



Date: March 12, 2026
To: Board of Directors
From: David Aranda, Interim General Manager
Subject: Approval of Moving Forward and Have the First Reading for Ordinance No. 2026-01 of the Kensington Community Services District Establishing procedures for Processing Code Enforcement and the Ability to Issue Administrative Citations

Recommendation

Proceed with the introduction and first reading of Ordinance No. 2026-01 of the Kensington Community services District, establishing procedures for processing code enforcement and issuing administrative citations.

Background

The Kensington Community Services District needs a full Ordinance Code that provides rules and regulations regarding each of the departments the district is responsible for. Attached is the Parks ordinance Code for Stallion Springs. When rules are in place, people tend to follow them, especially if there are consequences for refusing to obey the rules.

The attached draft ordinance would be the first step in the overall Ordinance Code being established for KPCSD. This ordinance establishes the procedure for issuing citations to those that refuse to follow ordinances in the district.

The past few monthly board meetings have resulted in a lengthy discussion regarding this ordinance and the IGM was instructed to bring this draft ordinance back to the board for the first reading.

The attached documents outline what had been discussed last month regarding who issues the citation and who would be the hearing officer for appeals.

Legal has approved this ordinance and has provided directions in the process for seeing an ordinance passed.

Exhibit(s)

- Parks ordinance Code for Stallion Springs
- Ordinance No. 2026-01 of the Kensington Community Services District establishing procedures for processing code enforcement and the ability to issue administrative citations

TITLE 8
PARKS AND EQUESTRIAN EASEMENTS

Subject	Chapter
General Regulations	1
Park Regulations	2
Equestrian Easements	3



CHAPTER 1
GENERAL REGULATIONS

SECTION:

- 8-1-1: Prohibited Acts
- 8-1-2: Hours
- 8-1-3: Uses
- 8-1-4: Sales
- 8-1-5: Park And Equestrian Use Permits
- 8-1-6: Violations; Penalties

8-1-1: **PROHIBITED ACTS:** It shall be unlawful for any person utilizing any district park or equestrian easement to commit or allow the commission of any of the following acts:

- A. Wilfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fence, railing, paving or paving material, water trough, waterline or other utility or part thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post or other boundary marker, structure, equipment, facility or other district property whether real or personal, including any appurtenances thereto.
- B. Throw, discharge, discard or otherwise place or cause to be placed in the waters of any fountain, water trough, pond, lake, stream or other body of water in or adjacent to any park or equestrian easement or any tributary, stream or storm drain flowing into such waters, any substance, matter or thing, whether it be liquid or solid, which will or may result in the pollution of such waters.
- C. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or equestrian easement or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all

said rubbish or waste shall be carried away by the person responsible for its presence and properly disposed of elsewhere.

- D. Disturb the peace, or use any profane, obscene or blasphemous language or play music which disturbs the peace.
- E. Endanger the safety of any person and/or horse.
- F. Build, light or maintain fires anywhere within a district park or equestrian easement except within a barbecue facility.
- G. Utilize a portable camp stove or barbecue other than within a designated picnic area.
- H. Carry, possess, handle or discharge any firearm.
- I. Carry, possess or handle switchblades, saber, bow and arrows or anything else deemed a weapon.
- J. Prevent any district resident, owner or their guests from using any park or equestrian easement.
- K. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription within a district park or equestrian easement, or on any district lands or roads adjacent thereto, without the express written consent of the general manager.
- L. Discard any smoking material or substance unless completely extinguished and placed in a proper receptacle.
- M. Become under the influence of alcohol or any drug. (Ord. 4, 6-17-1975; amd. Ord. 124, 12-18-2001)

8-1-2: HOURS:

- A. Parks: District parks will have operating hours posted at the park site and at the district office.
- B. Equestrian Trails: Designated equestrian trails are open during daylight hours only.
- C. Equestrian Easements: With respect to equestrian easements, it is noted VII.B of the CC&Rs provide as follows, which is incorporated by this reference:

By the acceptance of a deed, each lot or parcel owner agrees to abide by such reasonable rules and regulations to be adopted by said district. Each lot or parcel owner further agrees to assume all risk of damage or injury to himself, his invitees, his guests, members of his family, their property and their animals while utilizing such easement, and further agrees that the SSCSD shall have no liability for any condition existing on said real property or for any injury or damage to any such person or property. Each such lot or parcel owner further agrees that he shall indemnify the SSCSD, and their agents, and to hold them, and each of them, free and harmless from any cost, damage, liability or expense of any nature arising out of the use by such lot or parcel owners, invitees, guests or members of the family, of such horseback riding and pedestrian easement.

(Ord. 4, 6-17-1975; amd. Ord. 5, 10-14-1975; Ord. 124, 12-18-2001)

8-1-3: USES:

- A. The use of district parks is available to district residents, owners, guests and the public in general. This includes guests of commercial operations.

The use of district parks that involves over ten (10) people requires a park use permit. See Section 8-1-5 of this chapter.

- B. The use of designated equestrian trails is limited to horse riders and pedestrians. These individuals must be district residents, owners or guests. The public in general is not allowed use of the trails.
- C. The district SSCSD shall have no liability for any condition existing on park and equestrian trail property, nor be responsible for any injury or damage to any such person or property. (Ord. 4, 6-17-1975; amd. Ord. 124, 12-18-2001)

8-1-4: SALES: It shall be unlawful for any person other than a district employee acting on behalf of the district to sell or rent or offer to sell or rent any commodity, article or service within any district park or equestrian easement without first obtaining a park and equestrian use permit. Any permitted sales or rentals shall be conducted strictly

according to the terms, conditions and restrictions contained within a park and equestrian use permit. (Ord. 4, 6-17-1975)

8-1-5: **PARK AND EQUESTRIAN USE PERMITS:** Whenever a district resident or owner intends for ten (10) or more of his guests to use any district park or equestrian easement or facility, or whenever a district resident or owner intends to sell or rent or offer to sell or rent any commodity, article or service within any district park or equestrian easement or facility, such resident or owner shall first obtain a park and equestrian use permit from the district. The district may adopt a standard form permit which the general manager may supplement with whatever additional terms, covenants and restrictions the manager, in the exercise of his reasonable discretion, may deem necessary to protect district property and the health, safety and welfare of the public. The manager may issue a permit if he determines that the proposed activities will not interfere with the normal use of the park or equestrian easement by the public and that the guests of the residents or owner will comply with the terms, conditions and restrictions of the permit. As a condition of the permit the applicant may be required to show proof of general liability insurance with the Stallion Springs CSD, its offices, agent and employees named as additional insured (minimum \$1,000,000.00 limit). As used in this section, "public" means district residents, owners and their guests and guests of Stallion Springs resort. The district offers special event insurance for groups and/or organizations that desire to utilize district facilities. The information, paperwork and cost are available at the district office. All groups and/or organizations must be covered with liability insurance. (Ord. 4, 6-17-1975; amd. Ord. 124, 12-18-2001)

8-1-6: **VIOLATIONS; PENALTIES:** Any person violating any provision of this title is guilty of a misdemeanor, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 4, 6-17-1975)

CHAPTER 2

PARK REGULATIONS

SECTION:

- 8-2-1: Special Activities
- 8-2-2: Motor Vehicles
- 8-2-3: Animals
- 8-2-4: Picnic Areas And Use
- 8-2-5: Supplemental Regulations

8-2-1: **SPECIAL ACTIVITIES:** It shall be unlawful to engage in special activities, including flying model airplanes, golf practice, ice skating, ground darts, or games that could endanger the general public, except at locations specifically designated for such activities. (Ord. 4, 6-17-1975; amd. Ord. 124, 12-18-2001)

8-2-2: **MOTOR VEHICLES:** It shall be unlawful to drive or park any automobile, motorcycle, motor vehicle or bicycle except on a street, driveway or parking lot within a district park; or to park or leave any such vehicle or bicycle in any such place other than one established for parking. It shall be unlawful to park any automobile, motor home, trailer, van, truck, etc., overnight on park, equestrian trail or streets adjacent to a park. (Ord. 4, 6-17-1975; amd. Ord. 124, 12-18-2001)

8-2-3: **ANIMALS:** Dogs shall be restrained on a six foot (6') leash and cleaned up after. Horses are permitted on designated equestrian trails only. It is unlawful to permit cattle or any dangerous animals to come onto any park. (Ord. 4, 6-17-1975; amd. Ord. 50, 2-13-1987; Ord. 124, 12-18-2001)

8-2-4: **PICNIC AREAS AND USE:** No person in a park shall picnic or lunch in a place other than one designated for the purpose. Picnic areas and facilities shall be used in a manner so as not to exclude

other persons, nor shall such areas and facilities be used beyond their physical capacities. District personnel shall have the authority to regulate the use of district parks including picnic areas and facilities therein to prevent congestion and to secure the maximum use for the comfort and convenience of all. (Ord. 4, 6-17-1975)

8-2-5: **SUPPLEMENTAL REGULATIONS:** The board may approve additional regulations affecting the use of district parks and facilities consistent with and in addition to the regulations contained in this title as the district develops specific park facilities. (Ord. 4, 6-17-1975)

CHAPTER 3

EQUESTRIAN EASEMENTS

SECTION:

- 8-3-1: Permitted Uses
- 8-3-2: Supplemental Regulations
- 8-3-3: Wood Cutting And Removal

8-3-1: **PERMITTED USES:** Equestrian easements, save and except those equestrian easements coincident wholly or in part with access easements and indicated on parcel map 2574, may be utilized for hiking and horseback riding only and it shall be unlawful to operate or ride any motorized vehicle or bicycle therein. (Ord. 4, 6-17-1975; amd. Ord. 5, 10-14-1975)

8-3-2: **SUPPLEMENTAL REGULATIONS:** The board may approve additional regulations affecting the use of equestrian easements consistent with and in addition to the regulations contained in this title. (Ord. 4, 6-17-1975)

8-3-3: **WOOD CUTTING AND REMOVAL:** The removal of wood or any other natural part of equestrian trails and parks is unlawful. The district from time to time may offer surplus wood for sale. The general manager will set the price for such wood. (Ord. 4, 6-17-1975; amd. Ord. 21, 1-13-1978; Ord. 124, 12-18-2001)



ORDINANCE NO. 2026-01

**AN ORDINANCE OF THE KENSINGTON COMMUNITY SERVICES DISTRICT
ESTABLISHING PROCEDURES FOR PROCESSING ORDINANCE ENFORCEMENT
ADMINISTRATIVE CITATIONS**

WHEREAS, the Kensington Community Services District (“District”) Board of Directors (“Board”) hereby finds there is a need for an alternative method of enforcement for violations of the District’s ordinances; and

WHEREAS, the Board of Directors further finds that an appropriate method of enforcement for such violations is through the imposition of an administrative fine, as authorized by Cal. Gov’t Code § 53069.4; and

WHEREAS, the procedures established in this Ordinance shall be in addition to criminal, civil or any other legal remedies established by law, which may be pursued to address violations of the District’s ordinances; and

WHEREAS, the District’s Board hereby finds and determines that enforcement of the District’s ordinances is a matter of local concern and serves an important public purpose; and

WHEREAS, consistent with its powers as a community services district, the District adopts this Ordinance to achieve the following goals:

1. To protect the public health, safety, and welfare of the citizens of the District;
2. To promote compliance through public awareness;
3. To gain timely compliance with District ordinances in an efficient manner;
4. To provide for an administrative process to appeal the imposition of an administrative fine;
5. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the District’s ordinances;
6. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system; and

WHEREAS, the imposition of an administrative fine shall be at the District’s sole discretion, and is one option the District has to address violations of the District’s ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Kensington Community Services District does ordain as follows:

SECTION 1. ADMINISTRATIVE CITATIONS

§1-3-1: Administrative Citations For Violations Of District Ordinances:

- A. This Ordinance provides for an administrative remedy for any violation of a District ordinance, which remedy may be exercised in place of, or in addition to, any other remedy allowed by law, whether administrative, criminal, civil, or equitable.
- B. By adopting this Ordinance, the District does not intend to limit its discretion to utilize any other remedy, civil or criminal, for such violations that the District may select in a particular case.
- C. The General Manager is authorized to promulgate rules and regulations governing the administrative citation and hearing process, including delegation of the General Manager's duties under this Ordinance.
- D. The General Manager is authorized to contract with a private entity to provide services related to the processing of citations, collection of fines, and conduct of hearings under this Ordinance.

§1-3-2: **Definitions:**

For the purposes of this Ordinance, the following definitions apply:

Enforcement Official. Any District employee or agent of the District with the authority to enforce any provision of the District's ordinances, as designated by the General Manager.

Person. Any natural Person or legal entity, and the majority stockholders, corporate officers, trustees, managing members, and general partners of a legal entity.

Responsible Party. Any of the following:

(1) Any Person or entity that causes, maintains, suffers, permits, or allows a violation of a District ordinance, by their action or failure to act.

(2) Any Person or entity that owns, possesses, or controls any parcel of real property in the District upon which a violation of a District ordinance occurs or exists.

(3) Any trustee of any trust that holds legal title to any parcel of real property in the District upon which a violation of a District ordinance is maintained.

(4) Any Person or entity that owns, possesses, manages, or controls any business within the District that is responsible for causing or maintaining a violation of a District ordinance.

Subject Property. The parcel of real property upon which the violations cited in an administrative citation occurred.

§1-3-3: **Administrative Citation:**

- A. Whenever an Enforcement Official determines that a violation of a District ordinance has occurred, the Enforcement Official has the authority to issue an administrative citation to any Responsible Party for that violation.
- B. Each administrative citation must contain the following information:
 - 1. The date and approximate time of the violation;
 - 2. The address or a definite description of the location where the violation was observed;
 - 3. The ordinance violated and a description of the violation;
 - 4. The amount of the fine for the violation;
 - 5. 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;

6. A description of the citation review process, including the time within which the administrative citation may be contested and the place to obtain a request for hearing form to contest the administrative citation;
7. The name and signature of the citing Enforcement Official;
8. The name of the Responsible Party and known mailing address;
9. An identification of whether the cited violations are of a continuing nature;
10. An order prohibiting the continuation or repeated occurrence of the violation, the actions needed to correct the violation, the timeframe within which to correct the violation, and an explanation of the consequences for failing to correct the violation.

§1-3-4: Amount Of Fines:

- A. The fine imposed under this Ordinance for violations of District ordinances shall be in the amount set forth in the Administrative Citation Schedule of Fines (“Schedule of Fines”) established by resolution of the Board. For any violation of District ordinances for which no specific fine is established by District ordinances or by the Board, the maximum fine for any violation that is punishable as an infraction shall be \$100 for the first offense, \$200 for the second offense within 12 months, and \$500 for each subsequent offense within 12 months. The maximum fine for any violation that is punishable as a misdemeanor shall be \$1,000 for each offense. The District in its sole discretion shall determine whether a violation of a District ordinance constitutes an infraction or misdemeanor.
- B. The Schedule of Fines shall specify any increased fines for repeat violations of the same ordinance provision by the same Person within 12 months from the date of an administrative citation. The Schedule of Fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.
- C. Failure of any Person to pay the administrative fines assessed by an administrative citation may result in the matter being referred for collection, including, but not limited to, the filing of a small claims court action.
- D. Administrative fines, fees, and charges assessed in conjunction with an administrative citation, administrative order, or decision are a debt owed to the District. The amounts of fines, fees, and charges shall be recoverable from the Responsible Parties in addition to any other costs, expenses, and fees, attributable to the ordinance enforcement and nuisance abatement action regarding the violations as established by the District’s ordinances.

§1-3-5: Payment Of The Fine:

- A. The administrative citation fine must be paid to the District within fourteen (14) calendar days from the date of service of the administrative citation, unless a hearing is properly requested.
- B. Any administrative citation fine paid pursuant to Section 1-3-5(A) shall be refunded in accordance with Section 1-3-10(B) if it is determined 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.
- C. Payment of a fine under this Ordinance shall not excuse or discharge any continuation or repeated occurrence of an ordinance violation that is subject to an administrative citation.

§1-3-6: **Service Of The Citation:**

- A. *Procedures.* The following procedures may be used in serving administrative citations:
1. *Personal Service.*
 - a. The Enforcement Official must attempt to locate and personally serve the Responsible Party, and obtain the signature of the Responsible Party on the administrative citation.
 - b. If the Responsible Party served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or subsequent proceedings.
 2. *Mail.*
 - a. If the Enforcement Officer is unable to locate the Responsible Party for personal service, the administrative citation must be mailed to the Responsible Party by certified mail, postage prepaid, with a requested return receipt.
 - b. Simultaneously, the administrative citation may be sent by first-class mail.
 - c. If a Responsible Party is an entity registered with the Secretary of State, then the administrative citation may be mailed by certified mail to that Responsible Party's agent for service of process at the address registered with the Secretary of State, or as otherwise permitted by the Corporations Code.
 - d. If the administrative citation is sent by certified mail and returned unsigned, then service shall be deemed effective upon deposit of the administrative citation in the U.S. mail. If returned 'undeliverable,' the District shall attempt service at any additional last-known address and shall post on the Subject Property if feasible.
 3. *Posting on the Subject Property.*
 - a. If the Enforcement Official is unable to serve the administrative citation under either Subsection 1 or 2 above, a copy of the administrative citation may be physically posted on any real property within the District in which the District knows the Responsible Party has a legal interest.
 - b. Service under this section shall be deemed effective on the date the notice is physically posted.
- B. *Completion of Service.* Failure of the Responsible Party to receive any notice does not affect the validity of the citation or proceedings conducted under this Ordinance.

§1-3-7: **Satisfaction Of The Administrative Citation:**

- A. *Alternatives.* Upon receipt of an administrative citation, the Responsible Party must do one of the following:
1. *Pay the Fine.*
 - a. Pay the fine to the District within fourteen (14) calendar days from the date of service of the administrative citation.
 - b. Payment of a fine does not excuse or discharge any continuation or repeated occurrence of an ordinance violation that is subject to an administrative citation, nor does it bar further enforcement action by the District.
 - c. Payment of the fine waives the Responsible Party's right to the administrative citation hearing and appeal process.

2. *Remedy the Violation.* If the violation is of a continuing nature, is deemed by the Enforcement Official not to create an immediate danger to health and safety, and is corrected within the time given to remedy the violation, then no fine shall be imposed; or
 3. *Request a Hearing.* A request for a hearing must be filed in accordance with the time limits and other provisions of Section 1-3-8.
- B. *Failure to Select and Satisfy An Alternative.*
1. In the event the Responsible Party fails or refuses to select and satisfy any of the alternatives set forth in this section, then the fine is immediately due and owing to the District, and may be collected in any manner allowed by law for collection of a debt.
 2. Commencement of an action to collect the delinquent fine does not preclude issuance of additional administrative citations to the Responsible Party if the violations persist.

§1-3-8: **Hearing Request:**

- A. Any recipient of an administration citation may contest that there was a violation or that they are the Responsible Party by completing a request for hearing form and returning it to the District within fourteen (14) calendar days from the date of service of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 1-3-9.
- B. A request for hearing form may be obtained at no charge from the department specified on the administrative citation.
- C. A failure to timely and properly request a hearing is deemed a waiver of the right to appeal the citation and to seek judicial review. The administrative citation, along with any imposed fines, fees, and charges, shall be deemed final.

§1-3-9: **Advance Deposit Hardship Waiver:**

- A. Any Responsible Party who intends to request a hearing to contest an administrative citation and who is financially unable to deposit the administrative fines required may file a request for an advance deposit hardship waiver.
- B. The request shall be filed with the General Manager on an advance deposit hardship waiver application form, available from the General Manager, at the time the Responsible Party requests a hearing.
- C. The Responsible Party's failure to submit a completed form, with all supporting documents, within fourteen (14) calendar days after service of the administrative citation, constitutes a waiver of the right to receive a hardship waiver.
- D. The General Manager may issue an advance deposit hardship waiver only if the Person requesting the waiver submits a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the General Manager of the Person's financial inability to deposit with the District the full amount of the fine in advance of the hearing. The General Manager's hardship-waiver determination is subject to review by the hearing officer at the administrative hearing.
- E. If the waiver is denied, the Person shall have ten (10) days from the denial to deposit the fine; if the hearing officer later determines the waiver should have been granted or the citation is not upheld, the deposit shall be refunded.

§1-3-10: **Dismissal Of Citation:**

- A. The General Manager or attorney for the District may dismiss an administrative citation at any time if it is determined to have been issued in error, or if such dismissal is determined to be in the furtherance of justice, as determined at the sole discretion of the General Manager or attorney for the District. In such event, any deposit made must be refunded.
- B. 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, then administrative citation fine which has been deposited must be refunded.

§1-3-11: **Hearing Procedure:**

- A. The General Manager must establish procedures for the selection of a hearing officer for the administrative citation hearing.
- B. Administrative hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias. The hearing officer shall not be (i) the citing Enforcement Official, (ii) anyone who investigated the violation, or (iii) a supervisor, subordinate, or close coworker of enforcement staff involved in the citation. Hearing officers shall be engaged under a rotation or term-based agreement with compensation fixed in advance and not contingent on enforcement outcomes, fine amounts, or citation volume. Ex-parte communications with the hearing officer about the merits are prohibited.
- C. No hearing to contest an administrative citation before a hearing officer must be held unless and until a timely and complete request for hearing form has been submitted, and the fine has been deposited in advance, or a hardship waiver has been timely requested and approved.
- D. After receipt of the request for hearing form, and fine deposit or hardship waiver, a hearing before the hearing officer must be set for a date that is not less than fifteen (15) and not more than sixty (60) calendar days from the date that the request for hearing form is filed in accordance with the provisions of this section.
 - 1. The Person requesting the hearing shall be notified of the time and place set for the hearing by first class mail at least ten (10) calendar days prior to the date of the hearing.
 - 2. The Person may request one continuance of the hearing, but in no event may the hearing commence later than ninety (90) calendar days after receipt of the request for hearing form from the Person .
 - 3. Further continuances or any continuance that will extend the commencement of the hearing beyond ninety (90) calendar days after receipt of the request for hearing may be granted at the discretion of the hearing officer and only for good cause.
- E. If the Person contesting the administrative citation fails to attend the scheduled hearing, the hearing will proceed, the Person is deemed to have waived the right to an administrative hearing to contest the administrative citation, and constitutes a forfeiture of the fine, and bars judicial review of the hear officer's decision, based on a failure to exhaust administrative remedies.

- F. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. The hearing officer may consider only evidence that is relevant to whether the violation occurred, and whether the Responsible Party has caused or maintained a violation of the Ordinance on the date(s) specified in the administrative citation.
- G. Each party may have the opportunity to present evidence in support of that party's case, and to cross-examine witnesses. At an administrative hearing, the District bears the burden of proof to establish a violation of the Ordinance, and responsibility therefor, by a preponderance of the evidence.
- H. The administrative citation and any additional documents submitted by the issuing Enforcement Official constitutes prima facie evidence of the respective facts contained in those documents.
- I. Upon request, the recipient of an administrative citation must be provided with copies of the citations, reports, and other documents submitted or relied upon by the issuing Enforcement Official when issuing the administrative citation.
- J. The Enforcement Official may submit a written report concerning the administrative citation to the hearing officer for consideration at the hearing. If the Enforcement Official submits such a report, then a copy of such documentation must be served by mail on the recipient of the administrative citation.
- K. Before issuing a written decision, the hearing officer may continue the hearing and request additional information from the issuing Enforcement Official or the recipient of the administrative citation.

§1-3-12: Hearing Officer's Decision:

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer may immediately issue a verbal decision.
- B. A written decision must be issued within ten (10) calendar days of the hearing.
 - 1. The decision must be served by first class mail and shall be deemed to be served on the date the decision is deposited with the United States Postal Service.
 - 2. The written decision must set forth the reasons for the decision, along with notice of the right to appeal pursuant to this Ordinance.
 - 3. The failure to receive a properly addressed decision does not invalidate the administrative citation, administrative order, or the hearing officer's decision.
 - 4. The written decision is final.
- C. If the hearing officer determines the administrative citation should be upheld, then the fine amount on deposit with the District shall be retained by the District.
- D. If the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer must set forth a payment schedule for the fine in the written decision.
- E. If the hearing officer determines the administrative citation should be canceled, and if the fine was deposited with the District, then the District must promptly refund the amount of the deposited fine.
- F. If the hearing officer determines that an administrative citation should be dismissed, the District retains the authority to issue additional administrative citations for additional violations, or to take any other enforcement action authorized by law.

§1-3-13: **Delinquent Payments:**

- A. Any Person who fails to pay to the District any fine imposed pursuant to the provisions of this Ordinance on or before the date that fine is due is liable for the payment of any applicable late payment charges, including penalties and interest. Late payment charges shall be in the amount established by resolution of the Board.

§1-3-14: **Recovery Of Administrative Citation Fines, Fees, Charges, Expenses And Costs:**

The District may collect unpaid administrative fines as a personal obligation of the Responsible Party, including by civil action, use of a collection agency, or offset where authorized by law. Placing amounts on the tax roll or imposing special assessments or liens shall be used only where separately authorized by statute and after complying with all statutory prerequisites. The District may recover costs of collection as authorized by law. Attorneys' fees may be recovered only where expressly authorized by statute or contract and, if authorized, shall be available to the prevailing party.

§1-3-15: **Right To Judicial Review:**

Within 20 days after service of the final administrative order or decision of the hearing officer upon the Responsible Party, the Responsible Party may seek review of the administrative order or decision by filing an appeal with the Superior Court of the State of California, in the County of Contra Costa, in accordance with Cal. Gov't Code § 53069.4. The Responsible Party must serve upon the Secretary for the Board of Directors, either in person or by first-class mail, a copy of the notice of appeal. If the Responsible Party fails to timely file a notice of appeal, the hearing officer's decision is deemed confirmed.

SECTION 2. SEVERABILITY

If a court of competent jurisdiction issues a decision holding that any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalidated or unconstitutional.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect and be in force thirty (30) days after the date of passage.

This Ordinance was introduced at a regular meeting of the Board of Directors of the Kensington and Community Services District on March 12, 2026, and was adopted at a regular meeting of the said Board on March 12, 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Syliva Hacaj
President, Board of Directors

ATTEST:

Lynelle M. Lewis
Clerk of the Board

David Aranda
Interim General Manager

From: Kyler Rayden <Kyler.Rayden@bbklaw.com>

Sent: Monday, December 15, 2025 5:38 PM

To: David Aranda <DAranda@kppcsd.org>

Cc: Joshua Nelson <Joshua.Nelson@bbklaw.com>

Subject: RE: Ordinance Code and enforcement

I hope you are well. Josh asked me to assist with reviewing and finalizing the District's Citation Ordinance, and I've attached a copy with my proposed revisions in redline as well as a clean copy for your review. We did not make any major substantive changes, just some minor clean up throughout to tighten up the policy. There are also a few comments throughout, so if you have any questions about anything, please let me know. I've also included a summary below of the process for adopting the ordinance.

1. Agenda & first reading (regular meeting)

1. Brown Act-compliant agenda (72-hour posting).
2. Introduce ordinance; read title or full text; consider motion to waive further reading.

2. Second reading/adoption

1. Brown Act-compliant agenda (72-hour posting).
2. At least **5 days later**, at a **regular or adjourned regular** meeting.
3. Vote and record roll-call.

3. Sign & attest

1. Board president/chair signs; clerk/secretary attests; enter into ordinance book.

4. Publish/post once within 15 days of passage (GC § 25124)

1. Choose full-text or summary method; ensure full text is available and posted/web-posted.
 1. Full text method: Within 15 days of passage, publish once with names of members voting for and against ordinance, in a newspaper published in the county if there is one (The Contra Costa Herald). If there is no newspaper published in the county, the ordinance shall be posted in a prominent location at the Board's chambers within the 15-day period and remain posted thereafter for at least one week.
 2. Summary Method:

1. Prior to meeting where ordinance is adopted: Alternatively, a summary of the ordinance and a certified copy of the full text of the proposed ordinance shall be made available to the public upon request at least five (5) days prior to the board meeting at which the proposed ordinance is to be adopted. The District also must either post a copy of the full text of the ordinance on the District's website or post a certified copy of the full text in the office of the clerk five (5) days prior to the board meeting at which the proposed ordinance is to be adopted.
2. After passage: Within 15 days after adoption of the ordinance, the District shall publish a summary of the ordinance with the names of those directors voting for and against the ordinance and the clerk shall make available to the public, upon request, a certified copy of the full text of the adopted ordinance or amendment along with the names of those directors voting for and against the ordinance. The District shall also either post a copy of the full text of the ordinance and the names of those supervisors voting for and against the ordinance on the District's website or shall post in the office of the clerk of the board a certified copy of the full text of the ordinance along with the vote information specified above.

5. Effective date

1. 30 days after final passage.