

## LAKE SHASTINA COMMUNITY SERVICES DISTRICT

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### ORDINANCE 2-14

#### **AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT PROVIDING FOR RESTRICTIONS ON USE OF WATER AND PENALTIES FOR FAILURE TO COMPLY WITH CONSERVATION MEASURES AS REQUIRED BY THE STATE.**

**WHEREAS**, the Lake Shastina Community Services District (“District”) is granted authority to restrict use of water during drought, per Government Code Section 61000, et seq., which references and applies the Municipal Water District Law of 1911, Water Code Section 71000, et seq. (Water Code Section 71640);

**WHEREAS**, the District’s dependence on ground water supplies and the adverse effects of unpredictable and unreliable rain have been the primary reasons for historical water shortages. Rainfall for the last three consecutive years has been well below the historical average;

**WHEREAS**, the Governor has declared California to be in a state of emergency in two executive orders;

**WHEREAS**, the State Water Resources Control Board adopted emergency regulations pursuant to Water Code Section 1058.5 requiring limitations on irrigation and other wasteful practices; and

**WHEREAS**, Section 31026 of the Water Code similarly permits the District to restrict use of water during any emergency caused by drought, and to prohibit the wastage of water during such periods.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Lake Shastina Community Services District as follows:

1. Exterior irrigation within the District, or areas served by the District, including but not limited to irrigation on turf, plants, lawns shrubbery and ground cover, shall be permitted only two times per week, according to the following schedule; if automated, irrigation shall be allowed only between the hours of 7 p.m. and 7 a.m. If manually operated, irrigation shall be allowed only between the hours of 4 p.m. and 10:30 a.m. Written requests for relief from these irrigation restrictions shall be directed to the District’s General Manager.
2. District water is not available for new private or public swimming pools, ponds, or major water features during the water shortage emergency; therefore, the District will immediately cease processing all applications for these items.
3. Vehicles shall be washed only at commercial car washing facilities or by the use of a bucket or hose equipped with a hand-operated shut off valve.
4. The washing of hard surfaces such as driveways, sidewalks, patios and parking lots is prohibited except where necessary to protect health and safety.
5. Breaks or leaks in any customer’s plumbing must be immediately repaired upon discovery. If repairs cannot be immediately completed, water service to the property shall be turned off by the customer or customer’s agent to prevent water loss until such time as the repair has been completed.
6. All customers are encouraged to practice water conservation with a goal of a minimum twenty percent reduction in District-wide water use.
7. The penalties for violation of this Ordinance will fund both conservation outreach toward those who fail to conserve water and production of additional water. Because these costs are necessary to

provide water service under current drought conditions, the Board finds that the rates for water service, including penalties established under this Ordinance:

- a. Are not expected to exceed the funds required to provide water service.
  - b. Will not be used for any purpose other than to provide water service and conservation outreach.
  - c. Will not exceed the proportional cost of water service attributable to any parcel.
  - d. Are imposed only where water service is actually used by, or immediately available to, a parcel.
8. A written warning will be issued for a first violation. As a penalty for the second violation, and any subsequent violation, of restrictions set forth herein, the District will impose a fine on the infraction, in the amount of \$100 and doubling with each subsequent violation, up to a maximum of \$500 for any single violation. Upon a fourth violation, or upon an earlier violation the General Manager determines to create a significant threat to the goals of this Ordinance, the General Manager may order installation of a flow restrictor on the service line or lines in question.
9. Appeals and Exceptions: Any customer may appeal any decision made or fine imposed under this Ordinance to the Board of Directors by filing a written appeal with the District within 30 days of written notice of the fine or decision.
10. This Ordinance shall become effective upon adoption and shall remain in effect until the State declares emergency water regulations no longer in effect.

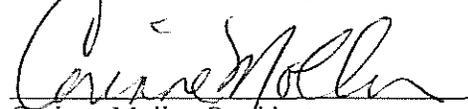
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It is hereby certified that the foregoing Ordinance No. 2-14 was duly introduced at a regular meeting of the Lake Shastina Community Services District on the 17th day of September, 2014 and adopted at a regular meeting of the Lake Shastina Community Services District on the 15th day of October, 2014.

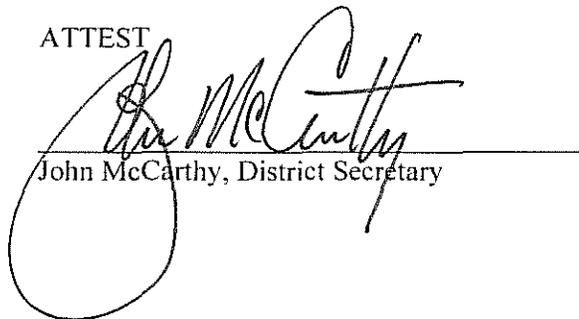
ROLL CALL VOTE:

AYES: Directors Mitchell, Moller and Wetter  
NOES: None  
ABSENT: Directors Cupp and Roths

Lake Shastina Community Services District by:

  
Corinne Moller, President

ATTEST

  
John McCarthy, District Secretary



# LAKE SHASTINA

## COMMUNITY SERVICES DISTRICT

Regular Meeting  
 Wednesday, September 17, 2014 – 5:00 p.m.  
 Administration Building  
 16320 Everhart Drive • Weed, California 96094 • (530) 938-3281

### MINUTES

CALL TO ORDER AND ROLL CALL: called to order at 4:30 p.m.

LSCSD Board Roll Call: Cupp  Mitchell  Moller  Roths  Wetter

PUBLIC COMMENTS BEFORE CLOSED SESSION: None

CLOSED SESSION: called to order at 4:31 p.m.

Also present: GM McCarthy and District Counsel Randall Harr by conference call.

1. A. Conference with Legal Counsel: Existing Litigation (Gov. Code Section 54956.9(d)(1)-(4)  
 DECO Industries, LLC v. LSCSD et al.
- B. Personnel (Gov. Code Section 54957): General Manager Contract

With no objections by the Board, Pres. Moller adjourned Closed Session at 4:59 p.m.

REGULAR MEETING: called to order at 5:03 p.m.

Also present: GM McCarthy, SAC Nelle, AA Charvez, CPS Wilson  
 There were approximately 15 people in the audience.

PLEDGE OF ALLEGIANCE: Dir. Cupp led the Pledge of Allegiance.

REPORT ON CLOSED SESSION:

Pres. Moller announced there was no reportable action taken in Closed Session.

PUBLIC COMMENTS: Bill Bessey (MWCD water issue), Lorene Miller (Weed Boles Fire donations, green boards),  
 Floyd Adams (thanked DPS for Weed Boles Fire response, CSD Candidates Forum October 3, 2014)

CONSENT CALENDAR: All items accepted/approved by the Board unless otherwise noted.

2. A. Approval of Minutes: Regular Meeting August 20, 2014
- B. Ratification of Disbursements: August 1 to August 31, 2014
- C. Budget Comparison: FY 2014/2015 YTD
- D. Approval of Transfer from CSD Operating Account to LAIF

**With no objection by the Board, Pres. Moller moved to approve Consent Calendar.**

**Ayes: Directors Cupp, Mitchell, Moller, and Wetter**

**Noes: None**

**Absent: Director Roths**

### PUBLIC HEARING

3. **First Reading/Introduction and Public Hearing for proposed Ordinance 2-14 regarding State Mandatory Water Conservation Restrictions:** The proposed ordinance was read in its entirety. Pres. Moller opened the Public Hearing at 5:15 p.m. Comments were received from the audience. Pres. Moller closed the Public Hearing at 5:34 p.m. The Board discussed. With no objections by the Board, Pres. Moller moved to proceed with the Second Reading, Public Hearing and Adoption of ordinance on October 15, 2014, 5:00 p.m.

### DISCUSSION / ACTION ITEMS:

4. Department of Public Safety Monthly Report: CPS Wilson updated the Board on Fire and Police activities and on the Weed Boles Fire.
5. Consideration of DPS events (and inserts in October 2014 billing for each event (CPS Wilson):
  - A. Semi-Annual Preparedness Meeting – November 1, 2014
  - B. Thanksgiving Dinner – November 29, 2014

The Board discussed. Motion by Dir. Mitchell, second by Dir. Wetter to approve the inserts for the two DPS events.  
 The motion was amended:

**Motion by Dir. Mitchell second by Dir. Wetter to approve the DPS Volunteers' events and inserts for the October 2014 billing (Semi-Annual Preparedness Meeting and Thanksgiving Dinner).**

**Ayes: Directors Cupp, Mitchell, Moller and Wetter**  
**Noes: None**  
**Absent: Director Roths**

- 6. Award of Transparency Certificate of Excellence: Pres. Moller read the letter from the Special District Leadership Foundation (SDLF) awarding the CSD the SDLF's "District Transparency Certificate of Excellence".
- 7. Discussion re: contract services of Communications/Information Consultant: Pres. Moller handed out a draft of items/issues that could be part of a new position (Communications/Information Consultant). Pres. Moller stated that costs associated with the position could be borne by the CSD and the POAs according to their ability to pay the expenses. The Board agreed to the concept for the new position; additional information (included a draft job description and associated costs) to be provided for further discussion.
- 8. Consideration of obtaining proposals for General Counsel legal services for the District: The Board discussed that it has been over 15 years since the District has sought proposals for General Counsel legal services.

**Motion by Dir. Wetter second by Dir. Mitchell to authorize staff to proceed with obtaining proposals from attorneys for General Counsel legal services.**

**Ayes: Directors Cupp, Mitchell, Moller and Wetter**  
**Noes: None**  
**Absent: Director Roths**

- 9. Consideration of resolution naming Board Members authorized to sign legal documents on behalf of the District: GM McCarthy read proposed resolution.

**Motion by Dir. Cupp second by Dir. Wetter to adopt Resolution 16-14 naming Board Members authorized to sign legal documents.**

**Ayes: Directors Cupp, Mitchell, Moller and Wetter**  
**Noes: None**  
**Absent: Director Roths**

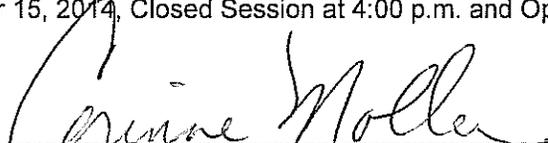
- 10. Dignity Health (dba Mercy Medical Center Mt. Shasta): renewal of Building Lease Agreement (16337 Everhart Drive, Weed CA) – update from General Manager and possible action: GM McCarthy reported that the District is still working with Mercy to execute the renewal of the Medical Building Lease Agreement.

BOARD MEMBER COMMENTS: Dir. Cupp (emergency planning, phone lines, thanked DPS for Weed Boles Fire response), Dir. Mitchell (acknowledged DPS, GM and staff), Dir. Wetter (County Planning Department Medical Marijuana Ordinance workshop on September 22, 2014, Weed Boles Fire donations), Pres. Moller (thanked DPS, requested input on putting DPS fee back on ballot)

ADJOURNMENT:

With no objections by the Board, Pres. Moller adjourned the meeting at 6:36 p.m. to CSD Board Member Candidates Forum on October 3, 2014, 7:00 p.m. at the LSPOA Community Center. Then adjourn to the next LSCSD Regular Board Meeting scheduled to be held on October 15, 2014, Closed Session at 4:00 p.m. and Open Session at 5:00 p.m. at the Administration Building.

Approval Date: 10/15/14

  
Sorinne Moller, President

ATTEST:  
  
John McCarthy, District Secretary

AFFIDAVIT OF POSTING NOTICE  
ORDINANCE 2-14

**First Reading:** On September 12, 2014, I, Sylvia Charvez, gave copies of the September 17, 2014 First Reading Notice (September 17, 2014 LSCSD Regular Meeting Agenda) regarding Ordinance 2-14, to Department of Public Safety, it was posted on September 13, 2014 at the locations listed below within the District (Number 1. was posted by me on September 12, 2014, along with a copy of proposed Ordinance 2-14).

**Second Reading, Public Hearing and Adoption:** On October 10, 2014, I, Sylvia Charvez, gave copies of the October 15, 2014 Second Reading, Public Hearing and Adoption Notice (October 15, 2014 LSCSD Regular Meeting Agenda) regarding Ordinance 2-14 to Police Department, it was posted on October 10, 2014 at the locations listed below within the District (Number 1. was posted by me on October 10, 2014, along with a copy of proposed Ordinance 2-14).

1. Administration Office, 16320 Everhart Drive. Weed CA (Lobby Counter)
2. Department of Public Safety Building, 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

  
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Sylvia Charvez, Administrative Assistant

AFFIDAVIT OF PUBLICATION

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

16320 EVERHART DR WEED, CA. 96094

IN THE MATTER OF

NEWS#7587

NOTICE OF ADOPTED ORDINANCE

STATE OF CALIFORNIA ) ss: County of Siskiyou )

ROBERT RAMEY

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:

10/22/14

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.

(Signed) [Signature]

Date: 10/22/14

NOTICE OF ADOPTED ORDINANCE

On October 15, 2014, the Lake Shastina Community Services District adopted water conservation Ordinance 2-14. The full text for the ordinance is available in the Administration Office, 16320 Everhart Drive, Weed CA or on the District website www.lakeshastina.com.

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT PROVIDING FOR RESTRICTIONS ON USE OF WATER AND PENALTIES FOR FAILURE TO COMPLY WITH CONSERVATION MEASURES AS REQUIRED BY THE STATE.

Ordinance Summary: The State has implemented a drought water restriction program. Under that program, water restrictions are in place for Lake Shastina. Exterior irrigation shall be permitted only two times per week. The washing of hard surfaces such as driveways, sidewalks, patios and parking lots is prohibited. All customers are encouraged to practice water conservation. A written warning will be issued for a first violation. As a penalty for the second violation, and any subsequent violation, of restrictions set forth herein, the District will impose a fine on the infraction (refer to full text of Ordinance for fines). Any customer may appeal any decision made or fine imposed under this Ordinance to the Board of Directors by filing a written appeal with the District within 30 days of written notice of the fine or decision. Ordinance signed by LSCSD President, Corinne Moller and LSCSD Secretary, John McCarthy. ROLL CALL VOTE: AYES: Directors Mitchell, Moller, and Water. NOES: None. ABSENT: Director Capp and Roths. News #7587. Pub. Oct. 22, 2014



# LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Regular Meeting  
Wednesday, October 15, 2014 – 5:00 p.m.  
Administration Building  
16320 Everhart Drive • Weed, California 96094 • (530) 938-3281  
Teleconference Location (Gov. Code sec. 54953(b)(4)): 101 Quartz Hill Road, Redding Ca 96003

## MINUTES

CALL TO ORDER AND ROLL CALL: called to order at 4:00 p.m.

LSCSD Board Roll Call: Cupp \* Mitchell  Moller  Roths  Wetter

\*Director Cupp was present via teleconference until the adjournment of Closed Session.

Also present: GM McCarthy, SAC Nelle, AA Charvez, CPS Wilson

There were approximately 24 people in the audience.

PUBLIC COMMENTS BEFORE CLOSED SESSION: Emory Hanlon (GM contract/DECO litigation), Bill Duchi (DECO litigation), Jack Phillips (GM contract/DECO litigation), Polly Klinefelter (DECO litigation), Dennis Burkell (GM contract)

CLOSED SESSION: called to order at 4:13 p.m.

Also present: GM McCarthy and District Counsel Dan Smith by conference call.

1. A. Conference with Legal Counsel: Existing Litigation (Gov. Code Section 54956.9(d)(1)-(4)  
DECO Industries, LLC v. LSCSD et al.
- B. Personnel (Gov. Code Section 54957): General Manager Contract

With no objections by the Board, Pres. Moller adjourned Closed Session at 4:56 p.m.

REGULAR MEETING: called to order at 5:01 p.m.

Also present: GM McCarthy, SAC Nelle, AA Charvez, CPS Wilson (responded to emergency call during item 3)

There were approximately 26 people in the audience.

PLEDGE OF ALLEGIANCE: Pres. Moller led the Pledge of Allegiance.

REPORT ON CLOSED SESSION:

Pres. Moller stated that Dir. Cupp had to leave the meeting after Closed Session.

Item 1.A.: Attorneys for LSCSD and DECO are gathering information; depositions are projected to be in December with mediation in January.

Item 1.B.:

**Motion by Dir. Cupp second by Dir. Wetter to extend the General Manager's contract for 2 years; all other terms of the contract remain the same.**

**Ayes: Directors Cupp, Mitchell, Moller and Wetter**

**Noes: None**

**Absent: Director Roths**

PUBLIC COMMENTS: Gladys Adams (expressed appreciation of Board Members), Bill Duchi (building lease agreement), Dennis Burkell, (GM contract), Barbara Thomsson (GM contract)

CONSENT CALENDAR: (All items accepted/approved by the Board unless otherwise noted.)

2. A. Approval of Minutes: Regular Meeting September 17, 2014
- B. Ratification of Disbursements: September 1 to September 30, 2014
- C. Budget Comparison Variance Report: FY 2014/2015 YTD
- D. Accounts Receivables Aging Analysis: FY 2014/2015 YTD

**With no objection by the Board, Pres. Moller moved to approve Consent Calendar.**

**Ayes: Directors Mitchell, Moller, and Wetter**

**Noes: None**

**Absent: Directors Cupp and Roths**

PUBLIC HEARING

### 3. Second Reading, Public Hearing and Adoption of proposed Ordinance 2-14 regarding State Mandatory Water Conservation Restrictions

The proposed ordinance was read by title. Pres. Moller opened the Public Hearing at 5:07 p.m. Comments were received from the audience. Pres. Moller closed the Public Hearing at 5:10 p.m. The Board discussed.

**Motion by Dir. Wetter second by Dir. Mitchell to adopt Ordinance 2-14, regarding State mandated water conservation regulations.****Ayes: Directors Mitchell, Moller and Wetter****Noes: None****Absent: Directors Cupp and Roths**DISCUSSION / ACTION ITEMS:

4. Department of Public Safety Monthly Report: The Board discussed and updated the audience in Chief Wilson's absence.
5. Personnel Policy: modification to job description Policy # 1520: Community Services Officer: SAC Nelle gave an overview of the proposed modification to the CSO job description. The Board discussed and asked that the item be brought back to the Board; Chief Wilson to provide additional information.
6. Award of Transparency Certificate of Excellence: GM McCarthy presented the Board with the framed Transparency Certificate of Excellence awarded to the District by the Special District Leadership Foundation.
7. Consideration of resolution regarding replacement of Director Roths' position: GM McCarthy read the proposed resolution. The Board acknowledged Beverly Roths years of service to the District.

**Motion by Dir. Wetter second by Dir. Mitchell to adopt Resolution 17-14 removing Beverly Roths from office and authorizing the District Secretary to notify the Siskiyou County Clerk to proceed with the process for filling the vacant director position.****Ayes: Directors Mitchell, Moller and Wetter****Noes: None****Absent: Directors Cupp and Roths**

The Board agreed to have the consideration to fill Board Member vacancy on the November 19, 2014 regular meeting agenda.

8. Dignity Health (dba Mercy Medical Center Mt. Shasta): renewal of Building Lease Agreement (16337 Everhart Drive, Weed CA) – update from General Manager and possible action: GM McCarthy reported that the CSD and Dignity Health are in negotiations to renew the lease agreement for another 10 years per terms of agreement. An appraiser is currently working on obtaining current market rent for this type of facility.

BOARD MEMBER COMMENTS: Dir. Mitchell (Mutual Aid, community deserves to have good DPS equipment), Pres. Moller (future ballot measure for DPS fee increase)

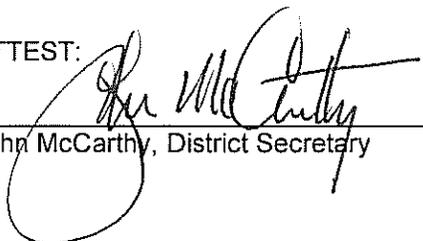
ADJOURNMENT:

With no objections by the Board, Pres. Moller adjourned the meeting at 5:37 p.m. to the next LSCSD Regular Board Meeting scheduled to be held on November 19, 2014, Closed Session at 4:00 p.m. and Open Session at 5:00 p.m. at the Administration Building.

Approval Date: 11/19/14

  
 Corinne Moller, President

ATTEST:

  
 John McCarthy, District Secretary