

ORDINANCE NO. O2020-01

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
AMENDING DISTRICT CODE CHAPTER 21 (SECURITY SERVICES) REGARDING
UPDATES AND REVISIONS TO VARIOUS PROVISIONS**

The Board of Directors of the Rancho Murieta Community Services District hereby ordains as follows:

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this ordinance is to revise, update, and clarify the provisions of the District Code relating to security services. This ordinance is adopted pursuant to Government Code sections 61060 and 61100 and other applicable law.

SECTION 2. CODE AMENDMENTS

A. The title page of District Code chapter 21 is amended to read as follows:

Security Services Code
Policies Regulating the Provision of
and Taxes ~~Charges~~ for Security Service
by the District

B. District Code chapter 21 (Security Services Code), section 1.02 is amended to read as follows:

1.02 Applicability. This Chapter shall apply to security services in or affecting the territory of the Rancho Murieta Community Services District. The provisions of this Chapter define the type of security services provided by the District, the special tax levied to fund those services and charges therefore, the methods of collecting the special tax and other charges, penalties for violations of the provisions of this Chapter, and ~~all~~ other related matters concerning the provision of security services within Rancho Murieta Community Services District.

C. District Code chapter 21 (Security Services Code), section 3.04 is amended to read as follows:

3.04 Enforcement of Covenants, Conditions and Restrictions

Pursuant to Government Code Section 61105(e) ~~and former Government Code Section 61601.10~~, the District may enforce covenants, conditions and restrictions (“CC&Rs”), and hereby authorizes Security Patrol Officers to enforce those non-architectural CC&Rs related to the provision of Security Services adopted for each tract within the boundaries of the District.

The Manager and/or the Board is hereby authorized to establish rules, regulations and procedures in cooperation with any homeowner’s association within the District boundaries, including but not limited to, the Rancho Murieta Association, for the enforcement of non-architectural CC&Rs which shall be published and made available to the Board and Customers, including amendments thereto.

D. District Code chapter 21 (Security Services Code), section 5.00 is amended by deleting the preface at the beginning of the section, which reads “[PREFACE: Section 5.00 was adopted by the voters of Rancho Murieta Community Services District and became effective on July 1, 1998. The text of the language as adopted by the voters is provided verbatim below. In the intervening years since this section was adopted several changes have occurred in state law and certain sections are no longer applicable within the District. In order to provide consistency with the rest of the Security Code, these changes are reflected by footnote references throughout this section.]”

E. District Code chapter 21 (Security Services Code), section 5.01 is amended to read as follows (which includes the removal of footnote 1):

5.01 Findings. The Board of Directors of the District hereby finds and declares that the District’s ability to continue to provide Security Services depends on the availability of funds to support these services. The Security Services are a portion of the public safety ~~or police~~ services related to real property and provide for the security and protection of the real property, ~~and~~ property owners, and residents within the District. The special tax [referred to as the "Security Tax"] was ~~levied herein, if~~ approved by two-thirds vote of the District voters in 1998. (See District Ordinance No. 98-1.) The Security Tax ~~will~~ provides for a special and secure funding source to continue to provide Security Services.

F. District Code chapter 21 (Security Services Code), section 5.02 is amended to read as follows (which includes the removal of footnotes 2-5):

5.02 Authority. This special tax is levied under each of the following authorities:
Government Code Section 61121(a)~~61615~~ which provides the District with the power to tax for the purpose of carrying out the operations of the District;
~~Government Code Section 61615.1~~ and which authorizes the District to impose special taxes pursuant to Government Code Section 50075, et seq.; Government Code Section 50075 through Section 50077 ~~which authorizes special districts, among others, to impose special taxes;~~
Government Code Section 61060(n) ~~61622~~ which authorizes the District to perform all acts necessary to carry out fully the provisions of the Community Services District Law;
~~Government Code Section 53978, et seq., which authorizes the District to impose a special tax for police protection services, which includes security services;~~ and Article XIII C of the California Constitution. This tax is based, to the extent practicable, upon the cost of providing security services to the properties within the District and is not an ad valorem property tax.

G. District Code chapter 21 (Security Services Code), section 5.03 is amended to read as follows (which includes the removal of footnote 6):

5.03 Security Tax
~~Commencing July 1, 2018,~~ Property within the District shall be assessed a monthly security tax as follows. The maximum tax rates shown reflect annual adjustments, per Section 5.055-00:
~~(amended by Ordinance 2018-02)~~

		Monthly Special Tax Rates Fiscal Year 2019-20	Monthly Special Tax Rates Maximum Ceiling Rate Year 2019-20
Residential			
Inside Gates			
- Metered	Per Lot	\$ 29.73	29.73
- Unmetered	Per Lot	\$ 23.79	23.79
Outside Gate			
	Per Lot	\$ 7.17	7.17
Non-Residential - Per Building Sq. Ft.			
- Highway Retail		\$ 0.2681	0.2681
- Other Retail/Commercial	"	\$ 0.0289	0.0289
- Industrial/Warehouse/Lt Industrial	"	\$ 0.0630	0.0630
- Office	"	\$ 0.0152	0.0152
- Institutional	"	\$ 0.0152	0.0152
- Public Utility	"	\$ 0.0480	0.0480
- Equine Complex	"	\$ 0.0045	0.0045
- RMCC	"	\$ 0.0755	0.0755
- Airport	"	\$ 0.0192	0.0192
- Hotel/Ext. Stay	"	\$ 0.0289	0.0289
UNDEVELOPED PROPERTY			
- Inside Gates	Per Acre	\$25.1494	25.1494
- Outside Gates	Per Acre	\$ 3.7477	3.7477

The Security Tax Charges for property and/or units not identified herein shall be determined by the Board based upon the total actual cost of providing security services to that property or unit, not to exceed the maximum charge per lot, acre, or building square foot for property identified herein.

For the fiscal year beginning July 1, 1998, and annually thereafter, the District Board shall set the actual security tax for the applicable fiscal year. The actual security tax set by the Board shall not exceed the maximum tax rate set forth in this section as adjusted pursuant to section 5.05 of this Ordinance. If necessary, to meet expenses, the Board may adjust the actual tax rate during a fiscal year so long as the actual tax rate does not exceed the maximum allowable tax rate.

H. District Code chapter 21 (Security Services Code), section 5.06 is amended to read as follows (which includes the removal of footnotes 7-8):

5.06 Disposition of Revenue. Revenues collected under the provisions of this Chapter Ordinance shall be deposited in a special fund called the Security Tax fund and shall be used only for the provision of security services within the District. Security services include:

- Operating the security gates located at the entrances of Rancho Murieta, 24 hours a day, 365 days a year, including but not limited to staffing these gates;
- Providing a 24 hour a day mobile patrol of the District and its boundaries;
- Operating a radio communication system to maintain contact with external police, fire, and other emergency services as well as the appropriate entities within the District;

- d. Providing assistance to other agencies providing first aid, fire-fighting, police and emergency services within the District;
- e. Monitoring, controlling and registering guests or invitees of District customers and other visitors within the District;
- f. Conducting such other activities as the Board in its discretion may authorize for the protection of District customers and their property; and
- g. Other incidental costs of providing the services listed above.

I. District Code chapter 21 (Security Services Code), section 5.07 is amended to read as follows:

5.07 Effective Date. The Security Tax ~~This Ordinance~~ shall take effect July 1, 1998. ~~[This reflects the original effective date of the Security Tax.]~~

J. District Code chapter 21 (Security Services Code), section 5.08 (Suspension of Security Fee) is repealed (which includes the removal of footnote 9).

K. District Code chapter 21 (Security Services Code), section 5.09 is amended to read as follows:

5.09 Appeals. Any taxpayer aggrieved by the amount of this tax shall file a written appeal with the General Manager stating the grounds for the appeal. The General Manager shall meet with the taxpayer; they may agree to a resolution of the appeal or set the matter for determination by the Board. The Board may adopt rules for the timing, filing and hearing of appeals under this Chapter Ordinance.

L. District Code chapter 21 (Security Services Code), section 5.10 is amended to read as follows:

5.10 Severability. If any sentence, clause, article, section, subsection, phrase or portion of this Ordinance Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this ~~Ordinance Chapter~~. The voters of the District hereby declare that they would have adopted the remainder of this ~~Ordinance Chapter~~, including each sentence, clause, article, section, subsection, phrase or portion of this ~~Ordinance Chapter~~, irrespective of the invalidity of any other sentence, clause, article, section, subsection, phrase or portion of this Ordinance Chapter.

M. District Code chapter 21 (Security Services Code), section 6.01 is amended to read as follows:

6.01 General Billing Procedures. Except as otherwise specified herein, the ~~charges for the~~ Security Tax for District Security Services shall be collected together with, and not separately from the charges for other services and facilities rendered by the District to a Customer. All District special taxes and charges shall be billed on the same bill and collected as one item. Except as otherwise specified herein, the District shall bill directly each individual Customer receiving security service and such bill shall be due and payable upon receipt.

N. District Code chapter 21 (Security Services Code), section 6.02 is amended to read as follows:

6.02 Composite Billing Procedures. The District may elect to send a composite bill for the Security Tax ~~Services~~ only to groups of customers when ~~each of~~ the following conditions are met:

- a. The owners of the property receiving services have formally organized by writing into a homeowners' association or similar group;
- b. The homeowners' association or similar group, through properly executed covenants, conditions, articles of incorporation, bylaws, or contract has the power to act as the sole agent for the owners or customers concerning the Security Tax ~~service charges~~ in a manner which binds the individual owners or customers, and;
- c. The association or group enters into a written agreement with the District which provides, among other matters, that:
 1. The association or group shall be responsible for and guarantee payment of all such Security Taxes ~~charges~~ within the time required by the District's rules and regulations, regardless of whether any single owner or customer has paid the owners or customer's share of such charges to the association or group;
 2. The District shall apply to and the association or group shall pay all delinquent, penalty and interest charges on the composite bill,
 3. The District's bill or other notices to the association or group shall constitute a bill or other notice to each individual owner or customer, who shall agree that no other notice or bill to the individual owner or customer shall be necessary for, or a prerequisite to, the District's exercise of its powers to terminate service, place liens on the owner's property, or exercise any of the other legal remedies necessary to collect delinquent bills and charges; and
 4. The bill shall consist of the sum of the total monthly Security Taxes ~~Services charges~~ for each owner or customer represented by the association or group, as well as Security Services to any common area or other unit represented by the association or group.

O. District Code chapter 21 (Security Services Code), section 6.03 is amended to read as follows:

6.03 Bill Payment. Bills for the Security Tax ~~Services~~ are due and payable when mailed or delivered. A bill for services is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

P. District Code chapter 21 (Security Services Code), section 7.02 is amended to read as follows:

7.02 Imposition of Lien. Delinquent special taxes and charges remaining unpaid after thirty (30) days may be recorded as a lien with the County in accordance with Section ~~611156115~~ of the Government Code and, after recordation, shall constitute a lien upon all real property owned or thereafter acquired by the property owner in the County. The District shall include a statement to this effect on its bills to each property owner. The District may compile lists of such delinquent charges and record them with the County Recorder as liens.

Q. District Code chapter 21 (Security Services Code), section 7.03 is amended to read as follows:

7.03 Process for Collection of Delinquent Charges. All special taxes, charges, penalties and interest which remain delinquent as of June 30th of each year may be collected in the same manner as the general taxes for the District for the forthcoming fiscal year, as follows:

- a. The District shall prepare a written report, which shall be filed by the District Secretary. The report shall describe each parcel of real property for which there are any delinquencies in

any charges for services rendered to each premise during the preceding year, and the amount of the delinquency. The report of delinquent security service charges may be combined with the report of any other delinquent charges, as long as the report identifies the delinquent charges for each service for each premise.

b. The District Secretary shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published at least once a week for two weeks. The District Secretary shall also mail written notice of the report's filing to each property owner whose property or premises is identified as being subject to delinquent charges setting forth individually each property and each of the services and charges due for that property.

c. At the time stated in the notice, the Board shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter, the Board may adopt, revise, change, reduce, or modify any delinquency or overrule any or all objections thereto. The Board shall then make its determination on each delinquency identified in the report; the Board's determination shall be final.

d. On or before August 10th of each year following the Board's hearing, the District Secretary shall file with the County Auditor a copy of the report, signed by the Secretary, stating the Board has adopted the report. The Secretary shall request the County Auditor to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

R. District Code chapter 21 (Security Services Code), section 7.04 is amended to read as follows:

7.04 Attorneys' Fees. In the event the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent special taxes, charges or penalties, the District shall be entitled to recover its reasonable attorneys' fees, interest, court costs, and any other costs incurred by the District in bringing such action.

S. District Code chapter 21 (Security Services Code), section 7.05 is amended to read as follows:

7.05 Discontinuance of Service. As an alternative method of enforcing the provisions of this Chapter or of any other District ordinance, rule or regulation, the District shall have the authority pursuant to Government Code Section 61115 to discontinue any and all services provided by the District to a customer if all or part of any bill is not paid. Such discontinuance of service shall be in the following manner:

a. At least ten days before the proposed discontinuance, the District shall provide written notice to the customer and the Property owner, if other than the customer, of the District's intent to discontinue service and the procedure for, and the availability of, an opportunity to discuss the reasons for the proposed discontinuance of service.

b. Before discontinuing service, the customer or property owner shall have the opportunity to discuss the reason for the proposed Discontinuance with an employee designated by the Manager who shall be empowered to dispute bills, rectify any errors, and settle controversies pertaining to the review discontinuance of service.

c. When service has been discontinued as provided in this section, the customer or property owner shall pay all unpaid special taxes, charges, including penalties and interest, plus all District expenses and charges for the discontinuance and restoration of service, prior to the restoration of the discontinued service.

d. No service shall be discontinued on any Saturday, Sunday, legal holiday, or at any time during which the District's business offices are not open to the public.

T. District Code chapter 21 (Security Services Code), section 7.06 is amended to read as follows:

7.06 Remedies Cumulative. All remedies set forth herein for the collection and enforcement of special taxes, charges, and penalties are cumulative and may be pursued alternatively or consecutively.

U. District Code chapter 21 (Security Services Code), section 8.00 is amended to read as follows:

Section 8.00 Prohibited Activities on District Property

~~[PREFACE:]~~ The following activities are prohibited on District Property pursuant to the authority provided in Section 3.05 of this Code and Government Code Sections 61060 and 61064. ~~(e).~~

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect 30 days after its final passage.

SECTION 4. SEVERABILITY. If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. PUBLICATION. The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

INTRODUCED by the Board of Directors on the 15th day of April 2020.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the 20th day of May 2020 by the following roll call vote:

AYES: Tim Maybee; Randy Jenco; John Merchant; Linda Butler

NOES: None

ABSENT: None

ABSTAIN: None

_____/s/ Tim Maybee_____

Tim Maybee

President, Board of Directors

Attest:

_____/s/ Amelia Wilder_____

Amelia Wilder, District Secretary