

**ORDINANCE NO. 2022-01**  
**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT**  
**AMENDING REGULATION 68: LATENT POWERS OF ARTICLE VI: GENERAL**  
**PROVISIONS IN THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT RULES**  
**AND REGULATIONS TO INCLUDE LAW ENFORCEMENT COLLABORATION**

**WHEREAS**, the McKinleyville Community Services District (MCSD, District) recently discussed and appointed an ad-hoc subcommittee to review the District's Latent Powers; and

**WHEREAS**, the Latent Powers Committee recommended, later approved by the full MCSD Board, to clarify existing and future Latent Powers of the District; and

**WHEREAS**, California Government Code Section 61060(d) expressly allows the District to "acquire any real or personal property within or outside the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey, and encumber the property, and to create a leasehold interest in the property for the benefit of the district."

**WHEREAS**, California Government Code, Title 6, Section 61100(i) states that a District may: "Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; and

**WHEREAS**, the District currently provides the physical facility (i.e., a building on District owned property) for the Sheriff's substation at Pierson Park in McKinleyville; and

**WHEREAS**, MCSD has a leasehold arrangement with the County of Humboldt for providing the building and related facilities for the substation to the Humboldt County Sheriff's Office for its use which was established in 2009; and

**WHEREAS**, MCSD does not intend to adopt or provide actual police protection or law Enforcement powers and wholly relies upon the County of Humboldt to provide said services; and

**WHEREAS**, the District wishes to clarify its power and authority relating to police protection and law enforcement services in the limited capacity recited herein in order to facilitate the continued provision of safe and adequate law enforcement services by the Humboldt County Sheriff's Office to the citizens of McKinleyville and facilitate security and protection for District property, buildings, and events.

**WHEREAS**, the District finds and declares it in the best interest of the District to continue the leasehold arrangement for the Humboldt County Sheriff's substation pursuant to California Government Code Section 61060(d) as the presence of Humboldt County Sheriff's Office personnel at the facility protects District property and the interests of the District's ratepayers.

**NOW, THEREFORE**, the Board of Directors of the McKinleyville Community Services District ordains as follows:

Rule 68.06: Law Enforcement Collaboration, will be added to Article VI: General Provisions, Rule 68: Latent Powers, and will read as follows:

**RULE 68.06: LAW ENFORCEMENT COLLABORATION**

The McKinleyville Community Services District currently supports the Humboldt County Sheriff's Office through a leasehold agreement to provide the building and related facilities for the Sheriff's substation. The facilities are provided at a reasonable lease rate to help facilitate the provision of police protection and law enforcement services to the residents of McKinleyville and to protect District property in exchange for, without limitation, in kind labor, such as additional Sheriff's Work Alternative Program (SWAP) services provided to the District.

The District does not exercise police protection or law enforcement powers or authority and the District does not provide any law enforcement services. The District does, however, facilitate police protection and law enforcement services by the Humboldt County Sheriff's Office within the District's boundaries by making District facilities available to the Sheriff's Office to lease and the District expressly reserves, but does not exercise, any latent powers to collaborate with other appropriate law enforcement agencies or add additional services should this agreement no longer become viable. These services include, but are not limited to, providing District physical facilities, buildings and property through lease, providing equipment, reviewing and monitoring law enforcement efforts in McKinleyville, entering into convict work programs (e.g., SWAP) and communication sharing.

The District will not provide actual police protection or law enforcement services and relies exclusively on the Humboldt County Sheriff's Office for the provision of law enforcement services in accord with the County of Humboldt jurisdictional authority. The District does, however, determine that the continued provision of the District facilities for the Humboldt County Sheriff's Office substation on District property provides express benefit to the District and its ratepayers in accord with California Government Code Section 61060(d).

This Ordinance shall take effect and be in full force and effective thirty (30) days after its passage.

Introduced at a regular meeting of the Board of Directors held on March 2, 2022 and passed and adopted by the Board of Directors on April 6, 2022 by the following roll call vote:

AYES: Binder, Clark-Peterson, Mayo, Orsini, and Couch  
NOES: None  
ABSENT: None  
ABSTAIN: None

Attest:



\_\_\_\_\_  
April Sousa, MMC, Board Secretary

  
\_\_\_\_\_  
David Couch, Board President