

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT'S RULES AND REGULATIONS REGARDING COLLECTION OF DELINQUENT WATER AND SEWER CHARGES

WHEREAS, the McKinleyville Community Services District (the "District") is organized and operates pursuant to the Community Services District Law, Government Code section 61000 et seq.;

WHEREAS, the Board of Directors desires to amend the District's Rules and Regulations to add express procedures for collection of delinquent water service charges and penalties through the tax-roll and recorded-lien remedies authorized by Government Code section 61115;

WHEREAS, the Board desires to adopt limited conforming sewer amendments so that both water and sewer provisions align with the Community Services District Law, specifically Government Code section 61115;

WHEREAS, the sewer revisions are intended to update and harmonize the existing sewer rules and are not intended to expand the scope of the District's collection authority beyond that otherwise provided by law; and

WHEREAS, the Board finds that these amendments will promote administrative clarity, improve internal consistency within the Rules and Regulations, and provide clear procedures for the collection and enforcement of delinquent service charges and penalties.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purpose.

The foregoing recitals are true and correct and are incorporated herein by this reference. The purpose of this ordinance is to amend the District's Rules and Regulations to add water-service collection procedures under Government Code section 61115 and to adopt related conforming amendments to the sewer-service collection provisions.

SECTION 2. Amendment to Rule 1.62.

Rule 1.62 of the District's Rules and Regulations is hereby amended in its entirety to read as set forth in Exhibit A.

SECTION 3. New Water Rules.

New Rules 11.05 through 11.13 are hereby added to Article II, Regulation 11, of the District's Rules and Regulations as set forth in Exhibit A.

SECTION 4. Conforming Sewer Amendments.

Rules 28.08 through 28.16 and Rules 28.19 through 28.22 of the District's Rules and Regulations are hereby amended as set forth in Exhibit A.

SECTION 5. Unchanged Provisions.

Except as expressly amended by this ordinance, the District's Rules and Regulations shall remain in full force and effect.

SECTION 6. CEQA.

The Board finds that adoption of this ordinance is not a project under California Environmental Quality Act Guidelines section 15378, because it constitutes an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. In the alternative, the Board finds that it can be seen with certainty that there is no possibility that adoption of this ordinance may have a significant effect on the environment within the meaning of CEQA Guidelines section 15061(b)(3).

SECTION 7. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unenforceable, the remaining portions of this ordinance shall remain in full force and effect. The Board declares that it would have adopted this ordinance and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more portions may be declared invalid or unenforceable.

SECTION 8. Effective Date; Publication.

This ordinance shall take effect and be published, posted, or otherwise processed as required by law and the District's standard ordinance procedures.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

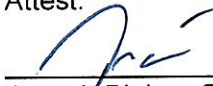
Introduced at a regular meeting of the Board of Directors held on April 1, 2025 and passed and adopted by the Board of Directors on May 6, 2026 upon the motion of Director Orsini and seconded by Director Bitenen and by the following polled vote:

AYES: Binder, Bitenen, Couch, Mayo, Orsini
NOES: None
ABSTAIN: None
ABSENT: None



David Couch, Board Vice President

Attest:



Joseph Blaine, CMC, Board Secretary

EXHIBIT A

Amendments to the McKinleyville Community Services District Rules and Regulations

1. Amendment to Rule 1.62:

Rule 1.62. REPORT — Means the report prepared and filed pursuant to Government Code section 61115, as the same now exists or may hereafter be amended.

2. New Water Rules to be added after Rule 11.04:

Rule 11.05. COLLECTION OF DELINQUENT CHARGES ON TAX ROLL — As an alternative to any of the other procedures herein provided, the District may provide for the collection on the tax roll, in the same manner as property taxes, of delinquent water service charges and any penalties lawfully imposed thereon, pursuant to Government Code section 61115.

Rule 11.06. PROCEDURE FOR TAX-ROLL COLLECTION — When the District elects to collect delinquent water service charges and penalties on the tax roll, proceedings shall be had as provided in Government Code section 61115, as the same now exists or may hereafter be amended.

Rule 11.07. REPORT — A written report shall be prepared and filed with the Board, which shall contain a description of each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year, in accordance with Government Code section 61115.

Rule 11.08. NOTICE — Notice of the filing of the report and of the time and place of hearing thereon shall be given in the manner required by Government Code section 61115, including publication pursuant to Government Code section 6066 and mailed notice to the owner of each affected parcel.

Rule 11.09. HEARING AND FINAL DETERMINATION OF CHARGES — At the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report, and may continue the hearing from time to time. Upon the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any charge or penalty or overrule any or all objections, and shall make its determination upon each parcel described in the report, which determination shall be final.

Rule 11.10. FILING OF REPORT WITH COUNTY AUDITOR; COLLECTION ON TAX ROLL — On or before August 10 following the Board's final determinations, the General Manager shall file with the County Auditor a copy of the final report adopted by the Board. The County Auditor shall enter the amount of the charges and penalties against each affected parcel as it appears on the current assessment roll, and the County Tax Collector shall include the amount of the charges and penalties on the tax bill for each affected parcel and collect the same in the manner provided by Government Code section 61115. The District shall reimburse the County for reasonable expenses incurred by the County in connection with such collection.

Rule 11.11. RECOVERY BY RECORDED LIEN — As an alternative to any of the other procedures herein provided, the District may recover delinquent water service charges and any penalties lawfully imposed thereon by recording a certificate in the office of the County Recorder pursuant to Government Code section 61115.

Rule 11.12. PROCEDURE FOR RECORDED LIEN — When the District elects to recover delinquent water service charges and penalties by recorded lien, the District may record the certificate authorized by Government Code section 61115 in the manner and with the effect provided therein. From the time of recording, the amount required to be paid, together with any interest and penalties thereon, shall constitute a lien upon all real property in the county owned by the person or persons against whom the charges were imposed, as provided by Government Code section 61115.

Rule 11.13. OTHER REMEDIES CUMULATIVE — All remedies herein provided for the enforcement and collection of water rates, charges, delinquencies, penalties, interest, costs, and expenses are cumulative and may be pursued alternatively or consecutively as the District determines, including discontinuance of service, collection by suit, collection through the Interagency Intercept Program, collection on the tax roll, and recovery by recorded lien; provided, however, that the District shall not obtain a double recovery of the same amounts.

3. Sewer Rules to be amended:

Rule 28.08. BILLING AND COLLECTING DELINQUENCIES ON TAX ROLL — The District may provide for the collection on the tax roll, in the same manner as property taxes, of delinquent sewer service charges and any penalties lawfully imposed thereon, pursuant to Government Code section 61115.

Rule 28.09. OTHER REMEDIES — The District may provide otherwise for the collection of such delinquent charges and penalties. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternatively or consecutively as the District determines, including collection on the tax roll, recovery by recorded lien, discontinuance of service, collection by suit, and collection through the Interagency Intercept Program; provided, however, that the District shall not obtain a double recovery of the same amounts.

Rule 28.10. PROCEDURE — When the District elects to collect delinquent sewer service charges and penalties on the tax roll, proceedings therefor shall be had as provided in Government Code section 61115, as the same now exists or may hereafter be amended.

Rule 28.11. ALTERNATIVE — The powers authorized by this Regulation shall be an alternative to all other powers of the District and an alternative to procedures adopted by the Board for the collection of such charges, delinquencies, penalties, interest, and costs.

Rule 28.12. REPORT — A written report shall be prepared and filed with the Board, which shall contain a description of each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year, in accordance with Government Code section 61115.

Rule 28.13. NOTICE — Notice of the filing of the report and of the time and place of hearing thereon shall be given in the manner required by Government Code section 61115, including publication pursuant to Government Code section 6066 and mailed notice to the owner of each affected parcel.

Rule 28.14. HEARING — At the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report, and may continue the hearing from time to time.

Rule 28.15. FINAL DETERMINATION OF CHARGES — Upon the conclusion of the hearing on the report, the Board may adopt, revise, change, reduce, or modify any charge or penalty or overrule any or all objections, and shall make its determination upon each parcel described in the report, which determination shall be final.

Rule 28.16. FILING OF REPORT WITH COUNTY AUDITOR — On or before August 10 following the Board's final determinations, the General Manager shall file with the County Auditor a copy of the final report adopted by the Board.

Rule 28.19. LIEN — As an alternative to the tax-roll procedure and any other remedy provided by law, the District may recover delinquent sewer service charges and any penalties lawfully imposed thereon by recording a certificate in the office of the County Recorder pursuant to Government Code section 61115. From the time of recording, the amount required to be paid, together with any interest and penalties thereon, shall constitute a lien upon all real property in the county owned by the person or persons against whom the charges were imposed, as provided by Government Code section 61115.

Rule 28.20. TAX BILL — After the final report is filed with the County Auditor, the amount of the charges and penalties shall be entered against each affected parcel as provided by Government Code section 61115 and collected at the same time and in the same manner as property taxes.

Rule 28.21. COLLECTION — All laws applicable to the levy, collection, and enforcement of amounts entered on the tax roll pursuant to Government Code section 61115 shall apply to such charges and penalties.

Rule 28.22. COMPENSATION OF COUNTY — The District shall reimburse the County for reasonable expenses incurred by the County in connection with the levy, collection, and enforcement of such charges and penalties pursuant to Government Code section 61115.

