

ORDINANCE NO. 2021-08

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
ADDING REGULATION 48: COMMUNITY FOREST, TO ARTICLE IV: PARKS AND
RECREATION, ADDRESSING COMMUNITY FOREST POWERS AND AUTHORITY
OF THE MCSD RULES AND REGULATIONS**

WHEREAS, the McKinleyville Community Services District (“District”) recently discussed and appointed an ad-hoc subcommittee to review the District’s latent powers (the “Latent Powers Committee”); and

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

WHEREAS, the District wishes to clarify their powers and authorities relating to community forest services and operations; and

WHEREAS, in 1985, MCSD exercised a latent power in accordance with Government Code 61100(e) authorizing the District to “acquire, construct, improve, maintain, and operate recreation facilities, included but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with section 5780) of Division 5 of the Public Resources Code”; and

WHEREAS, the definition of a community forest falls within the definition of a Recreation Facility in Government Code 5780.1(h) as “an area, place, structure, or other facility under the jurisdiction of a public agency that is used either permanently or temporarily for community recreation, even though it may be used for other purposes ... including, but not limited to, ... open space, park, [or] parkway”; and

WHEREAS, MCSD is in the process of acquiring land to provide a community forest space to the residents of the McKinleyville Community for purposes of open space and recreation; and

WHEREAS, MCSD would like to include provisions for a community forest within its Rules and Regulations.

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

RULE 1.88. PARK SYSTEM is amended to reflect the addition of a community forest within its definition of a Park System.

REGULATION 48: COMMUNITY FOREST is added to Article IV: Parks and Recreation as follows:

REGULATION 48 – COMMUNITY FOREST

RULE 48.01. ACQUISITION OF LAND – The McKinleyville Community Services District has the authority to acquire land to support future community forest operations, including acquisition of non-contiguous properties.

RULE 48.02. FORMATION OF COMMUNITY FOREST COMMITTEE – The Board of Directors authorizes the formation of a Community Forest Committee to provide the Board of Directors and staff with recommendations regarding the use, management and operation of community forest(s) owned and/or operated by the District.

RULE 48.03. COMMUNITY FOREST USE AND GUIDELINES – the guidelines and regulations for the use, operation, management, budgeting, watershed and environmental protection, forest management planning and practices, trail management and planning, and other uses of the community forest will be established by either existing or new Ordinance and will be consistent with other MCSD Recreation and Park System operations and regulations.

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 October 5, 2021 and passed and adopted by the Board of Directors on November 3, 2021 by the following roll call vote:

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

Attest:



April Sousa, MMC, Board Secretary



Dennis Mayo, Board President