

ORDINANCE NO. 2008-04

**AN ORDINANCE OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
REPEALING CHAPTERS 21 AND 21A AND READOPTING CHAPTER 21 OF THE
DISTRICT CODE RELATING TO SECURITY SERVICES**

BE IT ORDAINED by the Board of Directors of the Rancho Murieta Community Services District, Rancho Murieta, Sacramento County, California, as follows:

SECTION ONE:

Chapter 21 of the District Code entitled "Security Code" is repealed in its entirety, and readopted as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION TWO:

Chapter 21A of the District Code entitled "Security Special Tax" is repealed in its entirety, as the key provisions of this Chapter have been incorporated into Chapter 21, as revised and set forth in Exhibit A.

SECTION THREE:

In the event any section or portion of this Ordinance shall be determined to be invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION FOUR:

This Ordinance shall be in full force and effect thirty (30) days after its adoption and a summary of this Ordinance shall be published and/or posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the Board of Directors of the Rancho Murieta Community Services District, held on the 19th day of November, 2008 and was approved and enacted at a regular meeting of the Board held on the 17th day of December, 2008 by the following vote on roll call:

AYES: Belton, Kjome, Ferraro, Mobley, Taylor

NOES: None

ABSENT: None

ABSTAIN: None



Board President
Rancho Murieta Community Services District

ATTEST:



Suzanne Lindenfeld, District Secretary.

EXHIBIT A

DISTRICT CODE, CHAPTER 21, SECURITY SERVICES

RANCHO MURIETA
COMMUNITY SERVICES DISTRICT

"THE SECURITY CODE"

DISTRICT CODE

CHAPTER 21

POLICES REGULATING THE PROVISION
OF AND CHARGES FOR SECURITY
SERVICE BY THE DISTRICT

AMENDED DECEMBER 17, 2008
ORDINANCE 2008-04

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DISTRICT CODE

CHAPTER 21 POLICIES REGULATING THE PROVISION OF AND CHARGES FOR SECURITY SERVICES BY THE DISTRICT

Section 1.00 General Provisions

- 1.01 Title: This Chapter shall be known as the "Security Services Code" and may be cited as such.
- 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 and charges therefore, the methods of collecting the special tax and 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.
- 1.03 Implementation: The provisions of this Chapter shall be implemented by such policies and procedures as shall be developed from time to time by the Board and/or District staff at the direction of the Manager.

Section 2.00 Definitions

For the purposes of this Chapter, the following terms shall have the following meanings.

- 2.01 Board shall mean the Board of Directors of the Rancho Murieta Community Services District.
- 2.02 Customer shall mean a District resident or property owner to whom District service is provided.
- 2.03 District shall mean the Rancho Murieta Community Services District.
- 2.04 District Property shall mean real property owned, leased or otherwise controlled by the District.
- 2.05 Manager shall mean the General Manager of the Rancho Murieta Community Services District.
- 2.06 Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for security services. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single commercial enterprise or residential unit.

- 2.07 Security Chief shall mean that person designated as the head of District Security Services.
- 2.08 Security Gate Officers shall mean those individuals hired by the District to perform duties related to the control and monitoring of access to gated portions of the District, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.
- 2.09 Security Patrol Officers shall mean those persons, including the Security Chief and the Security Sergeant, hired by the District to provide patrol services, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.
- 2.10 Security Sergeant shall mean that person hired by the District to participate in and supervise the activities of Security Gate Officers and Security Patrol Officers, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.
- 2.11 Security Services shall mean the security services provided by the District, as identified in Section 3.00 herein.

Section 3.00 Scope of Security Services

- 3.01 Authority and Scope of Security Services: Pursuant to Section 61100(j) of the Government Code and authorization of the Local Agency Formation Commission, the District provides Security Services necessary to protect lives and property within the boundaries of the District. Security Gate Officers and Security Patrol Officers are responsible for protecting lives and property by seeking to prevent an incident or offense from occurring in the District. In situations where prevention of an incident or offense is not possible, the function of Security Gate Officers or Security Patrol Officers is to observe and report the incident to a law enforcement agency, such as the Sacramento County Sheriff's Department, except as otherwise authorized by this Chapter. Security Gate Officers and Security Patrol Officers are not peace officers, and except in limited circumstances as authorized in this Chapter, are not responsible for any law enforcement activities, including but not limited to: chasing; apprehending or detaining suspected criminals; investigating criminal acts; or enforcing state or county laws, including traffic regulations.
- 3.02 Gate and Patrol Services: The District shall provide gate and patrol services, at such level or to such extent as the Board may authorize as part of the annual budget process, or from time to time as the Board deems appropriate. The gate and patrol services shall generally include:
- a. Operating and staffing security gates located at the entrances to the Rancho Murieta community on a year round basis;

- b. Providing twenty-four-(24) hour a day mobile patrol of all area within the boundaries of the District;
- c. Operating a communication system to maintain contact with local law enforcement, fire and other emergency services as well as the appropriate entities within the District; and
- d. Registering guests or invitees of District Customers and other visitors within the District, in cooperation with Rancho Murieta Association or other homeowners' associations within the District as appropriate.

3.03 Enforcement of District Rules and Ordinances: Pursuant to Government Code Section 61064(b), Security Patrol Officers may enforce the rules, regulations, and ordinances adopted by the Board and may issue citations for violation of any such rule, regulation or ordinance to be processed as an infraction in accordance with subdivision (d) of Section 17 of the Penal Code.

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 homeowners 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.

3.05 Enforcement of State and County Law on District Property: Security Patrol Officers may make arrests in accordance with Penal Code Section 836.5, and/or issue citations for misdemeanor or infraction violations of state law, county ordinances, or district rules, regulations, or ordinances when such violation is committed on District Property and in the presence of the District Security Officer making the arrest or issuing the citation pursuant to Government Code Section 61064(c).

3.06 Contracting Authority: Subject to Board approval and appropriation of funds, the District may contract or enter into any joint or cooperative arrangement with Rancho Murieta Association or any other entity or person, including the Sacramento County Sheriff's Department, to provide security services to District Customers.

3.07 Violations of Chapter: Pursuant to Government Code section 61064(a), a violation of a provision of this Chapter is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both.

- 3.08 Penalty for Obstructing District Security Officer: Any person who willfully interferes with a Security Patrol Officer in the performance of his or her duties pursuant to Section 3.03 and/or 3.05 of this Code may be punished by a fine, not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, in accordance with the provisions of Section 148 of the Penal Code.

Section 4.00 Special Event Notification

Prior to conducting or holding any event or activity within the District which is reasonably expected to involve twenty (20) or more participants, spectators, or similar persons, excluding District Customers, the sponsor of such event or activity shall notify the District Security Chief ten (10) days in advance of such event or activity. If Security Services are needed for the event, the event sponsor may request such services as provided for in Section 6.04 of this Chapter.

Section 5.00 Special Tax for Security Services

[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.]

- 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 services¹ related to real property and provide for the security and protection of the real property and property owners within the District. The special tax [referred to as the "Security Tax] levied herein, if approved by two-thirds vote of the voters, will provide for a special and secure funding source to continue to provide Security Services.
- 5.02 Authority: This special tax is levied under each of the following authorities.

Government Code Section 61615² which provides the District with the power to tax for the purpose of carrying out the operations of the District; Government Code Section 61615.1³ 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

¹ The term police services should be deleted.

² Government Code § 61615 was repealed and replaced with Government Code § 61121 effective January 1, 2006

³ Government Code § 61615.1 was repealed and replaced with Government Code § 61121 effective January 1, 2006.

special taxes; Government Code Section 61622⁴ 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 services⁵, which includes security services; and Article XIII 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.

5.03 Security Tax: Commencing July 1, 2008, property within the District shall be assessed a monthly security tax as follows.⁶ The maximum rates shown reflect annual adjustments, per Section 5.00:

		Monthly Special Tax Rates Fiscal Year 2008-09	Monthly Special Tax Rates Maximum Ceiling Rate Year 2008-09
DEVELOPED PROPERTY			
Residential			
Inside Gates			
- Metered	Per Lot	\$ 23.89	23.89
- Unmetered	Per Lot	\$ 18.75	18.75
Outside Gate	Per Lot	\$ 5.76	5.76
Non-Residential			
- Highway Retail	Per Building Sq. Ft.	\$ 0.2153	0.2153
- Other Retail/Commercial	"	\$ 0.0231	0.0231
- Industrial/Warehouse/Lt Industrial	"	\$ 0.0507	0.0507
- Office	"	\$ 0.0121	0.0121
- Institutional	"	\$ 0.0122	0.0122
- Public Utility	"	\$ 0.0386	0.0386
- Equine Complex	"	\$ 0.0033	0.0033
- RMCC	"	\$ 0.0607	0.0607
- Airport	"	\$ 0.0155	0.0155
UNDEVELOPED PROPERTY			
- Inside Gates	Per Acre	\$ 20.2267	\$ 20.2267
- Outside Gates	Per Acre	\$ 3.0141	\$ 3.0141

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.

⁴ Government Code § 61622 was repealed and replaced with Government Code § 61060(n) effective January 1, 2006.

⁵ The citation to Government Code Section 53978 should be deleted.

⁶ The rate structure was determined in the study prepared by Economic & Planning Systems and dated February 23, 1998, prior to the adoption of the security tax by the voters in 1998."

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.

- 5.04 Collection: The Security Tax shall be collected with other monthly District taxes, fees and/or charges and shall be subject to the same penalties for non-payment as other monthly District taxes, fees, and/or charges.
- 5.05 Annual Adjustment: Commencing July 1, 1999 and each July 1 thereafter, the amounts specified in Section 5.03 shall be increased by two percent (2%) per year. The General Manager shall maintain a current schedule of maximum tax rates based on the yearly increase specified herein and shall make the same available to any interested party upon request.
- 5.06 Disposition of Revenue: Revenues collected under the provisions of this 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:⁷
- a. 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;
 - b. Providing a 24 hour a day mobile patrol of the District and its boundaries;
 - c. 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 District⁸;
 - e. Monitoring, controlling and registering guests or invitees of District customers and other visitors within the District;⁹
 - 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.
- 5.07 Effective Date: This Ordinance shall take effect July 1, 1998. [This reflects the original effective date of the Security Tax.]
- 5.08 Suspension of Security Fee: Upon the effective date of the levying of the tax established by the ordinance, and except as provided herein,

⁷ Please see Section 3.00 for an updated overview of Security Services provided by the District.

⁸ Subsection (d) of Section 5.06 is no longer applicable within the District.

⁹ See subsection (d) of Section 3.02 for the current version of this subsection.

the District shall suspend the collection of the security fee established in and collected under District Code Chapter 21, section 5.00. To the extent that a property or property owner is or becomes legally exempt from payment of the tax established in this Ordinance, such property and/or property owner shall remain subject to and shall pay the security fee established in and collected under District Code Chapter 21, section 5.00; and, to that extent, that security fee shall remain in effect.¹⁰

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 Ordinance.

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

Section 6.00 Billing Procedures

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 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.

6.02 Composite Billing Procedures: The District may elect to send a composite bill for Security 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 security 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:

¹⁰ Section 5.08 is no longer applicable within the District.

1. The association or group shall be responsible for and guarantee payment of all such 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 Districts 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 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.

6.03 Bill Payment: Bills for Security 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.

6.04 Security Services for Special Events: The District may provide Security Services on a contractual or fee-for-service basis for any special event, as described in Section 4.00, or for any other activity within the District's boundaries which requires Security Services other than that routinely provided by the District.

6.05 Additional Fees and Charges: Additional fees and charges may be required as part of an agreement or contract for additional Security Services, such as pursuant to Section 6.04 above.

Section 7.00 Collection of Special Tax

7.01 Penalty for Late Payment: A one-time basic penalty of ten percent (10%) of the charge for a month shall be added to each delinquent charge for the first month the charge is delinquent. Thereafter, an additional penalty of one half percent (1/2 %) per month shall be added to all delinquent charges and basic penalties remaining unpaid, until the District requests the Sacramento County Auditor to include the delinquencies on the tax roll, as set forth in Section 7.03. Monies paid where any portion of any account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

7.02 Imposition of Lien: Delinquent charges remaining unpaid after thirty (30) days may be recorded as a lien with the County in accordance with Section 6115 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.

7.03 Process for Collection of Delinquent Charges: All 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 premises 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.

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 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.

- 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 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.
- 7.06 Remedies Cumulative: All remedies set forth herein for the collection and enforcement of charges, and penalties are cumulative and may be pursued alternatively or consecutively.
- 7.07 Declaration of Procedures : The District hereby declares the foregoing procedures are established as a means of enforcing the terms and conditions of the District's ordinances, rules and regulations and shall not be construed as penalties.

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 Section 61064(c).]

- 8.01 Trespasses: No person shall enter upon District Property, except for the purpose of conducting District business, to attend publicly noticed District meetings, or as otherwise authorized by law or District staff.
- 8.02 Defacing Property: No person shall deface, damage or destroy District Property. The terms deface, damage and destroy as used in this Section shall include graffiti.
- 8.03 Loitering: No person shall loiter upon District Property. As used in

this Section, the word "loiter" means entering and remaining on District Property under such circumstances that a reasonable person would conclude that the person who has entered and remained on such premises does not have a purpose legitimately connected with District or otherwise authorized allowed by law.

8.04 Use of Motor Vehicles:

- a. No person shall drive or operate a motor vehicle on District Property except to conduct District business, attend a publicly noticed District meeting or as otherwise authorized by law or District staff.
- b. No person shall park a motor vehicle on District Property except in areas specifically designated as parking areas. In no case shall any person park a motor vehicle on District Property in a manner that presents a hazard to the public.
- c. No person shall park or otherwise allow a motor vehicle to remain on District Property during hours that the District Property is closed without a permit from the District.
- d. No person shall abandon any motor vehicle on District Property.

8.05 Use of Skateboards: No person shall ride or propel a skateboard on District Property.

8.06 Animals: No person shall bring an animal onto District Property, except for the purpose of aiding or assisting persons with disabilities.

8.07 Disposal of Refuse: No person shall dump, deposit, or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash in or upon District Property, except that refuse which is incidental to the use of the facility which may be deposited into the receptacles as provided therefore.

8.08 Consumption of Alcoholic Beverages: No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of on or within District Property, unless otherwise authorized by the Manager.

8.09 Firearms: No person shall bring a firearm onto District Property, except for law enforcement or District Security Officers.

8.10 Fireworks: No person shall possess or ignite any firecracker or fireworks on District Property, unless otherwise authorized by the Manager.

8.11 Use of Bridge: No person shall dive or jump from any bridge owned or authorized for use by the District, including, but not limited to, the Yellow Bridge and the Pedestrian Bridge.

Section 9.00 False Alarm Service Fee

9.01 False Alarm Fee: All persons operating an alarm system within the District shall pay a false alarm fee of \$100 per false alarm to

reimburse the District for costs incurred by the District Security Department resulting from false alarms. Such fee shall apply to false alarms in excess of one false alarm per calendar month.

9.02 Collection: Fees for false alarms shall be collected in the same manner as set forth in Section 6.00 of this Chapter. 1173336.1