

CROCKETT SANITARY COMMISSION

Regular Business Meeting
AGENDA FOR WEDNESDAY, NOVEMBER 9, 2022

TIME: 7:00 PM
PLACE: Crockett Community Center, 850 Pomona Avenue, Crockett

The Crockett Sanitary Commission is an agent of the Crockett Community Services District.

1. CALL TO ORDER – ROLL CALL
2. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER
3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:
(The Board is prohibited from discussing items not on this agenda. Matters brought up that are not on the agenda may be referred to staff for action or calendared on a future agenda.)
4. PUBLIC HEARING:
5. CONSENT CALENDAR: Consideration of a motion to approve the following item:
(*Items are subject to removal from Consent Calendar by request of any Board Member on request for discussion by a member of the public. Items removed from the Consent Calendar will be considered with the Administrative Items.*)
 - a. Approve Minutes of September 26, 2022 and October 19, 2022.
6. WASTEWATER:
 - a. Consider report on enforcement actions.
 - b. Consider bid documents and schedule for MCC project.
 - c. Consider Enforcement Code update written by District Counsel.
7. BUDGET AND FINANCE:

Consider monthly Summary Worksheet and staff report on financial matters.
8. ADMINISTRATIVE:
 - a. Consider report on actions taken by the District Board.
 - b. Election of officers for 2023.
 - c. Approve meeting schedule for 2023.
 - d. Discuss changing the time Crockett Sanitary Commission meets monthly.

9. REPORT OF DEPARTMENT MANAGER: (These items are typically for exchange of information only. No action will be taken at this time.)
 - a. Operations, maintenance and capital improvements.
 - b. Governmental matters.
 - c. Announcements and discussion.
10. REPORTS FROM COMMISSIONERS: (These items are typically for exchange of information only. No action will be taken at this time.)
 - a. Wastewater Committee – Members Manzione and Wais
 - b. Budget & Finance Committee – Members Adams and Trask
 - c. Recycled Water Ad Hoc Committee: Members Manzione and Trask
 - d. Inter-agency meetings:
11. FUTURE AGENDA ITEM:
Committee appointments for 2023 (Dec.).
12. COMMENTS FROM COMMISSIONERS:
13. ADJOURNMENT to December 14, 2022.

You will find the Minutes of this meeting posted on our website at www.town.crockett.ca.us
Visit our website for more information on meetings and activities of the Crockett Community Services District and the towns of Crockett and Port Costa on the picturesque Carquinez Strait of the San Francisco Bay.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting, or if you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the General Manager at (510) 787-2992. Notification of at least 48 hours prior to the meeting or time when services are needed will assist District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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 at the Crockett Community Services District Office in Crockett. If, however, the document or writing 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, as listed on this agenda. The office address is 850 Pomona Street, Crockett, California 94525.

CROCKETT SANITARY COMMISSION

of the Crockett Community Services District

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MINUTES OF REGULAR MEETING, OCTOBER 19, 2022

1. CALL TO ORDER: The meeting was called to order at 7:00 PM by Chairperson Wais. Present were Commissioners Adams, Davis, Manzione and Trask, along with General Manager Murdock, Assistant Dept. Manager Barnhill and Assistant District Secretary Witschi.

2. AGENDA ORDER: There were no requests to change the agenda order.

3. PUBLIC COMMENTS: None

4. PUBLIC HEARING: None

5. CONSENT CALENDAR: None

6.a. ENFORCEMENT ACTIONS: No report.

6.b. REJECTION OF SLUDGE BY LANDFILL: Mr. Murdock presented two reports to evaluate for the presence of residual radioactivity caused by the presence of sludge materials generated during the performance of typical wastewater treatment operations. Terracon collected two samples of generated sludge materials. Both samples showed the clear presence of Iodine-131, which is relatively common in the in the diagnostic medical industry. This compound is not used in any capacity at the Crockett Community Services District. The most likely source of this material is an outside user of the District's sewer system. Mr. Murdock said that the testing cost is about \$2K. Mr. Murdock reported that Rachel Hundley, District Counsel, is leaving Meyers Nave at the end of the month.

7. FINANCIAL REPORT: No report.

8. DISTRICT BOARD ACTIONS: Mr. Murdock reported on the actions taken by the District Board in September. He said the Board approved recommending John Mackenzie, Nicholas Spinner and Jena Goodman to the Contra Costa Board of Supervisors for appointment on the Crockett Community Services District Board.

9.a. STAFF REPORT ON OPERATIONS: Mr. Murdock reported the issue of the odor in town has taken up a lot of his time. Mr. Barnhill reported there was a public sewer spill on September 29 on Kendall and Merchant. He said West County cleaned it up. He said that line was cleaned the month before.

9.b. STAFF REPORT ON GOVERNMENTAL MATTERS: None

9.c. STAFF ANNOUNCEMENTS: None

10.a. WASTEWATER COMMITTEE REPORT: None

10.b. BUDGET & FINANCE COMMITTEE REPORT: None

10.c. RECYCLED WATER AD HOC COMMITTEES REPORT: Commissioner Manzione reported his plan is to identify and scope out six possibilities:

- Class 2 water (EBMUD).
- Cogeneration Plant – needs water, steam generation.
- Repurpose water.
- Port Costa irrigation water.
- Filtered water.
- Permission from the State, EBMUD and District Board.

Commissioner Manzione said he would like to write up the report.

10.d. INTER-AGENCY MEETINGS: None

11. FUTURE AGENDA ITEMS:

- Election of Officers (Nov.).
- Approve meeting calendar for 2023 (Nov.).
- Consider changing monthly meeting time (Nov.).
- Committee appointments for 2023 (Dec.).

12. COMMISSIONER COMMENTS: Commissioner Adams said he is glad to hear that Jena Goodman may get appointed to the District Board.

13. ADJOURNMENT: The meeting was adjourned at 7:40 PM until November 9, 2022.

Respectfully submitted,

Susan Witschi

Susan Witschi
October 26, 2022

EXHIBIT A

Chapter 1.08—Enforcement

Section 1.08.010 Violations.

- A. Misdemeanor. The violation of any provision of this Code, or of any rule, regulation, or ordinance of the District, is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment not to exceed six months, or by both such fine and imprisonment. (Gov. Code, § 61064, subd. (a).)
- B. Infraction. A citation issued by the District for violation of any provision of this Code, or of any rule, regulation, or ordinance of the District, may be processed as an infraction punishable by a fine not exceeding two hundred fifty dollars (\$250). (Gov. Code, § 61064, subd. (b).)
- C. Public Nuisance. Violation of this Code, or of any rule, regulation, or ordinance of the District, is unlawful and constitutes a public nuisance.
- D. Other Codes, Specifications, Entitlements. Violation of any provision, restriction, or requirement of any code adopted by reference by this Code, or of the District Specifications, or of any condition of any permit, license, or other entitlement issued pursuant to this Code or any ordinance of the District, is a violation of this Code and subject to the remedies provided herein.
- E. Separate Offense. Each and every day during any portion of which any provision of this Code or any ordinance of the District is committed, continued, or permitted is a separate offense.
- F. Aiding, Abetting, or Concealing. An act or omission made unlawful by rule, regulation, or ordinance of the District includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Section 1.08.020 Additional Enforcement Remedies.

- A. Administrative Enforcement. Violation of any provision of this Code, or of any rule, regulation, or ordinance of the District, may be enforced by administrative citation and fine pursuant to Chapter 1.10 of this Code.
- B. Abatement; Correction. To the extent the District is authorized to perform such action, the District may abate or correct, or cause to be abated or corrected, any public nuisance or violation pursuant to sections 1.08.050 or 1.08.060 of this Code, and to collect all costs incurred in the abatement or correction from any responsible person and against any property on which the public nuisance or violation is maintained.
- C. Civil Action. Violation of any provision of this Code, or of any rule, regulation, or ordinance of the District, may be enforced by civil action for damages, injunction, and/or any other available judicial remedy.
- D. Disconnection. Violation of any provision of this Code, or of any rule, regulation, or ordinance of the District, where such provision was adopted pursuant to the District's authority

under Government Code section 61100, subdivision (b) or 61115, may be enforced by disconnection of the property maintaining the violation from the District wastewater system pursuant to Section 1.08.070.

E. Remedies Cumulative. The enforcement procedures, penalties, and remedies set forth in this chapter are cumulative with any other enforcement procedures, penalties, and remedies provided for by this Code or at law. The use by the District of any enforcement procedure, penalty, or remedy, whether provided for by this Code or at law, shall not constitute a waiver of the District's right to pursue any other enforcement procedure, penalty, or remedy.

Section 1.08.030 Responsible Persons.

A. Generally. Except as otherwise specifically set forth in this Code, "responsible person" means any person, whether as an owner or an agent, manager, or representative of an owner, or otherwise, that allows, causes, creates, maintains, suffers, or permits a violation of this Code, or of any rule, regulation, or ordinance of the District, by any act or the omission of any act or duty.

B. Property-Related Violations. "Responsible person" also means a property owner, tenant, person with a legal interest in the property, person in possession of the property, person that exercises custody and control over the property, or any other person, that allows, causes, creates, maintains, suffers, or permits a violation to exist or continue on the property. The District may pursue any or all available remedies for a violation of District requirements against any or all responsible persons, in the District's sole discretion, notwithstanding any agreements or covenants between any responsible parties.

Section 1.08.040 Right of Entry.

A. The General Manager, or their designee, may enter upon private or public property whenever necessary to administer or enforce any provision of this Code, or of any rule, regulation, or ordinance of the District. If practicable, the General Manager, or their designee, shall provide official evidence establishing their employment with the District prior to any entry. (See *e.g.* Health & Safety Code, § 6523.2.)

B. The General Manager, or their designee, may enter upon private or public property whenever necessary to inspect to determine the presence of public nuisances that may be abated by the District, to abate such public nuisances, and to determine if a notice to abate has been complied with. (Gov. Code, § 61069, subd. (b).)

C. Where consent for entry is refused and entry is necessary to (1) administer or enforce any provision of this Code, or of any rule, regulation, or ordinance of the District relating to building, fire, safety, plumbing, electrical, health, labor, or zoning, or (2) perform an action described in subdivision (B); and where the persons owning, occupying, leasing, managing, or controlling the property have a reasonable expectation of privacy, or the right of entry is otherwise constitutionally limited, the General Manager, or their designee, shall first obtain an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. (Gov. Code, § 61069, subd. (a); Code Civ. Proc., § 1822.50 *et seq.*)

Section 1.08.050 Abatement.

A. If the General Manager or their designee determines the existence of a public nuisance and that such public nuisance is to be abated pursuant to Section 1.08.020, subdivision (B), the District may issue an Notice to Abate and/or Order of Abatement and cause such abatement pursuant to the procedures in this section.

B. Definitions. For the purpose of this section and sections 1.08.060 and 1.08.070, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **“Abate”** means to remove the source of the public nuisance either by correcting specific problems or by removal from public or private property.
- (2) **“Abatement Costs” “Costs of Abatement”** means all costs and expenses incurred by the District in abating a public nuisance. Such costs include, but are not limited to, actual expenses and costs to the District in the preparation of notices, specification and contracts; inspection of the work; attorney’s fees; all costs and expenses for which the District may be liable under State law arising from or related to the nuisance abatement action; and all costs or expenses to which the District may be entitled pursuant to statute. Abatement Costs shall begin to accrue at the time the District first receives a complaint regarding a problem on the property.
- (3) **“Interested party”** means the property owner of record, legal occupant, or holder of a recorded interest of a property on which a public nuisance exists or is maintained.
- (4) **“Notice to Abate”** means the notice of a nuisance on the property and demand for abatement of such Public Nuisance issued by an Enforcement Official upon the reasonable finding of a Public Nuisance.
- (5) **“Order of Abatement”** means the order of the District to abate a nuisance.
- (6) **“Public nuisance”** means a condition constituting a violation of this Code or other applicable law.

C. Notice to Abate. The District may issue a Notice to Abate by serving the Notice pursuant to subdivision (F) of this section and conspicuously posting one copy of such Notice on the property.

- (1) *Contents.* The Notice to Abate shall include the following:
 - (a) The street address and Assessor’s Parcel Number of the subject property;
 - (b) A reasonable time limit, in no event less than seven (7) calendar days of service of the Notice to Abate, in which the interested party shall take abate the public nuisance;

- (c) The District Code sections and/or statute violated and state all the facts constituting the nuisance;
 - (d) A brief description of the corrective action required, including temporary corrective action when appropriate, to accomplish the abatement;
 - (e) A statement that failure to abate the public nuisance within the time provided may result in an abatement action by the District and that the interested party will be responsible for all Costs of Abatement.
 - (f) A statement that the interested party may appeal the finding of a public nuisance pursuant to Section 1.10.040 of this Code within fourteen (14) calendar days otherwise the determination is final.
- (2) *Appeal of Determination.* An interested party may appeal the finding of a public nuisance pursuant to Section 1.10.040 of this Code within fourteen (14) calendar days after service of a Notice to Abate.
- (3) *Failure to Abate.* If a violation is not corrected within the time provided, the District may proceed with issuance of an Order for Abatement as provided herein.

D. Order for Abatement By District.

- (1) The District may issue an Order of Abatement by serving the Order pursuant to subdivision (F) of this section and conspicuously posting one copy of such Notice on the property.
- (2) *Contents.* The Order of Abatement shall include the following:
 - (a) The street address and Assessor's Parcel Number of the subject property;
 - (b) The date and time the District will perform such correction or abatement, which shall be at least fifteen (15) days after service of the Order;
 - (c) The District Code sections and/or statute violated and state all the facts constituting the nuisance;
 - (d) A brief description of the corrective action required, including temporary corrective action when appropriate, to accomplish the abatement;
 - (e) A statement that the interested party will be responsible for all Costs of Abatement.
 - (f) A statement that the interested party may appeal the finding of a public nuisance and/or the Order of Abatement pursuant to Section 1.10.040 of this Code within fifteen (14) calendar days otherwise the determination and Order are final.

- (3) *Appeal of Determination.* An interested party may appeal the finding of a public nuisance and/or the Order of Abatement pursuant to Section 1.10.040 of this Code within fourteen (14) calendar days after service of an Order of Abatement.

E. Costs of Abatement.

- (1) *Report.* The District shall maintain an account of the Costs of Abatement and prepare an itemized report of such costs.
- (2) *Notice.* The District shall serve copy of the report of the Costs of Abatement and a notice of the date and time the District will submit the report of the Costs of Abatement to the Board of Directors for consideration at a public hearing. The report and notice shall be served at least ten (10) days prior to the public hearing.
- (3) *Public Hearing; Confirmation.* After considering the report of Costs of Abatement and any objections thereto, the District Board may make such modifications to the cost report as it deems appropriate, after which the report may be confirmed by order of the District Board. A copy of the Board order confirming costs against the responsible party shall be served on the responsible party within ten (10) days of such order. Any responsible party against whom costs of abatement and any other costs are awarded by Board order shall have the right to seek judicial review of such order by filing a petition for writ of mandate in accordance with Code of Civil Procedure Section 1094.5.
- (4) *Lien; Collection on Tax Roll.* The Costs of Abatement, as confirmed by the Board of Directors, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and shall constitute a lien against the property upon recordation. If the amount set forth in the bill for the Costs of Abatement is not paid within thirty (30) days, the special assessment may be collected on the tax roll in the same manner as sewer service charges.
- (5) *Personal Obligation.* All Costs of Abatement that are not satisfied through the procedures of this section may be collected by the District in any lawful manner.

F. Service of Notice, Order, or Report. Any Notice to Abate, Order of Abatement, report or statement of Costs, or other notice required of the District, shall be served in person, by first class mail, or by certified mail to the owner, lessee, tenant, and occupant, to the addressee's last known address, including the subject premises. Additionally, a copy of such notice shall be mailed to each property owner of record as shown on the last equalized assessment roll of the county or as known to the code enforcement officer. Services shall be deemed complete at the time the document is personally served or deposited in the mail. Failure of any person to receive a document shall not affect the validity of any proceedings hereunder. Proof of posting and service shall be made by affidavit or declaration under penalty of perjury filed with the District Secretary.

Section 1.08.060 Summary Abatement.

A. Notwithstanding any other provision of this code, whenever, in the reasonable judgment of the enforcement officer, the existence or continuance of any violation of this code or any nuisance condition poses an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, an enforcement officer may act immediately and without prior notice or hearing to correction or abate such violation or condition. The District shall post notice of the summary abatement in a conspicuous location on the property.

Section 1.08.070 Penalties for delinquent payments.

If any District bill, charge or fee, except sewer service charges placed on the tax roll, is not paid on or before the last day it is due, a delinquent charge will be assessed the person in default. Delinquent charges shall be in amounts established by resolution of the Board of Directors or by order of the General Manager. Any delinquent charge shall not exceed ten percent (10%) of the unpaid amount due to the District, and in addition, a one percent (1%) per month penalty shall be imposed on the balance of unpaid bills, fees, charges and the delinquent charge imposed. If a more specific provision concerning delinquent charges and/or penalties contained elsewhere in this Code is applicable to a given circumstance, such more specific provision shall apply. (Government Code Section 61115.(a)(3)(C))

Section 1.08.080 Disconnection from System.

A. Notice. At least ten (10) days before a hearing held pursuant to subdivision (B), the District shall provide written notice of the date of the hearing, the date of the proposed disconnection or termination of service, and the reasons therefore to the owner and tenant(s), if any, of the premises for which service is proposed to be terminated. (Health & Safety Code, § 6523.2.)

B. Hearing. Where authorized by this Code, or by any rule, regulation, ordinance of the District, or by any applicable law, the Board may order disconnection of the premises from the District wastewater system, or otherwise terminate sewer service, any after holding a public hearing.

C. Immediate Disconnection. In the case of actual or threatened violation of this Code, of any rule, regulation, or ordinance of the District, or of the terms of any District permit or the requirements of the District Standard Specifications, that reasonably appears to present an imminent danger or threat to the health or welfare of persons, the environment, or the District or its employees or contractors, the General Manager may, after reasonably attempting to informally notify the user of the District wastewater system, take all necessary steps to halt or prevent such violation, including, but not limited to, plugging or physically disconnecting the the District wastewater system.

D. Habitation or Use Prohibited. Where a premises or facility is required to be connected to the District wastewater system, the habitation of such premises by human beings or the operation of such commercial or industrial facility during any period of non-connection or disconnection is prohibited and constitutes a public nuisance. The District may cause proceedings to be brought to abate such habitation or use. The prospective user shall pay any reasonable attorneys' fee and

costs so incurred as a condition of reconnection in addition to other such other costs that may be required.

E. **Reconnection.** The General Manager may cause the reconnection of a property or structure disconnected pursuant to this section if (1) the General Manager determines the prospective user has abated, to the satisfaction of the General Manager, the condition or conditions that resulted in disconnection or termination of service; and (2) the prospective user has deposited with the District an amount estimated by the General Manager to be the costs of disconnection and of reconnection. Any payment deposited in excess of the actual costs of the District shall be refunded within thirty (30) days of determination of actual costs. Nothing herein is intended to imply that a disconnected user has any rights to reconnection.

Section 1.08.090 Violation of Building Sewer Infiltration and Inflow Control Ordinance.

A. In the event of a failure to comply with the Building Sewer Infiltration & Inflow Control Ordinance (Chapter 9.10 of the Code), the District may bring an enforcement action and exercise any other remedy provided by the District Code and applicable law against the property owner and any other responsible party.

B. When a violation is discovered, the District shall issue a Notice of Violation to the Buyer, and where practical to the previous owner, in accordance with Section 10-4.H of the District Standard Specifications. The recipient of the Notice of Violation shall be required to take all steps necessary to obtain a Certificate of Compliance within sixty (60) days. The Buyer may have recourse under state real estate disclosure laws to obtain reimbursement from the previous owner. Failure to comply with the Notice of Violation, however, shall cause the District to take any lawful enforcement action.

EXHIBIT B

Chapter 1.10—Administrative Enforcement

Section 1.10.010 Administrative Fines.

- A. This Chapter establishes the administrative procedures for the imposition, enforcement, collection, and administrative review of administrative fines and/or penalties pursuant to Government Code Section 53069.4. The General Manager, or their designee, may dismiss a citation at any time by written notice if a determination is made that the citation was issued in error and refund any fine deposited.
- B. The District General Manager, or a designee thereof, is authorized to promulgate procedural rules and regulations governing the provisions in this chapter.
- C. Nothing in this Chapter shall affect the discretion of the General Manager, enforcement officer, or other District employee or agent so designated in writing by the General Manager to issue courtesy notices or warnings of violations in lieu of issuing a citation. The issuance of such courtesy notice or warning shall be at the sole discretion of the issuing officer or agent subject to any procedural rules and regulations issued by the General Manger or their designee.

Section 1.10.020 Definitions

As used in this Chapter, the following words are defined as follows:

- A. **“Administrative fine,”** **“fine,”** **“penalty”** and/or **“administrative penalty”** means the monetary sanction established by resolution of the Board of Directors that is imposed upon a responsible person by means of a citation.
- B. **“Citation”** means an administrative citation that is issued to a responsible person pursuant to this chapter.
- C. **“Citee”** means a responsible person to whom a citation is issued.
- D. **“Code”** shall include: (1) the entire District Code and any other code, rule, or regulation incorporated therein by adoption or reference, (2) any uncodified ordinance adopted by the District Board of Directors, (3) the District’s Standard Specifications or any rule or regulation promulgated pursuant to the provisions of the District Code, (4) any condition of any permit, license, or other entitlement issued pursuant to this code, and (5) other state laws as authorized by statute.
- E. **“Enforcement officer”** and **“officer”** means any District employee or agent authorized in writing by the District General Manager to issue administrative citations or otherwise enforce the District Code.
- F. **“Hearing officer”** means an District employee designated in writing by the District General Manager to consider all timely requests for an administrative hearing upon issuance of a citation.

G. **“Owner”** means and includes any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, or responsibility for, any real property within the boundaries of the District, including all persons shown as owners on the last equalized assessment roll of the Contra Costa County assessor’s office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers. An owner of personal property shall be any person who has legal title, charge, control, responsibility for, or possession of such property.

H. **“Person”** means and includes any individual, partnership of any kind, a corporation of any kind, limited liability company, association, joint venture or other organization or entity, however formed, as well as fiduciaries, trustees, heirs, executors, administrators, or assigns, or any combination of such persons. “Person” also includes any public entity or agency that acts as an owner within the boundaries of the District.

I. **“Property”** or **“premises”** means any real property, or improvements thereon, or portions thereof, as the case may be. “Property” includes any parkway or unimproved public easement abutting such real property. “Property” shall also include all forms of personal property or animals, where applicable.

J. **“Responsible person”** shall have the meaning set forth in Section 1.08.030.

K. **“Violation”** means an act, omission of any act, use, or condition that constitutes an offense of the District Code or Standard Specifications, as well as a breach or violation of any condition of a permit, approval, entitlement or license issued pursuant to the code.

Section 1.10.030 Issuance of Administrative Citations

A. Whenever an enforcement officer determines that a violation has occurred, the officer may issue a citation on a District-approved form imposing an administrative fine or fines to the responsible person(s) in accordance with the provisions of this Chapter.

B. When the violation pertains to building, plumbing, electrical or other similar structural issues that create an immediate danger to health or safety, a citation may be issued forthwith. In the absence of an immediate danger, the District shall provide a reasonable time, as determined by the officer, to correct a violation pertaining to building, plumbing, electrical, or other similar structural issues prior to issuing a citation pursuant to this Chapter.

C. An officer may issue a citation for a violation not committed in the officer’s presence if the officer has determined, through investigation, that the citee did commit, or is otherwise responsible for, the violation.

D. Each day, or any portion thereof, that a prohibited condition, use, or activity is committed, continued or permitted shall constitute a separate violation. A single citation may charge multiple violations of the code. Each violation is subject to a separate and distinct administrative fine.

E. Each citation shall contain the following information:

- (1) Name and mailing address of the responsible person;
- (2) The address or description of the location of the violation;
- (3) The date and approximate time of the commission of the violation(s), or detection thereof by an officer;
- (4) The relevant provision(s) or section(s) of the code alleged to have been violated;
- (5) A description of the violation(s);
- (6) Amount of the fine for each violation, as well as the procedure and place to pay the fine(s), and any late penalty and/or interest charge(s), if not timely paid;
- (7) When appropriate, the action(s) required to correct the violation(s), and, if applicable, any deadlines or time limitations for commencing and completing such action(s);
- (8) A description of the administrative citation review process and the manner by which a hearing on a citation may be obtained (including the form to be used, where it may be procured from, and the period in which a request must be made in order to be timely);
- (9) The name and signature of the officer, and the signature of the citee, if he or she is physically present and will sign the citation at the time of its issuance. The refusal of a citee to sign a citation shall not affect its validity or any related subsequent proceeding, nor shall signing a citation constitute an admission that a person has committed a violation of the code;
- (10) A statement that the failure to timely tender the fine(s) and other charges/fees imposed pursuant to this chapter may result in: (a) a civil action against citee; (b) the recordation of a lien or special assessment against the citee's real property; and (c) the denial of any District approval, license, entitlement or permit to citee until all delinquent monies are paid to the District; and
- (11) Any other information deemed necessary by the General Manager.

F. Service. A citation may be served in writing and may be delivered either personally or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be served at his or her last known business or residence address appearing in the public records or in other records of the matter for which notice is given. Service by mail shall be deemed served at the time of deposit in the United States mail.

G. If service cannot be accomplished personally or by mail for citations involving a real property-related violation of the code, the officer shall post the citation on the property where the violation is alleged to have occurred. The date of posting shall constitute the issuance date of a citation. Failure of a citee to receive a citation or notice shall not invalidate any fine, late penalty

charge, action or proceeding that is imposed or brought pursuant to this chapter, if service was given in a manner stated in this section.

Section 1.10.040 Right to Appeal; Advance Deposit; Hardship Waiver

A. Any citee may contest the violation(s), or contest that he or she is a responsible person, by filing a request for an administrative hearing on an District-approved form with the [APPROPRIATE STAFF MEMBER] and paying an appeal fee in an amount set by Board of Director resolution within fourteen (14) calendar days after the issuance date of a citation. If the [APPROPRIATE STAFF MEMBER] does not receive the request and/or payment of the appeal fee in the required period, the citee shall have waived the right to a hearing and the citation shall be deemed final.

B. A request for a hearing shall contain the following:

- (1) The citation number.
- (2) The name, address, telephone number and or electronic mail address, of each person contesting the citation.
- (3) A statement of the reason(s) why a citation is being contested.
- (4) The date and signature of the citee(s).
- (5) Requests for a hearing shall be accompanied by an advance deposit of the entire amount of the fine stated in the citation. Failure to deposit a fine within the required period, or the tender of a nonnegotiable check in the required period, shall render a request for an administrative hearing incomplete and untimely, in which case the citee shall have waived the right to a hearing and the citation shall be deemed final. Fines that are deposited with the District shall not accrue interest. Fines deposited shall be returned to the person tendering the fines in the event a citation is overturned.

C. Hardship Waiver.

- (1) A citee who is financially unable to deposit the administrative fine with his or her request for a hearing may complete a District-approved application form for an advance deposit hardship waiver (hereinafter, "hardship waiver"). This form and all required accompanying records shall be tendered, along with a request for a hearing, to the [APPROPRIATE STAFF MEMBER] within fourteen (14) calendar days from the issuance date of a citation.
- (2) To be considered for a hardship waiver, the application form must be complete, signed, and must be accompanied by documents that enable the District to reasonably determine the citee's present inability to deposit the fine. Documents suitable for consideration may include, without limitation, accurate, complete and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records,

income and expense records for twelve (12) months preceding submittal of the waiver form, as well as other documentation demonstrating the citee's financial hardship. The District may, at its sole discretion, request additional documents in order to determine a citee's financial ability to tender an advance deposit of the fine. Failure to submit sufficient evidence of a citee's financial inability to tender an advance deposit of the fine shall result in a denial of the hardship waiver. The District may, at a time chosen in its sole discretion and after a citation is final or confirmed, destroy or discard the documents submitted by a citee for a hardship waiver without prior notice to the citee.

- (3) Failure to submit a completed, signed hardship waiver form, along with sufficient records that support a claim of financial hardship, shall render the request for hearing incomplete and untimely. In this event, the citee shall have waived the right to a hearing and the citation shall be deemed final.
- (4) The District's General Manager or designee shall issue a written decision regarding the application for a hardship waiver. If the hardship waiver is denied, the written decision shall specify the reasons for not issuing the hardship waiver. This decision is final and non-appealable. The decision shall be served upon the person requesting the hardship waiver by first class mail.
- (5) Approval of a hardship waiver shall result in the District setting a hearing pursuant to Section 1.10.040.
- (6) If the District determines that the citee is not entitled to a hardship waiver, he or she shall tender the full amount of the administrative fine to the [APPROPRIATE STAFF MEMBER] within fourteen (14) calendar days of the date the decision is deposited with the U.S. Postal Service. In the event the Secretary does not receive the full amount of the fine in the required period, the request for a hearing is rendered incomplete and untimely, the citee shall have waived the right to a hearing and the citation shall be deemed final, and a late penalty charge shall be imposed upon the administrative fine.

D. A timely request for a hearing shall not excuse a citee from the duty to immediately abate a violation of the code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the code.

Section 1.10.040 Appeal Hearing

A. An administrative appeal hearing shall be scheduled and conducted no less than fourteen (14) and no more than sixty (60) calendar days after the date a timely and complete request is received by the [APPROPRIATE STAFF PERSON]. A citee who files a request for an administrative hearing to contest a citation (hereafter "appellant") shall be notified in writing by first class mail of the date, time, and location of the hearing at least fourteen (14) calendar days prior to the date of the hearing. The failure of an appellant to receive a properly addressed notice shall not invalidate the citation or any hearing or District action or proceeding conducted pursuant to this Chapter.

B. At the place and time set forth in the notification of administrative hearing, the hearing officer shall hear and consider the testimony of the issuing officer, the appellant(s), and/or their witnesses, as well as any documentary evidence presented by these persons concerning the violation(s) alleged in the citation.

C. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. The District bears the burden of proof to establish a violation and responsibility therefor by a preponderance of evidence. The issuance of an administrative citation shall constitute prima facie evidence of the violation. The appellant(s), and officer, if present, shall have an opportunity to present evidence and witnesses and to cross-examine witnesses. An appellant and the officer issuing the citation may represent himself/herself/themselves or be represented by anyone of his/her/their choice. An appellant may bring an interpreter to the hearing at the appellant's sole expense. The District may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording. The hearing officer may question any person who presents evidence or who testifies at any hearing.

D. An appellant may appear at the hearing in person or by written declaration executed under penalty of perjury. Said declaration and any documents in support thereof shall be tendered to and received by the [STAFF MEMBER] or Board of Directors at least three (3) District business days prior to the hearing. If an appellant elects to appear at the hearing by written declaration, the enforcement officer who issued the citation shall not be required to attend or participate at the hearing. If the appellant fails to attend the scheduled hearing, or to otherwise submit a written declaration in a timely manner, the hearing officer shall cancel the hearing and send a notice thereof to the appellant(s) by first class mail to the address(es) stated on the appeal form. A cancellation of a hearing due to nonappearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the citation (and corresponding fine and other applicable fees) shall be deemed final.

E. Hearings may be continued once at the request of an appellant or the officer who issued the citation. The hearing officer may also continue the hearing for cause.

Section 1.10.050 Appeal Decision; Judicial Review

A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or overturn the citation and shall state the reasons therefor. The District shall preserve all exhibits and evidence submitted at the hearing until all appeals have been exhausted. If the citation is upheld and the violation has not been fully corrected as of the date of the hearing, the hearing officer shall order correction thereof in the decision and provide a deadline to complete said action(s). The decision of the hearing officer shall be final. If the citation is upheld and the appellant did not deposit the fine at the time the appellant requested an administrative appeal hearing, the hearing officer shall also order the payment of the fine (and other applicable fees and costs) within fourteen (14) calendar days of the decision.

B. The appellant(s) shall be served by first class mail with a copy of the hearing officer's written decision. The date the decision is deposited with the U.S. Postal Service shall constitute

the date of its service. The failure of an appellant to receive a properly addressed decision shall not invalidate any hearing, District action or proceeding conducted pursuant to this chapter.

C. A decision of the hearing officer is, in accordance with Government Code Section 53069.4, subdivision (b), appealable to the superior court within twenty (20) days after the date of its service. Each decision shall contain a statement advising the appellant(s) of this appeal right and the procedures and court filing fee for its exercise. An appellant shall serve a copy of the court-filed notice of appeal on the [APPROPRIATE STAFF MEMBER] by personal service or first class mail within five (5) calendar days after filing the original thereof.

D. If a hearing officer's decision is not appealed in a timely manner, the decision shall be deemed confirmed.

E. The superior court is the sole reviewing authority and an appeal from a hearing officer's decision is not appealable to the Board of Directors. If a responsible person prevails on appeal, The District shall reimburse his or her filing fee, as well as the fine deposit in accordance with the court judgment. These monies shall be mailed to the responsible person within forty-five (45) calendar days after the District's receipt of a notice of judgment or ruling from the superior court clerk.

Section 1.10.060 Amount of Administrative Fine or Penalty

A. The amounts of the fines imposed pursuant to this Chapter shall be set forth in a schedule of fines established by resolution of the Board of Directors. The Board of Directors may, by resolution, also impose escalating fines in amounts it deems appropriate for repeat offenses of the same ordinance. The amounts of fines may be modified from time to time by a resolution of the Board of Directors. If no such schedule has been adopted, or if a schedule is rescinded by action of the Board of Directors, the amounts of the fines imposed shall not exceed the maximum amounts set forth in subsection (b) of this section.

B. If a violation is otherwise classified as an infraction under the code, the administrative fine shall not exceed (1) one hundred dollars (\$100.00) for a first violation; (2) two hundred dollars (\$200.00) for a second violation of the same section of this code within a twelve-month period of time, and (3) five hundred dollars (\$500.00) for each additional violation of the same section of this code within a twelve-month period of time.

Section 1.10.070 Collection of Administrative Fine or Penalty

A. Failure to pay an administrative fine within sixty (60) days after the issuance of an uncontested administrative citation or, if contested, within sixty (60) days after an order to pay pursuant to a decision by a hearing officer or judicial officer confirming the fine, shall result in a late penalty and interest as set forth in Section 1.08.070.

B. Administrative fines, late penalty charges, and any interest due shall be paid to the District at such location or address as stated in the citation, or as may otherwise be designated by the District's General Manager.

the date of its service. The failure of an appellant to receive a properly addressed decision shall not invalidate any hearing, District action or proceeding conducted pursuant to this chapter.

C. A decision of the hearing officer is, in accordance with Government Code Section 53069.4, subdivision (b), appealable to the superior court within twenty (20) days after the date of its service. Each decision shall contain a statement advising the appellant(s) of this appeal right and the procedures and court filing fee for its exercise. An appellant shall serve a copy of the court-filed notice of appeal on the [APPROPRIATE STAFF MEMBER] by personal service or first class mail within five (5) calendar days after filing the original thereof.

D. If a hearing officer's decision is not appealed in a timely manner, the decision shall be deemed confirmed.

E. The superior court is the sole reviewing authority and an appeal from a hearing officer's decision is not appealable to the Board of Directors. If a responsible person prevails on appeal, The District shall reimburse his or her filing fee, as well as the fine deposit in accordance with the court judgment. These monies shall be mailed to the responsible person within forty-five (45) calendar days after the District's receipt of a notice of judgment or ruling from the superior court clerk.

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B. If a violation is otherwise classified as an infraction under the code, the administrative fine shall not exceed (1) one hundred dollars (\$100.00) for a first violation; (2) two hundred dollars (\$200.00) for a second violation of the same section of this code within a twelve-month period of time, and (3) five hundred dollars (\$500.00) for each additional violation of the same section of this code within a twelve-month period of time.

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A. Failure to pay an administrative fine within sixty (60) days after the issuance of an uncontested administrative citation or, if contested, within sixty (60) days after an order to pay pursuant to a decision by a hearing officer or judicial officer confirming the fine, shall result in a late penalty and interest as set forth in Section 1.08.070.

B. Administrative fines, late penalty charges, and any interest due shall be paid to the District at such location or address as stated in the citation, or as may otherwise be designated by the District's General Manager.

C. Payment of an administrative fine shall not excuse or discharge a citee from the duty to immediately abate a violation of the District Code, regulations, or Standard Specifications, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the code.

D. Abatement of a violation shall not excuse the obligation of a citee to pay an administrative fine or any other charges, fees, or costs imposed as a result of the issuance of a citation.

E. Unpaid administrative fines and other charges, fees, or costs imposed in accordance with this chapter shall constitute a debt that may be collected in any manner allowed by law. The District shall be entitled to recover its attorney's fees and costs arising from an action to collect an administrative fine and other charges, fees, or costs imposed in accordance with this Chapter, if it is the prevailing party and provided it made the election to seek attorney's fees at the commencement of the action. A citee shall be entitled to recover his or her attorney's fees if the District made the election to seek attorney's fees at the outset of the action and the citee prevails thereon. The General Manager, or a designee thereof, may promulgate policies and procedures for the District's election to use one (1) or more of the foregoing collection remedies.

MEETING SCHEDULES/HOLIDAYS FOR 2023

<i>Commission</i>	<i>Jan</i>	<i>Feb</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
PLC/Recreation	2	6	6	3	1	5	3	No Mtg	11	2	6	4
Port Costa	11	8	8	12	10	7	12	9	13	11	1**	6**
Crockett Sanitary	18	15	15	19	17	14	19	16	20	18	8**	13**
District Board	25	22	22	26	24	21	26	23	27	25	15**	20**
Memorial Hall												
<i>Holidays</i>												
New Year's	1*											
Martin Luther King	16											
Presidents' Day		20										
Memorial Day					29							
Independence Day							4					
Labor Day									4			
Veterans Day											10*	
Thanksgiving Day											23, 24	
Cesar Chavez Day			31									
Christmas Day												25

* Observed
 ** One Week Early
 *** Tuesday