



## RANCHO MURIETA COMMUNITY SERVICES DISTRICT

15160 Jackson Road, Rancho Murieta, CA 95683  
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### FINANCE COMMITTEE

Regular Meeting  
October 7, 2016 at 9:00 a.m.

All persons present at District meetings will place their cellular devices in silent and/or vibrate mode (no ringing of any kind). During meetings, these devices will be used only for emergency purposes and, if used, the party called/calling will exit the meeting room for conversation. Other electronic and internet enabled devices are to be used in the "silent" mode. Under no circumstances will recording devices or problems associated with them be permitted to interrupt or delay District meetings.

### AGENDA

1. **Call to Order**
2. **Comments from the Public**
3. **Discuss Increasing Midge Fly Treatment Budget**
4. **Discuss Creating Administrative Fine Chapter for District Code**
5. **Directors & Staff Comments/Suggestions [no action]**
6. **Adjournment**

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the District offices during normal business hours. If, however, the document is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting.*

Note: This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950. The date of this posting is October 3, 2016. Posting locations are: 1) District Office; 2) Rancho Murieta Post Office; 3) Rancho Murieta Association; 4) Murieta Village Association.

## MEMORANDUM

Date: October 4, 2016  
To: Finance Committee  
From: Darlene J. Thiel, General Manager  
Subject: Discuss Increasing Midge Fly Treatment Budget

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### RECOMMENDED ACTION

Discuss and provide direction to staff regarding increasing the District's 2016 – 2017 budget for annual Midge Fly treatments.

### BACKGROUND

At the September 21, 2016 District Board meeting, Director Ferraro reported that the Midge Fly Ad Hoc Committee has asked that the District increase their budget \$2,500 to \$3,000 for an additional Midge Fly treatment of the Bactimos granular product. In June of 2016 a single application of Bactimos, which treated approximately 25% of Laguna Joaquin, was purchased for \$3,623. That single application appears to have worked well, however it is difficult to determine the exact improvement as a result of the granular Bactimos as many factors affect Midge Fly breeding and population. The annual chemical budget in the Drainage Fund is \$5,000. At the end of the 2015 – 2016 fiscal year (June 30, 2016), the Drainage Fund reflected a net income of \$2,225.

Staff recommends that the 2016 – 2017 Drainage Budget, which was approved by the Board on June 15, 2016, remain unchanged at this time. The District Board of Directors will have the opportunity to provide direction to District staff during the 2017 – 2018 budget development process to consider budgeting for additional Midge Fly treatments and/or alternative funding sources for additional treatments.

## MEMORANDUM

Date: October 3, 2016  
To: Finance Committee  
From: Darlene J. Thiel, General Manager  
Subject: Discuss Creating Administrative Fine Chapter for District Code

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### RECOMMENDED ACTION

Discuss and provide direction to staff regarding development of an administrative fine chapter for the District Code.

### BACKGROUND

Government Code section 53069.4 authorizes the District to adopt and implement a local ordinance to impose an administrative fine or penalty for violation of a District ordinance. This provides an option to more traditional and cumbersome misdemeanor and infraction procedures through the Sacramento County courts, District Attorney, and Sheriff's Office. Section 53069.4 is set forth below.

*53069.4. (a) (1) The legislative body of a local agency, as the term "local agency" is defined in Section 54951, may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty. The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties. Where the violation would otherwise be an infraction, the administrative fine or penalty shall not exceed the maximum fine or penalty amounts for infractions set forth in subdivision (b) of Section 25132 and subdivision (b) of Section 36900.*

*(2) The administrative procedures set forth by ordinance adopted by the local agency pursuant to paragraph (1) shall provide for a reasonable period of time, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety.*

*(b) (1) Notwithstanding the provisions of Section 1094.5 or 1094.6 of the Code of Civil Procedure, within 20 days after service of the final administrative order or decision of the local agency is made pursuant to an ordinance enacted in accordance with this section regarding the imposition, enforcement or collection of the administrative fines or penalties, a person contesting that final administrative order or decision may seek review by filing an appeal to be heard by the superior court, where the same shall be heard de novo, except that the contents of the local agency's file in the case shall be received in evidence. A proceeding under this subdivision is a limited civil case. A copy of the document or instrument of the local agency providing notice of the violation and imposition of the administrative fine or penalty shall be*

*admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the local agency by the contestant.*

*(2) The fee for filing the notice of appeal shall be as specified in Section 70615. The court shall request that the local agency's file on the case be forwarded to the court, to be received within 15 days of the request. The court shall retain the fee specified in Section 70615 regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the local agency in accordance with the judgment of the court.*

*(3) The conduct of the appeal under this section is a subordinate judicial duty that may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.*

*(c) If no notice of appeal of the local agency's final administrative order or decision is filed within the period set forth in this section, the order or decision shall be deemed confirmed.*

*(d) If the fine or penalty has not been deposited and the decision of the court is against the contestant, the local agency may proceed to collect the penalty pursuant to the procedures set forth in its ordinance.*

District staff will model the new District Code chapter after other agencies' Administrative Fine ordinances and bring the draft back to the Finance Committee for further consideration.