

RUTH LAKE COMMUNITY SERVICES DISTRICT
Policy Handbook

POLICY TITLE: Administrative Citations

POLICY NUMBER: 6500

6500.10 Applicability:

This policy provides for administrative citations, which are in addition to all other legal remedies, criminal or civil, which the District may pursue to address any violation of the District's policies. Use of this policy is at the sole discretion of the District.

6500.20 Definitions: The following definitions apply to the use of these terms for the purposes of this policy:

- (a) "Board" means the Board of Directors of the District.
- (b) "District" means the Ruth Lake Community Services District.
- (c) "District Manager" means the appointed District Manager or his or her designee.
- (d) "Enforcement officer" means the District Manager or any District employee or agent of the District with the authority to enforce any provision of the District's policies.
- (e) "Hearing body" means the person or body designated by the Board, including but not limited to the Board itself, to serve as the hearing body for an administrative citation hearing.
- (f) "Person Responsible" means a person that the enforcement officer determines is responsible for causing or maintaining a violation of the District's policies. The term "person responsible" includes, but is not limited to, a property owner, tenant, person with a legal interest in real property, or person in possession of real property.
- (g) "Policy" means an approved policy of the District; "policies" means the approved policies of the District.

6500.30 Administrative Citation:

- (a) Whenever an enforcement officer charged with the enforcement of any provision of the District's policies determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible.

- (b) Prior to issuing an administrative citation, the enforcement officer may issue a written warning to the person responsible.
- (c) If a citation is to be issued, each administrative citation shall be issued on a form containing the following information:
 - (1) The date of the violation or, if the date of the violation is unknown, the date the violation is identified;
 - (2) The address or a definite description of the location where the violation occurred;
 - (3) The policy violated and a description of the violation;
 - (4) The amount of the administrative fine for the violation;
 - (5) If applicable, the action necessary to correct the violation;
 - (6) If applicable, a requirement that the person responsible immediately correct the violation, and an explanation of the consequences of failure to correct the violation;
 - (7) If applicable, a reasonable correction period, prior to imposition of the fine;
 - (8) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - (9) A description of the administrative citation review process, including requirements for requesting a hearing;
 - (10) The name and signature of the citing enforcement officer.
- (d) The administrative citation shall be delivered in accordance with Section 6500.120 to the person responsible for the violation.

6500.40 Amount of Administrative Fines: The schedule of fines for administrative citations issued for violations of the District's policies is as follows, unless a higher amount is allowed by state law:

- (a) An administrative fine not exceeding \$100.00 for a first violation;
- (b) An administrative fine not exceeding \$200.00 for a second violation of the same policy within 12 months;
- (c) An administrative fine not exceeding \$500.00 for each additional violation of the same policy within 12 months.

6500.50 Payment of Administrative Fines:

- (a) The fine shall be paid to the District within thirty (30) days from the date of the administrative citation.
- (b) A late payment charge of Thirty Dollars (\$30.00) shall be imposed on a monthly basis for any administrative citation amount remaining unpaid to the District.
- (c) Any administrative fine paid pursuant to subsection (a) of this section shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.
- (d) Payment of a fine under this policy shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the administrative citation.

6500.60 Hearing Request:

- (a) Any recipient of an administrative citation may contest that there was a violation of a District policy, or that he or she is the responsible party, or that a penalty amount is warranted, or any other terms of the citation, by filing a written notice of appeal with the District Manager or within thirty (30) days of the date of the issuance of the administrative citation, together with an advance deposit of the fine. Failure to timely file a written notice of appeal or provide the advance deposit of the fine shall constitute a failure to exhaust administrative remedies.
- (b) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.
- (c) If the enforcement officer submits an additional written report concerning the administrative citation to the Board for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least three (3) days prior to the date of the hearing.

6500.70 Hearing Body:

The Board shall serve as the hearing body for the administrative citation hearing. The determination of the Board shall be final.

6500.80 Hearing Procedure:

- (a) A hearing before the hearing body shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed. The hearing may be continued from time to time as deemed necessary by the hearing body.
- (b) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

- (c) The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.
- (d) The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents. The burden of proof shall then be on the person contesting the administrative citation to refute such evidence.
- (e) Evidence offered during a hearing must be credible and relevant in the estimation of the hearing body, but formal rules governing the presentation and consideration of evidence shall not apply.

6500.90 Hearing Body's Decision:

- (a) After considering all of the testimony and evidence submitted at the hearing, the hearing body shall issue a written decision to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing body shall be final.
- (b) If the hearing body determines that the administrative citation should be upheld, then the fine amount on deposit with the District shall be retained by the District.
- (c) If the hearing body determines that the administrative citation should be canceled, then the District shall promptly refund the amount of the deposited fine.
- (d) The recipient of the administrative citation shall be served with a copy of the hearing body's written decision.

6500.100 Recovery of Administrative Citation Fines and Costs:

- (a) The District may collect any past due administrative citation fine or late payment charge by use of all available legal means. The District also may recover its collection costs, including, but not limited to, administrative costs and attorneys' fees. Such collection costs shall be in addition to any fines, interest, and late charges established by the District.
- (b) The District may refuse to issue, extend, or renew any District permit, license, agreement or other District approval to any person who has unpaid delinquent fines, interest, penalties, liens or assessments due under this policy related to the permit, license, agreement or approval.

6500.110 Judicial Review:

Any person aggrieved by an administrative decision of the Board may obtain review of the administrative decision by filing a petition for review with the superior court in Trinity

County in accordance with the time limitations and provisions set forth in California Government Code section 53069.4.

6500.120 Notices:

- (a) The administrative citation and all notices required to be given by this policy shall be served on the person responsible by personal delivery thereof to the person to be notified or by certified mail, postage prepaid, return receipt requested, addressed to such person to be notified at his last known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by certified mail shall be deemed to have been completed at the time of deposit to the postal service.
- (b) Failure to receive any notice specified in this policy does not affect the validity of proceedings conducted hereunder.

Approved By Board of Directors: February 14, 2023