

## LAKE SHASTINA COMMUNITY SERVICES DISTRICT

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### ORDINANCE 1-07



#### **AN ORDINANCE OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT TO ESTABLISH A CAPACITY EXPANSION FEE.**

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

**WHEREAS**, this District is responsible for Fire Safety and the Fire Department; and

**WHEREAS**, this District is responsible for a Water Department and supplying water for the purpose of fire suppression; and

**WHEREAS**, funding is needed to purchase required fire equipment, emergency vehicles and other fire suppression equipment; and

**WHEREAS**, funding is needed for future capital improvements including parking areas at existing fire station and other building improvements from time to time, which includes existing station; and

**WHEREAS**, funding is needed for replacement of equipment or assets that no longer have the ability to meet required demands due to growth of community itself; and

**WHEREAS**, funding is needed for additional fire hydrant installations within and along the boundaries of the District; and

**WHEREAS**, funding is needed to interconnect the existing water system mains in ways that shall generate a greater quantity of flow to many hydrants throughout the District at a higher residual operating pressure; and

**WHEREAS**, funding is needed for resizing and/or parallel mains allowing pump at Well 4 to be increased from 150 hp to 300 hp, increasing flow from 1,250 gpm to 2,500 gpm, and/or installation of a new well with backup power supply and required mains to increase flows; and

**WHEREAS**, funding is needed to increase the quantity of water stored in the District; and

**WHEREAS**, the District presently has approximately 2,800 unimproved lots in which a Water Capacity Expansion Fee and a Fire Suppression Fee may be applied.

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

1. Capacity Expansion Fee. The standard connection (5/8-inch meter) fee shall be \$478.00 per connection, which shall consist of (1) the capacity fee of \$320.00 per connection which shall be allocated to the Water System Growth/Development Fund for future improvements to the water system; and (2) the fire suppression fee of \$158.00 which shall be allocated to the Fire Department Growth/Development Fund for capital expenditures including but not limited to equipment and water system pressure improvements. The capacity fee for meters larger than 5/8-inch shall be proportionally increased based upon the increased capacity of the meter size.

The Capacity Expansion Fee adopted herein shall be imposed only as a condition of extending or initiating service upon the request of a customer. The fee or charge is not imposed upon real property or upon persons as an incident of property ownership.

The Capacity Expansion Fee is based upon estimated project costs of \$2,682,000.00 for future improvements assigned to the new development of 2,800 future connections, which equals \$957.85 per connection, refer to attached Exhibit A. The project cost estimate is based upon staff estimates at this time, but shall be followed up by a Financial Analysis within one year, or possibly no later than two years, at which time typical construction costs shall be used and be updated yearly based upon the Engineering News Record Construction Cost Index (ENR CCI).

2. Existing Service Connections. Existing service connections can be obtained from the Lake Shastina Community Services District. The service connection fee shall be \$265.00 for committed services, plus any other fees as required by the District, which may include but is not limited to a Capacity Expansion Fee per service connection; fee subject to yearly revision.

3. One Service Connection Per Unit. Each service connection issued by the District shall serve only one residential unit. In the event that it is determined that one service connection issued by the District serves more than one residential unit, then the property owner shall purchase an additional service connection for each residential unit that is served by the District. The amount of the Capacity Expansion Fee imposed by the District upon issuance of this additional service connection shall be the amount of the Capacity Expansion Fee that was in place at the time the property owner was issued a building permit. In the event that no permit was issued, the amount assessed in 1. "Capacity Expansion Fee" above, will apply. In addition to payment of the appropriate Capacity Expansion Fee, the property owner will also be responsible for service connection fees, which include but are not limited to the cost of the water meter and installation costs. The District shall determine the actual location of all water services.

4. Violation of the Ordinance. Any violation of this Ordinance may result in an immediate discontinuance of water service, which will not be resumed until the violation is corrected. Any violation of this Ordinance may be referred by the District for prosecution.

5. Requirements for Bank Depository. All revenues received by the Lake Shastina Community Services District under this Ordinance, except all connection (hook-up) charges provided for, and all refundable deposits made to establish credit are to be deposited within reasonable time after receipt thereof, in a depository bank of the Lake Shastina Community Services District and said sums, together with any interest earned thereon shall on or before the

first business day of each calendar month in which such revenues shall have been collected, be deposited with the Lake Shastina Community Services District, in the manner and for the purposes provided and with the Fiscal Agent designated, in pursuant to that certain Ordinance adopted by the Board of Directors on 20<sup>th</sup> day of June 2007.

6. Revenue collected by way of this Capacity Expansion Fee with interest shall be maintained in a separate fund and shall not be spent without first obtaining authorization from the Board by way of a special vote (requires 4/5 approval vote). Approval of a proposed or adopted budget does not facilitate adequate approval.

7. If it were later determined that any part of this Ordinance is unenforceable, the balance of the Ordinance shall remain enforceable.

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It is hereby certified that the foregoing Ordinance No. 1-07 was duly introduced at a regular meeting of the Lake Shastina Community Services District on the 16th day of May 2007 and adopted at a regular meeting of the Lake Shastina Community Services District on the 20th day of June 2007

ROLL CALL VOTE:

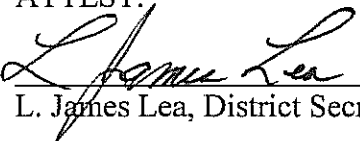
- AYES: Directors Cupp, Roths and Wetter
- NOES: None
- ABSENT: None
- ABSTAIN: Directors Dean and Negro

Lake Shastina Community Services District by:



\_\_\_\_\_  
Beverly Roths, President

ATTEST:

  
\_\_\_\_\_  
L. James Lea, District Secretary

Ordinance 1-07: Exhibit A

In the absence of a full-blown Financial Analysis, supporting all costs, the Water Capacity Expansion Fee levied shall only be 50% of the estimated dollar amount needed or \$320.00 per service versus \$640.00, while the Fire Suppression Fee levied shall only be 50% of the estimated dollar amount needed or \$158.00 per service versus \$317.85.

The Capacity Expansion Fee is based on estimated project costs for future improvements to Water System expansion and replacement/repair Fire Suppression expansion needs and are presented as justification for fees, prior to a Financial Analysis. Items listed below are not definite or approved due to the adoption of Ordinance 1-07. Refer to No. 1, third paragraph for basis of estimated cost and No. 6 of Ordinance 1-07 for spending authorization requirements.

Water Department Rough Cost Estimates for Ordinance 1-07

1. Water Mains with hydrants	\$512,000	(1)
2. New Water Source	\$380,000	(2)
3. New Storage Tank	\$900,000	(3)
	<hr/>	
	\$1,792,000	

$$\$1,792,000 \div 2,800 \text{ vacant lots} = \$640.00$$

$$\text{Per service: } 50\% \text{ of } \$640.00 = \$320.00$$

Until a Financial Analysis confirms figures, a conservative approach is recommended, thus in lieu of \$640.00, the recommended adopted fee is just under 50% or \$320.00 per connection.

Fire Department Rough Cost Estimates for Ordinance 1-07

1. Fire Station extra bays (2), one truck, boat or truck	\$200,000
2. Replacement of Fire Chief Truck (3100)	\$30,000
3. Replacement of 1992 Dash Pumper (3110)	\$300,000
4. Replacement of 1996 Medical Unit (3140)	\$160,000
5. Replacement of 2005 Fire Truck with crew cab (3111)	\$200,000
	<hr/>
	\$890,000

$$\$890,000 \div 2,800 \text{ vacant lots} = \$317.85$$

$$\text{Per service: } 50\% \text{ of } \$317.85 = \$158.92 \text{ or } \$158$$

Until a Financial Analysis confirms figures, a conservative approach is recommended, thus in lieu of \$317.85, the recommended adopted fee is just under 50% or \$158.00 per connection.

**ORDINANCE 1-07**

**AN ORDINANCE OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT  
TO ESTABLISH A CAPACITY EXPANSION FEE.**

A copy of the full body of the Ordinance is available, without charge, from the office of the Lake Shastina Community Services District, 16320 Everhart Drive, Weed, CA 96094.

**Introduced:**

<b>First Reading</b>	<b>By Title and Summary</b>
<b>Second Reading</b>	<b>By Title and Summary</b>

- 1). First Reading and Public Hearing – May 16, 2007**
- 2). Second Reading, Public Hearing and Adoption by Board – June 20, 2007**
- 3). Effective date of Ordinance, 30 days after Adoption – July 20, 2007**

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- C. Status of Solid Waste Management Study– **Received and Filed:** GM Lea reported that he is waiting for a response from legal counsel regarding requirements for activating Solid Waste Management latent power.
1. Discussion / Action: Investigation into Solid Waste services by the District: Board discussed and agreed that a feasibility study is needed in order for the Board to determine the best option for the District.

**Motion by Dir. Wetter second by Dir. Cupp to approve hiring consultant, April A. Gray, for preliminary investigation of Solid Waste Collection, per the May 11, 2007 letter, not-to-exceed \$1,200, scope of work to include a written report and presentation of findings.**

**Ayes: Directors Cupp, Dean, Negro, Roths and Wetter**  
**Noes: None**  
**Absent: None**

- D. Ordinance 1-07, Water System Capacity Expansion / Fire Suppression Fees – Received and Filed**
1. First Reading
  2. Public Hearing
  3. Approval of First Reading

Pres. Roths gave the First Reading, by title, waiving reading the contents. Staff read various sections of proposed Ordinance. Board discussed and agreed that Exhibit A of the Ordinance needed language added stating that the justification for the Fire Suppression Fee is based on potential equipment repair/replacement and expansion needs. The items listed on Exhibit A are not definite or approved due to the adoption of the Ordinance. The Board emphasized that No. 6 of the Ordinance addresses that no expenditure of funds received from the Capacity Expansion Fee are to be made without a 4/5 Board approval vote. Pres. Roths opened the First Public Hearing at 7:01 p.m. Comments were received from two members of the audience. Pres. Roths closed the First Public Hearing at 7:07 p.m. and the Board approved the First Reading of proposed Ordinance 1-07. The Second Reading, Second Public Hearing and Adoption of Ordinance 1-07 will be on the June 20, 2007 Regular Meeting Agenda. Ordinance 1-07 will become effective 30 days after adoption (July 20, 2007).

**Motion by Dir. Wetter second by Dir. Dean to approve the First Reading of Ordinance 1-07, Water System Capacity Expansion / Fire Suppression Fees.**

**Ayes: Directors Cupp, Dean, Negro, Roths and Wetter**  
**Noes: None**  
**Absent: None**

- \* E. Discussion / Action: Administration Meeting Room Sound System – **Received and Filed**
- F. Status of Shasta River Total Maximum Daily Loads (TMDL) Action Plan by the North Coast Regional Water Quality Control Board (NCRWQCB) – **Received and Filed:** Director Wetter reported that he attended a Water Board hearing regarding a petition from Felice Pace which had allegations that the quality of the water in Lake Shastina has not been thoroughly addressed. At the hearing it was agreed that those responsible for the water quality of the Lake would have the water and sediment tested. If any of the testing results in non-compliance, a plan of action to reach compliance will be developed and presented to the Water Board in July. Grant funds are available to cover costs associated with this matter.

## Item 10. NEW BUSINESS:

- A. Discussion / Action: Incorporation – Board Meeting to be continued on May 17, 2007 at 3:00 p.m. for further discussion on this agenda item, County representatives to be present – **Received and Filed:**
- Meeting continued: Called to order May 17, 2007 at 3:12 p.m. Directors Cupp, Dean, Roths and Wetter present. Director Negro absent. GM Lea, OM St.Pierre, AA Charvez present. Board of Supervisor District 3 Michael Kobseff and County Auditor-Controller-Recorder Leanna Dancer present. Approximately 3 people in the audience. The Board and staff held a lengthy discussion with Auditor-Controller-Recorder Dancer and Supervisor Kobseff regarding what funds would be available to the District if it were to incorporate. One item was Property Tax: if incorporated the District would receive 7% of the 20% of Property Tax, generated within the District, received by the County (presently that would equate to approximately \$35,000 – the County receives 20% of approximately \$2.5 million). Other funds such as TOT, ERAF, Sales Tax, Property Transfer Document Tax, Vehicle License Fees and present Special Taxes collected by the District were discussed. Dir. Cupp asked Supervisor Kobseff to advise on the present situation with LAFCO because she has been told that LAFCO is not meeting at this time due to lack of business. The Board and County staff agreed that the next step would be a feasibility study so that the District and the County would know if it would be beneficial for the District to incorporate or not, and if not, at what point would it be beneficial. There is a possibility

- \* 3. Approval of Budget Line Item Adjustments (as needed): No written report
- \* 4. LAIF – Quarterly Report (March, June, September, December) – **Received and Filed**
- \* 5. Income Report – 2006/2007 – **Received and Filed**

**C. Fire Department**----- FC Montreuil

- \* 1. Written Report: No written report
- \* 2. Activity Log: No report
- \* 3. Fire Engine Note Payoff report – **Received and Filed**

**D. Police Department**----- PC Alves

- \* 1. Written Report: No written report
- \* 2. Activity Log – **Received and Filed**
- 3. Letter to Siskiyou County Administrator re: Animal Control – County Ordinance 07-05 – **Received and Filed**: Item removed from Consent Agenda and heard after Item 6. PC Alves and GM Lea reported that, as of this date, the County has not responded on this matter. PC Alves reported that there are presently 6 applicants for the Community Service Officer/Clerk (CSO) position; the submittal deadline is June 22, 2007. Directors Cupp and Roths volunteered to participate on the interview panel.

**E. Sewer Department**----- GM Lea

- \* 1. Written Report: No written report
- 2. Letter to NCRWQCB re: Lassen Canyon Nursery, Inc. sewer pond concerns – **Received and Filed**: GM Lea reported that, as of this date, there has been no further response from Lassen Canyon Nursery. Staff is in the process of compiling information for a civil engineer to complete the requirements outlined by the NCRWQCB regarding a permit request for additional sewer ponds.
- \* 3. Letter to Property Owners Unit 2 Lot 26 re: sewer installation – **Received and Filed**
- \* 4. Letter to County Planning re: sewer ponds – **Received and Filed**

**F. Water Department**----- GM Lea

- \* 1. Written Report: No written report

**Item 9.**

**OLD BUSINESS:**

- A. Status of Police Department Budget / Funding Concerns – **Received and Filed**: Item heard after Item 6. Corrine Moller chairperson for the Citizens Task Force Committee, present in the audience, reported that 29 percent of those who received the Survey regarding Police services responded to the Survey. The responses are being reviewed and the Committee hopes to have a formal presentation for the Board at the July meeting and a hold a Town Hall Meeting at a later date.
- B. Status of Solid Waste Management Study – **Received and Filed**: Item removed from Consent Agenda. OM St.Pierre reported that the consultant working on the Study plans to have a rough draft of the Study by the end of the week with a final report and formal presentation for the Board at the July meeting. GM Lea stated that the Study will compare all options available to the District.
- C. Discussion / Action: Administration Meeting Room Sound System – **Received and Filed**: OM St.Pierre reported that when this item was addressed by the LSPOA Board, the Board directed staff to research the matter further; a local vendor has been contacted and will provide a quote which will be presented to the LSCSD and the LSPOA Boards.
- D. Ordinance 1-07, Water System Capacity Expansion / Fire Suppression Fees – **Received and Filed**
  - 1. Second Reading
  - 2. Public Hearing
  - 3. Approval of Second Reading and Adoption

Pres. Roths opened the Public Hearing for Ordinance 1-07 at 5:48 p.m. The Second Reading was announced by title and a brief summary, waiving reading the entire ordinance. Comments were received from Dave Fowler. The Board and staff responded to comments. Dir. Negro read FC Montreuil's letter to the Board dated June 11, 2007. Pres. Roths closed the Second Public Hearing at 6:14 p.m. Board discussed and approved the Second Reading and Adoption of Ordinance 1-07, which will become effective 30 days after adoption (July 20, 2007).

**Motion by Dir. Cupp second by Dir. Wetter to approve the Second Reading and Adoption of Ordinance 1-07, Capacity Expansion Fee.**

**Ayes: Directors Cupp, Roths and Wetter**

**Noes: None**

**Absent: None**

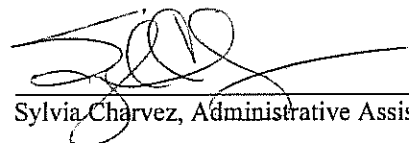
**Abstain: Directors Dean and Negro**

AFFIDAVIT OF POSTING NOTICE  
ORDINANCE 1-07

**First Reading and Public Hearing:** On May 11, 2007, I, Sylvia Charvez, gave copies of the May 16, 2007, Public Hearing Notice (May 16, 2007 LSCSD Regular Meeting Agenda) regarding Ordinance 1-07 to Police Department to post on May 11, 12 or 13, 2007 at the locations listed below within the District (Number 1. was posted by me on May 11, 2007, along with a copy of proposed Ordinance 1-07).

**Second Reading, Public Hearing and Adoption:** On June 15, 2007, I, Sylvia Charvez, gave copies of June 20, 2007 Public Hearing Notice (June 20, 2007 LSCSD Regular Meeting Agenda) regarding Ordinance 1-07 to Police Department to post on June 15, 16 or 17, 2007 at the locations listed below within the District (Number 1. was posted by me on June 15, along with a copy of proposed Ordinance 1-07).

1. Administration Office, 16320 Everhart Drive. Weed CA
2. Police/Fire Station, 16309 Everhart Drive, Weed CA
3. Lake Shastina Community Center – Exterior Bulletin Board  
15244 Driftwood Lane
4. Lake Shastina Bulletin Boards – Elk Trail Road,  
Pinehill Road/Lakes Shastina Drive,  
Lake Short Drive (Bus Stop)  
Rancho Hills Entrance

  
\_\_\_\_\_  
Sylvia Charvez, Administrative Assistant



AFFIDAVIT OF PUBLICATION

LAKE SHASTINA COMMUNITY

SERVICES DISTRICT

16320 EVERHART DRIVE

WEED, CA 96094

IN THE MATTER OF

ORDINANCE 1-07 SUMMARY

STATE OF CALIFORNIA ) ss:  
County of Siskiyou )

LORI SETZER

of said County, being duly sworn, deposed and says: THAT she is and at all times herein mentioned was a citizen of the United States of America, over the age of twenty-one years, and that she is not, nor was she at any of the times hereinafter named a party to, nor interested in the above entitled matter; that she is the PRINCIPAL CLERK OF THE PRINTER of THE SISKIYOU DAILY NEWS, a newspaper of general circulation, printed and published in the City of Yreka, County of Siskiyou, State of California, and which newspaper is published for the dissemination of local and telegraphic news and intelligence of a general character, and which newspaper at all times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of Yreka, County of Siskiyou, State of California, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to; and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or any number of same; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following dates, to-wit:

JUNE 25, 2007

Siskiyou Daily News adjudicated May 18, 1953, No. 15190

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

ORDINANCE 1-07 SUMMARY

An Ordinance of the Lake Shastina Community Services District to establish a Capacity Expansion Fee. Capacity Expansion Fee. The standard connection (5/8-inch meter) fee shall be \$478.00 per connection, which shall consist of (1) the capacity fee of \$320.00 per connection which shall be allocated to the Water System Growth/Development Fund for future improvements to the water system; and (2) the fire suppression fee of \$158.00 which shall be allocated to the Fire Department Growth/Development Fund for capital expenditures including but not limited to equipment and water system pressure improvements. The capacity fee for meters larger than 5/8-inch shall be proportionally increased based upon the increased capacity of the meter size.

First Reading and Public Hearing - May 16, 2007  
Second Reading, Public Hearing and Adoption by Board - June 20, 2007  
Effective date of Ordinance - July 20, 2007

ROLL CALL VOTE:  
AYES: Directors Cupp, Rotha and Wettler  
NOES: None  
ABSENT: None  
ABSTAIN: Directors Dean and Negro  
Signed by: Beverly Rotha, LSCSD President  
Attest by: L. James Lea, LSCSD Secretary  
News #2175 June 25, 2007