

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT ADOPTING AN ADMINISTRATIVE REMEDIES PROCEDURE FOR CHALLENGES TO FEES, CHARGES, AND ASSESSMENTS

WHEREAS, the McKinleyville Community Services District provides water, wastewater, parks and recreation, street lighting, open spaces, and library services to the residents of the District; and

WHEREAS, pursuant to section 61060 of the Government Code, the Board of Directors of the District has the authority to adopt by ordinance, rules and regulations for the administration and operation of the aforementioned services provided by the District; and

WHEREAS, on September 25, 2024 Assembly Bill (AB) 2257 "Local government: property-related water and sewer fees and assessments: remedies" was chaptered into law which would prohibit, if a local agency complies with specified procedures, a person or entity from bringing a judicial action or proceeding alleging noncompliance with the constitutional provisions for any new, increased, or extended fee or assessment, as defined, unless that person or entity has timely submitted to the local agency a written objection to that fee or assessment that specifies the grounds for alleging noncompliance, as specified; and

WHEREAS, staff has found it necessary to draft such specified procedures.

NOW, THEREFORE, the Board of Directors of the McKinleyville Community Services District ordains as follows:

Article IX, Administrative Remedies Procedure, of the District's adopted Rules and Regulations is created to read as follows:

ARTICLE IX – ADMINISTRATIVE REMEDIES PROCEDURE

REGULATION 81 – EXHAUSTION OF ADMINISTRATIVE REMEDIES TO CHALLENGES FEES, CHARGES, AND ASSESSMENTS ON REAL PROPERTY

Rule 81.01. SCOPE – The duty exhaust administrative remedies imposed by this regulation extends to:

- (a) Any fee or charge subject to Article XIII C or XIII D of the California Constitution.
- (b) Any assessment on real property levied by the District, and
- (c) The methodology used to develop and levy such a fee, charge, or assessment.

Rule 81.02. DUTY TO EXHAUST ISSUES – No person may bring a judicial action or proceeding alleging noncompliance with the California Constitution or other applicable law for any new, increased, or extended fee, charge, or assessment levied by the District unless that person submitted to the Board Secretary a timely, written objection to that fee, charge, or assessment specifying the ground for alleging noncompliance. The issues raised in any

- (c) To further review the proposed fee, charge, or assessment before determining whether clarification or reduction is needed
- (d) To proceed with the Hearing, to continue it, or to abandon the proposal.

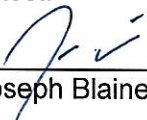
This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

Introduced at a regular meeting of the Board of Directors held on February 5, 2025 and passed and adopted by the Board of Directors on March 5, 2025 upon the motion of Director Couch and seconded by Director Mayo and by the following polled vote:

AYES: Binker, Biteman, Couch, Mayo, Orsini
NOES: None
ABSTAIN: None
ABSENT: None


James Biteman, Board President

Attest:


Joseph Blaine, Board Secretary