



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

WILL BE HELD AT:
122 MAIN STREET
SCOTIA, CALIFORNIA

Thursday, June 23, 2016
Special Meeting at 5:30 P.M.
Closed Session to Follow

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. PUBLIC COMMENT**

At every *special meeting*, the legislative body shall provide the public with an opportunity to address the body on any item described in the notice before or during consideration of that item. Comments are not generally taken on non-action items such as reports or information. Comments should be limited to three minutes.

- D. PUBLIC HEARING - None**

- E. BUSINESS**

E1. New Business –

- a. Resolutions Presenting the results of Proposed User Fees and Assessments**

Resolution 2016-14 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Water User Fees

Resolution 2016-15 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Wastewater User Fees

Resolution 2016-16 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Fire Protection Assessment

Resolution 2016-17 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results and Establishing a Parks and Recreation Assessment, Commencing Fiscal Year 2016-17

Resolution 2016-18 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results and Establishing a Streets and Street Lighting Assessment, Commencing Fiscal Year 2016-17

Resolution 2016-19 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Storm Drainage Assessment

b. Planwest Partners Staffing Contract

c. Nancy Diamond Staffing Contract

E2. Old Business –

a. Discussion of results of the Prop 218 election and next steps for the SCSD

F. ADJOURN TO CLOSED SESSION

F1. Call to Order

F2. Roll Call

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

G1. Report out of Closed Session

H. ADJOURNMENT

Next Regular Meeting of the SCSD will be July 21, 2016 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.

Scotia Community Services District

Staff Report

DATE: June 23, 2016
TO: Scotia Community Services District Board of Directors
FROM: Steve Tyler, Interim District Manager and Tracy Boobar, Legal Counsel
SUBJECT: Proposition 218 Results for Proposed User Fees and Assessments

A public hearing for the Proposition 218 process was held on July 16, 2016. At the public hearing, the Board accepted final submittal of ballots, closed the hearing, and directed the Clerk to tabulate the ballots. The results of the tabulation were announced by the Chair at the June 16th meeting, as summarized below:

User Fee/Assessment	Non-Protest Ballots (Yes Votes)	Protest Ballots (No Votes)
Water	22.22%	77.78%
Wastewater	22.22%	77.78%
Fire	42.24%	57.76%
Parks and Recreation	51.51% (passed)	48.49%
Streets and Street Lighting	63.85% (passed)	36.15%
Storm Drainage	43.06%	56.94%

Formal resolutions have been prepared for each user fee and assessment, regardless of whether or not the measure was passed. This provides a record of the protest balloting results and approves the establishment of the Parks and Recreation Assessment and the Streets and Street Lighting Assessment.

Recommendation

Staff recommends the Board adopt the following resolutions:

- 1) Resolution 2016-14 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Water User Fees
- 2) Resolution 2016-15 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Wastewater User Fees
- 3) Resolution 2016-16 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Fire Protection Assessment
- 4) Resolution 2016-17 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results and Establishing a Parks and Recreation Assessment, Commencing Fiscal Year 2016-17
- 5) Resolution 2016-18 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results and Establishing a Streets and Street Lighting Assessment, Commencing Fiscal Year 2016-17
- 6) Resolution 2016-19 A Resolution of the Scotia Community Services District Board of Directors Accepting the Proposition 218 Results for Storm Drainage Assessment

RESOLUTION NO. 2016-14

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 April 21, 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 June 16, 2016, 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 **2** and **7**, respectively.

NOW, THEREFORE, BE IT RESOLVED that a majority protest exists 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 23rd day of June, 2016, 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. 2016-14, 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 23rd day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

RESOLUTION NO. 2016-15

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 Water User Rate Analysis and Recommendations report was prepared for the proposed User Fee, and the Board accepted the report by motion at the April 21, 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 June 16, 2016, 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 **2** and **7**, respectively.

NOW, THEREFORE, BE IT RESOLVED that a majority protest exists 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 23rd day of June, 2016, 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. 2016-15, 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 23rd day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

RESOLUTION NO. 2016-16

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ACCEPTING THE PROPOSITION 218 RESULTS FOR A FIRE PROTECTION 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 fire protection services pursuant to Article 3.6 “Fire Suppression Assessments” (commencing with Section 50078) of Chapter 1 of Part 1 of Division 1 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 April 21, 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 June 16, 2016, 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 **\$88,053** and **\$120,393**, respectively.

NOW, THEREFORE, BE IT RESOLVED that a majority protest exists and therefore the proposed Fire Protection 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 23rd day of June, 2016, 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. 2016-16, 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 23rd day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

RESOLUTION NO. 2016-17

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ACCEPTING THE PROPOSITION 218 RESULTS AND ESTABLISHING A PARKS AND RECREATION ASSESSMENT, COMMENCING FISCAL YEAR 2016-17

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 parks and recreation services pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500), Part 2 of Division 15 of the California Streets and Highways 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 April 21, 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 June 16, 2016, 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 **\$78,353** and **\$73,756**, respectively; and

WHEREAS, the Board desires to levy and collect the assessments commencing fiscal year 2016-17.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Purpose of Benefit Assessment:

The express purpose for which this benefit assessment is levied is to generate sufficient funds to implement a comprehensive parks and recreation department within the District, and to pay the annual costs and expenses for the ongoing operation, maintenance, servicing, acquisition, construction, installation, and incidental expenses including any debt service issued to finance capital improvements related to the parks, trails, open space and recreational facilities such as the Winema Theater, Scotia Museum, Soccer and Baseball parks, Fireman’s Park, and the Community Forest.

Section 2. Limitation Upon Expending Assessment Proceeds:

Any funds collected from the benefit assessment authorized by this resolution shall be expended only for the purposes described in Section 1, whether or not parks and recreation services are actually used by or upon a parcel, improvement, or property. Any unexpended funds raised by the assessment remaining at the end of any fiscal year shall be placed in a capital reserve fund established solely to fund for parks and recreation facilities, services, and improvements.

Section 3. Maximum Assessment and Annual Escalators:

The benefit assessment shall be assessed annually on all real property within the boundaries of the District. The cost shall not exceed one hundred ninety-nine dollars and eighty-eight cents (\$199.88) per unit of benefit for fiscal year 2016-17. The assessment has an inflationary provision not to exceed 3% based on the annual change in the Consumer Price Index (CPI), and may further be adjusted for any pass through costs.

Section 4. Duration of Assessment:

The assessment shall be levied beginning with the 2016-17 fiscal year and continued every year thereafter, so long as the Board approves an annual resolution for continuation of the assessment.

Section 5. Collection:

The Humboldt County Assessor is hereby requested to collect the benefit assessment adopted by the Board beginning with the 2016-17 fiscal year in the same manner and subject to the same penalties as the other assessments, fees, or other charges fixed and collected by the County on behalf of the District. The County may recover reasonable costs incurred for the administration of collecting those revenues.

Section 6. Adoption:

The adoption of this Resolution constitutes the establishment of a Parks and Recreation Assessment, the boundaries of which are contiguous with the District boundary; the establishment of the method of assessment, duration, and annual escalators; and the collection of assessments commencing fiscal year 2016-17, as described in the Engineer's Report and adopted by the Board.

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 23rd day of June, 2016, 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. 2016-17, 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 23rd day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

RESOLUTION NO. 2016-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ACCEPTING THE PROPOSITION 218 RESULTS AND ESTABLISHING A STREET AND STREET LIGHTING ASSESSMENT, COMMENCING FISCAL YEAR 2016-17

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 street and street lighting 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 April 21, 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 June 16, 2016, 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 **\$43,256** and **\$24,491**, respectively; and

WHEREAS, the Board desires to levy and collect the assessments commencing fiscal year 2016-17.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Purpose of Benefit Assessment:

The express purpose for which this benefit assessment is levied is to generate sufficient funds to implement a comprehensive street and street lighting department within the District, and to pay the annual costs and expenses for the ongoing operation, maintenance, servicing, acquisition, construction, installation, and incidental expenses including any debt service issued to finance capital improvements related to all non-County or private streets and alleyways. The final map for each phase of subdivision will delineate the separate County of Humboldt public rights of way and Scotia Community Services District street and alleyway easements. The Scotia Community Services District will also maintain the street known as "Mill Lane", from the Mill Street County right of way to the end of said street, coincident with private lot lines.

Section 2. Limitation Upon Expending Assessment Proceeds:

Any funds collected from the benefit assessment authorized by this resolution shall be expended only for the purposes described in Section 1, whether or not streets and street lighting services are actually used by or upon a parcel, improvement, or property. Any unexpended funds raised by the assessment remaining at the end of any fiscal year shall be placed in a capital reserve fund established solely to fund street and street lighting facilities, services, and improvements.

Section 3. Maximum Assessment and Annual Escalators:

The benefit assessment shall be assessed annually on all real property within the boundaries of the District. The cost shall not exceed fifty-three dollars and one cent (\$53.01) per unit of benefit for fiscal year 2016-17. The assessment has an inflationary provision not to exceed 3% based on the annual change in the Consumer Price Index (CPI), and may further be adjusted for any pass through costs.

Section 4. Duration of Assessment:

The assessment shall be levied beginning with the 2016-17 fiscal year and continued every year thereafter, so long as the Board approves an annual resolution for continuation of the assessment.

Section 5. Collection:

The Humboldt County Assessor is hereby requested to collect the benefit assessment adopted by the Board beginning with the 2016-2017 fiscal year in the same manner and subject to the same penalties as the other assessments, fees, or other charges fixed and collected by the County on behalf of the District. The County may recover reasonable costs incurred for the administration of collecting those revenues.

Section 6. Adoption:

The adoption of this Resolution constitutes the establishment of a Streets and Street Lighting Assessment, the boundaries of which are contiguous with the District boundary; the establishment of the method of assessment, duration, and annual escalators; and the collection of assessments commencing fiscal year 2016-17, as described in the Engineer's Report and adopted by the Board.

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 23rd day of June, 2016, 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. 2016-18, 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 23rd day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

RESOLUTION NO. 2016-19

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 April 21, 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 June 16, 2016, 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 **\$21,691** and **\$28,684**, respectively.

NOW, THEREFORE, BE IT RESOLVED that a majority protest exists 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 23rd day of June, 2016, 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. 2016-19, 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 23rd day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Board Clerk, Scotia CSD

Scotia Community Services District Staff Report

DATE: June 23, 2016
TO: Scotia CSD Board of Directors
FROM: Steve Tyler, Interim General Manager
SUBJECT: SCSD Professional Services Contract Extension 2, with Scope 3 with Planwest Partners Inc.

RECOMMENDATION:

Authorize the Board President to sign staffing contract extension 2 and scope with Planwest Partners Inc. for Staffing services.

DISCUSSION:

This second extension contract and scope 3 will include staffing services and Proposition 218 Round 2, as well as authorizing minimal staff time to assist SHN with assembling the TMF Report.

ACTION:

Commission Chair sign and date staffing services agreement with Planwest Partners Inc..

FISCAL IMPACT:

See attached scope within Contract and Scope Agreement.

**EXTENSION TWO OF AGREEMENT BETWEEN
THE SCOTIA COMMUNITY SERVICES DISTRICT
AND
PLANWEST PARTNERS INC.
FOR PROFESSIONAL SERVICES**

THIS AGREEMENT EXTENSION for Professional Services (“Agreement”) is made by and between Planwest Partners Inc., a planning consulting firm, hereinafter referred to as “Consultant,” and the Scotia Community Services District, hereinafter referred to as “District.” This Agreement is effective as of date signed by both parties and extends the Original Agreement through August 31, 2016.

- 1. Scope of Services.** Consultant will perform professional services for District in accordance with Exhibit A, Scope of Services, attached hereto and incorporated herein.
- 2. Term.**
 - a) Commencement. No services shall be performed or furnished under this Agreement until District has provided notice to commence services to the Consultant, which shall not occur until after full execution of this Agreement by both parties and receipt by District of all insurance certificates.
 - b) Termination. Either party may terminate this Agreement upon 10 days written notice. In such event, Consultant will be entitled to invoice District for and to receive payment for all acceptable services performed or furnished under the Agreement, if applicable, and all reimbursable expenses incurred through the effective date of termination.
 - c) Time for Completion. Consultant shall complete specific tasks in accordance with time frames outlined in Exhibit A.
- 3. Compensation for Services.**
 - a) Payment. District shall pay Consultant on a time and materials basis at the rates specified in Exhibit B, Payment Schedule, attached hereto and incorporated herein.
 - b) Invoicing. Consultant shall prepare and submit its invoices to District no more than once per month and shall provide a time summary of work performed. District to pay undisputed invoices within 30 days of receipt. If District disputes an invoice, it may withhold that portion so contested and shall pay the undisputed amount.
- 4. Professional Standards.** The standard of care for all professional services performed or furnished by Consultant under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Consultant shall be responsible for the professional and technical soundness, accuracy, and adequacy of all work and materials furnished under this Agreement.
- 5. Independent Contractor Status.** Consultant is performing services as an independent contractor for District, and is neither an employee nor an agent of District. Except as otherwise provided in this Agreement, Consultant shall have sole control over the manner and method of performance of the services, and District’s only interest shall be in the results of such services. District’s liability hereunder shall be limited to payment of the compensation provided in this Agreement. Consultant agrees and acknowledges that it is not entitled to any benefits or insurance, including without limitation any medical, unemployment, or disability benefits, on District’s account. This Section shall also apply to any of Consultant’s subcontractors.

6. **Document Submission and Title to Documents.** Consultant agrees that all data, plans, reports, maps, memoranda, manuals, letters and other written or graphic work produced in the performance of this Agreement is considered work made for hire and shall be the property of District upon delivery. District may disclose, disseminate and use in whole or in part, any final form data and information received, collected, and developed under this Agreement.
7. **Designation of Representative.** Consultant and District shall designate specific individuals to act as representatives (“Designated Representative”), who shall have District to transmit instructions, receive information, and implement the Agreement on behalf of each respective party. Either party may change its Designated Representative or the address of its Designated Representative by giving reasonable notice to the other party.
8. **Notice.** All notices required or permitted hereunder shall be in writing and shall be deemed to have been properly given and delivered when delivered personally (including by commercial messenger or courier or by facsimile transmission) or four (4) days after deposit in the U. S. mail with all postage or charges fully prepaid and addressed to the authorized representative of the appropriate party.

Scotia Community Services District
Rick Walsh, Board President
122 Main Street
Scotia, CA 95565

Planwest Partners Inc.
George Williamson, Principal Planner
1125 16th Street, Suite 200
Arcata, CA 95521

9. Indemnification.

When the law establishes a professional standard of care for Consultant’s services, to the fullest extent permitted by law, Consultant shall indemnify and hold harmless District and its boards, task forces, officials, employees and agents (collectively “Indemnified Parties”) from and against any and all losses, liabilities, damages, costs and expenses, including attorney’s fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error or omission of Consultant, its officers, agents, employees or sub-contractors or any entity or individual for which Consultant shall bear legal liability in the performance of professional services under this Agreement.

10. Insurance.

a) Insurance Requirements.

- i. Prior to performing any services hereunder and until the services have been completed in accordance with this Agreement and accepted by District, the Consultant shall maintain insurance in full compliance with all of the provisions of this Section 10. In the event the Consultant sublets or subcontracts any part of the services, each subcontractor shall be bound by the same terms and conditions concerning insurance as outlined herein and this Section 10 will be made a part of any such subcontract agreement.
- ii. As evidence of specified insurance coverage, District may, in lieu of actual policies, accept certificates issued by the insurance carrier showing such policies in force for the specified period and naming District as an additional insured thereunder, except Professional Liability Insurance and Workers Compensation.
- iii. District reserves the right at any time during the term of the Agreement to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice.

- b) Professional or Errors and Omissions Insurance. Consultant shall purchase and maintain such Professional or Errors and Omissions Insurance for the services performed and furnished as will provide protection from any claim arising out of any negligent act, error or omission in rendering or failing to render professional services either committed or alleged to have been committed by Consultant or by anyone employed by Consultant to perform or furnish any of the services, or by anyone for whose acts any of them may be liable. Such coverage shall not be subject to a Self-

Insured Retention (SIR) greater than \$100,000, and for not less than \$1,000,000 Single Limit, any one claim and annual aggregate.

- c) Workers' Compensation Insurance. Consultant shall purchase and maintain such Workers' Compensation covering all employees and volunteers as required by the State of California, and on a state-approved policy form.
- d) Commercial General Liability. Insurance Services Office (ISO) "Commercial General Liability" policy form CG 00 01 or equivalent. Coverage for additional insured shall not be limited to vicarious liability. Defense costs must be paid in addition to limits. Limits shall be no less than \$1,000,000 general aggregate.
- e) Automobile Liability Insurance. ISO Business Auto Coverage for CA 0001 including symbol 1 or equivalent. Limits are subject to review, but in no event to be less than \$1,000,000 per accident. If Consultant or Consultant's employees will use personal autos in the performance of any duties under this Agreement, Consultant shall provide evidence of personal auto liability coverage for each such person.

11. Dispute Resolution. The parties agree to negotiate any disputes over the performance of their respective rights and obligations under this Agreement in good faith for a period of at least 30 days after the date of notice invoking the need for dispute resolution or exercising rights under law. Neither party may initiate court action prior to such good faith negotiation and following that prior to good faith third-party mediation.

12. Governing Law, Venue. This Agreement and performance hereunder and all suits and special proceedings shall be interpreted in accordance with California law. Venue shall be fixed in Humboldt County.

13. Authority. Each party hereto warrants and represents to the other party that such party has the full right, power and District to enter into this Agreement and has obtained all necessary consents and approvals to consummate the transaction contemplated hereby.

14. Negotiated Agreement, Interpretation. This Agreement has been negotiated by the parties hereto. Each of the parties has had full opportunity to have this Agreement reviewed by an attorney acting on such party's behalf. The language of the Agreement shall not be construed for or against either party by reason of the authorship or alleged authorship of any provision hereof or by reason of the status of the respective parties.

15. Entire Agreement/Modifications and Amendments. This Agreement and all attachments constitutes the entire agreement between District and Consultant as to the subject matter hereof. It supersedes all prior communications, representations, or agreements, whether oral or written. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required.

16. Assignment, Subcontract. Consultant may assign its rights, interests, duties or obligations under this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement effective on the date of the last party signing.

SCOTIA COMMUNITY SERVICES DISTRICT:

Designated Representative:

Name: Rick Walsh, Board President
Phone: (707) 506-3030

Date: _____

Attest:

PLANWEST PARTNERS INC:

Designated Representative:

By Its: Principal

Name: George Williamson
Phone: (707) 825-8260
Fax: (707) 825-9181
E-mail: georgew@planwestpartners.com

Date: _____

Attach: Exhibit A, Exhibit B, Scope Spreadsheet

EXHIBIT A

Scotia Community Services District Scope 3

Part 1. Scope of Services for Conducting a Second Round of Proceedings for Property-Related Fees and Assessments

The following scope of services outlines tasks and actions needed to establish property-related user fees and assessments to maintain and improve essential services and facilities for the Scotia Community Services District (CSD). Planwest offers a team of planners and services specialists with Proposition 218 experience, including preparing mailed notices associated with such proceedings, conducting required public hearing and tabulation.

Task 1 Board Adopts Resolution and Procedures to Call Public Hearing and Reviews any Changes to the Rate Studies and Engineers Reports

This Scope includes a Proposition 218 Process to establish user fees and benefit assessments for the following services:

<u>User Fees</u>	<u>Benefit Assessments</u>
Water	Fire Protection
Wastewater	Storm Drainage

It is recommended that the Board follow adopted procedures for the tabulation and acceptance of protests as laid out in SCSD Resolutions 2016-5 & 2016-6.

Planwest will review any changes to the Rate Studies and Engineer’s Reports, prepared by SHN, for Board consideration and approval. A description of the state requirements for rate studies and engineer’s reports are described below.

Rate Studies

Article XIII D, Section 6(b) of the California Constitution sets forth substantive requirements for property-related fees. Specifically, Section 6(b) provides that: A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

- (1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.
- (2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.
- (3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.
- (4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.
- (5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners....

The rate study will be prepared to demonstrate that the proposed fees and charges are imposed as an incident of property ownership, and will serve as evidentiary support of compliance with the five substantive requirements.

Engineers Report

Article XIII D, Section 4 of the California Constitution sets forth substantive requirements for assessments. Specifically, Section 4(a) provides that:

An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

The Engineer's Reports will be prepared to demonstrate that the properties in question receive a special benefit over and above the benefits conferred on the public at large, and will serve as evidentiary support of compliance with the substantive requirements described above.

Key Actions: Board accepts the Rate Studies and Engineer's Reports at regular board meeting, and adopts resolution(s) to call the public hearings.

Task 2 Notice

User Fee Notice Requirements:

Article XIII D, Section 6(a) includes the following requirements for the mailed notice with respect to a property-related fee:

The agency shall provide written notice by mail of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

Where a property-related fee is charged by direct billing, Government Code Section 53755 authorizes (but does not require) that notice may be mailed to *customers*, rather than to *property owners*, when it is the customers who are billed for a service. Even if notice is mailed to customers pursuant to Section 53755, it must also be sent to record property owners "if the agency desires to preserve any authority it may have to record or enforce a lien." In the case of Scotia, current customers and property owners are the same (TOS, HRC, and School District).

The notice will include pertinent information about the rate setting process and a description of the proposed rate structure (i.e., rate tables). The notice will also indicate any automatic future increases proposed, such as adjustments for inflation. Note that Government Code Section 53756 specifically limits the types of adjustments permissible and the period (no more than five years) over which adjustments can be applied without conducting new Section 6(a) proceedings.

Information will be included in the notice about when the proposed fee will go into effect, how often the fee is billed, and how the fee is collected. The notice will also indicate where property

owners/customers can get information about their historical water use, their meter size, or other criteria factors that go into calculation of the amount they will be charged. Property owners/customers might be referred to look at past bills, call the agency, or (for meter size) look at the information stamped on their water meter. The notice will provide information about the public hearing and how to submit written protests, and will reference adopted procedures for tabulation and acceptance of protests.

Assessment Notice Requirements

Article XIII D, Section 4(c) includes the following requirements for the mailed notice with respect to assessments:

The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

Each notice will contain a ballot whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment. The notice will provide information about the public hearing(s) and how to submit ballots, and will reference the adopted procedures for tabulation and acceptance of ballots.

Task 3 Informational Meeting and Outreach

In addition to noting the date and location of the public hearings, the date(s) of any regular or special Board meetings that will be held for informational purposes to receive public comment will be noticed with proper noticing requirements. Additional outreach efforts by CSD staff, such as presentations to affected property owners, may be made for promoting the assessment.

Key Action: Hold informational meetings (during 45-day period that must elapse between mailing of the ballots and the public hearing).

Task 4 Hearing

Not less than 45 days after the notices are mailed, the SCSD Board must hold a public hearing on the fees and assessments. Any report or study may be entered into the record of this hearing, as may any written communications and written protests/ballots received from property owners, customers, or members of the public. Written protests and ballots will be accepted by the Clerk through the end of the public testimony portion of the public hearing.

A typical procedure for the public hearing is as follows:

1. Chair announces hearing.
2. Staff gives report.
3. Staff announces both the number of "writings purporting to be protests" that have so far been received as well as the threshold at which a majority protest exists.
4. Public testimony
5. Chair does a "last call" for protests and closes public testimony.
6. Clerk announces the final number of protests and whether a majority protest exists.

7. Legislative body discusses item.
8. If there is no majority protest, the legislative body may (but is not required to) adopt the fee/assessment.

It is common for agencies to continue consideration of the matter to a later date after closing public testimony in order to give the Clerk an opportunity to tabulate protests after the meeting (preferably in an announced public location). This may be necessary if there is a need to check the validity of protests, or (where the agency has not been opening protests as they come in) the need to open the protests.

Task 5 Protest

To be counted, written protests must be received before the close of the public hearing. The deadline applies regardless of whether the written protest is mailed or hand-delivered at the public hearing. The Clerk will be tabulating the written protests and reporting the outcome, unless a separate independent entity is arranged.

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(d), which provides that:

One written protest per parcel, filed by an owner 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.

Protests proceedings provide that “‘property ownership’ shall be deemed to include owners of real property that are directly liable to pay the assessment, fee, or charge in question.” This would include, at a minimum, customers on the records of the local agency.

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.

Key Action: Tabulate ballots at public hearing or alternate date. Announce results.

Part 2. Scope of Services: Technical, Managerial, and Financial Report Assistance

Staff will assist SHN with content for the Technical, Managerial, and Financial Reports as needed.

Part 3. Scope of Services Ongoing Staffing

The current staffing agreement ends June 30, 2016. This scope extends staffing services to August 31, 2016, and may be extended at Client's discretion. This scope would include:

- 5.1 CSD Board Meetings preparations & attendance
- 5.2 Administrative Duties including office staffing
- 5.3 Website postings & management
- ~~5.4 Working Group meetings preparations & attendance~~
- 5.5 Budgeting

*Task 5.4 does not have time allotted, as staff does not currently feel that working group meetings will be needed in this staffing scope.

EXHIBIT B - PAYMENT SCHEDULE

Compensation for Scope of Services

Board Secretary/Clerk: \$58.00 per hour

Interim General Manager: \$58.00 per hour

District Engineer: \$58.00 per hour

Planner \$58.00 per hour

GIS Analyst: \$62.00 per hour

Planner/Analyst: \$84.00 per hour

Principal: \$108.00 per hour

+ direct expenses

Town of Scotia: Planwest Partners Staffing for Scotia CSD Projected Scope 3 with Prop 218 Round 2

Task	Planwest Partners Inc.						Expense	Total
	Principal GW	Interim GM Steve Tyler	Planner CM	Planner SA	Clerk LM	GIS Analyst		
	Rate	\$108	\$58	\$84	\$58	\$58		
Task 1 - 218 Process (inclusive)								\$4,606.00
1.1 Board Review of Detailed Engineering Analysis								\$0.00
1.2 Board Review of Rate Studies and Engineers Reports		4.00	2.00		4.00			\$632.00
1.3 Noticing Process		1.00	4.00		14.00		\$200.00	\$1,406.00
1.4 Informational Meeting and Outreach		4.00	4.00		4.00			\$800.00
1.5 Hearing		4.00	6.00		12.00			\$1,432.00
1.6 Protest			4.00					\$336.00
Task 4 - Technical, Managerial, and Financial Training (inclusive)								\$464.00
4.1 Draft TMF		2.00			2.00			\$232.00
4.2 Review of TMF		2.00			2.00			\$232.00
4.3 Final TMF								\$0.00
Task 3 - General Board Secretary/Clerk/Interim General Manager Duties (per month)								\$5,300.00
5.1 CSD Board Meetings prep & attendance		8.00			18.00		\$80.00	\$1,588.00
5.2 Administrative Duties		8.00			30.00		\$100.00	\$2,304.00
5.3 Website postings & Management					4.00	4.00		\$480.00
5.4 Working Group Meetings prep & attendance								\$0.00
5.5 Budgeting		8.00			8.00			\$928.00
Staff Hours	0.00	41.00	20.00	0.00	98.00	4.00	Total Hrs	163
Total	\$0.00	\$2,378.00	\$1,680.00	\$0.00	\$5,684.00	\$248.00	\$380.00	\$10,370.00

\$3030 less

\$624 less per

21-Jun-16

**Scotia Community Services District
Staff Report**

DATE: June 23, 2016
TO: Scotia CSD Board of Directors
FROM: Tracy M. Boobar
SUBJECT: Renewal of the Legal Services Contract with the Law Offices of Nancy Diamond

RECOMMENDATION:

Recommend renewal of the Legal Services Contract with the Law Offices of Nancy Diamond.

ACTION:

The Board should make a motion to approve the Contract for Legal Services Between Scotia Community Services District and Law Offices of Nancy Diamond.

DISCUSSION:

The contract between the Scotia CSD and Law Offices of Nancy Diamond expires on June 30, 2016. At this time the Board must determine whether they wish to continue the contractual relationship with the Law Offices of Nancy Diamond or to allow the contract to lapse.

Preliminarily, I wish to disclose my financial interest in this decision. As an employee of Law Offices of Nancy Diamond, the decision made by the Board may have an economic impact on my personal finances. If the Board has any concerns, outside counsel may be acquired to help advise the Board. However, I will endeavor to outline any significant changes.

FISCAL IMPACT:

See Attached Contract