

ORDINANCE O2024-02

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT (THE DISTRICT) , ADDING SECTION 10 TO CHAPTER 21 OF THE DISTRICT CODE TO IMPOSE A FEE FOR BARCODE STICKERS FOR THE SECURITY GATES AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

The Board of Directors of the District ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this Ordinance is to increase the District's barcode sticker fee for the initial purchase price and add an annual renewal fee and an annual contractor barcode sticker fee. This Ordinance is adopted pursuant to Government Code sections 61115, 61123, 66016, and any other applicable law.

SECTION 2. Findings. The Board of Directors finds and determines as follows:

(a) The District has prepared a fee study that complies with Government Code Section (GCC) 66016 and demonstrates that the proposed new fees and increases in existing fees do not exceed the estimated amount required to provide the services for which the fees are levied;

(b) The Finance Department of the District has prepared a Cost of Services Study (Fee Study) for the District dated November 2024. The Fee Study sets forth the methodologies for determining the estimated amount required to process the initial issuance of the barcode stickers, the annual renewal of the barcode sticker, and issuing one-time barcode stickers for contractors. The Fee Study describes the amount of cost, or estimated cost, required to issue the barcode sticker and to operate the two security gates of the District and otherwise satisfies the requirements of the law with regard to the imposition and collection of certain user fees and service charges;

(c) The increased service charges are reasonably related to, and do not exceed, the District's cost of issuing and renewing barcode stickers, operating security gates, monitoring, controlling and registering guests or invitees of District customers and other visitors within the District, conducting such other activities as the Board, in its discretion, may authorize for the operation of the security gates and the protection of District customers and their property, other costs of providing the services listed above, and will not be used for any purposes other than those listed services;

(d) On November 20, 2024, the Finance Committee of the District reviewed the proposed amendment to the Barcode Sticker Fees and recommended that staff forward the proposed amendment to the Board of Directors for approval;

(e) The District has made the Fee Study available for public inspection and has published and mailed notices of the public hearing to consider the adoption of the proposed additions of Section 10 to Chapter 21 of the District Code and Fee Group schedule of the Fee Schedule in accordance with GCC section 66016;

(f) GCC section 66016(b) provides that any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution;

(g) In accordance with GCC Section 66016, the District Secretary has caused notice to be provided as set forth in the Government Code Section 66000 *et seq.*, and on November 20, 2024, the Board of Directors received oral and written presentations concerning the fees and charges proposed for those categories of fees and charges set out in GCC Section 66000 *et seq.*;

(i) On December 18, 2024, the Board of Directors held a noticed public hearing to consider the adoption of an amendment to Chapter 21 of the District Code and to adopt new and increase specific fees and charges related to the issuance, renewal, and annual barcode fees for contractors; and

(j) all legal prerequisites prior to the adoption of this Ordinance have occurred.

SECTION 3. CEQA Findings. District staff has evaluated the potential environmental impacts of the adoption of the proposed amendments to the Barcode Sticker Fees pursuant to the California Environmental Quality Act (“CEQA”). The proposed actions do not constitute a “project” under CEQA pursuant to CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. In addition, these actions are statutorily exempt from CEQA under CEQA Guidelines Section 15273(a)(1) because these actions establish fees and charges to meet operating expenses, including employee wage rates and fringe benefits. The Board of Directors has reviewed the administrative record concerning the proposed actions and the proposed CEQA determination and, based on its own independent judgment, finds that the proposed actions set forth in this Ordinance are not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Guidelines Sections 15378(b)(4) and 15273(a)(1).

SECTION 4. Barcode Sticker Fee: Section 10.00 of Chapter 21 of the District Code is hereby added as follows:

CHAPTER 21, POLICIES REGULATING THE PROVISION OF AND TAXES FOR SECURITY SERVICES BY THE DISTRICT:

Section 10.00 Barcode Sticker-Rates

10.01 Barcode Sticker Fee

All persons authorized to obtain and desiring a barcode sticker for entrance into the District shall pay the following fees:

- (a) Initial Purchase Price for Each Barcode Sticker - \$25.00
- (b) Annual Renewal for Active Barcode Stickers - \$10.00
- (c) Annual Contractor Barcode – tiered rate as follows:
 - i. \$100 for sole proprietors, including gardening/landscaping, housekeepers, pool service, realtors, etc....,
 - ii. \$500 for developers and construction contractors with up to five construction vehicles needing regular access through the gates and
 - iii. \$1,000 for developers and construction contractors with over five construction vehicles needing regular gate access.

Note: This fee is voluntary, and each contractor determines whether they want to purchase a barcode to utilize the automated gate arm at specified hours for contractors. Additional research needs to be conducted to determine the full impact of item three, and it may take until FY 25-26 to derive the most appropriate way to track and assess this fee.

10.02 Disposition of Revenue

Revenues collected under the provisions of this Section 10.00 shall be deposited in the Special Tax fund established under Section 5.06 of this Chapter and shall be used only for the following purposes:

- a. Processing applications and renewals of barcode stickers, including but not limited to any necessary software and computer programs for the codes;
- b. 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;
- c. Monitoring, controlling, and registering guests or invitees of District customers and other visitors within the District;
- d. Conducting such other activities as the Board, in its discretion, may authorize for the operation of the security gates and the protection of District customers and their property;
- e. Other incidental costs of providing the services listed above.

10.03 Collection

The fee is collected when the barcode sticker is issued or renewed. No sticker may be issued before the applicable fee is paid.

SECTION 5. Any provisions of the District Code or any other resolution or ordinance of the District, to the extent that they are inconsistent with this Ordinance, are hereby repealed, and the District Secretary shall make any necessary changes to the District Code for internal consistency.

SECTION 6. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the Board of Directors intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 7. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the District or within the territory comprising the District shall constitute a waiver of any license, fee, or penalty or the penal provisions applicable to any violation of such ordinance.

SECTION 8. The District Secretary shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published once in a newspaper of general circulation published in the District within 15 days after the adoption of the Ordinance.

SECTION 9. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage. The annual barcode renewal fee will appear on the monthly service bill sent on or around March 1, 2025, in the initial year and on the monthly service bill sent on or around January 1 each year thereafter.

PASSED AND ADOPTED by the Board of Directors of the District, Sacramento County, California, at a meeting held on the 15th day of January 2024, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

President of the Board
Rancho Murieta Community
Services District

ATTEST:

Amelia Wilder, District Secretary

APPROVED AS TO FORM:

Patrick Enright, General Counsel
Richards, Watson & Gershon

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