.
 - iii. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

- iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Rule 24.09.01 (b) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.
- v. Sampling must be performed in accordance with procedures set out in Section Rule 26.10.03 of this ordinance.

Rule 26.11.03. APPLICATION SIGNATORIES AND CERTIFICATIONS -

- (a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Rule 26.10.02(a).
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the General Manager prior to or together with any reports to be signed by an Authorized Representative.
- (c) A facility determined to be a Non-Significant Categorical Industrial User (defined in Rule 1 under Significant Categorical Industrial User) by the General Manager must annually submit the signed certification statement in Rule 26.10.02(b) [Note: See 40 CFR 403.3(v)(2)]

Rule 26.11.04. PERMIT ISSUANCE PROCESS -

The General Manager will evaluate the data furnished by the User in Rule 26.11.02 and may require additional information. Within (45) days of receipt of a complete permit application, including additional information requested, the General Manager will determine whether or not to issue an individual wastewater discharge permit or a general permit. If no determination is made within the time period, the application will be deemed denied. The General Manager may deny any application for an individual wastewater discharge permit or a general permit.

Rule 26.11.05. WASTEWATER DISCHARGE PERMITTING: GENERAL PERMIT -

- (a) At the discretion of the General Manager, the General Manager may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - i. Involve the same or substantially similar types of operations;
 - ii. Discharge the same types of wastes;
 - iii. Require the same effluent limitations;
 - iv. Require the same or similar monitoring; and
 - v. In the opinion of the General Manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- (b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit.

- (c) The General Manager will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Rule 26.11.06 (a) (i) through (v) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. [Note: See 40 CFR 403.8(f)(1)(iii)(A)(1) through (5).]
- (d) The General Manager may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula Rule 24.08 (a) or Net/Gross calculations Rule 24.08 (b). [Note: See 40 CFR 403.6(e) and 40 CFR 403.15]

Rule 26.11.06. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT CONTENTS - an individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual wastewater discharge permits and general permits must contain:

- i. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- ii. A statement that the wastewater discharge permit is nontransferable in accordance with Rule 26.11.11 of this ordinance;
- iii. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- iv. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- v. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- vi. Requirements to control Slug Discharge, if determined by the General Manager to be necessary.

(b) Individual wastewater discharge permits and general permits may contain:

- i. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- ii. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- iii. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

- iv. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- v. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- vi. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- vii. A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and
- viii. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

Rule 26.11.07. PERMIT MODIFICATION -

- (a) The General Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - i. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - ii. To address significant alterations or additions to the User’s operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - iii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iv. Information indicating that the permitted discharge poses a threat to the MCS D’s POTW, MCS D personnel, or the receiving waters;
 - v. Violation of any terms or conditions of the individual wastewater discharge permit;
 - vi. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - vii. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13; or
 - viii. To correct typographical or other errors in the individual wastewater discharge permit.
- (b) The General Manager may modify a general permit for good cause, including, but not limited to, the following reasons:
 - i. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - ii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iii. To correct typographical or other errors in the individual wastewater discharge permit.

Rule 26.11.08. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REVOCATION - the General Manager may revoke an individual wastewater

discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the General Manager of changed conditions pursuant to Rule 26.06 of this ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the General Manager timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this ordinance.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that User.

Rule 26.11.09. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REISSUANCE - a User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Rule 26.11.02 of this ordinance, a minimum of (45) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

Rule 26.11.10. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT DURATION - permit Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire. The terms and conditions of the Permit may be subject to modification and change by the District during the life of the Permit as limitations or requirements as identified in Rule 24 are modified and changed. The user shall be informed of any proposed changes in his Permit at least (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Any user proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the District at least forty-five (45) days prior to the proposed change or connection.

Rule 26.11.11. - wastewater Discharge Permits are issued to a specific user for a specific operation. Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Rule 26.12. MONITORING FACILITIES - users who propose to discharge, or who in the judgment of the District could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premise will be required to install a monitoring facility. When more than one user can discharge into a common building sewer, the District may require installation of a separate monitoring facility for each user. Also when, in the judgment of the District, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the District may require that separate monitoring facilities be installed for each separate discharge.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the district, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The District may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for the District personnel, such as a gate secured with a District lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

When constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable local agency construction standards and specifications.

When, in the judgment of the District, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within (90) days following written notification unless a time extension is otherwise granted by the District.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the District and/or other duly authorized employees of the District may reasonably require, including installation, use, and maintenance of monitoring equipment and records to the District. Such records shall be made available upon request by the District and to other Agencies having jurisdiction over discharges to the receiving waters.

Rule 26.13. INSPECTION AND SAMPLING - the District may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in

the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

Rule 26.14. PRETREATMENT -users shall make wastewater acceptable under the limitations established herein before discharging into any community sewer. Any facilities required to pre-treat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved by the District before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the District.

Rule 26.15. PROTECTION FROM ACCIDENTAL DISCHARGE - each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Ordinance.

Rule 26.16. CONFIDENTIAL INFORMATION - all information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restrictions unless the user specifically requests and is able to demonstrate, to the satisfaction of the District, that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless prior and adequate notification is given to the user.

Rule 26.17. SPECIAL AGREEMENT - special agreements and arrangements between the District and any persons or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions.

Rule 26.18. PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE - the General Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the MCSD, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Rule 24; [see 40 CFR 403.3(l)]
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Rule 24 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by Rule 24 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the General Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or the environment, or has resulted in the General Manager's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

REGULATION 27 - WASTEWATER CHARGES AND FEES

Rule 27.01. CLASSIFICATION OF USERS - all users are to be classified either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the District's cost.

Rule 27.02. TYPES OF CHARGES AND FEES - the charges and fees established in the District's schedules of charges and fees, may include, but not be limited to:

- (a) user classification charges;
- (b) fees for monitoring;
- (c) fees for permit applications;
- (d) appeal fees;
- (e) connection fees or assessments;
- (f) service charges;
- (g) penalties or special cost recovery charges;
- (h) charges and fees based on wastewater constituents flows and characteristics to include industrial cost recovery provisions of the Federal Act;

Rule 27.03. BASIS FOR DETERMINATION OF CHARGES - charges and fees established for each user or user classification, including permit users, shall be based on measured or estimated constituents and characteristics of the wastewater discharge of each user or user classification, which may include, but not be limited to, BOD, COD, SS, oil and grease, chlorine demand, volume, and rate of flow.

Unless otherwise specified, the charges and fees for each user or user classification shall be computed on the basis of the characteristics of wastewater from a domestic premise and relative difficulty to transport and treat.

Rule 27.04. SEWER CHARGE - the monthly charge for sewer service shall be calculated by adding a fixed charge per bill (or per dwelling unit for residential customers) to a variable charge per HCF of water consumed. No residential customer shall be charged for in excess of 12 HCF of water consumption in a month, regardless of the actual amount of water consumed. The rates shall be as follows:

Description					
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Monthly Base Charge					
All Customers	\$ 35.69	\$ 37.12	\$ 38.98	\$ 40.93	\$ 42.98
Volumetric per 100 CF					
Two Sewer Units/commercial	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Apartment/ Multi Unit (ea)	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Bakery	\$ 4.25	\$ 4.42	\$ 4.64	\$ 4.87	\$ 5.11
Barber/Beauty Shop	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Car Wash	\$ 2.91	\$ 0.75	\$ 0.78	\$ 0.82	\$ 0.86
Church & Residences	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Churches	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Coast Guard Station/Airport	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Dialysis Clinic	\$ 3.08	\$ 3.20	\$ 3.36	\$ 3.52	\$ 3.70
Fire Station/School	\$ 2.97	\$ 2.21	\$ 2.32	\$ 2.43	\$ 2.56
Gas Stations (no Market)	\$ 3.19	\$ 3.22	\$ 3.38	\$ 3.54	\$ 3.72
Laundromats	\$ 3.00	\$ 2.57	\$ 2.69	\$ 2.83	\$ 2.97
Market	\$ 4.26	\$ 4.43	\$ 4.64	\$ 4.88	\$ 5.12
Metered Septage Vault	\$ 3.55	\$ 3.64	\$ 3.82	\$ 4.01	\$ 4.21
Mobile Homes (ea)	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Motels/Hotels	\$ 3.79	\$ 3.94	\$ 4.13	\$ 4.34	\$ 4.56
Office Building/Post Office	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Restaurant/Tavern	\$ 4.25	\$ 4.42	\$ 4.64	\$ 4.87	\$ 5.11
Retail/Banks/Theater/Other	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Round Table/Market	\$ 4.03	\$ 4.18	\$ 4.39	\$ 4.60	\$ W4.84
Sewer Only Accounts	\$ -	\$ -	\$ -	\$ -	\$ -
Sewer Units - Commercial	\$ 3.19	\$ 3.22	\$ 3.38	\$ 3.54	\$ 3.72
Singl Family Residential	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Two Sewer Units/Business	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Two Sewer Units/Daycare	\$ 3.13	\$ 3.25	\$ 3.41	\$ 3.58	\$ 3.76
Brewery	\$ 11.20	\$ 11.63	\$ 12.20	\$ 12.81	\$ 13.45

“SEWER CHARGE REVENUES SHALL BE USED TO FUND COSTS OF PROVIDING SEWER SERVICE AND FOR NO OTHER PURPOSE”.

Rule 27.05. EXTRAORDINARY CHARGES - the Board of Directors reserves the right to set special sewer service charges where, in the opinion of the Manager, a waste discharge strength and loading does not fit into existing rate schedules.

Rule 27.06. RELIEF FROM UNJUST RATES - the owner or occupants of any premises who by reason of special circumstances finds that the foregoing rates are unjust or inequitable as applied to their premises, may make written application to the Board, stating

the circumstances and requesting a different basis of charges for sewer services to their premises. If such application be approved, the board may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during the period of such special circumstances. The Board may on its own motion find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises and may by resolution fix and establish fair and equitable rates for such premises during the period of such special circumstances, or any part thereof.

Rule 27.07. WAIVER OF SEWER SERVICE CHARGES - if a living unit is to be totally unoccupied for a minimum period of ~~thirty-sixty~~ (30/60) days and water service is terminated; the sewer charge may be waived for that living unit for such period if the Manager determines that the sewer will not be used for such period. The service will automatically be reinstated either when the water service is reinstated by the customer or in 30 days after the 60-day waiver period ends, unless the Customer requests a continued waiver of sewer charges at the end of each 30-day period.

Waiver of sewer charges for sewer units on the same water meter can be eligible for a waiver of the sewer charge if the unit(s) is vacant for a minimum of 60 days. The service will automatically be reinstated in 30 days after the 60-day waiver period ends, unless the Customer certifies that the unit remains unoccupied and requests a continued waiver of sewer charges at the end of each subsequent 30-day period. If it is determined that the sewer has been used at any point during the waiver period, the District reserves the right to charge the Customer for all fees waived to date. All future waiver applications for the same unit will also be denied.

-Waiver of sewer charges for sewer-only accounts requires that the account be placed in the name of the property owner. Future connections of sewer only customers may not be in the name of a property renter. ~~Additional sewer units on the same meter can be eligible for a waiver of the sewer charge if the unit(s) is vacant for a minimum of 30 days.~~ The waiver of sewer charges for sewer only accounts will follow the same procedures as detailed in the paragraph above.

Rule 27.08. LATE NOTICE AND TERMINATION NOTICE FEES - the District shall charge \$0.60 (sixty cents) in addition to any other charges for each notice mailed to the customer advising the customer that a payment has not been received by the District within the 15-day payment period. The District will charge \$2.50 (two dollars and fifty cents) in addition to any other charges for each notice mailed to the customer notifying the customer that service will be terminated if payment is not received.

Rule 27.09. PRETREATMENT CHARGES AND FEES - the District may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the District's pretreatment program. All fees will be based on actual time and materials plus 20% for indirect costs. Charges and fees may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications.

- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.
- (c) Fees for reviewing and responding to accidental discharge procedures and construction.
- (d) Fees for filing appeals.
- (e) Other fees as the District may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by Regulation 26 and are separate from all other fees, fines, and penalties chargeable by the District.
- (f) Additional pretreatment fees for the establishment of the pretreatment program will be applied to commercial sewer users with wastewater discharge permits from 2012 through 2017 as indicated below:

Additional Pretreatment Charges 2012-2017

<u>Sewer User Classification</u>	<u>Monthly Charge</u>
Significant Industrial User	\$11.91
Other Industrial Users with Wastewater Discharge Permits	\$3.97.

The additional pretreatment charges are in addition to all other applicable sewer use charges and pretreatment fees specified in MCSD Rule 27.09 Section (a) through (e). Beginning in 2018 the additional pretreatment fees will be eliminated and the pretreatment fees specified in MCSD Rule 27.09 Section (a) through (e) will remain in force.

REGULATION 28 - BILLING AND COLLECTING

Rule 28.01. BILLING - the regular billing period will be for each calendar month, or bi-monthly, as determined by the Board.

Rule 28.02. OPENING AND CLOSING BILLS - opening and closing bills for less than the normal billing period shall be prorated on a daily use or water used basis.

Rule 28.03. BILLING TIME - bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

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 known customer address. Customers may appeal said submittal by filing an appeal as provided for in Rule 65.01.

Rule 28.05. COLLECTION BY SUIT - as an alternative to any of the other procedures herein provided, the District may collect said unpaid charges by suit, in which event it shall also have judgment for the cost of suit and reasonable attorney's fees.

Rule 28.06. OTHER UTILITY CHARGES - the District will provide for the collection of its sewer service charges with the rates for the services of the water system or other utility service furnished. The sewer service charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Rule 28.07. DISCONTINUING SERVICE - if all or any part of the bill on which any sewer service charge is collected is not paid, the District may discontinue its water or utility service until such bill is paid.

Rule 28.08. BILLING AND COLLECTING DELINQUENCIES ON TAX ROLL - the District may provide for the collection of all such delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll which District taxes are collected and in the same manner provided by law therefore.

Rule 28.09. OTHER REMEDIES - the District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternately or collectively as the District determines.

Rule 28.10. PROCEDURE - when the District elects to use the tax roll on which general taxes are collected for the collection of current and delinquent sewer service charges, proceedings therefore shall be had as now or hereafter provided therefore in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

Rule 28.11. ALTERNATIVE - the powers authorized by this Article shall be an alternative to all other powers of the District and an alternative to procedures adopted by the Board thereof for the collection of such charges.

Rule 28.12. REPORT - a written report shall be prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this Ordinance.

Rule 28.13. NOTICE - the clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in a newspaper of general circulation, printed and published in the general area. Prior to such hearing for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such charges for the forthcoming

fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any part of parcel of real property described in the report is assessed in the last equalized assessment roll on which general taxes are collected, at the address shown on said roll or as known to the clerk.

Rule 28.14. HEARING - at the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

Rule 28.15. FINAL DETERMINATION OF CHARGES - upon the conclusion of the hearing on the report, the board will adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.

Rule 28.16. FILING OF REPORT WITH COUNTY AUDITOR - on or before the 10th day of August in each year following the final determination of the board, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon over the Clerk's signature that it has been finally adopted by the Board of the District, and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

Rule 28.17. PARCELS OUTSIDE THE DISTRICT - where any such parcels are outside the boundaries of the District, they shall be added to the assessment roll of the entity for the purpose of collecting such charges.

Rule 28.18. PARCELS NOT ON ROLL - if the property is not described on the roll, the Auditor shall enter the description thereon together with the amounts of the charges, as shown on the report.

Rule 28.19. LIEN - the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

Rule 28.20. TAX BILL - thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

Rule 28.21. 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 such charges.

Rule 28.22. COMPENSATION OF COUNTY - the tax collector may, issue separate bills for such charges and separate receipts for collection on account of such charges. The

county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the District in an amount to be fixed by agreement between the Board of Supervisors and the District. The compensation shall not exceed one percent (1%) of all money collected. The compensation shall be paid into the County fund.

Rule 28.23. USE OF REVENUES - revenues derived under this Ordinance shall be used only for the acquisition, construction, or reconstruction, maintenance and operation of sanitation or sewerage facilities of the District and to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities and to repay federal, state, county or other loans or advances made to the District for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

Rule 28.24. DISCONNECTION - as an alternative method of collecting such charges, the District may disconnect any premises from the water and sewer system if the user fails to pay the service charges for their premises after they shall have become delinquent. The person in charge of the sewer system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and the premises are reconnected to the sewer system, the person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Rule 28.25. ABATEMENT - during the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorneys' fees and costs of suit arising in said action.

Rule 28.26. SHORT-TERM PROCESSING FEE - a property owner may set up a short-term sewer account to secure District sewer service at an existing lateral for up to fifteen days by paying a non-refundable fee of \$15.00 (fifteen dollars). The property owner may extend the time period for additional fifteen days by paying an additional non-refundable fee of \$15.00 (fifteen dollars).

REGULATION 29 - ENFORCEMENT

Rule 29.01. ACCIDENTAL DISCHARGES -

Rule 29.01.1. - users shall notify the District immediately upon accidentally discharging wastes in violations of this Ordinance to enable countermeasures to be taken by

the District to minimize damage to the community sewer, treatment facility, treatment processes, the receiving waters, and the public in general.

The notification shall be followed, within fifteen (15) business days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed.

Rule 29.01.2. - In order that employees of users are informed of District requirements, users shall make available to their employees copies of this Ordinance together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge or spill in violation of this Ordinance.

Rule 29.01.3. - Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system would be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

Rule 29.02. NOTICE OF VIOLATION - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may serve upon that User a written Notice of Violation. Within (5) business days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the General Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the General Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Rule 29.03. CONSENT ORDERS - the General Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Rule 29.04 and Rule 29.06 of this ordinance and shall be judicially enforceable.

Rule 29.04. COMPLIANCE ORDERS - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may

be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Rule 29.05. ADMINISTRATIVE FINES -

- (a) When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, General Manager may fine such User in an amount not to exceed one hundred dollars (\$100.00) for each and every violation committed. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid charges, fines, and penalties shall, after (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one-half of one percent (0.5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties as authorized by California Government Code section 61621.
- (c) Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within (30) days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User authorized under these regulations or by California law, including the District's right(s) to abate any violations by the User under these regulations and/or seeking recovery of all damages sustained by the District as a result of any such violation(s).

Rule 29.06. ISSUANCE OF CEASE AND DESIST ORDERS - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or

terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Rule 29.07. EMERGENCY SUSPENSIONS - the General Manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The General Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Rule 29.08 of this ordinance are initiated against the User.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

Rule 29.08. TERMINATION OF DISCHARGE - in addition to the provisions in Rule 26.11.08 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation of individual wastewater discharge permit or general permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the Pretreatment Standards in Rule 24 of this ordinance.

Such User will be notified of the proposed termination of its discharge. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

Rule 29.09. APPEALS - any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the General Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the General Manager, a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the subsequent ruling made by the General Manager is unsatisfactory to the person requesting reconsideration, they may, within (10) days after notification of the District action, file a written appeal to the Board. The written appeal shall be heard by the governing

body within thirty (30) days from the date of filing. The District's governing body shall make a final ruling on the appeal within fifteen (15) days of the closing of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Rule 29.10. REMEDIES NON-EXCLUSIVE - the remedies provided for in this ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with Districts enforcement response plan. However, the General Manager may take other action against any User when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant User.

Rule 29.11. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS -

Rule 29.11.1. UPSET -

- (a) Unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.
- (c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and the User can identify the cause(s) of the upset;
 - ii. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - iii. The User has submitted the following information to the General Manager within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - a) A description of the indirect discharge and cause of noncompliance;
 - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Rule 29.11.2. BYPASS -

- (a) For the purposes of this Section,
- i. Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
 - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.
- (c) Bypass Notifications
- i. If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.
 - ii. A User shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (d) Bypass
- i. Bypass is prohibited, and the General Manager may take an enforcement action against a User for a bypass, unless
 - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- c) The User submitted notices as required under paragraph (c) of this section.
- ii. The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph (d)(i) of this Section.

REGULATION 30 - ABATEMENT

Rule 30.01. PUBLIC NUISANCE -discharges of Wastewater in any manner in violation of this Ordinance or of any order issued by the General Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any person creating a public nuisance shall be subject to provisions of District codes or ordinances, rules and/or regulations governing such nuisance.

Rule 30.02. INJUNCTIVE RELIEF - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the User. The District may also pursue any other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the User authorized under these regulations or by California law.

Rule 30.03. DAMAGE TO FACILITIES - when a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's sewer service charge.

Rule 30.04. CORRECTION OF VIOLATIONS; COLLECTION OF COSTS; INJUNCTION - in order to enforce the provisions of this ordinance, the District may correct any violations hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the Ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges under California law.

Rule 30.05. CIVIL PENALTIES -

- (a) A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the MCSD for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation,

per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (b) The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the MCSD.
- (c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User authorized under these regulations or by California law.

Rule 30.06. CRIMINAL PROSECUTION -

- (a) A User who violates any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) per violation, per day, or imprisonment for not more than one (1) year, or both.
- (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and may be subject to a penalty of at least one thousand dollars (\$1,000.00) per violation, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available to the District under California law, and the District shall be entitled to recover damages in the amount(s) actually sustained.
- (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars per violation, per day, or imprisonment for not more than one (1) year, or both.

REGULATION 31 - WASTEWATER CAPITAL RESERVE FUND

Rule 31.01. WASTEWATER CAPITAL RESERVE FUND - the District shall maintain a Wastewater Capital Reserve Fund (WCRF) in the Sewer Department dedicated solely to pay for future expansion, major repair and replacement of the disposal works at the Fisher Irrigation Site and treatment works at the MCSD Wastewater Treatment Facility.

In FY97-98, the WCRF shall be budgeted at \$13,053 relative to the FY1995-96 contribution (\$4,100); the interest earned during FY1995-96 (\$246); the FY1996-97

contribution (\$4,100); the interest earned during FY1996-97 (\$507); and the FY97-98 contribution (\$4,100).

Each year in the period FY1998-99 through FY2004-05, MCSD shall deposit an additional \$6,300 to the balance (\$4,100 for phase 1 and \$2,200 for phase 2) into the WCRF. Additionally, the Board shall annually apportion the interest earned on the balance in the WCRF to the Fund.

Each year in the period FY2005-06 through 2007-08, MCSD shall deposit an additional \$2,200 to the balance into the WCRF. Additionally, the Board shall annually apportion the interest earned on the balance in the WCRF to the Fund.

The District shall annually reconcile the balance in the fund and submit a report to the State Water Resources Control Board every five years (i.e. FY2000-2001; FY2005-2006; FY2010-2011; and FY2015-2016) for the term of the phase 1 and phase 2 Project loans. At the end of the phase 1 loan term, the District Board may reallocate any phase 1 funds in the Fund to any sewer department purpose. Starting in FY2016-17, the District shall annually reconcile the balance in the fund and submit a report to the State Water Resources Control Board in FY2020-2021 for the term of the phase 2 Project Loan. At the end of the phase 2 loan term, the District Board may reallocate any phase 2 funds in the Fund to any sewer department purpose.

Rule 31.02. WITHDRAWAL OF WCRF MONIES - the Board may use money from the WCRF prior to the end of the loan term to pay for the cost of planning, design and construction of capital improvements to the wastewater treatment works subject to adoption of an ordinance committing the District to repayment of any amounts expended from the WCRF at a minimum annual rate of ten (10) percent of the expended amount in addition to the payment described above in Rule 31.01.

ARTICLE IV - PARKS AND RECREATION

REGULATION 40 - RECREATION AND PARKS ADVISORY COMMITTEE

Rule 40.01. MEMBERSHIP - the McKinleyville Community Services District Parks and Recreation Committee shall consist of eleven (11) members and two (2) alternate members who shall serve without compensation selected as follows:

- (a) One (1) non-voting member shall be a member of the District Board.
- (b) The remaining ten (10) members will be regular voting members. Of the ten (10) regular voting members, one (1) will be a member of the McKinleyville Area Fund Board of Directors nominated by the McKinleyville Area Fund Board of Directors.
- (c) When possible two (2) of the ten (10) regular voting members shall be High School students, nominated by the McKinleyville High School Principal.
- (d) The two (2) alternate members will not become voting members unless a regular voting member is absent. In the event that both alternates are present when only one regular member is absent, the alternates will decide upon which of the two (2) will fill the absent chair by a mutually agreed upon method. In the event the

alternates cannot determine a method of decision, the committee chair will choose an appropriate decision-making method.

- (e) All members of the Parks and Recreation Committee will represent to the extent possible various recreational and outdoor interests of the community including but not limited to business, environmental, equestrian, sports, seniors, trails and youth. Recommendations for appointment may be made by the then current members of the committee.
- (f) Any citizen, residing in the service area of the McKinleyville Community Services District may apply to the District Board for appointment to fill vacant seats on the Parks and Recreation Committee.

Rule 40.02. APPOINTMENT - the committee members shall be appointed as follows:

- (a) The Board of Directors shall announce each vacancy and shall state they are seeking applicants, setting forth the qualifications, if any required.
- (b) The Board of Directors shall interview each applicant, after which a majority of the Board of Directors, may select the most qualified to fill the vacancy.

Rule 40.03. MEMBER QUALIFICATIONS - all members, other than the high school member, shall be resident electors of the McKinleyville Community Services District; the student members shall be a resident of McKinleyville. No members of the Parks and Recreation Committee shall be a family member or related to a full-time MCSD employee.

Rule 40.04. TERMS OF OFFICE -the committee members shall serve terms as follows:

- (a) Appointment of District Board Members shall be for a term of one (1) year. Such member shall be a non-voting member.
- (b) Appointment of the McKinleyville Area Fund member and non-student community members shall be for a term of four (4) years. The term for student members shall be up to 4 years, limited by their High School graduation date.
- (c) Terms of the other non-Board of Director committee members shall be staggered so that no more than two (2) terms shall expire in any given year.
- (d) The annual expiration date of appointment shall be January 31st.

Rule 40.05. REMOVAL - members of the Committee may be removed by a majority vote of the District Board of Directors.

Rule 40.06. ABSENCES - if any member of the Committee is absent without prior notification to the Recreation Director for three (3) regular consecutive meetings, the Recreation Director shall certify that fact to the Board of Directors and the Board of Directors shall thereafter declare the position on the Committee to be vacant and proceed to fill the position by appointment.

Rule 40.07. ELECTION OF OFFICERS - the Committee shall, as soon as is practical, after the time of the annual appointment of a member or members to such Committee, elect its' officers. No member shall hold the same office for more than two (2) consecutive years.

Rule 40.08. OFFICERS - the Committee shall elect a Chairperson and Vice-Chairperson from among its members.

Rule 40.09. MEETINGS - the Committee shall hold regularly scheduled meetings in the Board of Directors Chambers of the District Office, or at such other place within the District as may be designated by the Committee and may hold such additional meetings as it may deem necessary or expedient. All meetings must be noticed in compliance with state and federal laws.

Rule 40.10. TIME/LOCATION OF MEETINGS - the time of the regular meetings shall be as established from time to time by the committee members.

Rule 40.11. QUORUM - a majority of the Committee shall constitute a quorum for the purpose of transacting business of the Committee.

Rule 40.12. RECORDS - written records of all the proceedings, findings, determinations and transactions of the Committee shall be kept, which record shall be a public record and a copy of which record shall be filed with the District Secretary.

Rule 40.13. POWERS AND DUTIES - the Parks and Recreation Committee shall have the following powers and duties:

- (a) To serve in an advisory capacity to the Board of Directors and District Staff in all matters pertaining to public recreation, parks, open spaces, natural resources and their respective facilities;
- (b) To make recommendations to the Board of Directors and District Staff with respect to the provisions of the annual budget for recreation and parks purposes;
- (c) To recommend to the Board of Directors acceptance or rejection of offers of donations of money, personal property and real property to be used for open space, recreation, resource management, and parks purposes;
- (d) To recommend to the Board of Directors a comprehensive recreation, park, and open space management services program for the inhabitants of the District, to promote and stimulate public interest therein, and to solicit to the fullest extent the cooperation of school authorities and other public and private agencies interested therein;
- (e) To recommend for adoption by the Board of Directors rules and regulations for the use and improvement of the District's recreation services and parks and their respective facilities;
- (f) To recommend to the Board of Directors and District staff policies for the acquisition, development and improvement of recreation, parks and open space areas; and
- (g) To perform such other duties relating to recreation and park matters as may be prescribed by the Board of Directors.

REGULATION 41 - RECREATION AND PARK SYSTEM

Rule 41.01. INJURY TO OR MISUSE OF RECREATION AND PARKS SYSTEM PROPERTY - NO PERSON SHALL:

- (a) Willfully mark, deface, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, bleachers, ball fields, water lines, paving or paving materials or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, or recreation and parks system property or appurtenances whatsoever, either real or personal.
- (b) Litter, soil or defile buildings, structures, grounds, equipment or other recreation and parks system property or appurtenances whatsoever. Trash, litter and other debris must be deposited into the proper receptacles.
- (c) Remove any soil, rock, stones, turf, trees, shrubs, or plants, down timber or other wood or materials or make any excavations by tool, equipment or any other means or agency.
- (d) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility into, upon or across such land except by District permit.
- (e) Trespass upon any area where prohibited.
- (f) Hunt, molest, or otherwise harm wildlife and plant life within the recreation and parks system.
- (g) Announce, advertise or call the public attention in any way to any article or service for sale or hire, except by District permit.
- (h) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever within the recreation and parks system without permission from the District.
- (i) Use any system for amplifying sounds, whether for speech or music or otherwise within the recreation and parks system unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit is first secured from the District.
- (j) Discharge any weapon of any type within the recreation and park system boundaries for any reason.
- (k) Make fires of any type for any reason in any area that is not properly equipped and designated to contain a fire.
- (l) Use model rockets and remote control model airplanes in McKinleyville Parks and Open Space without prior written approval from the District's General Manager.

Rule 41.02. POLLUTING WATERS OR DUMPING REFUSE PROHIBITED - NO PERSON SHALL:

- (a) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream or any other body of water in or adjacent to any component of the recreation and park system or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of said waters.

- (b) Dump, deposit, or leave any trash not created within the boundaries of the recreation and park system.

Rule 41.03. OPERATION OF MOTORIZED VEHICLES--PROHIBITED ACTS - NO PERSON SHALL:

- (a) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of motorized vehicles together with such regulations as are contained in this ordinance.
- (b) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- (c) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- (d) Operate a motorized vehicle, other than MCS D-authorized vehicles, within the boundaries of the facility except in those areas designated as driveways.

Rule 41.04. OPERATION OF NON-MOTORIZED VEHICLES--PROHIBITED ACTS - NO PERSON SHALL:

- (a) Non-motorized vehicles shall be defined as any form of transportation in which human or gravitational energy powers the source of transportation. Examples of such transportation are defined as bicycles, skateboards, roller blades, roller skates, etc.
- (b) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of non-motorized vehicles together with such regulations as are contained in this ordinance.
- (c) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- (d) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- (e) Operate non-motorized vehicles on any sidewalks, on pathways designated for pedestrian traffic only, and within turf and landscaped areas.

Rule 41.05. CONDUCT - ALCOHOLIC BEVERAGES

- (a) Patrons may use alcoholic beverages with meals in designated areas at recreation and parks system facilities, provided a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit have been secured and provided they conduct themselves in an orderly manner;
- (b) Alcoholic beverages may be served or may be sold by permit only at designated recreation and parks system facilities where sales are not prohibited and provided a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit have been secured;
- (c) No person shall be under the influence of intoxicating substances as provided in Section 647 (f) of the California Penal Code;
- (d) The District may withdraw the privilege to use alcoholic beverages at anytime if the rules and regulations as are contained in this ordinance are not abided by;

(e) Use of intoxicating substances other than alcohol is prohibited.

Rule 41.06. PETS - pets may be off leash at outdoor facilities in designated areas and facilities only and must be under voice control at all times. Animal owners are responsible for removal of animal excrement from the facility.

Rule 41.07. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the grounds or in public buildings or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

Rule 41.08. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated for the containment of fires.

REGULATION 42 - OPERATION OF PIERSON PARK

Rule 42.01. GAZEBO BARBECUE COMPLEX - the gazebo barbecue complex is defined as the area encompassed by the gazebo located in the central portion of the park. Individuals or organizations desiring organized use of any portion of the gazebo barbecue complex for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only..

Rule 42.02. HORSESHOE PITS - the public may use the horseshoe pits on a first come basis. Any individual or organization desiring to use the horseshoe pits for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.03. WESTERLY PICNIC TABLES/BARBECUES - the public may use the picnic tables and barbecues located along the western park perimeter on a first-come basis only.

Rule 42.04. PICNIC PAVILION AND BARBECUE - the picnic pavilion is defined as the large covered picnic area to the west of the playground and east of the horseshoe pits. Individuals or organizations desiring organized use of any portion of the picnic pavilion and barbecue may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.05. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the park grounds or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

Rule 42.06. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designated for the containment of fires.

Rule 42.07. PETS - the designated off leash area is defined as the area of the park east of Azalea Hall's Hewitt Room and north of the gazebo. Horses are not allowed.

REGULATION 43 - OPERATION OF HILLER PARK

Rule 43.01. PICNIC AREA USE - the picnic area and playground is defined as the area of the ~~park east of the western perimeter of the volleyball court~~fenced in area of the park east of the perimeter of the Botanical Garden. Individuals or organizations desiring organized use of any portion of the picnic area in Hiller Park for the purpose of holding organized functions may do so by ~~obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only~~reserving the space through the completion of a Park Reservation Form and paying the associated fees.

Rule 43.02. PETS - the designated off leash area is defined as the area ~~of the park west of the westerly perimeter of the volleyball court~~west of the split rail fence, south of the wastewater treatment plant, and east of the fork in the trails that head west to the bluffs and north around the treatment plant. Horses are prohibited in the picnic area.

Rule 43.03. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designed for the containment of fires.

Rule 43.04. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the park grounds or structures between sunset and sunrise unless ~~a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit~~are an explicit written permission and a use agreement for overnight use are first obtained from the District.

REGULATION 44 - OPERATION OF LARISSA PARK

Rule 44.01. PETS - pets must be on leash at all times.

REGULATION 45 - PERMITS, FEES AND DEPOSITS

Rule 45.01. FACILITY USAGE PERMITS REQUIRED - a valid facility usage permit is required for individuals or organizations to use any indoor facility or any outdoor facility for organized functions, to use any system for amplifying sounds, or to sell or serve alcoholic beverages at an organized function.

Rule 45.01.a. PERMIT TYPE DEFINITIONS - the District shall issue permits based on the following definition of use:

- (a) A "Special Event" shall be defined as use deemed to be non-programmatic with estimated attendance of less than 500 persons and no more than posted capacities at

indoor facilities; for which off road and facility parking space is adequate; for which street closures are not required; and for which cancellation of approved vendor programs is not required.

- (b) A "Large Scale Community Event" shall be defined as use deemed to be non-programmatic with estimated attendance of more than 500 persons but no more than posted capacities at indoor facilities or for which off-road and facility parking space is adequate; or for which street closures may be required; or for which cancellation of an approved vendor program is required.
- (c) A "Vendor Contract" shall be defined as use by those individuals approved by the District Board of Directors, offering ongoing programs on a regular basis for no more than twelve months.

Rule 45.02. FACILITY USAGE PERMIT PROCESS - any individuals or organizations seeking issuance of a facility usage permit hereunder shall file a request for permit to use District facilities on the appropriate reservation form provided by the District. All requests must be filed with the District along with the required facility usage deposit, usage fees, proof of appropriate insurance coverage, and fees for other services at least (10) working days prior to the actual event date. The Recreation Director, under direction of the Board, may impose additional conditions for approval.

Rule 45.03. FACILITY USAGE FEES - facility usage fees, as established and adopted by the District Board shall be charged for and must accompany each facility usage permit request required hereunder for said facility usage permit request to be fully and properly executed by the District.

Rule 45.03.a. FEE STRUCTURE DEFINITIONS - the District shall identify the following fee structure definitions when charging customers for use of facilities:

- (a) A "Non-Profit Group" shall be defined as any group or organization which can supply proof of non-profit status via the Internal Revenue Service code. Other Governmental entities shall be considered as falling within the guidelines of this definition.
- (b) A "Vendor" shall be defined as an individual or organization, approved by the District Board of Directors that has a fully executed vendor contract for use of District facilities.
- (c) A "Private Citizen/Business" shall be defined as other potential users not fitting within the "non-profit group" or "vendor" definition.
- (d) A "Commercial Event" shall be defined as an event being held for the purpose of private financial gain for an individual or organization.
- (e) An "Event Host" shall be defined as a District employee who has received training regarding use of District facilities for outside events. Event hosts are required for all events except those taking place at Azalea Hall concurrently with McKinleyville Senior Center events or at District facilities for those events sponsored by a District approved vendor.
- (f) The "All Day Rate" shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of twelve continuous hours.

- (g) The “Half-Day Rate” shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of six continuous hours.
- (h) The “Off-Peak Use Discount” shall be defined as a 25% discount on hourly rates only which can be applied to the following facilities and hours only: Activity Center-Monday through Friday before 3:00p.m; Azalea Hall-Sundays and Monday through Thursday after 4:00p.m.

Rule 45.03.b. FACILITY USE FEES - the District shall charge the following rates for use of a District-owned facility for each use specified below:

ACTIVITY CENTER

Non-Profit Groups/Vendors	\$37.75/hour
Private Citizen/Business	\$53.50/hour

AZALEA HALL-ENTIRE FACILITY

Non-Profit Groups/Vendors	\$66.00/hour
Private Citizen/Business	\$87.75/hour

AZALEA HALL-HEWITT ROOM

Non-Profit Groups/Vendors	\$51.75/hour
Private Citizen/Business	\$64.00/hour
All Day Rate	\$535.00
Half Day Rate	\$324.00

AZALEA HALL-MEETING ROOM

Non-Profit Groups/Vendors	\$18.75/hour
Private Citizen/Business	\$25.25/hour

AZALEA HALL-KITCHEN

All Users	\$18.75/hour
-----------	--------------

LIBRARY CONFERENCE ROOM

Non-Profit Groups/Vendors	\$28.00/hour
Private Citizen/Business	\$31.00/hour

TEEN CENTER-ENTIRE FACILITY

Non-Profit/Vendors	\$71.50/hour
Private Citizen/Business	\$88.75/hour
All Day (12 hr) Rate	\$933.00
Half Day (6 hr) Rate	\$484.50

TEEN CENTER-MULTI PURPOSE ROOM

Non-Profit/Vendors	\$40.50/hour
Private Citizen Business	\$49.75/hour

TEEN CENTER-MUSIC ROOM

Non-Profit/Vendors	\$26.25/hour
Private Citizen Business	\$33.25/hour
<u>All Day (8 hr) Rate *weekends only</u>	<u>\$216.00</u>

TEEN CENTER-KITCHEN

Private Citizen/Single Use	\$37.00/hour
Non-Profit/Vendor	\$28.00/hour

PARKS

Gazebo Picnic Area	\$56.75/4 hrs
Picnic Pavilion	\$111.00/4 hrs
Special Event	\$169.25/day
*Commercial Events	\$273.25/day
*Requires Facility Host @ \$36.25 per hour unless overtime wages apply	

SPECIAL EVENT SERVICES

Event Staff	\$19.00/hour
Event Setup	
Events with less than 100 persons	\$88.75
Events with 101-200 persons	\$124.00
Events with more than 200 persons	\$155.00

Event Cleanup

Events with less than 100 persons	\$155.00
Events with 101-200 persons	\$185.50
Events with more than 200 persons	\$227.50

Rule 45.03.c. EVENT SERVICES FEES - the District shall charge a fee of \$19 per hour for an event host for those events requiring such a host. The minimum charge shall be two hours. Other events service fees shall be determined each year and are based on the direct expense associated with providing said service. Such event fees shall be established and adopted by the Board.

Rule 45.03.d. RECREATION PROGRAM FEES - the District shall charge participants program fees based on the direct expenses associated with each individual program. Program fees shall be determined each year and as programs are added to the Department's current services index. Program fees shall be adopted by the Board within two months of the inception or change of fees.

Rule 45.04. DEPOSIT - a facility usage deposit, as established and adopted by the District Board must accompany each facility usage permit request for any facility usage permit required hereunder. The facility usage deposit shall be refunded to the applicant within fifteen working days if the facility is restored to pre-use conditions. If District clean-up is required to restore the facility to pre-use conditions or damage is noted to the facility,

any refund will be less the expense associated with returning the facility to pre-use conditions.

Rule 45.04.a. FACILITY USE DEPOSIT FEES - the District shall charge a \$100 deposit for events which qualify and are defined as special events. The District shall charge a \$200 deposit for events which qualify and are defined as large-scale community events.

Rule 45.05. INSURANCE – a facility usage permit request shall not be considered fully executed unless the individual or organization seeking issuance of a facility usage permit obtains and furnishes liability coverage for the event which is acceptable to the District. The Recreation Director may impose additional conditions for approval.

Rule 45.06. PERMITS FOR USE OF FACILITIES - the District shall only grant a facility usage permit for organized use of a facility when each of the following findings can be made:

- (a) The requested area of the recreation and parks system for which the facility is located within is available during the period for which the facility usage permit is requested;
- (b) The expected attendance does not exceed the capacity of the facility or area.
- (c) The use for which the facility usage permit is sought complies with the use established for the facility or area requested.

Rule 45.07. USE OF SOUND AMPLIFICATION SYSTEM - the District shall only grant permission for use of any sound amplification system when each of the following findings can be made:

- (a) The individual or organization seeking permission for use of a sound amplification system must file, with the District, a facility usage permit request for the facility in which use of the sound amplification system is requested.
- (b) The sound amplification system proposed will not unduly inconvenience or disturb neighboring properties or other recreation and parks system facility users.
- (c) The maximum noise from use of the sound amplification system complies with Humboldt County’s Noise Regulations.
- (d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which sound amplification systems are utilized, the following requirements shall also be required:

- (a) A District supervisor will be assigned to be present throughout the event.

Rule 45.08. SALE OR SERVICE OF ALCOHOLIC BEVERAGES - the District shall only grant permission for sale or service of alcoholic beverages when each of the following findings can be made:

- (a) The individual or organization seeking permission for sale or service of alcoholic beverages must file, with the District, a facility usage permit request for the facility in which the sale of alcoholic beverages is requested;
- (b) If applicable, the individual or organization seeking permission has a valid permit from the Alcohol Beverages Commission to sell alcohol;

- (c) If applicable, the individual or organization seeking permission has secured outside security services;
- (d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which alcohol is served or sold, the following requirements shall also be required:

- (a) A District supervisor will be assigned to be present throughout the event;
- (b) Facilities will not be rented for events at which the consumption of alcoholic beverages will be a principal activity.

The Recreation Director has the authority to impose additional conditions as a requirement for issuance of a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit.

Rule 45.09. USE OF DISTRICT-OWNED EQUIPMENT - the District shall make available to individuals or organizations recreation-related equipment, which can be utilized for outdoor use. District shall only grant permission for use of District-owned equipment when each of the following findings can be made:

- (a) The individual or organization seeking permission for use of District-owned equipment must be requesting said equipment in conjunction with an event at a District facility which is being sponsored by the individual or organization;
- (b) The Individual or organization must file, with the District, a facility usage permit request for the facility in which the equipment will be utilized;
- (c) The requested equipment is available during the period for which use of the equipment is requested;
- (d) The individual or organization requesting use of MCSD-owned equipment furnishes the District with appropriate liability coverage.

Rule 45.10. APPEALS - an appeal of the action of District staff on any Facility Use Permit pursuant to this regulation must be in writing and filed by or on behalf of the individual or organization seeking the facility usage permit, within (10) days after the action of District staff on the facility usage permit request. The appeal shall set forth in detail the factual and legal basis of the appeal. The Board of Directors shall consider and act on the appeal within forty-five (45) days after the appeal is filed. The individual or organization filing the appeal shall be entitled to submit oral or written evidence to the Board in support of the appeal. Action of the Board of Directors on the appeal shall be final.

REGULATION 46 - ENFORCEMENT

Rule 46.01. VIOLATIONS - any violation of these rules and regulations relating to the use of District facilities located within the recreation and parks system is a misdemeanor, punishable by law.

REGULATION 47 - HILLER SPORTS SITE DEVELOPMENT, MANAGEMENT AND SCHEDULING COMMITTEE

~~Rule 47.01. MEMBERSHIP~~ the McKinleyville Community Services District Hiller Sports Site Development, Management and Scheduling Committee shall consist of members described below whom shall serve without compensation selected as follows:

- ~~(a) Committee size shall be determined by the number of local sports organizations having and maintaining a current Hiller Sports Site Development, Funding, Maintenance, and Use Agreement with District who nominate a member to the Committee and an additional member shall be from the District's Park and Recreation Committee and an additional member shall be appointed to the Committee by the Board which member shall be of the general public.~~

~~Rule 47.02. APPOINTMENT~~ the committee members shall be appointed as follows:

- ~~(a) All local sports organizations with a valid and current IRS non-profit identification number and who have and maintain a current Hiller Sports Site Development, Funding, Maintenance and Use Agreement with District are invited to nominate one member and one alternate member to the Committee. Such nominations shall be made in writing to the Director of Parks and Recreation. Recommendations for appointment shall be made by the Committee to the Park and Recreation Committee who shall in turn recommend nominees to the District's Board of Directors. Appointment shall be made by the District's Board of Directors.~~
- ~~(b) One member shall be a member of the Park and Recreation Committee. Recommendations for appointment shall be made by the Park and Recreation Committee. Appointment shall be made by the District's Board of Directors.~~
- ~~(c) One member shall be a member of the general public who is a resident elector of the District and who shall hold no official office with any local sports organization desiring to offer programs at the Hiller Sports Site. Such member shall be nominated by the Committee who shall forward a recommendation to the Recreation Advisory Committee who shall in turn forward a recommendation to the District's Board of Directors. Appointment shall be made by the District's Board of Directors.~~

~~Rule 47.03. MEMBER QUALIFICATIONS~~ each member shall meet one of the criteria named above in Rule 47.02.

~~Rule 47.04. TERMS OF OFFICE~~ the Committee members shall serve terms as follows:

- ~~(a) Appointment of the Recreation Advisory Committee member representative of Committee and member of the general public to the Committee shall be for a term of two (2) years. Such members may be re-appointed to successive terms.~~
- ~~(b) Terms of other members shall be for a term of one (1) year. Such members may be re-appointed to successive terms.~~
- ~~(c) The annual expiration date of each term shall be January 31st.~~

~~— **Rule 47.05. REMOVAL** — members of the Committee may be removed by a majority vote of the District Board of Directors.~~

~~— **Rule 47.06. ABSENCES** — if any member of the Committee is absent without prior notification to the Director of Parks and Recreation for two (2) regular consecutive meetings, the Director of Parks and Recreation shall certify that fact to the organization for whom the individual is a representative and to the District's Board of Directors. The District's Board of Directors shall thereafter declare the position on the Committee to be vacant and proceed to fill the position as outlined in 47.02. Should the vacated position have a designated alternate, said alternate shall be appointed to full membership status. The organization of which the alternate is a member shall be authorized to nominate a designated alternate.~~

~~— **Rule 47.07. ELECTION OF OFFICERS** — the Committee shall, as soon as practicable, after the time of the annual appointment of a member or members to such Committee, elect its' officers. No member shall hold the same office for more than two (2) consecutive years.~~

~~— **Rule 47.08. OFFICERS** — the member of the Committee who is a representative of the District's Recreation Advisory Committee shall be designated as Chairperson of the Committee. The member of the Committee who is a representative of the general public shall be designated as Vice-Chairperson.~~

~~— **Rule 47.09. RECORDS** — written records of all proceedings, findings, determinations, and transactions shall be kept, which record shall be a public record and a copy of which record shall be filed with the District's secretary.~~

~~— **Rule 47.10. POWERS AND DUTIES** — the Committee shall have the power and duty to serve in an advisory capacity to the District's Park and Recreation Committee and the Board of Directors in all matters pertaining to the development, scheduling, maintenance, and use of the Hiller Sports site.~~

REGULATION 48 – COMMUNITY FOREST

RULE 48.01. ACQUISITION OF LAND – The McKinleyville Community Services District has the authority to acquire land to support future community forest operations, including non-contiguous properties.

RULE 48.02. FORMATION OF COMMUNITY FOREST COMMITTEE – the Board of Directors authorizes the formation of a Community Forest Committee to provide the Board of Directors and staff with recommendations regarding the use, management and operation of the community forest.

RULE 48.03. COMMUNITY FOREST USE AND GUIDELINES – the guidelines and regulations for the use, operation, management, budgeting, watershed and environmental protection, forest management planning and practices, trail management and planning, and other uses of the community forest will be established by either existing or new Ordinance

and will be consistent with other MCSD Recreation and Park System operations and regulations.

ARTICLE V - STREET LIGHTING SERVICES

REGULATION 50 - GENERAL PROVISIONS - STREET LIGHTS

Rule 50.01. PURPOSE AND POLICY - this article sets forth the standards, processes and fees associated with street lighting services. The District desires to encourage the installation and operation of street lights to promote public safety and enjoyment of the community where the installation of lights is either required by Humboldt County or requested by the residents of a specific area.

REGULATION 51 - STREET LIGHTING STANDARDS

Rule 51.01. DESIGN AND CONSTRUCTION STANDARDS - design and construction of street lighting facilities shall be in accordance with the District and electric public utility rules, regulations and ordinances.

Rule 51.02. SITING - street Lighting facilities for new subdivisions shall be sited to meet requirements of the most current edition of IES RP-8, American National Standard Practice for Roadway Lighting by the Illuminating Engineering Society of North America. Street lighting facilities to be installed in inhabited areas shall be sited as requested by the zone formation petitioners wherever reasonably possible, and when in compliance with District Rules, Regulations and Standards. Street lighting plans shall be prepared by appropriately licensed professionals and submitted to the District for review for conformance with the required standards. The street lighting plan shall include a complete and logically organized presentation of design parameters and assumptions, and shall be based upon a computer modeling program such as GE Aladan™.

Rule 51.03. EFFICIENCY - all new street lighting facilities will be equipped with the most energy efficient fixtures available from the electric public utility at that time.

Rule 51.04. LOT SIZE AND SUBDIVISION SIZE - street lighting facilities will not be required for minor subdivisions (less than five lots) or for subdivisions where the average lot size is 10,000 square feet or greater.

Rule 51.05. DIVISION OF COSTS-FACILITIES OWNED BY UTILITY - the monthly street lighting charge for each customer in a street lighting zone where the facilities are owned by the utility shall be equal to the total electric public utility charge for that month in that zone divided by the number of street lighting customers in that zone plus a proportionate share of the administrative charge prescribed in Rule 56.02.

Rule 51.06. DIVISION OF COSTS-FACILITIES OWNED BY DISTRICT - the monthly street lighting charge for each customer in a street lighting zone where the facilities are

owned by the District shall be equal to a proportionate share of the following costs (as appropriate), and as identified and specified in the Engineer's Report for the specific street lighting zone, plus the administrative charge prescribed in Rule 56.02:

- (a) electric public utility charge for that month in that zone
- (b) debt service charge for the District's purchase of existing street lighting facilities
- (c) maintenance charges
- (d) administration charges
- (e) overhead charges

Rule 51.07. STREET LIGHTING FIXTURE STANDARDS - street lighting fixture standards shall be in accordance with the recommendation of the International Dark-Sky Society specifically selected and specified to minimize the potential for light pollution, and shall include external glare shields and/or internal louvers to control direct glare and up light.

Rule 51.08. DEDICATION OF STREET LIGHT FACILITIES TO DISTRICT - where street light facilities are installed in conjunction with new development, the developer shall dedicate the street light facilities to the District. The District's acceptance of the street light facilities shall be made in conjunction with the District's acceptance of other facilities within the development, after construction and inspection are complete in accordance with District standards, appropriate fees have been reconciled, and permanent record documents have been provided to the District.

REGULATION 52 - APPLICATION FOR REGULAR LIGHTING SERVICE

Rule 52.01. APPLICATION - a property owner or his agent who applies for water or sewer service in a street lighting zone shall be deemed to have applied for street lighting services upon payment of the prescribed processing fee.

Rule 52.02. UNDERTAKING OF APPLICANT - such application will signify the customer's willingness and intent to make prompt payment for street lighting service rendered.

Rule 52.03. PROCESSING FEE - the processing fee for establishment of street lighting service shall be twelve (\$12) dollars.

Rule 52.04. PAYMENT FOR PREVIOUS SERVICE - an application will not be honored unless payment in full has been made for street lighting services previously rendered to the applicant by the District.

REGULATION 53 - ZONE FORMATION - NEW SUBDIVISIONS

Rule 53.01. PERMIT REQUIRED - no person shall construct street lighting facilities in the District without first paying all fees and obtaining a written permit from the District to form a street lighting zone and install street lighting facilities. The provisions of this rule shall not apply to the District, its contractors or the agents of an electric public utility.

Rule 53.02. APPLICATION TO FORM STREET LIGHTING ZONE AND INSTALL STREET LIGHTING - a property owner or his agent shall make application for a permit to form a street lighting zone and install street lighting facilities by filing the form provided by the District along with the prescribed fees and supporting documentation.

Rule 53.03. PLANS, PROFILES AND SPECIFICATIONS - the application for a permit under this regulation shall be accompanied by complete plans, profiles and specifications prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The street lighting plan shall include an analysis of the illumination pattern and levels, demonstrating the proposed plan is in conformance with the District's Rules, Regulations, and Standards. The application shall be examined by the manager who shall determine if it is complete. If the manager determines that the application is not complete, he may require the applicant to submit additional information until the application is deemed complete.

Rule 53.04. ENGINEER'S REPORT - once the application is deemed complete, the District shall cause an Engineer's Report to be compiled for review and approval by 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; and the entirety of the costs and expenses related to the proposed assessment, and the proposed division of these costs and expenses, as noted in Rule 51.05 and Rule 51.06, and a statement by the Engineer that the illumination design has been reviewed and found to be in conformance with the District's Rules, Regulations, and Standards.

Rule 53.05. FORMATION OF STREET LIGHTING ZONE FOR NEW SUBDIVISION - 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. 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. The board may approve, deny or amend the proposed lighting plan and shall establish a schedule of charges reflecting the cost division formula approved by the board by ordinance. The applicant shall enter into an agreement with the District providing for payment of Developer Street Lighting Charges which shall be subject to reduction as lots in the Subdivision are subsequently sold and the purchaser establishes regular service pursuant to Regulation 52 or otherwise assumes the applicant's obligation with respect to the lot purchased. Applicants may execute a development agreement compatible with current state law and Board adopted policy in lieu of securing Board Acceptance of works prior to finalization of the subdivision map for the project. Where a development agreement is so executed, MCSD shall not activate street light service to any portion of the subject property until all required improvements are installed to MCSD's satisfaction.

Rule 53.06. ISSUANCE OF LIGHTING PERMIT - upon execution of the funding agreement required by Rule 54.04, the manager shall issue a permit prescribing such terms and conditions as ordered by the Board.

Rule 53.07. APPLICATION FEE - the application fee for formation of a street lighting zone and installation of street lighting facilities shall be five hundred (\$500) dollars.

Rule 53.08. COORDINATION WITH ELECTRIC PUBLIC UTILITY - the District will not request street lighting services from the electric public utility until all requirements of this regulation have been met.

REGULATION 54 - ZONE FORMATIONS - INHABITED AREAS

Rule 54.01. PETITION - any person shall have the right to petition the Board to form a street lighting zone on the form provided by the District. Such petition shall be accompanied by a map showing the lots proposed for inclusion in the zone, signatures of over fifty percent of the property owners in the proposed zone who support the petition. The listing of properties shall include the assessor parcel number of each lot, the street address of each lot, and the name, address and phone number of each owner. An Application fee of \$500 must accompany the petition for the District to process the protest hearing.

Rule 54.02. ENGINEER'S REPORT - once the application is deemed complete, the District shall cause an Engineer's Report to be compiled for review and approval by 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; and the entirety of the costs and expenses related to the proposed assessment, and the proposed division of these costs and expenses, as noted in Rule 51.05 and Rule 51.06, and a statement by the Engineer that the illumination design has been reviewed and found to be in conformance with the District's Rules, Regulations, and

Standards. For street lighting zones formed within inhabited areas, the District will be responsible for performing the analysis of illuminating patterns and levels to demonstrate the proposed plan is in conformance with the District's Rules, Regulations, and Standards.

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.

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 is 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.

Rule 54.05. NOTIFICATION OF ZONE FORMATION HEARING - once the final Manager's report is complete, the Manager shall schedule a public hearing for the next available board meeting to consider formation of the street lighting zone. The Manager shall mail notice to each property owner in the revised zone at least two weeks prior to the hearing. Such notice shall include a copy of the final Manager's report.

Rule 54.06. ZONE FORMATION - after closing the public hearing required by Rule 54.05, the Board may consider adoption of a resolution forming a street lighting zone.

Rule 54.07. ZONE AMENDMENT - any property owner in an existing street lighting zone may petition the Board for addition of new lots or the deletion of existing lots to said zone on the form provided by the District. Said petition shall be accompanied by a description of the proposed amendment and the signatures of over fifty percent of the property owners in the zone that support the petition. The Manager shall schedule a hearing on the petition and mail notice of the hearing to each property owner in the zone. The Board may amend the resolution by resolution or choose not to amend the resolution. The District will notify all property owners in the zone of the Board's action. An Application Fee of \$500 must accompany the petition for the District to process the protest hearing.

Rule 54.08. ZONE DISSOLUTION - any property owner in an existing street lighting zone may petition the Board for dissolution of said zone on the form supplied by the District,

provided, however that no zone shall be dissolved within five years of its formation. Said petition shall be accompanied by the signatures of over fifty percent of the property owners in the zone that support the dissolution. The manager shall schedule a hearing on the petition and mail notice of the hearing to all property owners in the zone. The Board may choose not to dissolve the zone or dissolve the zone by resolution where it finds that continued existence of the zone is not necessary for the protection of public health and safety. The District shall mail notice of the Board's action to all property owners within the zone. An Application fee of \$350 must accompany the petition for the District to process the protest hearing.

Rule 54.09. SINGLE PROPERTY EXCEPTION – a property owner may secure a permit to locate street lighting facilities on his property without forming a street lighting zone.

REGULATION 55 - STREET LIGHTING FACILITIES - INHABITED AREAS

Rule 55.01. PERMIT REQUIRED - no person shall construct street lighting facilities in the District without first obtaining a written permit from the District to install lighting facilities and paying all fees as required herein. The provisions of this rule shall not apply to the District, its contractors or the agents of an electric public utility.

Rule 55.02. APPLICATION TO INSTALL STREET LIGHTING FACILITIES - a property owner or his agent shall make application for a permit to install street lighting facilities by filing the form provided by staff to the District along with the prescribed fees and supporting documentation.

Rule 55.03. PLANS, PROFILES AND SPECIFICATIONS - the application for a permit under this regulation shall be accompanied by complete plans, profiles and specifications prepared by a Registered Civil Engineer showing all details of the proposed street lighting facilities based on an accurate survey of the ground. The application shall be examined by the manager who shall determine if it is complete, he may require the applicant to submit additional information until the application is deemed complete.

Rule 55.04. ISSUANCE OF LIGHTING PERMIT - upon formation of the street lighting zone as prescribed by Regulation 54, the manager shall issue a permit prescribing terms and conditions.

Rule 55.05. APPLICATION FEE - the application fee for formation of a lighting zone of lighting facilities shall be five hundred (\$500) dollars.

Rule 55.06. EASEMENTS - in the event that an easement is required for the construction of street lighting facilities, the applicant shall procure and have accepted by the manager proper easement sufficient for such facilities, normally 20-feet minimum.

Rule 55.07. PERSONS AUTHORIZED TO PERFORM WORK - only licensed contractors shall be authorized to construct street lighting facilities within the District. All terms and conditions of the District permit shall be binding on the contractor.

Rule 55.08. COMPLIANCE WITH LOCAL REGULATIONS - any person constructing street lighting facilities shall comply with all state and county laws, rules and regulations and shall obtain all permits required by other agencies prior to commencing construction.

Rule 55.09. REPAIR TO EXISTING PUBLIC WORKS - streets, sidewalks and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and any other person having jurisdiction there over.

REGULATION 56 - RATES AND CHARGES

Rule 56.01. BASIS FOR DETERMINATION OF CHARGES - for street light zones where the facilities are owned by the utility, the District business manager will determine the charge for each month for each customer residing in the street lighting zone based on the total charges for the zone, as noted in Rule 51.05. For street light zones where the facilities are owned by the District, the District business manager will determine the charge for each month for each customer residing in the street lighting zone based on the total charges for the zone, as noted in Rule 51.06.

Rule 56.02. ADMINISTRATIVE CHARGE - the District shall charge a fifty-cent (\$.50) administrative charge per customer per month.

Rule 56.03. NOTIFICATION - the District business manager shall notify each street lighting customer of changes in the rate schedule of the electric public utility that affect their charges and of changes in the administrative charge.

Rule 56.04. ADMINISTRATION - opening and closing bills for less than a normal billing period shall be prorated on a daily use basis. Bills for street lighting services 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 street lighting charges for any premises they have rented in the event that any tenant thereof does not pay the street lighting bill.

Rule 56.05. CONSOLIDATED BILL - the District will collect its street lighting charges with the rates for other utility service furnished. The street lighting charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Rule 56.06. DISCONTINUING SERVICE - if all or any part of the bill described in Rule 56.05 is not paid when due, the District may discontinue water or sewer service until such bill is paid.

Rule 56.07. 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 56.08. 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 street lighting charges.

Rule 56.09. USE OF REVENUES - revenues derived under this Article shall be used only for street lighting costs and the administration of street lighting services.

ARTICLE VI. - GENERAL PROVISIONS

REGULATION 60. - JUDICIAL REVIEW

Rule 60.01. JUDICIAL REVIEW - judicial review pursuant to Code of Civil Procedure 1094.5 of any decision made by the Board of Directors of the McKinleyville Community Service District or any commission, officer or agent thereof, may be had only if the petition for writ of mandate pursuant to C.C.P. 1094.5 is filed within the time limit specified in California Code of Civil Procedure 1094.6.

REGULATION 61 - BOARD MEETINGS

Rule 61.01. REGULAR MEETINGS - the regular meetings of the Board of Directors of the McKinleyville Community Service District shall hereafter be held on the first Wednesday of each and every calendar month at the hour of 6:00 o'clock P.M.

All meetings of the Board of Directors shall be held at Azalea Hall located at 1620 Pickett Road, unless they shall adjourn to or fix another place of meeting in a notice to be given thereof, or unless prevented and established at 1656 Sutter Road, McKinleyville, California.

Rule 61.02. MAILING ADDRESS - the official mailing address of said District is hereby established as Post Office Box 2037, McKinleyville, California 95519.

REGULATION 62 - SEVERABILITY

Rule 62.01. SEVERABILITY - if any provision of these Rules and Regulations or the application of these Rules and Regulations to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these Rules and Regulations, and to this end, the provisions of these Rules and Regulations are severable.

REGULATION 63 - VARIANCES

Rule 63.01. VARIANCES - the Board may, in specific cases, grant a variance from any provision of the standards incorporated into these Rules and Regulations whenever it finds:

- (a) that special circumstances exist in a particular case, and
- (b) that practical difficulties or unnecessary hardship would result from strict interpretation and enforcement of any standard, and
- (c) that the granting of such a variance would not tend to defeat the purposes of these Rules and Regulations. The Board may place conditions upon such variances.

Rule 63.02. VARIANCE APPLICATION - any individual seeking a variance shall complete a variance application on the form provided by the District. A non-refundable fee of \$25.00 shall be paid by the applicant to the District for such application to be considered by the Board.

REGULATION 64 - MISCELLANEOUS FEES

Rule 64.01. MEETING NOTICE FEE - the annual fee for reception of meeting notices shall be \$25.00.

Rule 64.02. RESEARCH FEES - customers requesting information requiring staff research shall pay a research fee of \$20.00 per hour plus copying charges with a minimum fee of \$20.00.

REGULATION 65 - APPEALS

Rule 65.01. APPEALS - the Board may, in specific cases, grant an appeal from any decision made by staff applying the standards incorporated into these Rules and Regulations whenever it finds:

- (a) that special circumstances exist in a particular case, and
- (b) that practical difficulties or unnecessary hardship would result from strict interpretation and enforcement of any standard, and
- (c) that the granting of such an appeal would not tend to defeat the purposes of these Rules & Regulations. The Board may place conditions upon the approval of an appeal.

Rule 65.02. APPEAL APPLICATION - any individual seeking an appeal shall complete an appeal application on the form provided by the District. A non-refundable fee of \$25.00 shall be paid by the applicant to the District for such application to be considered by the Board.

REGULATION 66 - INFORMAL BIDDING PROCEDURE

Rule 66.01. INFORMAL BID PROCEDURES - public projects, as defined in the Uniform Public Construction Cost Accounting Act (herein called UPCCA), of \$75,000 (seventy five thousand dollars) or less may be let to contract by informal procedures as set forth in Section 22032, et seq, of the Public Contract Code.

Rule 66.02. CONTRACTOR LIST - list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contracts Code

and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (herein called CUCCAC).

Rule 66.03. NOTICE INVITING FORMAL BIDS - where a public contract is to be performed which is subject to the provisions of the UPCCA, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with rule 66.02, and to all construction trade journals as specified by the CUCCAC in accordance with Section 22036 of the Public Contract Code. Additional contractors and journals may be noticed; provided however:

- (a) If there are no qualified contractors for the particular category of work to be performed on the District's contractor list, the notice inviting bids shall be sent only to the construction trade journals specified by the CUCCAC.
- (b) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Rule 66.04. AWARD OF CONTRACTS - the Manager, Business Manager and Projects Director are each authorized to award informal contract pursuant to this regulation and the adopted expenditure control system.

REGULATION 67 - CONSULTANT SELECTION

Rule 67.01. INTRODUCTION - this regulation will detail the process that MCSD will follow in selecting "Professional" consultants (architectural, engineering, surveying and construction management services) and all other consultants (i.e. auditors, environmental analysis, etc.). This regulation does not apply to either material vendors or contractors (licenses firms retained to construct works).

Rule 67.02. SELECTION OF "PROFESSIONAL" CONSULTANTS - this rule has been drafted to comply with section 4525 et seq. of the California Government Code (the Little Brooks Act) and to ensure that qualified consultants are retained to perform architectural, engineering, land surveying or construction management services. MCSD shall use the process set forth in this part to govern selection of "professional" consultants except where the service is expected to cost less than \$15,000 (see Rule 67.04 for projects expected to cost less than \$15,000); where the Manager determines that the services requested are technical services requiring little professional judgment (see Rule 67.03); or where the services requested relate to proprietary expertise unique to specific District software or hardware.

- (a) **PREPARE DRAFT REQUEST FOR PROPOSAL:** Staff shall prepare a Draft Request for Proposal (RFP) that (i.) provides an overview of the assignment, (ii.) requests that the consultant submit a Proposal detailing their qualifications and approach, and (iii.) requests that the consultant submit under separate cover an estimated budget.
 - i. The RFP overview describes the nature of the project; details the services required including a timeline for each task and work product; explains the criteria for selection; sets the due date/time for submittal; sets the submittal

- requirements (# copies, six, etc.), and identifies a contact person for additional information. The RFP shall reserve the right to reject proposals.
- ii. Based on the overview's description of the project, the consultant will next be asked to submit a proposal detailing the firm's qualifications and approach to the assignment. This proposal must identify the experience of the firm and the project manager in relation to the project. This proposal must also document the firm's credentials and insurance capability.
 - iii. Finally, the consultant will be asked to submit a project budget under separate cover in a sealed envelope. The consultant will be expected to negotiate an agreement for the described services using this budget. The budget submittal shall break out the proposed fee and hours by staff type for each task. The consultant may include costs for optional services for the services not detailed in the RFP.
- (b) **BOARD AUTHORIZATION TO PROCEED:** Staff shall present the draft RFP along with a listing of known firms with similar expertise for Board edit. If the Board authorizes the process, then staff will mail an RFP to each identified consultant and post notice of the RFP at the MCSD office.
- (c) **EVALUATION OF PROPOSALS:** It is not possible to foresee the specific criteria for ranking proposals until the assignment is specified. However, the following general categories will be common to any screening--(i.) minimum qualifications and (ii.) comparison rankings.
- i. **MINIMUM QUALIFICATIONS:** RFP's must demonstrate that the firm has the appropriate credentials to perform the service; has appropriate insurance and can satisfy the requested project timeline.
 - ii. **COMPARISON RANKINGS:** If the firm satisfies these minimums, then the RFP should be rated on a numerical scale for staff qualifications, experience, approach, performance/availability, proposal quality, and historical budget/schedule adherence. Preference should be given for local firms where two firms are otherwise equally qualified.
- (d) **RECOMMENDATION:** Following closure of the submittal period, staff shall evaluate all proposals based on the criteria approved by the Board for this selection and compile a ranked listing of submitters. For the top three qualified consultants, staff shall open the attached budgets and compare budgets. Staff will then negotiate a proposed scope of work and cost with the top ranked consultant or consultants; including any options staff requests be included.
- (e) **SELECTION:** Staff will present a summary of the submittal results and the recommended scope of work/budget to the Board for approval or rejection. Should the Board approve the scope of work, staff will negotiate an agreement for subsequent Board ratification.

Rule 67.03. SELECTION OR OTHER CONSULTANTS FOR MAJOR PROJECTS - MCSD shall use the process set forth in this rule to govern selection of all other consultants where the services are expected to cost more than \$15,000 and for selection of professional consultants where the proposed services are technical services requiring little professional judgment and the services are expected to cost more than \$15,000.

- (a) **PREPARE DRAFT REQUEST FOR PROPOSAL:** Staff shall prepare a Draft Request for Proposals (RFP) that provides: (i.) an overview of the assignment, (ii.) requests that the consultant submit a Proposal detailing their qualifications and approach and an estimated budget.
- i. The RFP overview describes the nature of the project; details the services required including a timeline for each task and work product; explains the criteria for selection; sets the due date/time for submittal; sets the submittal requirements (# copies, size, etc.), and identifies a contact person for additional information. The RFP shall reserve the right to reject proposals.
 - ii. Based on the overview's description of the project, the consultant will next be asked to submit a proposal detailing the firm's qualifications and approach to the assignment. This proposal must identify the experience of the firm and the project manager in relation to the project. This proposal must also document the firm's credentials and insurance capability. This proposal must include a project budget. The budget submittal shall break out the proposed fee and hours by staff type for each task. The consultant may include costs for optional services not detailed in the RFP.
- (b) **BOARD AUTHORIZATION TO PROCEED:** Staff shall present the draft RFP along with a listing of known firms with similar expertise for Board edit. If the Board authorizes the process, then staff will mail an RFP to each identified consultant and post notice of the RFP at the MCSD office.
- (c) **EVALUATION OF PROPOSALS:** It is not possible to foresee the specific criteria for ranking proposals until the assignment is specified. However, the following general categories will be common to any screening--(i.) minimum qualifications and (ii.) comparison rankings.
- i. **MINIMUM QUALIFICATIONS.** RFPs must demonstrate that the firm has the appropriate credentials to perform the service; has appropriate insurance and can satisfy the requested project timeline.
 - ii. **COMPARISON RANKINGS.** If the firm satisfies these minimums, then the RFP should be rated on a numerical scale for staff qualifications, experience, approach, performance/availability, proposal quality, and historical budget/schedule adherence and price. Preference should be given for local firms where two firms are otherwise equally qualified.
- (d) **RECOMMENDATION.** Following closure of the submittal period, staff shall evaluate all proposals based on the criteria approved by the Board for this selection and compile a ranked listing of submitters. Staff will recommend selection of one firm and specify any options requested for inclusion.
- (e) **SELECTION.** Staff will present a summary of the submittal results and the recommended scope of work/budget to the Board for approval or rejection. Should the Board approve the scope of work, staff will negotiate an agreement for subsequent Board ratification.

Rule 67.04. SELECTION OF CONSULTANTS FOR SMALL CONTRACTS - staff may retain consultants to perform budgeted services where the expected value of the service is less than \$15,000.

Where the service is expected to cost more than \$5,000 staff shall secure informal proposals from firms known to have the required expertise. Where the service is expected to cost less than \$5,000 staff shall negotiate an agreement with the apparent best qualified consultant.

REGULATION 68 – LATENT POWERS

Rule 68.01: INTRODUCTION – This regulation will detail and clarify the Latent Powers of the District. The State of California Government Code, Title 6, Division 3, Part 3, Chapter 1, Section 61100, states “within its boundaries, a district may do any of the following:” and then lists in its subsections various latent powers. As detailed in the 2009 adopted Municipal Service Review (MSR) prepared by the Humboldt County Local Agency Formation Commission (LAFCo), the District currently provides the following services:

- Water,
- Wastewater,
- Parks and Recreation,
- Street Lighting,
- Open Space,
- Stormwater Detention Basins, and
- Library.

Rule 68.02: EXERCISING LATENT POWERS – The process for activation of latent powers per the Cortese-Knox-Hertzber Act consists of the following steps:

1. Government Code Section 61106(a) If a Board of Directors desires to exercise a latent power, the district shall first receive the approval of the local agency formation commission, pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3.
2. Government code Section 61106(b) After receiving approval of the Local Agency Formation Commission, the Board of Directors may, by ordinance, order the exercise of that power.
3. Latent powers activation does not require an election unless sufficient written protest during the protest hearing process was received.
4. A certificate of completion should be recorded to certify the exercise of new and/or different functions.

Rule 68.03: SERVICES FOR THOSE EXPERIENCING HOMELESSNESS – The Board and Staff of McKinleyville CSD are sensitive to the impact homelessness has on our community. As a California Special District, McKinleyville community Services District has specific authorities. With that in mind, MCSD has no authority or funding to serve those experiencing homelessness in our community. To address unmet needs in McKinleyville, MCSD can offer facilities to third parties to serve those experiencing homelessness in the community. This includes, but is not limited to, Parks, buildings, and undeveloped property owned by MCSD. The process for accessing an agreement with MCSD can be found in Article IV, Regulation 45: Permits, Fees and Deposits, of

the MCSD Rules and Regulations. Any third party interested in utilizing MCSD facilities for the care, support, or locating the homeless population will be required to apply for a permit consistent with these rules and regulations. Any request for these services will be reviewed on a case-by-case basis and will require action by the MCSD Board of Directors. A facility use agreement that lays out specifics, including cost and term, will be required, and must be approved by the Board in an open, public meeting.

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.

Rule 68.05: RECLAMATION AUTHORITIES

Absent a duly adopted amendment to this Rule 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.

RULE 68.06: LAW ENFORCEMENT FACILITATION

The McKinleyville Community Services District currently supports the Humboldt County Sheriff’s Department through a leasehold agreement to provide the building and related facilities for the Sheriff’s substation. The facilities are provided at a reasonable lease rate to help facilitate the provision of police protection and law enforcement services to the residents of McKinleyville and to protect District property in exchange for, without limitation, in kind labor, such as additional Sheriff’s Work Alternative Program (SWAP) services provided to the District.

The District does not exercise police protection or law enforcement powers or authority and the District does not provide any law enforcement services. The District does, however, facilitate police protection and law enforcement services by the Humboldt County Sheriff’s Department within the District’s boundaries by making District facilities available to the Sheriff’s Department to lease and the District expressly reserves, but does not exercise, any latent powers to collaborate with other appropriate law enforcement agencies or add additional services should this agreement no longer become viable. These services include, but are not limited to, providing District physical facilities, buildings and property through lease, providing equipment, reviewing and monitoring law enforcement efforts in McKinleyville, entering into convict work programs (e.g., SWAP) and communication sharing.

The District will not provide actual police protection or law enforcement services and relies exclusively on the Humboldt County Sheriff’s Department for the provision of law enforcement services in accord with the County of Humboldt jurisdictional authority. The District does, however, determine that the continued provision of the District facilities for the Humboldt County Sheriff’s Department substation on District property provides express benefit to the District and its ratepayers in accord with California Government Code Section 61060(d).

ARTICLE VII - OPEN SPACE MAINTENANCE

REGULATION 70 - GENERAL PROVISIONS - OPEN SPACE MAINTENANCE

Rule 70.01. 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."

Rule 70.02. RECREATIONAL USE DEFINED - recreational use is considered any area open for safe public use that contains trails, improved footpaths, parks, tot lots, playgrounds, or those areas having access to scenic views or open space. These recreational areas shall conform to the definition of recreational facilities contained in the MCSD Parks and Recreational Master Plan.

Rule 70.03. DETENTION BASINS DEFINED - a detention basin is a facility designed to capture storm water runoff and temporarily impound this water with a release rate to the downstream receiving area of an amount not to exceed a two-year rainfall event as defined by County Standards. Detention basins, if required by Storm water Regulations of the Humboldt County Planning and Public Works Department for new development, must comply with County Standards. MCSD has design standards for basin configuration that shall be constructed or submit equivalent facilities for consideration.

Rule 70.04. RECREATIONAL AREAS AND NON-RECREATIONAL AREAS AS DETENTION BASINS - if a developer wishes to submit an application to the MCSD for consideration of A Detentions Basin as an Open Space Zone and petition the District to maintain said zone there must be an application filed with the District. Each basin will be considered independently with no District obligation of acceptance. The basin direct may or may not have a nexus to recreation use as defined in 70.02. Recreational use and open space designation is not required for consideration of acceptance. The applicant proposing any specific area as a recreational amenity must submit maps delineating the recreation area and a justification of why this area of recreational use should be considered for Open Space Zone consideration. Such areas must be accessible to the public and meet any other specifications as required by the District as a condition of development. If the District Board of Directors agrees to the proposed open space concept the District will consider Maintenance of the Open Space Zone as set forth in Section 72 of the District Rules and Regulations. The detention basin and/or recreational area shall be dedicated "in fee" to MCSD as a condition of approval at the time of recordation.

Rule 70.05. DETENTION BASIN CONSTRUCTION REQUIREMENTS - engineered plans proposing a Detention Basin area for primary recreational use shall be submitted along

with the required design drawings for water, sewer and street light facilities. These basins must comply with the County Standards for Storm water management and treatment. Generally, these basins are excavations within the subdivision or consist of a berm formed across a natural drainage channel. Earthen berms or dikes shall be compacted with clayey materials to 90% compaction. Side slope of the berm shall not exceed a 1:3 ratio of rise over run. Piping and drains in the basin shall be sized to release storm water at a two-year rainfall rate, using a ten-minute storm duration. Release structures will have the bottom drain and overflow piping covered with cast iron grating and/or trash racks to prevent debris, animals and etcetera from entering into the piping. The overflow piping will be a vertical pipe in the face of the berm eighteen inches below the lowest point on the berm. At the location of the overflow the berm shall be protected with a four-inch reinforced concrete slab (or filter fabric with six inch fractured rock, 10# rock) to prevent berm erosion. Six-inch rock and filter fabric is to be placed on the downstream side of the overflow area to prevent erosion at the base of the concrete or rock spillway in the event of a high rainfall event or blockage of the drains creating an overflow condition in the basin. The width of the concrete spill way and the area of rock placement will be determined in the design phase based upon the slope and size of the basin. Generally, a ten foot wide spillway sloped toward the center will be sufficient. All disturbed areas will be seeded with a grass mix to stabilize the ground and prevent erosion of the site. The District may consider other equivalent designs upon the submittal of engineered plans.

REGULATION 71 - MAINTENANCE STANDARDS

Rule 71.01. 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 71.02. 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 71.03. 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 71.04. 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 71.05. 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 72 - ASSESSMENT DISTRICT FORMATION

Rule 72.01. 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 72.02. 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 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.

Rule 72.04. 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.

Rule 72.04.A. 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 is 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.

Rule 72.05. 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 72.06. APPLICATION FEE - the application fee for formation of a maintenance zone shall be three hundred and fifty (\$350) dollars.

REGULATION 73 - RATES AND CHARGES.

Rule 73.01. 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 73.02, 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 73.03.

Rule 73.02. 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 73.03. ADMINISTRATIVE CHARGES - the District shall charge a fifty cent (\$.50) administrative charge per customer per month.

Rule 73.04. NOTIFICATION - the District business manager shall notify each property owner of changes in the maintenance charge or administrative charges.

Rule 73.05. ADMINISTRATION - opening and closing bills for less than 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 73.06. 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 73.07. DISCONTINUING SERVICE - if all or part of the bill described in rule 73.05 is not paid when due, the District may discontinue water or sewer service until such bill is paid.

Rule 73.08. 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 73.09. 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 73.10. USE OF REVENUE - revenues derived under this article shall be used only for maintenance costs and the administration of maintenance services.

Rule 73.11. PROCESSING FEE - prior to commencing service a non-refundable fee of twelve (\$12) dollars will be required of all customers.

Rule 73.12. STORM WATER CAPACITY FEE - Storm Water Capacity is available at the Hiller East Marsh for the following fees and charges:

- (a) Surface area capacity is to be charged at the rate of \$115,000.00 per acre or \$2.64 per square foot. The District is willing to discuss terms for a conservation easement if that is a necessary requirement of an Agency mitigation requirement at this site.
- (b) Developer capacity charge will be at a minimum of \$58,351.00 per acre-foot or \$1.34 per cubic foot if one acre-foot or more is purchased. For capacity amounts less than one acre-foot the charge will be \$1.68 per cubic foot.
- (c) Maintenance fees: Monthly maintenance fees will be \$2.00 per Equivalent residential Unit (ERU). The monthly fee will be billed with the monthly sewer and water billing. Nonpayment may result in the loss of service to the applicant's residence and is

subject to remedy as set forth in related sections of this Ordinance applicable to Water and Sewer Payment.

- (d) These fees are subject to increase if Local, State or Federal Regulatory Action causes increased expenses for the District to monitor or maintain this wetland site. Further, annual adjustment will be made to the fee structure based upon the annual Price and Population Increase as provided by the State Department of Finance. District Labor cost will be increased annually based upon COLA indexes as defined in the Personnel Policy Manual.

ARTICLE VIII: WATER CONSERVATION

REGULATION 80 – WATER CONTINGENCY PLAN

RULE 80.01 INTRODUCTION

This regulation details the provisions of the Water Shortage Contingency Plan (WSCP). The rules and regulations of this plan were originally adopted in 1977 through Ordinance 10, and subsequently were amended through Ordinance 11 in 1977 and Resolution 2015-09 in 2015. Prior to 2021, these rules and regulations were stand alone. In 2021, the rules and regulations for the WSCP were codified.

RULE 80.02 DECLARATION OF WATER SHORTAGE EMERGENCY

The provisions of the WSCP shall take effect upon a declaration of a water shortage made by a resolution of the McKinleyville Community Services District (MCSD) Board of Directors (the Board). Recommendation for the implementation of the WSCP shall be brought to the Board of Directors whenever the District General Manager, upon engineering analysis of District water supplies, information received from the wholesale water provider, Humboldt Bay Municipal Water District (HBMWD), or due to regulatory requirements, notices, or orders, finds and determines that a water shortage emergency exists or is imminent within the MCSD water service area and a declaration of a water shortage is made by a resolution of the MCSD Board of Directors, and they shall remain in effect for the duration of the water shortage set forth in the resolution.

Stage	Demand Reduction Goals
Stage 1 – Voluntary Consideration	Up to 10%
Stage 2 – Voluntary Conservation	Up to 20%
Stage 3 – Mandatory Conservation	Up to 30%
Stage 4 – Emergency Water Shortage	Up to 40%
Stage 5 – Emergency Mandatory Rationing	Up to 50%
Stage 6 – Critical Water Shortage Emergency Rationing	Greater than 50%

RULE 80.03 APPLICATION

The provisions of this Regulation shall apply to all customers using water both in and outside the McKinleyville Community Services District, regardless of whether any customer using water shall have a contract for water service with the McKinleyville Community Services District.

RULE 80.04 DETERMINATION OF STAGE OF ACTION NECESSARY

This Regulation is to be implemented during times of declared water shortages or declared water shortage emergencies. It establishes six stages of response actions to be implemented in times of shortage, as set forth in Rule 80.07: Water Shortage Contingency Plan Shortage Stages, with increasing restrictions on water use in response to worsening drought conditions or decreasing available supplies. The MCSD Board of Directors, upon recommendation by the Manager, shall determine and declare by resolution the stage of response action necessary. Notice of such determination shall be published in a newspaper of general circulation and shall be effective within five (5) days from the date the declaration is made.

RULE 80.05 WASTE OF WATER PROHIBITED

No water furnished by the District shall be wasted. Waste of water includes, but is not limited to, the following:

- a) Permitting water to escape (run to waste) down a gutter, ditch, or surface drain.
- b) Failure to repair a controllable leak of water.
- c) Failure to put to reasonable beneficial use any water withdrawn from the District's system.

RULE 80.06 PROHIBITION OF NON-ESSENTIAL USE OF WATER

No water furnished by the District shall be used for any purpose declared to be non-essential by this Regulation for the following stages of action as determined by the Board of Directors after considering specific triggers consistent with the Water Shortage Contingency Plan for the MCSD Service Area.

RULE 80.07 WATER SHORTAGE CONTINGENCY PLAN SHORTAGE STAGES

Six standard water shortage stages corresponding to progressive ranges of up to 10, 20, 30, 40 and 50 percent and greater than 50 percent reduction in use.

Stage 1	Voluntary Consideration	Up to 10% Reduction
Achieve up to 10% reduction in water usage compared to the corresponding billing period in the previous calendar year (prior to declaration of the most recent water shortage emergency) by encouraging voluntary consideration, enforcement of water wasting regulations and water conservation regulations, requesting customers to make conscious efforts to conserve water. Voluntary actions include:		
<ul style="list-style-type: none"> • Water conservation is requested of all customers. 		
<ul style="list-style-type: none"> • Use water efficient indoor devices. 		
<ul style="list-style-type: none"> • Installation of low-flow shower heads, low-flush toilets, and faucet aerators. 		

Stage 2	Voluntary Conservation	Up to 20% Reduction
Achieve up to 20% reduction in water usage by encouraging voluntary conservation, request restaurants to serve water only upon request, encourage private sector to use alternate source and encourage night irrigation. Additional voluntary actions include:		
<ul style="list-style-type: none"> • Use of hose-end shutoff nozzles on all garden and utility hoses. 		
<ul style="list-style-type: none"> • Refrain from washing cars, boats, trailers, or other vehicles except by hose with shutoff nozzle and bucket. 		
<ul style="list-style-type: none"> • Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems. 		

Stage 3	Mandatory Conservation	Up to 30% Reduction
From and after the date that the Board of Directors, by resolution, determines that Stage 3, Mandatory Conservation actions are to be implemented, in addition to the voluntary action in prior Stages, the following uses are declared to be non-essential:		
<ul style="list-style-type: none"> • Outdoor irrigation of ornamental landscapes or turf with potable water is only allowed on Sundays, Tuesdays, Thursdays, and Saturdays. 		
<ul style="list-style-type: none"> • Application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures. 		
<ul style="list-style-type: none"> • Use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculation system. 		
<ul style="list-style-type: none"> • The use of a hose that dispenses potable water to wash a motor vehicle or for any other purpose, except where the hose is fitted with a shutoff nozzle or device attached to it that causes it to cease dispensing water immediately when not in use. 		
<ul style="list-style-type: none"> • Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas except by public agency for the purpose of public safety. 		

Stage 4	Emergency Water Shortage	Up to 40% Reduction
From and after the date that the Board of Directors, by resolution, determines that Stage 4, Emergency Water Shortage actions are to be implemented, in addition to the actions in prior Stages, the following uses are declared to be non-essential:		
<ul style="list-style-type: none"> • Watering any portion of a golf course other than the tees and greens except where private well or recycled water supply is used. 		
<ul style="list-style-type: none"> • Fire hydrant water unless authorized by the District, except by fire protection agencies for fire suppression purposes, or for other authorized uses including storm drain maintenance, and street sweeping purposes. Water/sewer flushing, 		

and fire flow testing are authorized only if coordinated and performed at the same time.
<ul style="list-style-type: none"> • Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems.

Stage 5	Emergency Mandatory Rationing	Up to 50% Reduction
From and after the date that the Board of Directors, by resolution, determines that Stage 5, Emergency Mandatory Rationing actions are to be implemented, in addition to the actions in prior Stages, the following uses are declared to be non-essential:		
<ul style="list-style-type: none"> • Outdoor irrigation is prohibited unless total water use is reduced by 50% from the same billing period from the previous calendar year (prior to declaration of the most recent water shortage emergency). 		
<ul style="list-style-type: none"> • Any leaks that are not repaired within 24 hours after discovery will result in water shut-off. 		
<ul style="list-style-type: none"> • Operating a hotel, motel, or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets, and linens. 		
<ul style="list-style-type: none"> • Planting any new landscaping. 		
<ul style="list-style-type: none"> • Watering any residential lawn, or any commercial or industrial area lawn maintained for aesthetic purposes, at any time of the day or night during the period of March 1 through September 30, when a Stage 5 is in progress. 		
<ul style="list-style-type: none"> • Use of water for any outdoor washing purpose including commercial car washing, window washing, and paint preparation. 		
<ul style="list-style-type: none"> • Washing of cars, boats, trailers, or other vehicles. 		
<ul style="list-style-type: none"> • Automated commercial car washes without a water recycling system. 		
<ul style="list-style-type: none"> • Street cleaning or dust control with potable water. 		
<ul style="list-style-type: none"> • Filling or to top off any swimming pools, outdoor spas, wading pools, and ornamental water features. 		
<ul style="list-style-type: none"> • Use of water from a fire hydrant except for fighting fires and human consumption. 		

Stage 6	Critical Water Shortage Emergency Rationing	> 50% Reduction
From and after the date that the Board of Directors, by resolution, determines that Stage 6, Critical Water Shortage Emergency Rationing actions are to be implemented, in addition to the voluntary action in prior Stages, the following uses are declared to be non-essential:		
<ul style="list-style-type: none"> • Agricultural irrigation. 		
<ul style="list-style-type: none"> • Outdoor irrigation. 		
<ul style="list-style-type: none"> • Any leaks that are not repaired immediately will result in water shut-off. 		
<ul style="list-style-type: none"> • Bulk water sales. 		

RULE 80.08 ENFORCEMENT

The General Manager and all employees of the McKinleyville Community Services District have the duty and are authorized to enforce the provisions of this Ordinance and shall have all the powers and authority contained in California Penal Code Section 836.5, including the power to issue written Notice of Violations and Administrative Citations.

MCSO has a variety of remedies to help ensure compliance. These remedies begin with education regarding the restrictions and information about resources available from MCSO to assist in complying with regulations. The remedies also include an escalating series of actions, including:

1. Notice of Violation.
2. Administrative Citations up to \$500
3. Referral to MCSO's Legal Counsel for civil or criminal prosecution.
4. Shut off-of water service.

(a) **Notice of Violation.** If any person fails or refuses to comply with this Ordinance, the MCSO General Manager shall provide that person with written notice of the violation and an opportunity to correct the violation. The written notice shall:

1. Be posted or presented at the site of the noncompliance;
2. State the time, date, and place of violation;
3. State a general description of the violation;
4. State the means to correct the violation;
5. State a date by which correction is required [period for compliance will be shortened depending on applicable water supply shortage level];
6. State the possible consequences of failing to correct the violation; and,
7. Include appeal and hearing rights and procedures.
8. A copy of the written notice shall be mailed to the address of the violation, to the party who is billed for the water, or to the owner of the property, as appropriate.

(b) **Administrative Citations.** Failure to correct the Notice of Violation within the time specified in the written notice will result in one or more of the following actions after providing appropriate due process:

1. Any penalties, surcharges or increased charges incurred by MCSO for excessive use by customers shall be passed on to the customers causing the excessive use of

water.

2. Impose an Administrative Citation of not more than one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation, and five hundred dollars (\$500) for each additional violation occurring within the calendar year.
3. Place a flow restricting device on the meter. Payment of MCSD's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service is the responsibility of the customer.
4. Each day that a violation occurs is a separate offence.

(c) **Administrative Hearing.** Any person wishing to appeal a Notice of Violation or Administrative Citation, shall, within fifteen (15) days of receipt thereof; file a written request for an administrative hearing with the MCSD Board of Directors. A hearing on the matter shall be held before the MCSD Board of Directors during the next available Board meeting. The decision to terminate water service is not taken lightly and will occur when all other enforcement measures have not been effective. MCSD will consider all the following as part of its decision regarding appropriate remedies to employ and on whether to grant an appeal:

- Drought Response Level in effect.
- Prior enforcement remedies applied.
- Public health and safety.
- Amount of water being used in violation.
- Impact of the violation

(d) **Final Decision.** The appeal decision by the MCSD Board of Directors shall detail the final penalties or surcharges up to and including termination of water service. If the original Notice of Violation recommended the termination of water service, it shall be at the General Managers discretion on whether water service is terminated while the appeal is waiting to be heard by the Board. The General Manager shall use the above criteria to arrive at their decision.

The Final Decision of the hearing shall be issued within (30) days of the conclusion of the hearing and shall be delivered by first class mail, postage paid, to the parties.

RULE 80.09 VARIANCES

Applications for a variance from the provisions of this Ordinance may be made to the General Manager. The General Manager may grant a variance to permit a use of water otherwise prohibited by this ordinance if the General Manager determines that the variance is reasonably necessary to protect the public health and safety and/or economic viability of commercial operation. Any decision of the General Manager under this section may be appealed to the MCSD Board of Directors.

Rule 80.10 DROUGHT SURCHARGE RATES

As analyzed in the Willdan 2022 *Comprehensive Utility Rate Study* and approved at the November 2, 2022 Prop. 218 Public Hearing, under a Board approved Stage 3 water shortage response action (or Stages 4 through 6, as approved by Board Resolution), a 10% increase in water usage rates can go into effect. The following Drought Surcharge will be effective only if the Board approves a Water Shortage Contingency Plan Stage 3 or higher and approves implementing the Drought Surcharge. Only the volumetric rates will be increased when the drought surcharge goes into effect. When the drought surcharge rates go into effect due to a water supply shortage, there is less water demand (customer usage) to recover the same revenue requirements on the system, therefore, volumetric rates may need to be increased to recover the revenue shortage.

Description					
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Monthly Base Charge					
5/8 Inch	\$ 20.45	\$ 21.68	\$ 22.98	\$ 24.13	\$ 25.10
3/4 Inch	\$ 28.39	\$ 30.10	\$ 31.90	\$ 33.50	\$ 34.85
1.0 Inch	\$ 44.28	\$ 46.93	\$ 49.75	\$ 52.24	\$ 54.34
1.5 Inch	\$ 83.98	\$ 89.02	\$ 94.36	\$ 99.08	\$ 103.06
2.0 Inch	\$ 131.63	\$ 139.53	\$ 147.89	\$ 155.29	\$ 161.54
3.0 Inch	\$ 242.81	\$ 257.37	\$ 272.80	\$ 286.46	\$ 297.97
4.0 Inch	\$ 401.63	\$ 425.72	\$ 451.25	\$ 473.83	\$ 492.88
6.0 Inch	\$ 798.69	\$ 846.60	\$ 897.36	\$ 942.27	\$ 980.15
8.0 Inch	\$1,275.17	\$1,351.65	\$1,432.70	\$1,504.40	\$1,564.87
Drought Surcharge per 100 CF					
Tier 1	\$ 0.47	\$ 0.50	\$ 0.53	\$ 0.56	\$ 0.58
Tier 2	\$ 0.57	\$ 0.60	\$ 0.64	\$ 0.67	\$ 0.70
Volume Per 100CF (Standard Rate plus Drought Surcharge)					
0-800 CF	\$ 2.94	\$ 3.12	\$ 3.31	\$ 3.48	\$ 3.62
over 800 CF	\$ 3.89	\$ 4.11	\$ 4.37	\$ 4.58	\$ 4.77

Appendix A – Current Special Fee Schedule

McKinleyville Community Services District

Fee Schedule FY 2017-18

with calculations and parameters

\$ 8.33	Bulk Water (RR 14.09)	Rate: Use current rates per CCF Fee: 0.10 Hr times Loaded Ops P/R - avg per hour	
	Customer Deposits:	2 1/2 times the monthly average for that class of customer	
\$ 60.00	(RR 5.01, 10.03)	Residential - water only	Mo.Avg: \$24.00
\$ 120.00		Residential - water/sewer	Mo.Avg: \$48.00
\$ 550.00		Fire Hydrant	Mo.Avg: \$220.00
Exempt	Regular call-outs for:	all sewer issues <i>(no fee for these)</i>	
		water quality issues: pressure, taste/odor/color	
\$ 42.19	Special call-outs (during business hours):	0.50 hour, FY 2017-18	
\$ 163.13	After-hours call-outs (no RR)	2.00 hours OT FY 2017-18 0.50 hours Utility Truck	
\$ 56.25	Reconnection Fee (RR 10.03)	40 minutes, FY 2017-18	
\$ 100.99	Meter Removal/Reinstallation (no RR)	1.00 hour, FY 2017-18 1.00 hour Utility Truck 16.61 Lock Cost	
	Meter Reinstallation w/replacement of angle-stop, out of sidewalk	1.50 hour, FY 2017-18 1.00 hour Utility Truck	
\$ 207.16	3/4" x 5/8"	\$98.60 Parts	
\$ 215.04	1" x 5/8"	\$106.48 Parts	
\$ 244.73	1" x 1"	\$136.17 Parts	
	Meter Reinstallation w/replacement of angle-stop, in sidewalk	2.00 hour, FY 2017-18 1.00 hour Utility Truck	
\$ 231.35	3/4" x 5/8"	\$98.60 Parts	
\$ 239.23	1" x 5/8"	\$106.48 Parts	
\$ 268.92	1" x 1"	\$136.17 Parts	
	Replacement of angle-stop out of sidewalk	1.50 hour, FY 2017-18 1.00 hour Utility Truck	
\$ 190.55	3/4" x 5/8"	\$81.99 Parts	
\$ 198.43	1" x 5/8"	\$89.87 Parts	
\$ 228.12	1" x 1"	\$119.56 Parts	
	Replacement of angle-stop in sidewalk	2.00 hour, FY 2017-18 1.00 hour Utility Truck	
\$ 214.74	3/4" x 5/8"	\$81.99 Parts	
\$ 222.62	1" x 5/8"	\$89.87 Parts	
\$ 252.31	1" x 1"	\$119.56 Parts	

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **INFORMATION**

ITEM: F.3.A **Finance & Administration – April - May 2023 Report**

PRESENTED BY: **Nicole Alvarado, Finance Director**

TYPE OF ACTION: **None**

FINANCIAL, AUDIT, & BUDGET INFORMATION

The District has \$813,722 to date in the Trust Account for the Biosolids Disposal project. A check for \$540,657 was received and deposited in January.

Customer adjustments at April month-end total \$3,273, the annual budget for this sub-item is \$45,000. (GL# 501/551-62120)

Total Board Travel as of April 30, 2023 is \$22,528 which is 145% of the approved \$15,500 budget for this item. (GL# 001/005/501/551 62090/62155-888)

Audit/Budget Update:

The final completed budget for all Departments has been presented at this board meeting. Interim testing for the FY2022-2023 audit has been scheduled for the week June 19th.

Treasurer's Report Highlights:

Water Fund capacity fees collected through March totaled \$130,249. Wastewater Fund capacity fees of \$208,528 were collected through the end of April. The Water Fund has recorded \$73,570 in capacity fees and the Wastewater Fund has recorded \$72,510 in capacity fees. Capital Contributions and Capacity fees are included in the income vs. expenses graphs of the Treasurer's Report, but they are called out separately on the Budget to Actuals report.

Activity Summary

The Activity Summaries by Fund provides information on revenues and expenses or expenditures for each Fund, both current month and year-to-date. There is also a column showing the year-to-date budget and amounts and percents over or under. Lines that deviate from the calculated budget by more than 10% have an explanatory note. Often, this is no more than a reminder that, while the budget is divided evenly across twelve months, actual expenses often do not follow the same pattern. Other

times, there are specific reasons for a deviation, such as contributed construction or the collection of unexpected capacity fees.

The Water and Wastewater Funds are listed first, followed by the graphs showing revenue versus expenses versus budgets. Parks, Measure B, and Streetlights information is given next, with accompanying graphs for each.

OTHER UPDATES

Staff has initiated the transfer of funds from CalTrust to California CLASS. Monies held at Humboldt County will be transferred in July.

Staff requested trust account statements from Humboldt County as of April 30, 2023 but has yet to receive them. The April 30th property tax distribution has been estimated and recorded, once statements are received, staff will true up the distribution.

Customer Service Specialist Eava Young recently completed a Leadership Training facilitated by the Public Utilities & Waterworks Management Institute. At the training she learned how to lead teams, navigate conflict, and make difficult decisions. Way to go, Eava!

On May 15th, the Department welcomed our new Customer Service Representative Laurel Weston to the District. Laurel has a master's degree in English from Humboldt State University, and experience in event planning and working with the public. We're excited to have her aboard.

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **INFORMATION**

ITEM: F.3.B **Operations Department – April / May 2023 Report**

PRESENTED BY: **James Henry, Operations Director**

TYPE OF ACTION: **None**

Water Department:

Water Statistics:

The district pumped 37 million gallons of water in April.
Four water quality complaints were investigated and rectified.
Daily, weekly and monthly inspections of all water facilities were conducted.

Double Check Valve Testing:

Annual routine testing was conducted in April. Customers with failed DCV's were notified to make repairs and call the office to schedule a retest.

Average and Maximum Water Usage:

The maximum water usage day was 1.4 million gallons and the average usage per day was 1.2 million gallons.

Water Distribution Maintenance:

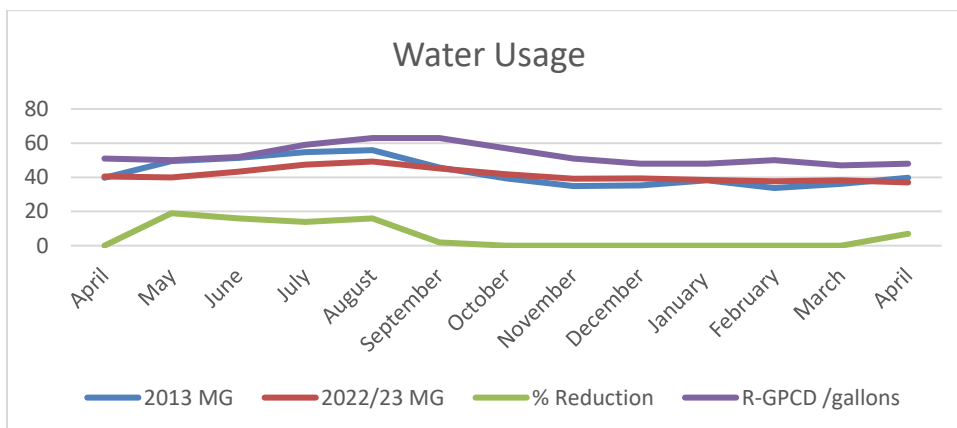
Weekly Bacteria Samples were collected on Schedules 1, 2, 3, and 6 which represent different locations in the water distribution system. The schedules are made up of a sample taken in each pressure zone. Mainline valves are being operated as part of the annual exercising program. This will continue into the next few months. Staff will record conditions or issues onto the tablet during inspections and all issues will be flagged to generate a service order for repairs. Three service line leaks were repaired on Harper Lane, Sagewood and Railroad. I assume these leaks were a residual from the earthquake.

Water Station Maintenance:

Monthly inspections and daily routines were conducted at the water stations. Any minor issues found are repaired during inspections, but if they require parts or extensive labor, the issue is documented on the monthly sheet, which will then generate a work order for repairs. Cleaning and touch up painting took place at the Blake pumping station. Tank bases were cleaned at Cochran and Norton sites. Mowing and string trimming continues at tank 1C along with relocating the animal shelter and installing a water service to feed the water trough to prepare for the tank construction. Staff repaired the east fence line between Cochran and Hewitt preserve. String trimming and mowing also took place at the McCluski tank site.

As of July 2014, the District is required to submit a Public Water Monthly Monitoring Report to compare water usage to last year's usage in the same month. I will keep the Board updated each month using the Table below.

	2013 (MG)	2022/23 (MG)	% Reduction	R-GPCD
April	39.755	36.072	10	49
May	49.407	40.019	19	50
June	51.337	43.312	16	52
July	54.757	47.464	14	59
August	55.908	49.252	16	63
September	45.702	45.118	2	63
October	39.439	41.856	(-6)	57
November	34.879	39.227	(-12)	51
December	35.203	39.420	(-11)	48
January	38.241	38.464	(0)	48
February	33.751	34.914	(-3)	48
March	36.244	38.211	(-5)	47
April	39.755	37.003	7	48



R-GPCD = Residential Gallons Per Capita Day

New Construction Inspections:

Midtown Court Tract: Plans were reviewed, and plan check fees have been paid. This project has not started yet. Washington Estates: Contractor has installed Sewer mains and manholes per MCSD Specifications. Water mains and services have been installed and testing is pending on other utilities being installed.

Sewer Department:**Wastewater Statistics:**

30.1 million gallons of wastewater were collected and pumped to the WWMF. 33.7 million gallons of wastewater were treated and discharged to NPDES Permit site EFF-001 River disposal in April.

Sewer Station Maintenance:

Monthly inspections and daily routines were conducted at all sewer stations. Letz pump 1 and 3 were experiencing long pumping hours. Staff inspected the pumps, cleared debris and shimmed as necessary. The Fischer and B Street station received their quarterly pump maintenance and wet well cleaning. The cleaning is done using fire hoses and the Vac-con to remove grease and debris from the wet well and preventing these materials from plugging up pumps. This maintenance also removes hydrogen sulfide from the walls which can deteriorate the concrete structure. The grit pit is also sucked out during this time. String trimming and mowing took place at the B Street and Fischer stations.

Sewer Collection System:

Grease traps were inspected at required facilities. Customers that are out of compliance were notified to have their traps pumped and possibly shorten their pumping schedule. The six-month hydro-cleaning of sewer mains was completed. This route is made up of locations that have caused spills in the past. The cleaning is done using 3000 psi of water through a rotating nozzle, using the vac-con. Customers were notified in advance of the cleaning. The Imeson subdivision sewer main was inspected with the camera unit as part of the 1-year warranty inspection. No deficiencies were found.

Wastewater Management Facility:

Daily and weekly maintenance continues at the treatment plant to perform required service on the equipment. Mowing and string trimming was conducted along the plant entrance and around the lab. Staff held another tour at the plant for High School seniors and juniors.

Daily Irrigation and Observation of Reclamation Sites:

Staff have been string trimming around irrigation heads, remarking monitoring wells and mowing Hiller lanes to prepare for irrigation season. Flood cells and fields were cut by Andy the first week of May. Staff replaced the fencing at the bluff trail entrance along the West side of Fischer Ranch due to the trial construction project. Approximately 15 posts were replaced along with 1200 feet of fencing wire.

Street Light Department:

There were no streetlight complaints in April.

Promote Staff Training and Advancement:

Weekly tailgate meetings and training associated with job requirements. Staff received training on Construction site Safety, Personal protective Equipment, Back Safety and Healthy tips for Nutrition and Hydration.

Special Notes:

Monthly river samples were completed.

Monthly Self-Monitoring Reports (DMR/SMR) were submitted.

Public Water Monthly Monitoring report was submitted.

Monthly Water Quality report was sent to the Dept. of Health.

Oil changes were completed on all equipment.

Attended meetings for Central Mainline and misc. Inspections.

A new State required monthly report was completed for Drought and Conservation

Attended OSHA training in Eureka.

Gearing up for the 3-year Lead and Copper Testing.

Assisted HBMWD with running pumps for 48 hours to conduct flow testing

Attended meeting with surveyors for the McCluski Tank Project.

GIS:**Plans & Programs**

- Annual review of Illness and Injury Prevention Plan
 - No Revisions were made
- Annual review of Public Power Safety Shutoff Procedures
 - Updated list of generators
 - No other revisions were made

Maps Completed & General GIS

- Copper and Lead Study
 - Created Shapefiles of parcels with houses built before 1985 and after 1985
 - Added to excel spreadsheet with Meter installation dates using old service orders
 - Created a map with current pre and post 1985 developments to test for lead
- Updated water meter shapefile in ArcGIS Online Web Map and Field maps
 - Merged the meter excel spreadsheet with meter shapefile
 - Water meter shapefile now has address attributed to each meter in GIS
 - Updated search bar in Field maps to search for location number of water meter so operations crew can easily find appropriate meter for an SO
 - Started to address inaccurate location numbers found upon merging of meter excel spreadsheet.
- Started to work on a new Mid-Town trail map for the MCSD Website that is more accurate to current trail

- Updated Water Facilities in GIS Online Web Map to recent changes

Misc. Work Completed

- USA's
- Operations Document Filing
- ICS 100 Certification obtained
- Researched relevant information and old maps that may be helpful regarding finding houses built before 1985.

This Page Left Intentionally Blank

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **INFORMATION**

ITEM: F.3.C **Parks & Recreation Director's Report for May 2023**

PRESENTED BY: **Lesley Frisbee, Parks & Recreation Director**

TYPE OF ACTION: **None**

TEEN & COMMUNITY CENTER-BOYS & GIRLS CLUB PARTNERSHIP:

Staff continues to meet with BGCR staff weekly. The Teen Club hours are Monday-Friday 2:00pm-7:00pm. The Teen Club runs a wide variety of programs including a weekly cooking program, a cycling program, an art program, a community service program and several BGCA national programs such as Power Hour, SMART Girls, SMART Moves and Youth for Unity. The Club's average daily attendance reached 25-40 teens per day.

PARK AND RECREATION COMMITTEE:

The Park and Recreation Committee (PARC) met on May 18, 2023. There was not a quorum for the meeting.

BMX TRACK & PARK PROJECT:

Melton Design Group has completed a Master Plan for design. The Master Plan for design was approved on May 3, 2023. MDG is now working on completing all construction drawings and cost estimates. The project is moving along according to schedule. It is anticipated that the construction plans will be ready for review in October or November.

COMMUNITY FOREST UPDATES:

Staff continues to meet monthly with Green Diamond Resource Co. staff. We are currently awaiting final legal descriptions of the Community Forest Property.

RECREATION PROGRAM UPDATES

- Drop-in Pickleball is running on Monday, Wednesday and Friday mornings 9:30am to 12:30pm and. \$4 per person.
- Drop-in Kung Fu is on Tuesday and Thursday evenings 5:30pm-7:00pm \$10 per person per class. Bulk class passes are available to purchase at \$7.50 per class.
- Drop-in Tai Chi is Sundays 11:00am-12:00pm \$10 per person per class. Bulk class passes are available to purchase at \$7.50 per class.
- The Martial Arts classes are averaging 10-14 people per class.
- Sunday Night drop-in Basketball is averaging 8-10 participants per week.
- Pee Wee Basketball finished its 2023 season on June 3rd.
- Summer Basketball registration is currently being accepted. Summer Basketball is for youth going into 3rd-6th grades in the 2023-24 school year. The program will run June 27-August 10, 2023.

- Tot-letics Soccer registration is currently being accepted. The program will begin on July 8th.
- Registration for the NEW Tot-Craft program is open. Tot-Crafts is an introduction to the fun of arts & crafts for youth 3-5 years old. Each session is 4 weeks long and will meet on Saturdays, June 10-July 1 for one hour.
- Playgroup for children 0-5 runs weekly on Thursdays from 10:30am-12:30pm. This program is funded by a grant through First 5 of Humboldt.
- Registration for summer programs is open. The new slate of summer programs includes:
 - a 6 week, half day Tot-Camp for 3 to 5 year olds;
 - a 7-week half day Leadership Camp for 11-15 year olds;
 - weekly half day Specialty Camps for youth ranging from 7 to 15 years old. Specialty Camps will include: Makers Camp, Myth Busters Camp, Cooking Camp, Outdoor Adventure Camp; Fostering Artists Camp; Skate Camp; and Tabletop Gaming camp.

PARK & FACILITY MAINTENANCE UPDATES:

Spring is finally here, which means park and open space landscapes are growing fast. Staff is diligently working to stay on top of weeds and pruning. The Parks crew and NHES continue the routine schedule for maintenance on Central Ave. and Open Space Zone landscaping. Central Ave. trees are getting some much-needed trimming and maintenance this month. Staff continue to keep up with daily/weekly routine facility and vehicle maintenance. Monthly inspections were conducted on all facilities and Open Spaces.

Interior renovations at Azalea Hall are moving along smoothly. The walls have been textured and painted. New flooring is installed, and new blinds are up. New front doors are slated to be installed sometime late summer or early fall and the HVAC system will be getting an upgrade as well before the project is complete. Interior renovations at Azalea Hall are funded by the Prop 68 Per Capita Grant program. It is anticipated that all renovations will be complete by the end of the 2023 calendar year.

The park maintenance crew has had to address a consistent series of vandalism incidents at Pierson Park this month.

FACILITY RENTALS & USE

- 8 Azalea Hall Rentals plus a weekly and a bi-weekly meeting room rental in April through June.
- 15 Activity Center Rentals April through June.
- 28 Pierson Park rentals April through June.

OTHER UPDATES:

- Staff has completed the Summer/Fall Newsletter & Activity Guide and will be mailed to residents the week of June 12th.
- Staff submitted an application for the Caltrans Clean California grant program for funds to build the skatepark and to renovate the Pierson Park restrooms for ADA compliance.
- Staff is participating in the District's 5 year strategic plan update process.
- Staff continues to participate as members of the McKinleyville Chamber of

Commerce Board of Directors, the McKinleyville Family Resource Center Board of Directors and the Boys & Girls Club of the Redwoods Board of Directors.

- Staff continues to provide support to other departments of the District; assisting with accounts payable, and payroll.

ATTACHMENTS:

N/A

This Page Left Intentionally Blank

McKinleyville Community Services District

BOARD OF DIRECTORS

June 7, 2023

TYPE OF ITEM: **INFORMATIONAL**

ITEM: F.3.D **General Manager’s Report for June 7, 2023 Meeting**

PRESENTED BY: **Patrick Kaspari, General Manager**

TYPE OF ACTION: **Information Only**

A summary of activity for the month of May 2023

Cost Savings Related to District Activities – The following is a review of some of the recent cost savings opportunities District staff identified for the month:

• Use of NHE Services =	\$2789
• WEX Labor Reimbursement =	\$0
• SWAP =	\$5,760
• Volunteer Pickleball Labor =	\$612
• CalNET Phones savings =	\$1,250
• Amazon Cost Savings =	\$130
• Staples Cost Savings =	\$147
• Leak Repairs – Activity Center	\$1,320
• Mad River Bluff Fencing =	\$35,207
• <u>Tree removal/fence repair Cochran =</u>	<u>\$780</u>
TOTAL COST SAVINGS FOR MAY =	\$47995

So far, for the District’s 2022/23 Fiscal Year, Staff was responsible for \$239,359 in savings to the District and its Rate Payers.

District staff are recognized and commended for their continued efforts in looking for cost savings, the use of internal labor, and grant opportunities that result in real savings for the District, ratepayers, and the community.

COVID-19 –The District has not had any positive tests for Staff for Covid this month. We continue to purchase at home test kits to allow Staff to monitor their health if they are exposed or begin to feel symptoms. We continue to be encouraging folks that feel colds or flu or anything coming on to stay at home.

4.5 Gallon Water Tank Project – At the April 12, 2023 Special Board Meeting, the Board found that Mercer Fraser had submitted the lowest priced, responsive and

responsible bid for this project. A Notice of Intent to Award was sent out to all bidders on April 13, 2023 and no bid protests were received. The Notice of Award was sent to Mercer Fraser on April 21st, and the District is working with them to execute all the contract documents and schedule a Kick-off meeting. Staff will report back to the Board on the proposed construction schedule at the next Board meeting.

The total construction base bid of \$11,642,475 and 10% contingency of \$1,164,248 totals \$12,806,723. To the construction cost is added the cost for the Kennedy Jenks construction management contract and the iCAD integration contract. This totals \$13,546,911 in funding needed to complete the project. This funding will largely be spent over the 2023/24 and 2024/25 Fiscal Years. This \$13,546,911 will be partially funded by \$7,148,857.50 in already obligated Hazard Mitigation Grant funding. **The District requested another \$1,868,227.50 in funding from FEMA/CalOES to fund this project back in September 2022. In May we received formal approval from FEMA for this additional funding request.** The District also was approved for a \$879,209 grant from the North Coast Resource Partnership (NCRP) as part of the Prop. 1, Round 2 funding. Since the FEMA additional funding was granted, the District's will need to fund \$3,650,617 of the remaining project costs. The District's matching funding will be provided by a portion of the Certificates of Participation, Series 2021A-Water bonds in the amount \$4,335,000.

The Fiscal 2022/23 CIP budget had \$800,000 budgeted for this Project, of which approximately \$595,000 has been spent. The 2023/24 FY CIP budget will have \$9,000,000 budgeted, and it is anticipated that the 2024/25 FY CIP budget will budget the remaining \$5,000,000.

Central Avenue Water and Sewer Mainline Replacement Project – As reported at the February 1, 2023 Board Meeting, GR Sundberg was the low bidder at \$2,532,275, and was awarded the contract. They have completed the water main between Sutter and Hiller as well as along Heartwood and Nursery Way. The main still needs to be leak tested, disinfected and connected to the existing mains at various ends. The connection work will likely occur at night to minimize water service and roadway impacts to customers. GRS will then move on to taking the old service connections off the existing main and transferring them to the new water main. They expect the water main work to be completed by the end of June. They will then start the sewer lining work. The sewer lining should be completed by the end of August or early September. People appear to be getting used to having traffic slow down along Central and are selecting alternative routes when feasible.

This project is being funded by \$1M in wastewater bond sales as well as \$1.5M in Mainline Replacement Reserves.

SRF Energy Efficiency WWMF Micro-grid Project – The installation of the microgrid at the Wastewater Management Facility (WWMF) continues to be behind schedule. The solar portion of the facility was brought on-line and signed off by PG&E on July 1, 2022. The District has been using and exporting solar energy since then. The battery portion of the system is still grinding its way through the PG&E permitting process. The contractor, Ameresco, used some of their high-level connections to shake things up and we finally got PG&E's attention. We had been having weekly meetings with PG&E's permitting folks but things have slowed down again and we continue to grind along. Upon PG&E approval, the entire microgrid will then be operational. We had a final inspection from the State Water Resources Control Board on April 5th and it went very well. As soon as the PG&E permit is complete, we will file the Notice of Completion, and this will close out the grant. We owe the Board a report on the energy generation over this last year and the cost savings associated with the solar array usage.

Sewer Undercrossing Project – FEMA has still not completed their National Environmental Policy Act (NEPA) review and issued a Finding of No Significant Impact (FONSI) to release the Phase 2 funding of the grant to fund the final design and construction of the project. We had been informed that FEMA needs the District to complete an additional Cultural Resource survey at the southern crossing site to allow them to finish up their NEPA process and release the Phase 2 construction funding. As detailed at the March 1, 2023 Board Meeting, the District awarded this contract to Pacific Legacy for a not to exceed amount of \$111,505.85. We submitted a request for a grant funding increase from CalOES immediately after the March Board meeting and were waiting for their approval prior to implementing this work. We were just informed that we didn't need to get CalOES/FEMA's approval for the funding increase before we implement this work, so we have asked Pacific Legacy to schedule the work. They will be doing the work between June 7-16th. We have notified the local Tribal Historic Preservation Offices and will have a Wiyot Cultural Monitor also overseeing the work.

Office Remodel – LDA Partners continues to work on the Office Remodel design. LDA completed an initial conceptual layout and District Staff commented on it back in November. They updated the floor plan and submitted a second and third floor plan for review. We will do one final review to get all Staff's comments, and then move on into the final design. We'll of course see what the Engineer's Construction Costs Estimate comes back at and make final decisions on when/if we want to go out to bid.

McCluski/Hewitt Tank Replacement Project – This project consists of the replacement of the two existing redwood tanks at the west end of Hewitt Ave. The existing 100,000 gallon and 150,000-gallon redwood tanks located on McCluski Hill are two of six water tanks that serve the District. The 100,000-gallon tank was constructed in 1972 and the 150,000-gallon tank was constructed in 1982. We propose to replace both tanks with 200,000-gallon, bolted steel tanks set on new foundations.

We submitted a Hazard Mitigation Grant application for this project in March 2021. We received the grant agreement from CalOES on February 17, 2023. This will be for Phase 1 funding, which will include the Biological and other Special Studies as well as Geotech assessment and 65% design drawings. District Staff wrote a Request for Qualifications for the engineering and environmental work and the Board awarded this contract to Kennedy Jenks at the May 3rd Board meeting. We are working with Kennedy Jenks to schedule a Kick-off Meeting and get an updated schedule for the performance of the work. We will also request a grant extension extending the Phase 1 performance period out until March 29, 2024.

The overall cost for this project is estimated to be \$1.44 Million, with 75% Federal Funding (\$1,079,038.50) and a 25% District match (\$359,679.50). This first phase of the work is estimated to cost \$155,750 overall which includes a \$38,938 District match. This grant was included in the current Fiscal Year budget and the recent Rate Study analysis and will be paid for from the Operations CIP budget.

Reporting by County Department – A regular meeting has been scheduled with President Orsini, GM Kaspari, Supervisor Madrone, and the MMAC Chair, Lisa Dugan, to occur on the fourth Monday of every month to discuss various topics of concern to all three organizations and the community. At this month's meeting we began our meetings with County Department Heads to discuss McKinleyville related issues. This month we started with a meeting with John Ford, the Planning Director. The meeting was very informative. We mainly discussed housing impacts to McKinleyville. The next General Plan Housing Element is not due until 2027 so growth impacts will not be reanalyzed until then. There is generally a shortage of Work Force Housing, the kind required for those potentially working at the Wind Power facilities, CalPoly, MCSD, etc. ADUs (i.e., Mother In-Law Units) haven't really taken off yet since the new State laws but applications have grown from 22 to 32 to 48 over the past three years and that trend is expected to increase. The area behind ENF is part of the Town Center and will be zoned for mixed use, which could be 100% residential. This possibility needs to be added to the Discretionary Permit process. Director Ford hasn't been directly involved in a City Incorporation process but was on Planning Staff in Carmel Valley when they went through incorporation and said it really split the community. He also said that the new

State law requiring collection of sales tax where the internet order ships from instead of where the order was placed has really impacted the County budget and the Planning Department budget and other County departments have been hard hit.

Grant Applications – The Mad River Watermain Crossing Hazard Mitigation Grant application was submitted to CalOES in March 2021. We heard in December 2021 that the project had been forwarded by CalOES to FEMA for funding. We have not received a grant agreement for this project; however, we have received Requests for Information from FEMA on the scope of the project, so it does look like it will also be 75% grant funded.

A new Hazard Mitigation Grant was submitted for the upgrade of the Fischer Sewer Lift station on April 6, 2022. This grant, if funded, will cover the complete retrofit of the Fischer Lift Station, which pumps wastewater from the entire southern half of McKinleyville to the wastewater management facility. This would include the replacement of the pumps and upgrading the electrical system, valves, and further seismically strengthen the building. We have been going back and forth with CalOES with Requests for Information on that grant application, including recently on April 17, 2023, and feel like this application will likely be approved and submitted to FEMA, but we don't know that for a fact yet.

The Federal Bipartisan Infrastructure Law funding that we will have access to will be run through the EPA funded Clean Water and Drinking Water State Revolving Fund Programs. The SRF funding in California is run through the State Water Resources Control Board. As discussed with the Board at the December 7, 2022 Board Meeting, we have submitted a Clean Water SRF application for funding the retrofit of the Fischer and B Street Lift Stations, which are two of our highest priority Capital Improvement Projects. We submitted this grant application in December 2022. Staff has been hearing there is additional SRF Funding, so we have asked the SWRCB about expanding this grant application to include also upgrading the Letz and Kelly Lift Stations, replacing all off the force mains from all our lift stations, performing an alternative disinfection study for the Wastewater Treatment Plant, and doing the office upgrade. SWRCB Staff responded that they think that all of those are valid Clean Water SRF projects and asking us to update our application with those items as well, which we are doing.

We are also finishing up the design and assessment as part of the Recycled Water Grant for the Pialorsi property. We will turn this Planning Grant into an implementation grant application for the construction of the recycled water irrigation infrastructure for the Pialorsi property.

We are also pursuing grant funding with CalTrout and GHD for the next phase of the project at the Fischer Road property. The next phase would include constructing trails/gravel roads to access the property, fencing, riparian zone restoration and possibly fishery restoration projects around the mouth of Mill Creek. We will bring all these grants back to the Board for formal approval as we reach that stage.

Meetings –The General Manager attended numerous meetings as usual. The meetings in May included meetings with Green Diamond on the progress of the Community Forest; Microgrid construction and permitting meetings; weekly construction meetings for the Central Avenue Water & Sewer replacement project; Mad River Restoration project closeout meetings and next grant planning meetings; several design meetings on the BMX Park development; several meetings with Kennedy Jenks Engineers for the 4.5MG Reservoir as well as the Hewitt Tank project; Strategic Planning Meetings with the Board and Senior Staff; several Measure B meetings; Rotary meetings; MMAC and Incorporation Subcommittee meetings; CSDA North Coast Chapter meetings; and a HBMWD Muni meeting. 2023 continues to be busy.

Attachments:

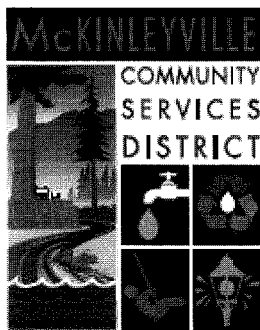
- Attachment 1 – WWMF Monthly Self-Monitoring Report

PHYSICAL ADDRESS:

1656 SUTTER ROAD
McKINLEYVILLE, CA 95519

MAILING ADDRESS:

P.O. BOX 2037
McKINLEYVILLE, CA 95519



mckinleyvillecsd.com

MAIN OFFICE:

PHONE: (707) 839-3251
FAX: (707) 839-8456

PARKS & RECREATION OFFICE:

PHONE: (707) 839-9003
FAX: (707) 839-5964

R.W.Q.C.B. NORTH COAST REGION
5550 SKYLANE BLVD., SUITE A
SANTA ROSA, CA 95403

May 22, 2023

RE: MONTHLY MONITORING REPORT

Dear Justin:

Enclosed is the Monthly Monitoring Report for April 2023 for McKinleyville Community Services District Wastewater Management Facilities WDID NO. 1B82084OHUM, operating under Order Number R1-2018-0032.

The normal discharge of effluent was 30 days going to 001. The required monitoring and water quality constituents that were tested and reported was in compliance in April.

Effluent Limitations Parameters	Units	Average Monthly	Average Weekly	Avg. % Removal	Max Daily	Instant Max	Instant Min	Results
Monitoring Location EFF- 001								
BOD	mg/L	30	45	>85				Compliance
TSS	Mg/L	30	45	>85				Compliance
PH	s.u.					6.5	8.5	Compliance
Settleable Solids	ml/L	0.1			0.2			Compliance
Chlorine Total Residual	mg/L	0.1			0.2			Compliance
Carbon Tetrachloride	ug/L	.25			.75			Compliance
Ammonia Impact Ratio	mg/L	1.0			1.0			Compliance
Dichlorobromomethane	ug/L	.56			1.4			Compliance
Monitoring Location LND-001, REC-001								
Nitrate		10						Compliance
PH		6.0- 9.0	6.0 – 9.0					Compliance

Total Coliform Organisms MPN/100 ml. The Monthly Median not to exceed MPN of 23 and the daily maximum not to exceed MPN of 240. The reported results for the current month are as follows. Median was <1.8 and a Maximum of <1.8. Four samples were collected in the month of April and was in compliance.

Monthly River Monitoring was conducted in April.

Acute Toxicity Percent Survival. Minimum for any bioassay is 70% survival. Median for three or more consecutive bioassays at least 90% survival. Acute results were 100% and TST Pass for Rainbow trout.

**McKINLEYVILLE COMMUNITY SERVICES DISTRICT
WASTEWATER MANAGEMENT FACILITY
EFFLUENT DISCHARGE DISPOSAL**

April 2023

Discharge Monitoring DATE	M-INF INFLUENT MGD	M-001 EFFLUENT MGD	MAXIMUM GPM	002 LND-001 N.POND MGD	002 LND-001 S.POND MGD	004 REC-001 FISCHER UPPER MGD	003 REC-001 FISCHER LOWER MGD	006 REC-001 PIALORSI MGD	005 REC-001 HILLER MGD	IRRGATE TOTAL MGD	001 EFF-001 RIVER MGD
1	1.036	1.243	1270	Decomissioned Perc Ponds						0.000	1.243
2	1.122	1.248	1292							0.000	1.248
3	1.054	1.258	1289							0.000	1.258
4	1.016	1.159	1346							0.000	1.159
5	0.999	0.513	1120							0.000	0.513
6	0.995	1.166	1126							0.000	1.166
7	1.023	1.326	1325							0.000	1.326
8	1.016	1.348	1442							0.000	1.348
9	1.020	1.332	1467							0.000	1.332
10	1.035	1.291	1334							0.000	1.291
11	1.102	1.275	1185							0.000	1.275
12	1.054	1.233	1169							0.000	1.233
13	1.006	1.208	1200							0.000	1.208
14	0.990	1.185	1210							0.000	1.185
15	0.986	1.167	1184							0.000	1.167
16	1.036	1.153	1188							0.000	1.153
17	1.020	1.153	1206							0.000	1.153
18	1.029	1.186	1153							0.000	1.186
19	1.012	1.188	1162							0.000	1.188
20	0.988	1.170	1208							0.000	1.170
21	0.965	1.161	1232							0.000	1.161
22	0.986	1.155	1154							0.000	1.155
23	1.040	1.152	1163							0.000	1.152
24	0.963	1.159	1243							0.000	1.159
25	0.936	1.149	1235							0.000	1.149
26	0.922	0.979	1171							0.000	0.979
27	0.906	0.734	1054							0.000	0.734
28	0.898	0.744	785							0.000	0.744
29	0.908	0.816	813							0.000	0.816
30	0.964	0.889	889							0.000	0.889
TOTAL	30.027	33.740		0.000	0.000	0.000	0.000	0.000	0.000	0.000	33.740
AVERAGE	1.001	1.125	1187	0.000	0.000	0.000	0.000	0.000	0.000	0.000	1.125
MAXIMUM	1.122	1.348	1467	0.000	0.000	0.000	0.000	0.000	0.000	0.000	1.348
MINIMUM	0.898	0.513	785	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.513
DAYS	30	30		0	0	0	0	0	0	30	30

DAYS WITH NO DISCHARGE = 0