



SCOTIA COMMUNITY SERVICES DISTRICT
NOTICE IS HEREBY GIVEN THAT A
REGULAR MEETING
OF THE BOARD OF DIRECTORS

WILL BE HELD AT: 122
MAIN STREET SCOTIA,
CALIFORNIA

Thursday, February 16, 2017
Regular Meeting at 5:30 P.M.

AGENDA

- A. **CALL TO ORDER/ ROLL CALL** The presiding officer will call the meeting to order and call the roll of members to determine the presence of a quorum.

PLEDGE OF ALLEGIANCE

- B. **SETTING OF AGENDA**
The Board may adopt/ revise the order of the agenda as presented.

- C. **CONSENT CALENDAR**

C1. Approval of Minutes from Previous Meetings

January 19, 2017 p. 3

February 2, 2017 p. 6

- D. **PUBLIC COMMENT & WRITTEN COMMUNICATION**
Regularly scheduled meetings provide an opportunity for members of the public to directly address the SCSD Board Members on any action item that has been described in the agenda for the meeting, before or during consideration of that item, or on matters not identified on the agenda within the Board jurisdiction. Comments are not generally taken on non-action items such as reports or information. Comments should be limited to three minutes.

- E. **PUBLIC HEARING –**

E1. Proposition 218 Public Hearing for Proposed User Fees and Assessments p. 8

The Board will hold a public hearing for the proposed User Fees (Water and Wastewater) and Assessments (Storm Drainage). The procedures for this public hearing are summarized below:

- Chair announces and opens public hearing
- Staff presentation
- Board receives public testimony and may impose reasonable time limits on both the length of the entire hearing and the length of each speaker's testimony.
Chair requests "last call" for final submittal of all ballots, and closes public hearing.
- Chair calls recess for tabulation to be held in the SCSD conference room (next door; open to the public).
- Clerk tabulates ballots and provides results to Chair.
- Chair calls meeting back to order, and announces the results and whether a majority protest exists.
- Board discusses item and directs staff to bring final resolutions for adoption.

E2. Resolutions Presenting the results of Proposed User Fees and Assessments p. 11

Resolution 2017-1: A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Water User Fees

Resolution 2017-2: A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Wastewater User Fees

Resolution 2017-3: A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Storm Drainage Assessment

F. BUSINESS

H1. New Business –

- a. **Motion to e-mail Town of Scotia permitting Scotia School, on behalf of the CSD, to continue to use the Winema Theater in 2017 for graduation ceremonies.**

H2. Old Business –

- a. **Second Reading and consider adoption of Ordinance 2017-1: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title V – Streets and Street Lighting** p. 18
- b. **Second Reading and consider adoption of Ordinance 2017-2: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title VI – Storm Drainage** p. 26

G. REPORTS

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

1. **President's Report:**
2. **Board Director Reports:**
3. **Interim Manager's Report:**
4. **Special Counsel's Report:**
5. **Engineer's Report:**
6. **Fire Chief's Status Report:**
7. **Board Clerk Report:**

H. ADJOURNMENT

Next Regular Meeting of the SCSD will be March 16, 2017 at 5:30 PM. A Special meeting may be held prior to that.

Notice regarding the Americans with Disabilities Act: The District adheres to the [Americans with Disabilities Act](#). Persons requiring special accommodations or more information about accessibility should contact the District Office. Notice regarding Rights of Appeal: Persons who are dissatisfied with the decisions of the SCSD Board of Directors have the right to have the decision reviewed by a State Court. The District has adopted [Section 1094.6](#) of the [Code of Civil Procedure](#) which generally limits the time within which the decision may be judicially challenged to 90 days.

Minutes of the Regular Board Meeting of the
Scotia Community Services District
Thursday, January 19, 2017
Regular Meeting at 5:30 P.M.

A. CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE

The regular meeting of the Board of Directors of the Scotia Community Services District convened at 5:32 pm with the following directors in attendance:

Diane Bristol	Director - present
Gayle McKnight	Director – present
Paul Newmaker	Director – present
Susan Pryor	Director – present
Rick Walsh	President – present

Staff: T. Boobar, L. Marshall, S. Tyler

B. SETTING OF AGENDA

No Changes

CONSENT CALENDAR

C. 1. Approval of Minutes from Previous Meetings

December 15, 2016

Motion: Motion accepting and approving minutes

Motion: Bristol **Second:** Pryor

Motion Vote: Ayes -Bristol, McKnight, Newmaker, Pryor, Walsh **Opposed – 0**
Absent - 0 Abstain - 0

D. PUBLIC COMMENT & WRITTEN COMMUNICATION

Quick e-mail update on Corridor Project from Greg Hufford @ SHN. President Walsh requested an agendized update on the Corridor from SHN.

Vice President McKnight expressed that people in the community, and neighboring community of Rio Dell have been complaining about the power plant, specifically concerns regarding soot and air quality. Will/have been reporting to the Air Quality Control Board. Question regarding whether CC&R's can be used to enforce?

E. PUBLIC HEARING - NONE

F. BUSINESS

F1. New Business –

a. Consider Comments on Initiated Proposition 218 Proceedings

None.

b. Introduce Draft Ordinance 2017-2: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title VI – Storm Drainage

First Reading scheduled for February 2, 2017, Final Reading scheduled for February 16, 2016. Use “storm drainage” consistently throughout the document. Staff will add language specific to HRC. SCSD/HRC drainages are separate, but SCSD still has oversight, as HRC property is within the District, and therefore will be subject to annual inspection (with associated fees). Board members brought up

flooding on 2nd Street and Main, as well as Church Street.

c. Consider approval of February 2, 2017 Special Meeting

Approved.

d. Complete Form 700's for 2017

Completed.

e. Reminder for Ethics Certificates

Reminded.

f. Accept Preliminary Board Calendar for 2017

Accepted.

F2. Old Business – NONE

G. REPORTS

1. President's Report: None.

2. Board Director Reports: Home Sales Update, Sidewalk/Street Update

3. Interim Manager's Report: March Meeting, new Planwest scope. Museum discussion of access/ingress. Potential for HSU to catalog Museum Contents.

4. Special Counsel's Report: Closed Session on February 2, 2017 – yes. Contract renewal scheduled at Transition.

5. Engineer's Report: None.

6. Fire Chief's Status Report: None

7. Board Clerk Report: None.

H. ADJOURNMENT

Meeting adjourned at 6:48 pm by Board President Rick Walsh.

These minutes were approved by the Board of Directors of the Scotia Community Services District on February 16, 2017 at its duly-noticed regular meeting in Scotia, CA.

APPROVED:

Rick Walsh, President
Board of Directors
Scotia Community Services District
ATTEST:

Date

Leslie Marshall, Board Clerk
Scotia Community Services District

Date

Minutes of the Special Board Meeting of the
Scotia Community Services District
Thursday, February 2, 2017
Special Meeting at 5:30 P.M.

A. CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE

The regular meeting of the Board of Directors of the Scotia Community Services District convened at 5:30 pm with the following directors in attendance:

Diane Bristol	Director - present
Gayle McKnight	Director – present
Paul Newmaker	Director – present
Susan Pryor	Director – present
Rick Walsh	President – present

Staff: T. Boobar, S. Davidson, L. Marshall, S. Tyler

B. SETTING OF AGENDA

No changes

C. PUBLIC COMMENT & WRITTEN COMMUNICATION

Chris Cox, Superintendent at Scotia School voiced concerns about the high rates the school will be paying, approximately \$40,000 per year in utilities and assessments. The parks and recreation assessment is \$8,000, and the school has a park facility of their own. The gym will also incur high water bills because of the pool (not currently in use). The school is in the planning process for the gym/pool, and will either repair the pool, or fill it. School also has concerns regarding TOS website and target demographic for home sales (retirement/vacation homes), as it may lead to a decrease in student population in Scotia. School currently has 202 students (has in the past had 400). Board discussed.

D. PUBLIC HEARING - NONE

E. BUSINESS

H1. New Business –

a. Consider Comments on Initiated Proposition 218 Proceedings

Received public comment from Chris Cox, as detailed in public comment section of minutes. Staff Briefly detailed process for Board. No other public comment.

b. Consider adoption of Ordinance 2017-1: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title V - Streets and Street Lighting – First Reading

Staff introduced. Discussed County vs. CSD roads, section 4.03 Storing Private Property and the 24-hour time limit for vehicles. There was also a question on Section 4.01.B.1, staff addressed.

c. Consider adoption of Ordinance 2017-2: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title VI – Storm Drainage – First Reading

Staff introduced, new section 3.13 and 3.12 since the Board had last seen the draft. Discussed the overall Ordinance.

d. Reminder for Ethics Certificates

Ethics Certificates completed.

H2. Old Business – NONE

F. ADJOURN TO CLOSED SESSION -6:06 pm

F1. Call to Order – 6:22 pm

F2. Roll Call

Diane Bristol	Director - present
Gayle McKnight	Director – present
Paul Newmaker	Director – present
Susan Pryor	Director – present
Rick Walsh	President – present

F3. Government Code §54956.8 Real Property Negotiations. Agency Negotiators: Tracy M Boobar & President Rick Walsh. Negotiating Parties: Scotia Community Services District & Town of Scotia Company LLC.

F4. Closed Session Discussion

G. ADJOURN TO OPEN SESSION – 7:00 pm

G1. Report out of Closed Session – No Report

H. ADJOURNMENT

Meeting adjourned at 7:01 pm by Board President Rick Walsh.

These minutes were approved by the Board of Directors of the Scotia Community Services District on February 16, 2017 at its duly-noticed regular meeting in Scotia, CA.

APPROVED:

Rick Walsh, President
Board of Directors
Scotia Community Services District

Date

ATTEST:

Leslie Marshall, Board Clerk
Scotia Community Services District

Date

Scotia Community Services District

Staff Report

DATE: February 16, 2017
TO: Scotia Community Services District Board of Directors
FROM: Steve Tyler, Interim District Manager and Tracy Boobar, Legal Counsel
SUBJECT: Proposition 218 Public Hearing for Proposed User Fees and Assessments

Recommendation

Staff recommends the Board hold public hearing for the proposed User Fees (Water and Wastewater) and Assessment (Storm Drainage). The procedures for this public hearing are summarized below:

1. Chair announces and opens public hearing
2. Staff presentation
3. Board receives public testimony and may impose reasonable time limits on both the length of the entire hearing and the length of each speaker's testimony.
4. Chair requests "last call" for final submittal of all ballots, and closes public hearing.
5. Chair calls recess for tabulation to be held in the SCSD conference room (next door; open to the public).
6. Clerk tabulates ballots and provides results to Chair.
7. Chair calls meeting back to order, and announces the results and whether a majority protest exists.
8. Board discusses item and directs staff to bring final resolutions for adoption.

Background

On December 15, 2016, the SCSD Board adopted procedures for user fee ballot proceedings (Resolution No. 2016-21) and assessment ballot proceedings (Resolution No. 2016-22).

Notices of user fees and assessments and ballots were mailed to property owners at least 45 days prior to the public hearing on February 16, 2017. The ballot allows property owners to express their support or opposition to the proposed user fees and assessments. Property owners who own more than one property received separate ballots for each property.

Ballots were mailed for the following user fees and assessments:

<u>User Fees</u>	<u>Assessments</u>
Water	Storm Drainage
Wastewater	

Each user fee ballot provides the following information:

- Owner of Record
- Parcel Number
- Formula

Each assessment ballot provides the following information:

- Owner of Record
- Parcel Number
- Equivalent Benefit Units (EBU)
- Cost per EBU per year
- Annual Cost
- Formula

Public Hearing

This public hearing marks the end of the voting period for the Proposition 218 process. All ballots must be returned to the Board Clerk by mail or in person, sealed in the envelope provided, no later than the conclusion of the public hearing. The Board Clerk may issue a duplicate ballot to any property owner whose original ballot was lost or destroyed. Assessment ballots shall remain sealed until the tabulation of ballots commences. Ballots may be submitted, changed, or withdrawn by the property owner prior to the conclusion of the public hearing.

At the public hearing, the Board shall hear all oral and written public testimony regarding the proposed user fees and assessments. Ballots received from property owners will be accepted through the end of the public hearing.

Upon conclusion of the public hearing, a recess will be called and tabulation will commence in the conference room of the SCSD office. Ballot tabulation will be accessible to the public.

Tabulation

To be counted, ballots must be received before the close of the public hearing. For ballots to be considered valid, the Yes or No box must be clearly marked and the property owner must sign and date the ballot. Tabulation procedures for user fees and assessments are described below:

Tabulation of User Fees

Ballots are tabulated using a simple majority of Protest (no) or Non-Protest (yes) votes. Ballots Invalid or not submitted will be counted as a non-protest vote. User Fee votes are not weighted.

Tabulation of Assessments

Ballots are weighted according to the proportional financial obligation of the affected property (i.e., the total assessment amount of “yes” votes vs. the total assessment amount of “no” votes).

Protest

User Fee Protest Requirements

Article XIII D, Section 6(a) provides that:

At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

Note that only written protests count in these proceedings and, unlike for benefit assessments, protests are counted on a one protest per parcel basis. This is clarified by Government Code Section 53755(b), which provides that:

One written protest per parcel, filed by an owner or tenant of the parcel, shall be counted in calculating a majority protest to a proposed new or increased fee or charge subject to the requirements of Section 6 of Article XIII D of the California Constitution.

This is further clarified in Section E(5) of the SCSD Board's adopted procedures for user fee ballot proceedings (Resolution No. 2016-6):

If according to the final tabulation of the ballots, ballots submitted in protest of the user fee exceed the ballots submitted in favor of the user fee a "majority protest" exists and the Board shall not impose the user fee.

Assessment Protest Requirements

Article XIII D, Section 4(e) provides that:

At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

This is further clarified in Section G(5) of the SCSD Board's adopted procedures for assessment ballot proceedings (Resolution No. 2016-5):

If according to the final tabulation of the ballots, ballots submitted against the assessment exceed the ballots submitted in favor of the assessment, weighted according to the proportional financial obligation of each affected property, a "majority protest" exists and the Board shall not impose or increase the assessment.

Reporting

The results of the tabulation will be announced by the Chair at the conclusion of the tabulation period during the regular meeting on June 16th. At the next special meeting scheduled for June 23rd, formal Resolutions will be adopted for all user fee and assessment results, regardless of whether or not the measure was passed.

Public Disclosure

The ballots and the information used to tabulate ballots, shall be treated as public records, as defined in Section 6252, subject to public disclosure and made available for inspection by any interested person. *The ballots shall be preserved for a minimum of two years.*

Scotia Community Services District

Staff Report

DATE: February 16, 2017
TO: Scotia Community Services District Board of Directors
FROM: Steve Tyler, Interim District Manager
Tracy Boobar, Legal Counsel
SUBJECT: Proposition 218 Results for Proposed User Fees and Assessments

The Proposition 218 process requires a public hearing. At the public hearing, the Board accepted final submittal of ballots, closed the hearing, and directed the Clerk of the Board to tabulate the ballots. The results of the tabulation were announced by the President.

Formal resolutions have been prepared for each user fee and assessment. This provides a record of the balloting results and approves the establishment of the Water User Fee, Wastewater User Fee and the Storm Drainage Assessment.

Recommendation

Staff recommends the Board adopt the following resolutions:

- 1) Resolution 2017-1 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Water User Fees
- 2) Resolution 2017-2 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Wastewater User Fees
- 3) Resolution 2017-3 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Storm Drainage Assessment

RESOLUTION NO. 2017-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ACCEPTING THE PROPOSITION 218 RESULTS FOR A WATER USER FEE

WHEREAS, the Board of Directors (“Board”) of the Scotia Community Services District (“District”) has by previous resolutions initiated a protest ballot proceeding and declared its intention to levy a property-related user fee (“User Fee”) for water services pursuant to Government Code Section 61123, commencing fiscal year 2016-17; and

WHEREAS, a Water User Rate Analysis and Recommendations report was prepared for the proposed User Fee, and the Board accepted the report by motion at the December 15, 2016 Board meeting; and

WHEREAS, in accordance with the provisions of Article XIID of the California Constitution and Article 4.6 of the California Government Code, the Board conducted a property owner protest ballot proceeding for the proposed User Fee to be levied on properties within the District; and

WHEREAS, the notice and ballot mailed to each property owner of record clearly identified the reason for the proposed user fee, the basis upon which the proposed user fee was calculated, and the proposed rate structures for water customers, commencing fiscal year 2016-17; and

WHEREAS, on February 16, 2017, the Board conducted a properly noticed public hearing regarding the proposed User Fee, and considered any oral and written statements, protests and communications made or filed by interested persons regarding these matters; and

WHEREAS, all ballots submitted prior to the close of the public hearing, counted on a one protest per parcel basis, were tabulated by the Board Clerk; and

WHEREAS, the votes cast in favor and against the user fees were [insert count] and [insert count], respectively.

NOW, THEREFORE, BE IT RESOLVED that a majority protest [does/does not] exist and therefore the proposed Water User Fee shall [not] be imposed by the Board of Directors of the Scotia Community Services District.

BE IT FURTHER RESOLVED that the ballots shall be treated as public records and shall be preserved for a minimum of two years, after which they may be destroyed as provided in Government Code Sections 26202, 34090, and 60201.

PASSED, APPROVED AND ADOPTED on the 16th day of February, 2017, by the following vote of the governing body:

APPROVED:

Rick Walsh, Board President, Scotia CSD

ATTEST:

Board Clerk, Scotia CSD

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2017-1, passed and adopted at a special meeting of the Board of Directors of the Scotia Community Service District, County of Humboldt, State of California, held on the 16th day of February, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

RESOLUTION NO. 2017-2

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ACCEPTING THE PROPOSITION 218 RESULTS FOR A WASTEWATER USER FEE

WHEREAS, the Board of Directors (“Board”) of the Scotia Community Services District (“District”) has by previous resolutions initiated a protest ballot proceeding and declared its intention to levy a property-related user fee (“User Fee”) for wastewater services pursuant to Government Code Section 61123, commencing fiscal year 2016-17; and

WHEREAS, a Wastewater User Rate Analysis and Recommendations report was prepared for the proposed User Fee, and the Board accepted the report by motion at the December 15, 2016 Board meeting; and

WHEREAS, in accordance with the provisions of Article XIID of the California Constitution and Article 4.6 of the California Government Code, the Board conducted a property owner protest ballot proceeding for the proposed User Fee to be levied on properties within the District; and

WHEREAS, the notice and ballot mailed to each property owner of record clearly identified the reason for the proposed user fee, the basis upon which the proposed user fee was calculated, and the proposed rate structures for wastewater customers, commencing fiscal year 2016-17; and

WHEREAS, on February 16, 2017, the Board conducted a properly noticed public hearing regarding the proposed User Fee, and considered any oral and written statements, protests and communications made or filed by interested persons regarding these matters; and

WHEREAS, all ballots submitted prior to the close of the public hearing, counted on a one protest per parcel basis, were tabulated by the Board Clerk; and

WHEREAS, the votes cast in favor and against the user fees were [insert count] and [insert count], respectively.

NOW, THEREFORE, BE IT RESOLVED that a majority protest [does/does not] exist and therefore the proposed Wastewater User Fee shall [not] be imposed by the Board of Directors of the Scotia Community Services District.

BE IT FURTHER RESOLVED that the ballots shall be treated as public records and shall be preserved for a minimum of two years, after which they may be destroyed as provided in Government Code Sections 26202, 34090, and 60201.

PASSED, APPROVED AND ADOPTED on the 16th day of February, 2017, by the following vote of the governing body:

APPROVED:

Rick Walsh, Board President, Scotia CSD

ATTEST:

Board Clerk, Scotia CSD

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2017-2, passed and adopted at a special meeting of the Board of Directors of the Scotia Community Service District, County of Humboldt, State of California, held on the 16th day of February, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

RESOLUTION NO. 2017-3

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ACCEPTING THE PROPOSITION 218 RESULTS FOR A STORM DRAINAGE ASSESSMENT

WHEREAS, the Board of Directors (“Board”) of the Scotia Community Services District (“District”) has by previous resolutions initiated a protest ballot proceeding and declared its intention to levy a special benefit assessment (“Assessment”) for storm drainage services pursuant to the Benefit Assessment Act of 1982 (commencing with Section 54703), Chapter 6.4 of Part 1 of Division 2 of Title 5 of the Government Code, commencing fiscal year 2016-17; and

WHEREAS, an Engineer’s Report was prepared for the proposed Assessment, and the Board accepted the Report by motion at the December 15, 2016 Board meeting; and

WHEREAS, in accordance with the provisions of Article XIID of the California Constitution and Article 4.6 of the California Government Code, the Board conducted a property owner protest ballot proceeding for the proposed Assessment to be levied on properties within the District; and

WHEREAS, the notice and ballot mailed to each property owner of record clearly identified the reason for the proposed assessment, the total assessment amount for the entire district, the basis upon which the proposed assessment was calculated, and the proportional annual amount for each property, commencing fiscal year 2016-17; and

WHEREAS, on February 16, 2017, the Board conducted a properly noticed public hearing regarding the proposed Assessment, and considered any oral and written statements, protests and communications made or filed by interested persons regarding these matters; and

WHEREAS, all ballots submitted prior to the close of the public hearing, weighted according to the proportional financial obligation of the affected properties, were tabulated by the Board Clerk; and

WHEREAS, the weighted value of the votes cast in favor and against the special assessment were [insert amount] and [insert amount], respectively.

NOW, THEREFORE, BE IT RESOLVED that a majority protest [does/does not] exist and therefore the proposed Storm Drainage Assessment shall [not] be imposed by the Board of Directors of the Scotia Community Services District.

BE IT FURTHER RESOLVED that the ballots shall be treated as public records and shall be preserved for a minimum of two years, after which they may be destroyed as provided in Government Code Sections 26202, 34090, and 60201.

PASSED, APPROVED AND ADOPTED on the 16th day of February, 2017, by the following vote of the governing body:

APPROVED:

Rick Walsh, Board President, Scotia CSD

ATTEST:

Board Clerk, Scotia CSD

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2017-3, passed and adopted at a special meeting of the Board of Directors of the Scotia Community Service District, County of Humboldt, State of California, held on the 16th day of February, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

Scotia Community Services District Staff Report

DATE: February 16, 2017

TO: Scotia Community Services District Board of Directors

FROM: Steve Tyler, Interim District Manager

SUBJECT: SCSD Streets and Street Lighting Ordinance 2017-1

RECOMMENDATION:

The Administrative staff recommends that the Board consider adoption of Ordinance 2017-1: An Ordinance of the SCSD Board adopting Title V – Streets and Street Lighting.

ACTION:

Consider Adoption of Ordinance 2017-1, *second reading*.

DISCUSSION:

Community Services Districts are required to adopt Ordinances for each service that is provided to the residents of the District. The SCSD Ordinance Title II- Water Service, was adopted on 11/19/2015, the SCSD Ordinance Title III- Wastewater Service was adopted on 11/19/2015 and the SCSD Ordinance Title IV- Parks and Recreation was adopted on 12/15/2016.

The Streets and Street Lighting Ordinance was developed utilizing information obtained from other agencies that provide streets and street lighting services and includes input provided by the SCSD Board.

FISCAL IMPACT:

None

ATTACHMENT:

SCSD Streets and Street Lighting Ordinance 2017-1

ORDINANCE NO. 2017 - 1

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
SCOTIA COMMUNITY SERVICES DISTRICT
ADOPTING TITLE V – STREETS AND STREET LIGHTING**

The Board of Directors of the Scotia Community Services District does ordain as follows:

Section 1: Title V (Streets and Street Lighting) is hereby adopted as follows:

TITLE V - STREETS AND STREET LIGHTING

CHAPTER 1 – PURPOSE

SEC. 1.01. PURPOSE AND POLICY. This article sets forth the standards, processes and fees associated with streets and street lighting services. The District desires to encourage the long-term maintenance of streets and street lighting under District ownership where the maintenance is either required by Humboldt County or requested by residents of a specific area under the responsibility of the District. This article is intended to implement the provisions of the Improvement Act of 1911 (Division 7 of the Streets & Highways Code §5000 *et seq.*) herein referred to as the "Act."

CHAPTER 2 – DISTRICT DESIGNATED STREETS, ALLEYS, AND LIGHTING

SEC. 2.01. DESIGNATED STREETS AND ALLEYS.

- A. The streets and alleys of District responsibility are defined by resolution and approved by the Board of Directors of the SCSD and designated on maps of the District, as prepared and compiled by SHN or other organization, and are on file in the District office. Any additions to the District responsibility which have been accepted and approved by the Board of Supervisors and SCSD Board of Directors in future phases of subdivision will be adopted in the same manner.

SEC. 2.02. DESIGNATED LIGHTING.

- A. The lights of District responsibility are defined by resolution and approved by the Board of Directors of the SCSD and designated on maps of the District, as prepared and compiled by SHN or other organization, and are on file in the District office. Any additions to the District responsibility which have been accepted and approved by the Board of Supervisors and SCSD Board of Directors in future phases of subdivision will be adopted in the same manner.
- B. The District owns and maintains approximately twenty (20) decorative lights that primarily front Main Street. These lights are maintained by District staff or a sub-

contractor, at the District's discretion. The historic decorative lights are separately metered and the District will pay associated electric charges to PG&E.

- C. The District is responsible for payment of the electric charges associated with PG&E Lights, which includes any maintenance costs. The PG&E Lights are owned and maintained by PG&E and located throughout the residential streets in Scotia.

CHAPTER 3 - GENERAL PROVISIONS

SEC. 3.01. VANDALISM OF STREET LAMPS. No person shall vandalize, break, or damage any lamppost or public lamp; nor extinguish any public light or any light maintained at any place for public convenience or safety, except when he is authorized to do so; nor remove, or cause the removal of, any portion from any public lamp or post; nor obliterate, deface, destroy or interfere

SEC. 3.02. FENCE PROHIBITIONS. No person shall place, use or maintain any fence, blockage, etc. within a public easement or right of way.

SEC. 3.03. BARBED WIRE PROHIBITED. No person shall place, use or maintain any barbed wire on any fence, etc. thereof, fronting on a public lane, alley, avenue, street, highway, sidewalk, crosswalk, park or place.

SEC. 3.04. WATER DISCHARGE FROM PRIVATE PROPERTY. No person shall cause or permit water from private property to be discharged in or to flow into or on any District street, alley or easement or cause erosion problems.

SEC. 3.06. WHEELED DEVICES IN POSTED AREAS.

- A. No person shall bicycle, roller skate, skateboard or use any other wheeled device propelled, in whole or in part, by human power in any District public area posted against such activities or uses. The provisions of this section shall not apply to wheeled devices which are reasonably necessary to assist those with a temporary or permanent disability.

CHAPTER 4 - OBSTRUCTION OF STREETS AND SIDEWALKS

SEC. 4.01. OBSTRUCTION OF STREETS AND SIDEWALKS PROHIBITIONS AND — EXCEPTIONS.

- A. It is declared a nuisance and is unlawful for any person to place an obstruction of any kind in a District street or alley, or to authorize, procure or permit any obstruction to be placed therein or thereon; provided that (1) merchants and others receiving and delivering goods, whose premises are not served by an alley, shall be allowed two hours from the time such goods are deposited on a sidewalk or parkway until they are removed, and (2) a space five feet in width shall at all times be kept clear for a combination of persons passing. Each day any such obstruction is maintained or permitted in any such street or alley shall be deemed a separate offense.

B. The provisions of this section shall not apply to:

1. The temporary obstruction of streets or alleys while buildings are being moved from one place to another.
2. Temporary obstructions for which encroachment permits have first been obtained from the General Manager.
3. Potted shrubs, plants, or other landscaping, clocks, drinking fountains and public telephones placed or maintained upon a public parkway or sidewalk within the District by any person who has first obtained a permit in writing to do so from the General Manager.

SEC. 4.02. GATES. It is unlawful to place or leave any gate extended across or upon any District street, alleyway or easement resulting in an obstruction to persons passing thereon.

SEC. 4.03. STORING PRIVATE PROPERTY. No person shall store private property upon any District street, alley, or easement or other public place in the District, so as to obstruct the free use of them, as determined by the District. Items prohibited include, but are not limited to, appliances, inoperable vehicles, fire wood, construction materials, wagons, bikes, scooters, trampolines, basketball hoops, trash, garbage, compost piles, cans, or debris. Operable vehicles may be parked no longer than 24 hours. Long term operable vehicle parking is prohibited and subject to tow away per the California Vehicle Code and as determined by the District.

CHAPTER 5 - WIRES OVER STREETS

SEC. 5.01. PERMIT REQUIRED. No one without an easement shall run, stretch or maintain through, along or across any District street, alley or easement any wire, cable, rope or cord, on poles or otherwise, without first obtaining a permit to do so from the District.

SEC. 5.02. ELECTRIC OR NON-ELECTRICAL WIRES. Any person now holding, or who may hereafter obtain, a franchise permitting the use of public streets, avenues, alleys, highways or public places in the District for the purpose of running or stretching wires therein, shall comply with the regulations set out in this section concerning the running or stretching of such wires. All wires used for the purpose of conducting an electric current or electricity for the purpose of producing electric light or non-electrical shall be run or stretched at least thirty feet above the ground and all other wires shall be placed at least two feet below the electric light or non-electrical wires.

CHAPTER 6 – EXCAVATIONS

SEC. 6.01. LIGHTING DANGEROUS PLACES. Any person by whom makes dangerous a public street, avenue, alley, sidewalk, public park or place that may be made dangerous shall do the following:

- A. Obtain an appropriate permit from the SCSD; and
- B. Erect, and, so long as the danger may continue, maintain around the portion thereof so made dangerous, a good and substantial barrier approved by SCSD; and
- C. Cause to be maintained during every night, from sunset to daylight, suitable warning lights at the ends of every portion so made dangerous, and at every side of a street crossing so made dangerous.

SEC. 6.02. PROPERTY OWNER RESPONSIBILITY FOR MAINTENANCE.

- A. The District may permit a property owner to maintain trees within a District alley easement, provided the type of tree planted therein is approved by District.
- B. All trimming and other maintenance work upon such trees shall be done by a licensed tree trimmer or by the owner under the general supervision of the District and in accordance with this chapter.

SEC. 6.03. PROPERTY OWNER RESPONSIBILITY FOR REMOVAL.

- A. The District, with concurrence of the General Manager, may permit a property owner to remove trees from District property or easement adjoining or within his property.

SEC. 6.04. NUISANCE ON PRIVATE PROPERTY.

- A. Whenever any tree adjacent to or overhanging any District street, alley or public area is in such condition as to constitute a hazard or impediment to public travel, it shall be declared a public nuisance.
- B. If the owner of the private property on which the tree is located does not correct or remove the nuisance within ten days after receipt of written notice thereof from the District, the District shall cause the nuisance to be corrected or removed and the cost thereof shall be assessed to the owner.
- C. Property owners are prohibited from using any pesticide or herbicide within District streets, alleys or easements and shall control such usage on private property from encroaching on District property, easement or public space.

SEC. 6.05. LIABILITY. Nothing contained in this chapter shall be deemed to impose any liability upon the District, its officers or employees, nor to relieve the owner of private property from the duty to keep any tree on his property from constituting a public nuisance.

SEC. 6.06. APPEAL.

- A. Any person aggrieved by the action or proposed action of the District acting under this chapter may appeal the decision to the Board of Directors, whose decision shall be final.
- B. Such person shall file a notice of appeal, in writing, with the District clerk within seven (7) business days after the action or proposed action of the District.

SEC. 6.07. UTILITY MAINTENANCE.

- A. Any person owning, maintaining or operating any gas pipes, or mains beneath the surface or any District planting strip, street, easement or public area shall properly maintain such utilities to prevent damage to District property or easement.
- B. If such person neglects to provide proper maintenance of such utilities and such neglect results in damage to District property or easement, the full cost of repair shall be borne by such person.

CHAPTER 7. – ENFORCEMENT

SEC. 7.01 AUTHORITY. California Government Code Section 61064(a) states the “violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.” California Government Code Section 61064(b) allows any citation issued by the SCSD for the violation of a rule, regulation, or ordinance adopted by the Board “may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.” Finally, Cal. Gov’t Code 61064(c) allows the Board to confer on “designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.”

SEC. 7.02 DESIGNATED EMPLOYEES. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the General Manager’s or District’s Counsel’s discretion. Each act that violates this Streets and Street Lighting Ordinance is a violation of the SCSD’s laws and shall constitute a separate offense.

SEC. 7.03 PENALTY.

- A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance or the provisions of any ordinance adopted by reference by this ordinance. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this ordinance which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

1. The District Manager or District Counsel files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or
 2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.
- B. In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, shall be deemed a public nuisance and may be summarily abated by this District, and each day such condition continues shall be regarded as a new and separate offense.
- C. Each violation of this ordinance expressly declared to be an infraction is punishable by:
1. A fine not exceeding \$50 for the first violation;
 2. A fine not exceeding \$100 for the second violation of the same ordinance within one year;
 3. A fine not exceeding \$250 for each additional violation of the same ordinance within one year.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. Under the EIR that was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: _____, 2017

ATTEST:

APPROVED:

Clerk, Scotia Community Services District

President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2017-1, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the 16th day of February, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Clerk, Scotia Community Services District

Scotia Community Services District

Staff Report

DATE: February 16, 2017

TO: Scotia Community Services District Board of Directors

FROM: Steve Tyler, Interim District Manager

SUBJECT: SCSD Storm Drainage Ordinance 2017-2

RECOMMENDATION:

The Administrative staff recommends that the Board consider adoption of Ordinance 2017-2: An Ordinance of the SCSD Board adopting Title VI – Storm Drainage.

ACTION:

Consider Adoption of Ordinance 2017-2, *second reading*.

DISCUSSION:

Community Services Districts are required to adopt Ordinances for each service that is provided to the residents of the District. The SCSD Ordinance Title II- Water Service, was adopted on 11/19/2015, the SCSD Ordinance Title III- Wastewater Service was adopted on 11/19/2015 and the SCSD Ordinance Title IV- Parks and Recreation was adopted on 12/15/2016.

The Storm Drainage Ordinance was developed utilizing information obtained from other agencies that provide storm drainage services and includes input provided by the SCSD Board.

The SHN Storm Drainage Maintenance Responsibility attachment shows the commercial center and northeast Scotia. The corridor is all SCSD responsibility. Currently Williams St. and North Court have not had any design work beyond conceptual and those systems will be maintained by TOS until improvements have been made. *Please note the last sheet is preliminary and has not been reviewed by the county.*

FISCAL IMPACT:

None

ATTACHMENT:

SCSD Storm Drainage Ordinance 2017-2

SHN Storm Drainage Maintenance Responsibility

SHN Storm Drainage Maintenance Responsibility - Corridor

ORDINANCE NO. 2017 - 2

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ADOPTING TITLE VI – STORM DRAINAGE

The Board of Directors of the Scotia Community Services District does ordain as follows:

Section 1: Title VI (Storm Drainage) is hereby adopted as follows:

TITLE VI - STORM DRAINAGE

CHAPTER 1 – PURPOSE

SEC. 1.01. PURPOSE AND POLICY. The purpose of this ordinance is to provide for the ongoing operation, maintenance, expansion, enhancement, construction, renovation, and rehabilitation of the SCSD storm drainage improvements and facilities that provide special benefits to properties within the SCSD, including incidental expenses and debt services for any bond(s), loans, or other repayment plans incurred to finance capital improvements. This article is intended to implement the provisions of Article 4 of Chapter 6.4, of the Benefit Assessment Act of 1982, [Act]) of the California Government Code (State of California, 1982) herein referred to as the "Act." Pursuant to the Act, the SCSD is the legislative body for the Storm Drainage District and may levy annual assessments and act as the governing body for the operations and administration of the SCSD. This title sets forth the standards, processes and fees associated with storm drainage services, adequate regulation of use, construction, and maintenance; and to provide procedures for complying with the requirements placed upon the District by other regulatory agencies.

CHAPTER 2 – DISTRICT DESIGNATED STORM DRAINAGE

SEC 2.01. STORM DRAINAGE RESPONSIBILITY AND DEFINITION. The Scotia Community Services District will own and maintain all dedicated storm drainage as adopted by resolution of the District. Storm drainage facilities are defined as the system of ditches, pipes, catch basins, gutters, drain inlets, manholes, outfalls, and all other associated infrastructure owned and/or operated by the District, which carries stormwater and surface waters or groundwater and drainage, but excludes sewage and polluted industrial waste.

CHAPTER 3 - GENERAL PROVISIONS

SEC 3.01. RULES, REGUALTIONS, AND RATES. The Board reserves the right and power to from time to time by resolution adopt rules and regulations for the operation and maintenance of the storm drainage facilities of the District, and may likewise by resolution establish and modify the rates, charges, and penalties, consistent with the Engineer's Report for Assessment of Storm Drainage Benefits.

SEC 3.02. SERVICE CHARGE FIXED BY RESOLUTION. The District Board shall, by resolution, adopt an annual schedule of service charges and fees which will enable the District to operate and maintain the storm drainage system. These charges shall be levied against the owner or tenant of any developed parcel of property that discharges stormwater runoff into the District's drainage system.

SEC 3.03. BILLING. The regular billing period will be for each calendar month, or bimonthly, as determined by the Board. Opening and closing bills for less than the normal billing period shall be prorated on a daily-use basis. Bills for service shall be rendered at the beginning of each billing period and are payable upon presentation and due within 30 days.

SEC 3.04. VANDALISM. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the District's storm drainage system. Any person violating this provision shall be subject to the penalties provided by law.

SEC 3.05. PERMIT REQUIRED. No unauthorized person shall uncover, make any connection with or opening into, use, alter, regrade, or disturb any portion of the District's storm drainage system or appurtenances or perform any work on any portion of the system without first obtaining a written permit from the District.

SEC 3.06. DISCHARGE OF POLLUTANTS.

- A. The discharge of non-stormwater into storm drains is prohibited. All discharges of material other than stormwater must comply with a National Pollutant Discharge Elimination System (NPDES) permit issued for the discharge.
- B. Exceptions to Discharge Prohibition. The following discharges are exempt from the prohibition set forth in subsection (A) of this section:
 - 1. The prohibition on discharges shall not apply to any discharge regulated under a NPDES permit issued to the discharger and administered by the state of California under authority of the United States Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.
 - 2. Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, fundraising car washing that does not exceed two consecutive days, flows from riparian habitats and wetlands, flows from firefighting, or permitted use of reclaimed water.

SEC 3.07. DISCHARGE IN VIOLATION OF PERMIT. In the future, the California Regional Water Quality Control Board, Northern California Region (herein called Regional Board)

may issue an NPDES permit for stormwater discharges to the District. Any discharge that would result in or contribute to a violation of that permit and any amendment, revision or re-issuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) so causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the District in any administrative or judicial enforcement action relating to such discharge.

SEC 3.08. UNAUTHORIZED DISCHARGE AND UNAUTHORIZED CONNECTIONS.

The establishment, use, maintenance, or continuance of unauthorized connections to the storm drains, and/or the commencement or continuance of unauthorized discharges to the storm drains is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

SEC 3.09. REDUCTION OF POLLUTANTS. Any person engaged in activities which will or may result in pollutants entering the storm drains shall undertake all practicable measures to cease such activities, and/or eliminate or reduce such pollutants. Such activities shall include, but not be limited to, ownership and use of parking lots, gasoline stations, industrial facilities, commercial facilities, restaurants, and stores fronting District streets or backing onto streams.

- A. Littering. Except for pollutants lawfully disposed of by way of containers or at a licensed dumping ground, no person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, yard waste, automotive waste, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land or other premises in the District, so that the same might be or become a pollutant discharged to water.
- B. Standard for Parking Lots and Similar Structures. Persons owning or operating a parking lot, gas station, area of pavement, or similar impervious structure shall remove pollutants and litter as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the storm drains.
- C. All construction plans and applications for building permits shall consider the potential for erosion and sedimentation at the construction site and shall include appropriate erosion and sedimentation controls. Appropriate controls shall be determined in accordance with the guidance provided in the CALTRANS handbook or similar technical manual and may include site planning considerations, construction staging and timing, and installation of temporary detention ponds or other treatment facilities.

Prior to and/or during construction, the General Manager or authorized designee may establish controls on the volume and rate of stormwater runoff from new construction as may be appropriate to minimize peak flows or total runoff volume. These controls

may include limits on impervious or area provisions for detention and retention of runoff on site.

SEC 3.10. WATERCOURSE PROTECTION.

- A. Every person owning, occupying, leasing, renting, or in control of premises through which a watercourse passes shall:
 - 1. Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute, contaminate, or significantly hinder the flow of water through the watercourse;
 - 2. Protect and prevent deterioration existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and
 - 3. Not remove healthy bank vegetation without District Permit.
- B. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the General Manager:
 - 1. Discharge into or connect any pipe or channel to a watercourse;
 - 2. Modify the natural flow of water in a watercourse;
 - 3. Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;
 - 4. Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or
 - 5. Place any loose or unconsolidated material adjacent to or within a watercourse to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwater passing through such watercourse.

SEC 3.11. PROPORTIONAL REDUCTION OF STORM DRAINAGE FEE

- A. The Storm drainage fee may be reduced by the General Manager based on:
 - (1) The type of impervious surface area on a particular developed parcel; or,
 - (2) Whether approved runoff control measures have been taken.
- B. Fee reduction shall occur on a case-by-case basis and shall reflect the extent to which the type of impervious surface area or alternate control measures reduce or eliminate use of the District's Drainage Facilities. The burden of establishing the reduced extent of the contribution to the District's Drainage Facilities shall be on the property owner. The General Manager may require the property owner to present an engineered drainage plan or any other technical information, which may be needed to support the request for a fee reduction.

SEC. 3.12. ADMINISTRATIVE REVIEW.

- A. Any property owner who disputed the amount of a drainage fee imposed against his or her parcel pursuant to this chapter may file a written request with the General Manager to review the fee imposed. At the discretion of the General Manager, the requesting party may be required to present an engineered report and/or survey showing information relevant to the request such as the total property area, the impervious surface area, and any other features or conditions which influence the drainage or storm and surface water runoff from the property.
- B. The General Manager shall conduct a technical review to determine if an adjustment of the fee is in conformance with the provisions of this ordinance. At the conclusion of the review, the General Manager shall issue a written determination stating whether a fee reduction is appropriate and, if so, the amount of such reduction. All decisions of the General Manager shall be served on the property owner personally or by certified mail.
- C. The party who requested review of the drainage fee may appeal the decision of the General Manager to the District Board within (30) days after service of the General Managers' written decision. Notice of appeal shall include a description of the general grounds for the appeal. The District Board shall conduct a public hearing to consider the testimony of the appealing party. After the public hearing, the District Board may affirm or modify the decision of the General Manager, provided that any modification of the fee is in conformance with the provisions of the ordinance.

SEC. 3.13. ANNUAL INSPECTION OF PRIVATE FACILITIES. The General Manager or authorized designee has the duty and the responsibility to annually inspect all private facilities for any violation of the provisions of this ordinance.

The General Manager or authorized designee may, within the limitations of the law, enter such building or premises at reasonable times to inspect the same for violations of this ordinance or to perform any duty imposed upon the General Manager or authorized designee by this ordinance; provided, that the General Manager or authorized designee presents proper credentials to, and obtains consent from, the owner or occupant to enter.

In the event the owner and/or occupant refuse entry, the General Manager shall request assistance of the District legal counsel to obtain an administrative warrant for the premises, pursuant to the provisions of state law.

Private facilities shall be responsible for the cost of inspection and any associated inspection costs including but not limited to testing. Inspection costs shall be determined by the District by resolution of the Board.

CHAPTER 4 – ENFORCEMENT

SEC. 4.01. AUTHORITY. California Government Code Section 61064(a) states the “violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.” California Government Code Section 61064(b) allows any citation issued by the SCSD for the violation of a rule, regulation, or ordinance adopted by the Board “may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.” Finally, Cal. Gov’t Code 61064(c) allows the Board to confer on “designated uniformed District employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or District rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.”

SEC. 4.02. DESIGNATED EMPLOYEES. Each act that violates this Storm Drainage Ordinance is a violation of the Scotia Community Services District’s rules and shall constitute a separate offense. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the General Manager’s or District’s Counsel’s discretion.

SEC 4.03. VIOLATIONS, ABATEMENT, RESOLUTION. Any condition caused or allowed to exist in violation of any of the provisions of this ordinance constitutes a threat to the public health, safety and welfare, and is deemed and declared to be a public nuisance. This public nuisance may be summarily abated, and/or the property restored to its original condition, and/or enjoined or otherwise be compelled to cease and desist, by the General Manager or authorized designee, or by actions taken by the District legal counsel.

A. Inspections and Sampling – Authority and Procedure.

1. The General Manager or authorized designee has the duty and the responsibility to inspect all locations for any violation of the provisions of this ordinance. The General Manager or authorized designee may, within the limitations of law, enter such building or premises at reasonable times to inspect the same for violations of this ordinance or to perform any duty imposed upon the General Manager or authorized designee by this ordinance; provided, that the General Manager or authorized designee presents proper credentials to, and obtains consent from, the owner or occupant to enter. In the event the owner and/or occupant refuse entry, the General Manager shall request assistance of the District legal counsel to obtain an administrative warrant for the premises, pursuant to the provisions of state law.
2. The General Manager or authorized designee has the right to, and shall conduct routine sampling and monitoring on or adjacent to the premises under review. The cost of such routine sampling and/or monitoring activities, including test reports and results, shall be paid for by the District. The General Manager or authorized designee may, within the limitations of law, enter such premises at reasonable times to conduct sampling and monitoring operations; provided, that the General

Manager or authorized designee presents proper credentials to, and obtains consent from, the owner or occupant to enter. In the event the owner and/or occupant refuse entry, the General Manager shall request assistance of the District legal counsel to obtain an administrative warrant for the premises, pursuant to the provisions of state law.

3. Whenever the General Manager or authorized designee has reasonable cause to believe that the owner and/or occupant of a premises is engaged in an activity and/or operating a facility that is causing or contributing to stormwater pollution or contamination, unauthorized discharges, and/or the discharge of non-stormwater or other unlawful material to the storm drains, the General Manager or authorized designee may require the owner and/or occupant to conduct sampling and/or monitoring activities on the premises, and to furnish such test results and reports as the General Manager or authorized designee may determine. The burden and cost of undertaking such sampling and monitoring activities, including test results and reports, shall be paid for by the owner of the premises under review. The type and method of sampling and monitoring shall bear a reasonable relationship to the need for testing and monitoring and to the benefits to be obtained, as determined by the enforcement General Manager or authorized designee.
4. Exigent Circumstances. Whenever a condition is found to exist in violation of this ordinance that presents an immediate and present danger to the public health, safety and welfare requiring immediate remedial action to prevent injury to persons or property, the General Manager or authorized designee shall take whatever reasonable and appropriate action is necessary to neutralize the danger, including, but not limited to, entry upon private premises for inspection, sampling and monitoring, and abatement.

SEC. 4.04. PENALTY.

- A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance or the provisions of any ordinance adopted by reference by this ordinance. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this ordinance which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

1. The District Manager or District Counsel files a complaint charging the offense as an infraction unless the defendant, at the time he/she is arraigned, after being informed of his/her rights, elects to have the case proceed as a misdemeanor; or
 2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.
- B. In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, shall be deemed a public nuisance and may be summarily abated by this District, and each day such condition continues shall be regarded as a new and separate offense.
- C. Each violation of this ordinance expressly declared to be an infraction is punishable by:
1. A fine not exceeding \$100 for the first violation;
 2. A fine not exceeding \$200 for the second violation of the same ordinance within one year;
 3. A fine not exceeding \$500 for each additional violation of the same ordinance within one year.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: California Environmental Quality Act (CEQA) Determination. Under the EIR that was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: _____, 2017

ATTEST:

APPROVED:

Clerk, Scotia Community Services District

President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2017-2, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the 16th day of February, 2017, by the following vote:

AYES:

NOES:

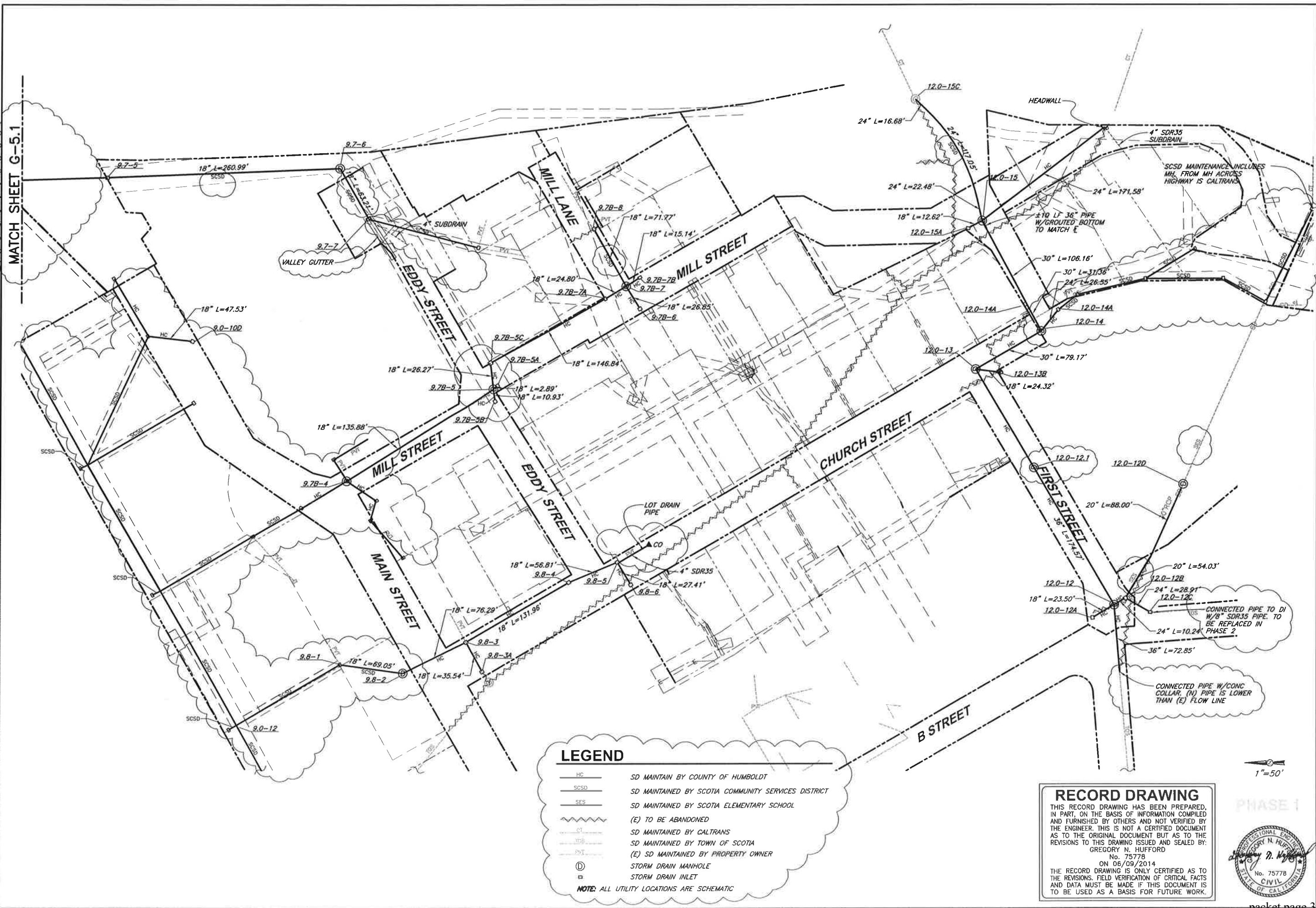
ABSENT:

ABSTENTIONS:

Clerk, Scotia Community Services District

SAVED: 6/6/2016 2:18 PM CHENWELL, PLOTTED: 2/9/2017 9:41 AM CHRIS D. NEWELL
\\Eureka\SPRNEW\Projects\2005\005161-ScotiaMasterPlan\Draws\RECORD-DRAWINGS\005161-UTIL-STORM.dwg

MATCH SHEET G-5.1



LEGEND

HC	SD MAINTAIN BY COUNTY OF HUMBOLDT
SCSD	SD MAINTAINED BY SCOTIA COMMUNITY SERVICES DISTRICT
SES	SD MAINTAINED BY SCOTIA ELEMENTARY SCHOOL
CT	(E) TO BE ABANDONED
SD	SD MAINTAINED BY CALTRANS
SD	SD MAINTAINED BY TOWN OF SCOTIA
(E) SD	(E) SD MAINTAINED BY PROPERTY OWNER
⊙	STORM DRAIN MANHOLE
□	STORM DRAIN INLET

NOTE: ALL UTILITY LOCATIONS ARE SCHEMATIC

RECORD DRAWING

THIS RECORD DRAWING HAS BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS AND NOT VERIFIED BY THE ENGINEER. THIS IS NOT A CERTIFIED DOCUMENT AS TO THE ORIGINAL DOCUMENT BUT AS TO THE REVISIONS TO THIS DRAWING ISSUED AND SEALED BY: GREGORY N. HUFFORD No. 75778 ON 06/09/2014 THE RECORD DRAWING IS ONLY CERTIFIED AS TO THE REVISIONS. FIELD VERIFICATION OF CRITICAL FACTS AND DATA MUST BE MADE IF THIS DOCUMENT IS TO BE USED AS A BASIS FOR FUTURE WORK.



VERIFY SCALES BASE IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
CONSULTING ENGINEERS & GEOLOGISTS, INC. WWW.SHN-ENGR.COM 812 W. WABASH AVE. EUREKA, CA. 95501	
DSGN	GNH
DR	CDN
CHK	MEL
APPD	
TOWN OF SCOTIA, LLC SCOTIA INFRASTRUCTURE IMPROVEMENTS—PHASE 1 SCOTIA, CALIFORNIA	
STORM DRAIN	
SHEET G-5	
DATE 06/2014	
PROJ. NO. 005161.510	



HC
SCSD
SES
CF
TOS
PVT
①
□

SD MAINTAINED BY COUNTY OF HUMBOLDT
SD MAINTAINED BY SCOTIA COMMUNITY SERVICES DISTRICT
SD MAINTAINED BY SCOTIA ELEMENTARY SCHOOL
(E) TO BE ABANDONED
SD MAINTAINED BY CALTRANS
SD MAINTAINED BY TOWN OF SCOTIA
(E) SD MAINTAINED BY PROPERTY OWNER
STORM DRAIN MANHOLE
STORM DRAIN INLET

NOTE: ALL UTILITY LOCATIONS ARE SCHEMATIC

HC _____ SD MAINTAIN BY COUNTY OF HUMBOLDT

SCSD _____ SD MAINTAINED BY SCOTIA COMMUNITY SERVICES DISTRICT

SES _____ SD MAINTAINED BY SCOTIA ELEMENTARY SCHOOL

_____ (E) TO BE ABANDONED

ST _____ SD MAINTAINED BY CALTRANS

TOS _____ SD MAINTAINED BY TOWN OF SCOTIA

PVT _____ (E) SD MAINTAINED BY PROPERTY OWNER

① _____ STORM DRAIN MANHOLE

□ _____ STORM DRAIN INLET

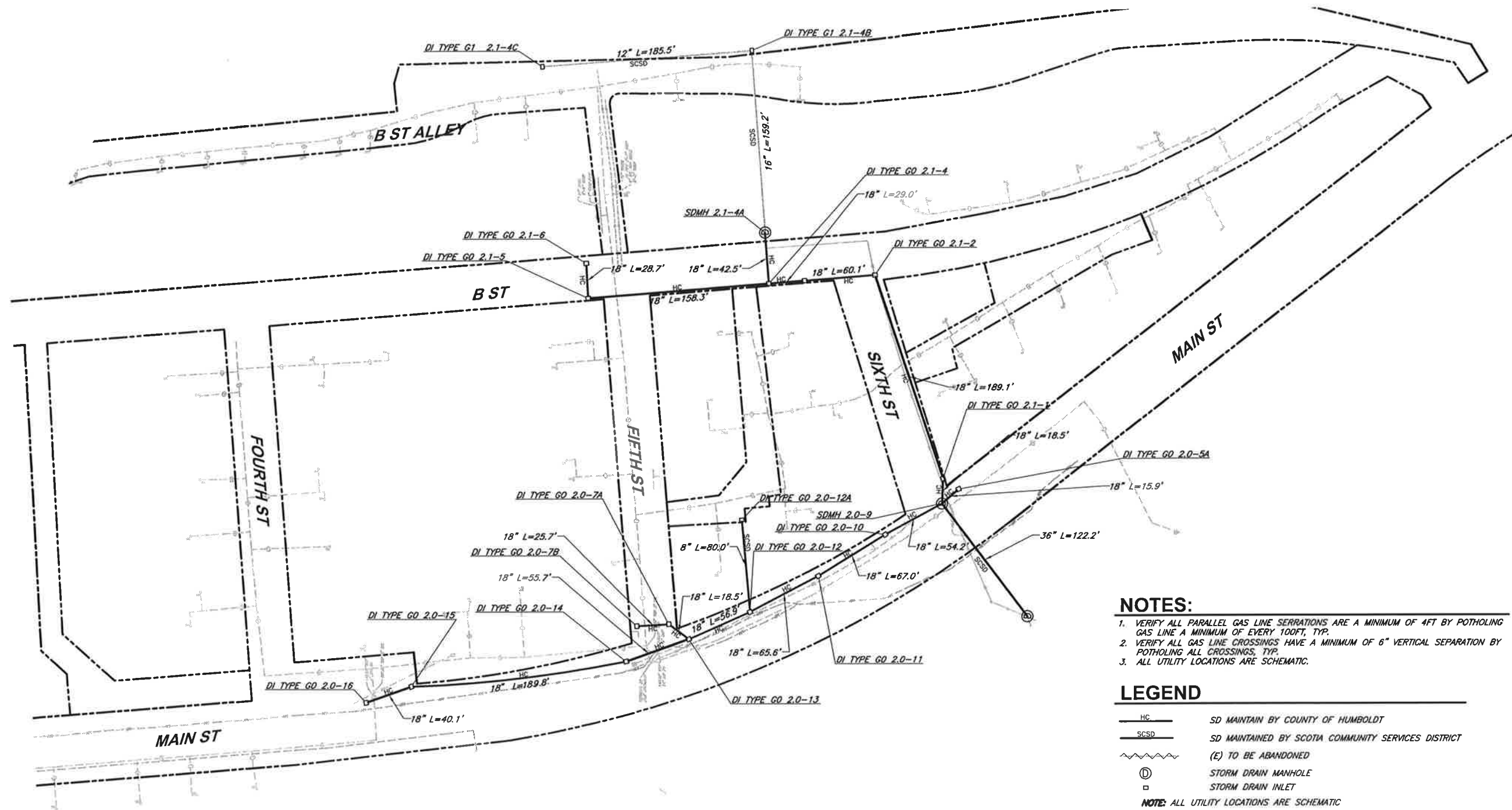
NOTE: ALL UTILITY LOCATIONS ARE SCHEMATIC

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GREGORY N. HUFFORD
No. 75778
ON MM/DD/YYYY
THE RECORD DRAWING IS ONLY CERTIFIED AS TO
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\\Eureka\SRVNEW\Projects\005161-ScotiaMasterPlan\411-South-Town-Design\Draws\005161-411-STRM-MAINS-PHS3.dwg



NOTES:

1. VERIFY ALL PARALLEL GAS LINE SERRATIONS ARE A MINIMUM OF 4FT BY POTHOLING GAS LINE A MINIMUM OF EVERY 100FT, TYP.
2. VERIFY ALL GAS LINE CROSSINGS HAVE A MINIMUM OF 6" VERTICAL SEPARATION BY POTHOLING ALL CROSSINGS, TYP.
3. ALL UTILITY LOCATIONS ARE SCHEMATIC.

LEGEND

HC	SD MAINTAIN BY COUNTY OF HUMBOLDT
SCSD	SD MAINTAINED BY SCOTIA COMMUNITY SERVICES DISTRICT
~~~~~	(E) TO BE ABANDONED
⊙	STORM DRAIN MANHOLE
□	STORM DRAIN INLET
NOTE: ALL UTILITY LOCATIONS ARE SCHEMATIC	

1"=50'

PHASE 3

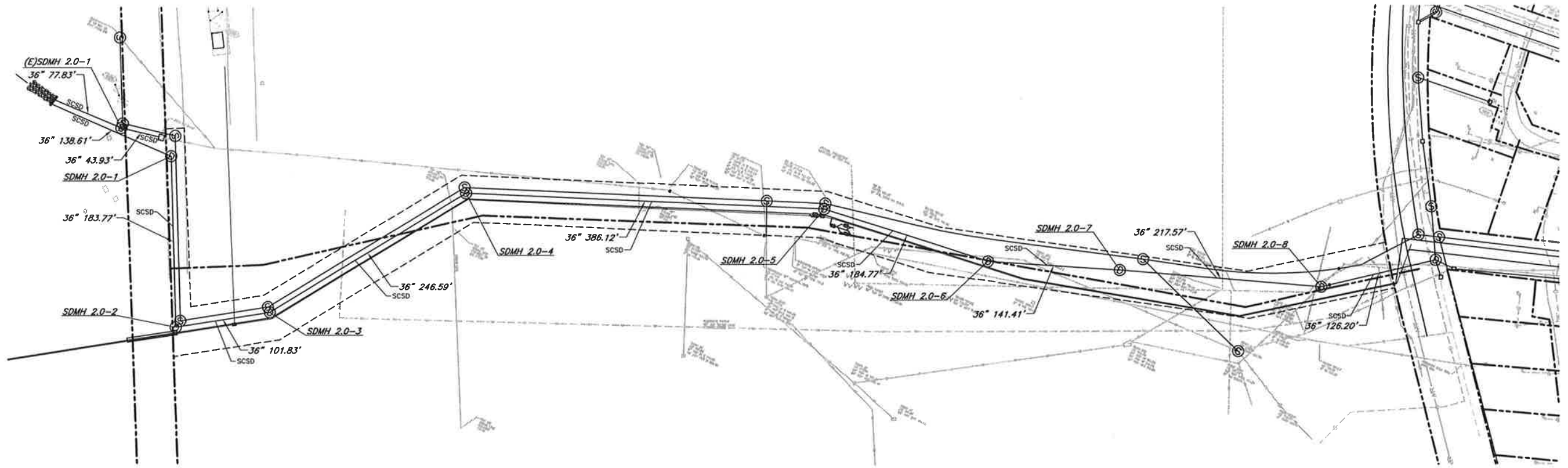
PRELIMINARY

packet page 39

VERIFY SCALES BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
CONSULTING ENGINEERS & GEOLOGISTS, INC. 812 W. WABASH AVE. EUREKA, CA. 95501 WWW.SHN-ENGR.COM 707-441-8855	
DSGN	CUL
DR	CUL/CDN
CHK	K/JN
APVD	
TOWN OF SCOTIA, LLC SCOTIA INFRASTRUCTURE IMPROVEMENTS—PHASE 3 SCOTIA, CALIFORNIA	STORM DRAIN
SHEET	G-6
SEQ	
DATE	01/2017
PROJ. NO.	005161.411



SAVED: 2/9/2017 1:37 PM CINEWELL, PLOTTED: 2/9/2017 1:38 PM CHRIS D. NEWELL  
\\EurekaSVRNEW\Projects\2005\005161-ScotiaMasterPlan\414-Inds-Fire-sys\Draws\005161-414-CORRIDOR-UTILS.dwg



### LEGEND

- SCSD SD MAINTAINED BY SCOTIA COMMUNITY SERVICES DISTRICT
- ⊙ STORM DRAIN MANHOLE
- STORM DRAIN INLET
- NOTE: ALL UTILITY LOCATIONS ARE SCHEMATIC



**PRELIMINARY**

TOWN OF SCOTIA, LLC CORRIDOR UTILITIES SCOTIA, CALIFORNIA		DSGN	CUL	DR	CUL/CDN	CHK	GNH	APVD	NO.	DATE	REVISION	BY
CORRIDOR UTILITIES OVERVIEW												
SHEET		G-4										
SEQ												
DATE		02/2017										
PROJ. NO.		005161.414										
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