

Sunset Heights Community Service District

Policy and Procedural Manual

Drafted Oct. 14, 2023

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1. Purpose

1.1 What is this document?

This document is a Policy and Procedural Manual designed to be a How-to guide for operating SHCSD that answers common questions and expresses to the best of its ability its governing laws. If any updates, additions, deletions or other changes are necessary, such adjustments must be voted on during a regularly scheduled public meeting. Please also notate the revised date in the Header of this document. If any policy or procedure in this manual is in conflict with state or federal law, then said law will prevail.

1.2 What is a CSD?

In unincorporated areas, basic services like water, sewer, security, roads, fire protection, etc are usually provided by the county. Because counties often consist of large and diverse geographical areas, providing a consistent and adequate service level across all areas can be difficult. This leaves residents with little if any local control over services and no easy way to address problems or complaints. Consequently, the community Services District Law (Government Code S 61000-61850) was created to provide an alternate method of providing services in unincorporated areas. When a CSD exists, the property owner will pay taxes to the CSD instead of the county for the services provided. SHCSD was formed on October 3, 1981 and is currently a road CSD only. All other services are provided by Amador County.

1.3 What are the benefits of a CSD?

A CSD allows residents more input and control over areas governed by the CSD. Problems or concerns can be resolved more quickly and efficiently within a CSD than with the county.

1.4 CSD vs. HOA

A CSD is a local government that builds, improves, and maintains infrastructure such as roads, utilities, security, etc. Each parcel is charged an annual Assessment for this service. If the CSD did not exist this assessment would be paid to the county in the form of property taxes. If Assessments are not paid, the county will attach the past due amount (plus additional fees) to the owner's annual property taxes and deposit the assessment amount to the CSD.

An HOA (Homeowners Association) imposes certain covenants, conditions, and restrictions (CC&Rs) on homeowners, which outline what a homeowner may or may not do with their property. HOA Dues are paid on a monthly, quarterly, or annual basis to maintain the community as a whole. Fines may be imposed on homeowners who do not adhere to the CC&Rs. If Dues are not paid, a lien may be placed on the home with accruing amounts until the house is sold. At which time the HOA will collect past dues.

2. Authority

2.1 Who's in charge?

The Board of Directors is the unit of authority for establishing policy, maintaining and improving roads, and operating the CSD.

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2.2 Who's in charge of who's in charge?

The Sunset Heights CSD Board of Directors is responsible to Amador County (LAFCO) and the state of California. We operate under the Brown Act and Government Code S 61000 et seq.

3. Jurisdiction

3.1 What area is SHCSD responsible for?

According to the deed: "Those certain roadways delineated and designated Bowman Road, Lynn Way, Steven Lane, Sunset Road, and Marc Drive..."

"Roadways" is defined as the land equaling 7 acres within the 1.4 mile long by 40-50 foot road and right-of-way. Each property owner can locate the right-of-way boundary by measuring approximately 20 feet from the center of the road directly in front of their property particularly at the parcel corners. In many cases a ½ inch rebar was used to mark the right-of-way boundary. The road and all assets within the right-of-way are property of SHCSD.

Please note: According to the deed of Sunset Heights Community Services District and maps filed in Book 5 on page 42 of Maps and Plats AND in Book 2 on page 19 of Subdivision Maps in the records of Amador County, Sharon Court, Gy Tam Lane, Sunset Road West are listed as "private roads" and are not owned by SHCSD. The roadway in front of the last 4 properties of Bowman Road (13767, 13743, 13744, 13768) are not shown to belong to SHCSD. The owners of these properties are residents of Sunset Heights Community and pay the annual assessment. Therefore, SHCSD requires only written permission to maintain the roadway and only as long as the roadway is maintained uniform to roads owned by the CSD. For example, if the owner/s chooses to seal coat the road belonging to them, the CSD is unable to slurry over it as with the other roads. OR if an owner is unwilling to have tree roots removed in order for repairs to be made, the CSD is unable to make repairs to the roadway.

Please also note: Property owners on Sunrise Court do not pay the annual assessment and are not within the jurisdiction of SHCSD

3.2 What services does SHCSD provide?

According to Government code s 61000, SHCSD may acquire, construct, maintain, improve, and operate roads, road right-of-ways, culverts, drains, curbs, gutters, sidewalks, and any incidental works within its jurisdiction. The CSD shall not work on any property owned by another public agency unless written consent is given first; one PG&E street light at the corner of Bowman Road and Ridge Road; one mailbox at the intersection of Marc Drive and Lynn Way; Abatement of weeds and rubbish pursuant to part 5 (commencing Section 14875).

Please note: In addition to items listed within the code and specific to Sunset Heights Community and within the CSD's jurisdiction is the community sign and message board located at the entrance on Bowman Road with adjacent concrete parking pad and the convex mirror opposite Bowman Road on Ridge Road.

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4. Rules of the Road

4.1 Speed Limit

The speed limit on all roads within SHSCD is 15 miles. We value our ability to walk safely with our children and pets throughout the neighborhood as the signage will indicate. Please respect our neighbors by driving the speed limit or below.

4.2 Alterations to CSD Property

The road and right of way belongs to the CSD and therefore belongs to all residents of Sunset Heights. Therefore no work is permitted within this boundary that will alter the property. This includes but is not limited to fences, retaining walls, speed bumps, gutters, culvert, tree felling, earth moving, and driveway construction/reconstruction, etc. If such a need arises, it may be addressed at a CSD meeting open to all residents.

Grass and weed control and brush trimming for fire hazard reduction purposes are permitted.

4.3 Street parking policy

Sunset Heights' roads are just wide enough for two cars to pass. Temporary street parking is permitted if it does not prevent the free flow of traffic. Vehicles that present a hazard or block the roadway will be towed at owner's expense.

5. Communication

5.1 How to communicate in and with SHCSD

5.1.1 Email: SunsetHeightsCSD@gmail.com

5.1.2 SHCSD Mailing address: 17910 Sharon Court, Pine Grove, CA 95665

5.1.3 Community Sign

The message board at the community sign will post important information. Residents may post messages as long as the messages are polite and placement is considerate. The flyer box below the message board is available as well. Please do not forget to remove messages once they are expired.

5.1.4 Website: SunsetHeightsCSD.SpecialDistrict.org

5.1.5 Meetings

5.1.5.1 Types of Meetings

Regularly Scheduled Meetings: Requires a notice of 72 hours or more. The meeting's agenda must be posted on the community message board and on the website. The regularly scheduled meetings are currently set to take place on the last Sunday in July (because delinquent accounts go to county in first week of August), the last Sunday in October (to review completed projects & prepare for winter), the last Sunday in January (weather and fodder permitting), and the last Sunday in May (The budget is required here. Projects are voted on. Assessment Invoices are mailed on July 1). This schedule is as such due to current board member's availability and duty requirements. It is subject to change as necessary.

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Special Meetings: Requires a notice of at least 24 hours. The meeting's agenda must be posted on the community message board and on the website.

5.1.5.2 Meeting Location

Meetings may be held at a volunteer resident's home or another space within the community that is open to the public.

5.1.5.3 Meeting requirements

SHCSD must adhere to The Brown Act when conducting meeting. A quorum must be present to make decisions/vote. Otherwise, only a discussion may take place. A quorum consists of 3 board members although all board members are strongly encouraged to be present at each meeting.

The meeting agenda contains the date, time, and location of the meeting, a call to order marking the time the meeting starts, a roll call of all present, a vote to approve the current agenda, a vote to approve the minutes from the previous meeting, a time for public comments, agenda items numbered in order of discussion, and adjournment that marks the end of the meeting.

The meeting minutes makes note of all discussions/decisions/events/votes that happens during the meeting as accurately and concisely as possible. The minutes are a public legal document and are used in reporting to other government agencies and professionals. Meeting minutes are posted to the CSD's website once it is approved by the board.

5.1.5.4 Meeting conduct

Meetings will follow the order of the posted agenda. Items not on the agenda will not be discussed or decided. Such items may be added to the next agenda.

5.1.5.5 Public comments

Any member may make comments/complaints/requests during this section of the meeting as long as it pertains to the CSD and its sphere of influence. Necessary items may be added to the next meeting's agenda. If a resident wishes to have a concern addressed they may do so at meeting in person or in writing (if they cannot be present). Board members may not present/convey another resident's concerns in their stead unless doing so from a letter written provide by said resident. This prevents misrepresentation.

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6. Funding

6.1 How is SHCSD funded?

6.1.1 Road Assessments

6.1.1.1 Who pays Road Assessments?

SHCSD consists of 50 parcels. Assessments are collected from 49 parcels. Only the parcel containing the water tower does not pay assessments. The owner or each parcel is responsible for paying the annual road assessment. If the residence is a rental, the owner is responsible for paying the road assessment. If ownership changes, the property title holder of record on July 1st of the fiscal year is responsible for paying the road assessment. Any refunds due to the transfer of the title during the fiscal year covered by the billing are allocated between the seller and buyer through the title company upon closing and are not the responsibility of SHCSD.

6.1.1.2 How Assessments are calculated?

Road assessments are assessed each fiscal year (July 1st-June 1st). The amount is based on the Bureau of Labor Statistics: Western Consumer Price Index Card for San Francisco-Oakland-Hayward, CA. The percentage change applied is from April of the previous year to April of the current year. This number is usually posted by mid-May. You can find this number at www.bls.gov/charts/ or www.bls.gov/regions/west/cpi-

This method of calculating assessments was recommended by Jeff Morlan at Morlan Civil Engineering, 504 Broadway, Jackson, CA 95642 and voted into effect by a 2/3 majority of Sunset Heights' residents in 2000. This has proven to be sustainable to date.

6.1.1.3 How to pay the assessment?

The annual Road Assessment are due August 1st each year either in full or half by August 1st and half by October 1st. H&R Block will accept all assessments in the form of exact cash, money order, or check made payable to Sunset Heights Community Services District (SHCSD).

Mail payment to: H&R Block Business Services, PO Box 365, Pine Grove, CA 95665

Or deliver to: H&R Block Business Services, 20124 Hwy 88, Pine Grove, CA 95665

If you have questions about your account you can call the Pine Grove H&R Block at (209)296-7500.

Please note: H&R Block will not address comments/concerns/complaints regarding the CSD's operations, roads, or right-of-ways. The services of H&R Block are strictly bookkeeping related. H&R Block does not have the authority to waive late fees or grant special permissions. You will be directed to attend the CSD meetings and have your voice heard during the Public Comments time.

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Please also note: Board members will not accept assessment payments. Do not put your assessment in the CSD's mailbox or the mailbox of a board member or anyone else. You are responsible for a lost or missing assessment.

6.1.1.4 How is late payment handled?

As a courtesy, the annual road assessment is currently payable in 2 installments should the owner choose to take this option. If the first payment is not paid by August 1st, late fees of 1.5% per month will be assessed. Late fees are assessed on any unpaid balance due (including late fees) until the balance is paid in full. Assessments and late fees must be paid in full no later than October 1st. If not, the total due including late fees and processing fees will be submitted to Amador County Tax Collector for addition to the owner's property tax bill. The assessment will then be delivered to SHCSD.

If you have questions about your account you can call the Pine Grove H&R Block at (209)296-7500.

If you have incurred late fees and, due to special circumstances, are unable to pay, you may make your case to the board of directors during a regular meeting. Fee forgiveness is at the discretion of the CSD board.

6.1.2 Budget

Prior to each fiscal year in May the board drafts and votes on a budget during a CSD meeting open to the public. This budget is mailed out to each residence with an invoice for assessment. This details how assessments are spent or for what purpose it is being saved.

The budget consists of income from assessments and expenses from insurance, professional fees, utilities, and road maintenance. The difference is then allotted to the emergency fund (currently set to \$10,000), Long term savings (for the next slurry seal), and any short term projects voted on by the board.

6.1.3 Reporting

6.1.3.1 Bookkeeping

April- Government Compensation Report (state)

August- delinquencies sent to the county (county)

September- Special District's Financial Transaction Report (state)

6.1.3.2 Accounting

August- Biannual financial review (in even years) (State and county)

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7. Board of Directors

7.1 Who is the Board of Directors?

6.1.1 Qualifications

Board members are required to be property owners within SHCSD in good financial standing with the CSD.

7.2 What does a board member do?

The role of all members of the board is to fulfill the purpose of SHCSD as specifically outlined in the SHCSD by-laws and to direct the CSD towards a sustainable future. Directors have no individual authority and may not commit the district to any policy, act, or expenditure without a vote.

All board members are required to attend all meetings to the best of their ability and availability. Members are required to vote or vote by proxy if necessary. Everyone is encouraged to share insights and recommendations on issues pertaining to SHCSD.

7.2.1 President

The president of the board oversees all operations of the board, prepares all meeting agendas and posts meeting notices, serves as chair person at all meetings, prepares the annual budget, secures insurance for the CSD and its board, secures the accountant for the biannual financial review, completes the LAFCO District Profile as required, compose and deliver 49 copies of each "Letter to Residents" and the "Budget" to H&R Block to be mailed by H&R Block with each resident's invoice, seeks legal counsel for the CSD if necessary, ensures the Amador County Election Commission is current on board member's terms of office. The president swears in new board members. The president has check signing capabilities.

7.2.2 Vice President

The vice president assists the president in his/her duties when necessary and prepares to perform all duties of the president in the event that he/she is unable to perform. The vice president has check signing capabilities.

7.2.3 Secretary

The secretary stores and maintains all records/files/contracts/instruments belonging to SHCSD, composes meeting minutes and distributes to board members within one week after each meeting, may make adjustments to meeting minutes as recommended by other members, provides documents requested by the board, bookkeeping, accounting, and other governing body, updates and maintains CSD website. The Secretary has check signing capabilities.

7.2.4 Treasurer

The treasurer collects/reviews/signs from bookkeeping bank reconciliations, quarterly financial statements, and all state and county financial reporting to be late filed with the board's secretary, maintains the resident's

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contact list and share with bookkeeping for invoicing, maintains the Year-to-Date Spending Report to be presented at each regular board meeting. The treasurer has check signing capabilities.

7.2.5 Director 1 & 2

Directors assist other board members in duties where capable; assist with maintenance and other projects.

7.2.6 General manager

The General Manager of SHCSD oversees all operations, projects, and maintenance of the CSD with contractors approved by the board, reports to board president, and provides recommendations for improvement.

7.3 How to become a board member?

All board members are sworn in during board meetings. He/she must complete the Oath of Office form to be filed by the board secretary and the 700 Form Statement of Economic Interests to be filed with the county's elections department after a copy is made and filed with the board's secretary. Please note: the elections department requires the 700 Form with the wet signature.

7.3.1 Elections

If 2 or more persons wish to run for an open board position they must declare candidacy July 15-August 9th. Election Day is November 5th. Check with the Amador County Elections Department for more information.

7.3.2 Appointments

If a board position is open and uncontested, a prospective board member may be appointed and sworn in during the next meeting.

7.3.3 Vacancies

When a board member decides he/she no longer wishes to remain on the board, they will write a letter stating as much and complete a 700 Form both of which are filed with the county's elections department after a copy of each are filed with the board's secretary. Please note: the elections department requires the 700 form with the wet signature.

If a board member no longer wishes to continue being a board member after their term is complete, only a 700 form is required. Same filing requirements as above.

If a board member is not performing his/her duties AND sufficient attempts have been made to resolve the issue, the board may vote to remove said member during a meeting. A copy of the meeting minutes will be filed with the board's secretary and the election's department.

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8. Operations

8.1 How to operate SHCSD?

8.1.1 Calendar of events

Regular Maintenance Items: roadside gutters are cleaned on an as needed basis usually during summer and fall. Conduct a periodic assessment of trees, branches, roads, and right-of-way conditions. Roadside trees must be trimmed back far enough for fire engines to travel. Slurry seals are needed approximately every 5-10 years depending on the severity of weather, quality of previous slurry, wear-and-tear, etc. it is wise to budget accordingly as the expense is significant. Some years require snow plowing and others don't, plan accordingly.

Events with specific and consistent date requirements are listed below:

May – Assessment determined/ Budget approved/ projects decided

June - Budget and Letter Delivered to Bookkeeping

July – Fiscal Year begins; Invoices mailed to residents in the first week

August – all or first half of Assessment due; delinquencies from previous FY sent to the county (Bookkeeping); biannual financial review (in even years); Year End Statement (Bookkeeping)

October – Invoices mailed to residents for second half of assessment is due if necessary.

April – Government Compensation Report (Bookkeeping)

Every Month by the 15th – review and file Bank reconciliations

Each quarter - Review and file Financial Statements

8.1.2 Website

SunsetHeightsCSD.SpecialDistrict.org is on the Streamline platform. The CSD is currently charged electronically monthly for this service that is now required by state law. The board secretary is responsible for updates and changes made on the website. This platform is recommended by the CSDA of which SHCSD is a member. This platform ensures that the CSD's website is in compliance with state laws and requirements outlined by the American's with Disabilities Act, The Brown Act, etc.

8.1.3 Email

Sunset Height's email (SunsetHeightsCSD@gmail.com) is available to all board members in order to communicate with residents, contractors, etc. All messages in the account are open to all current board members. This promotes transparency and accountability among the board.

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9. Archives

9.1 Community Map

