

FILED

AUG - 8 2018

RESOLUTION NO.: 18/19-03

DATED: August 7, 2018

SONOMA COUNTY CLERK

By \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTE RIO FIRE PROTECTION DISTRICT CALLING FOR A SPECIAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, ON AN ORDINANCE AUTHORIZING THE DISTRICT TO IMPOSE AND LEVY A SPECIAL TAX TO ASSIST THE DISTRICT IN MEETING THE CURRENT AND FUTURE COSTS OF PROVIDING AUTHORIZED SERVICES AND EXERCISING OTHER RIGHTS AND POWERS OF THE DISTRICT, INCREASING THE DISTRICT'S APPROPRIATIONS LIMIT FOR THE MAXIMUM PERIOD ALLOWED BY LAW TO PERMIT SPENDING OF THE REVENUE RAISED BY THE SPECIAL TAX, AND REQUESTING THAT THE ELECTION BE CONSOLIDATED WITH ANY OTHER ELECTION HELD ON THE SAME DATE IN THE TERRITORY THAT IS THE SAME OR IN PART THE SAME.**

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**WHEREAS**, the amount of revenue available to the Monte Rio Fire Protection District ("the District") from property taxes is inadequate to meet the current and future costs of continuing to provide authorized fire and emergency services and exercising other rights and powers of the District; and

**WHEREAS**, a special tax would provide a stable source of supplementary revenue to assist in meeting such costs; and

**WHEREAS**, Article XIII A section 4 and Article XIII C section 2 of the California Constitution, Article 3.7 (commencing with Section 53720) of Chapter 4 of Division 2 of Title 5 of the California Government code, Section 13911 of the California Health and Safety Code and Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code authorize the Board of Directors of the District ("the Board"), following notice and hearing, to propose the adoption of such a special tax and to submit the proposition to the voters of the District; and

**WHEREAS**, the existing appropriations limit of District is insufficient to allow use of the proceeds of the special tax; and

**WHEREAS**, Article XIII B section 4 of the California Constitution allows the voters of the District to change the appropriations limit of the District for a period not exceeding four (4) years; and

**WHEREAS**, the Board desires to propose an ordinance (i) authorizing the District to impose and levy a special tax to assist the District in meeting the costs of providing authorized services and exercising other rights and powers of the District, and (ii) increasing the District's appropriations limit for the maximum period allowed by law

to allow use of the proceeds of the special tax; and

**WHEREAS**, state law requires that such an ordinance be submitted to the voters of the District for their approval, and authorizes the Board to call a special election for that purpose, and to request consolidation of the election with any other election held on the same date in territory that is the same or in part the same;

**NOW, THEREFORE, THE BOARD HEREBY FINDS, RESOLVES AND ORDERS THE FOLLOWING:**

1. The Board finds and declares that the amount of revenue available to the District from property taxes is inadequate to meet the costs of continuing to provide authorized fire and emergency services and exercising other rights and powers of the District.

2. The Board finds and declares that imposing a special tax is necessary to establish a stable source of supplementary revenue to assist the District in meeting the costs of providing authorized services and exercising other rights and powers of the District.

3. The Board finds and declares that the District has complied with all laws requiring notice of the actions contained herein, and will hold a public hearing as required by law.

4. The Board determines that an Ordinance (i) authorizing the District to impose and levy a special tax having rates based on use codes shown on Exhibit "A" of the Ordinance of \$200.00 for residential properties, mobile home and campground spaces; \$400.00 for commercial and industrial properties, and \$100.00 for timberland and vacant land, raising approximately \$500,000.00 annually until repealed; and (ii) increasing the District's appropriations limit to permit spending of the revenue raised by the special tax, shall be presented to the voters of the District. In accordance with Section 53739 of the California Government Code, the rate shall be adjusted each year for inflation by an amount equal to the annual adjustment factor determined pursuant to Section 7902 of the California Government Code and applied by the District to its appropriations limit. The Board further determines that the form of the Ordinance, which is hereby designated Ordinance No. 18/19-01, shall be as set forth in Appendix 'A', attached hereto and incorporated herein by this reference. Pursuant to state law, Ordinance No. 18/19-01 shall not go into effect unless it is approved by two-thirds of the votes cast by voters of the District voting upon the questions of its approval.

5. The Board hereby calls a special election for Tuesday, November 6, 2018 and directs that the foregoing proposition shall be submitted to voters of the District at the election in the following manner:

(a) There shall be included on the ballot to be marked by the voters of the District, in addition to any other matters required by law, ballot language in the following form:

“To continue to provide fire and emergency services, shall Monte Rio Fire Protection District Ordinance No. 18/19-01 authorizing a special tax based on use codes shown on Exhibit “A” of the Ordinance of \$200.00 for residential properties, \$50.00 for each campsite, \$400.00 for commercial properties, and \$100.00 plus \$1.00 per acre for timberland, raising approximately \$500,000.00 annually until repealed; and increasing the District’s appropriations to permit spending of the revenue raised by the special tax, be adopted?”

(b) The ballot to be used at the election shall be both as to form and matter contained therein such as may be required by law. On the ballot, in addition to any other printed matter required by law, opposite the measure to be voted upon and to its right, the words “yes” and “no” shall be printed on separate lines with voting squares.

(c) The Sonoma County Registrar of Voters is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary to properly and lawfully conduct the election.

(d) All notices required by law shall be given by the Sonoma County Registrar of Voters.

(e) Arguments for and against the measure may be, and other analyses provided for by law shall be, submitted in accordance with law.

(f) It is hereby requested the election be consolidated with any other election held on the same date in territory that is the same or in part the same.

(g) The canvass of ballots cast at the election shall be conducted in accordance with law.

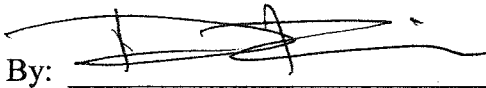
6. The Clerk of the Board is directed to forward a certified copy of this resolution to the Sonoma County Board of Supervisors and to the Sonoma County Registrar of Voters.

**THE FOREGOING RESOLUTION** was introduced at a special meeting of the Board on August 7, 2018 by Director Dale, who moved its adoption, seconded by Director Cahn, and ordered adopted by the following vote:

President	<u>Fein</u>	<u>Aye</u>
Director	<u>Cahn</u>	<u>Aye</u>
Director	<u>Dale</u>	<u>Aye</u>
Director	<u>Casini</u>	<u>Aye</u>
Director	<u>Parker</u>	<u>Absent</u>

AYES: 4 NOES: 0 ABSENT OR NOT VOTING: 1

**WHEREUPON**, the President declared the foregoing resolution adopted, and **SO ORDERED**.

By: 

Dan Fein  
President of the Board

By: Nudi Stouas

Secretary/Clerk of the Board

FILED

Appendix A

AUG - 8 2018

ORDINANCE NO. 18/19-01

SONOMA COUNTY CLERK

By \_\_\_\_\_  
Deputy Clerk

**AN ORDINANCE OF THE MONTE RIO FIRE PROTECTION DISTRICT (I) AUTHORIZING THE DISTRICT TO IMPOSE AND LEVY A SPECIAL TAX TO ASSIST THE DISTRICT IN MEETING THE CURRENT AND FUTURE COSTS OF PROVIDING AUTHORIZED SERVICES AND EXERCISING OTHER RIGHTS AND POWERS OF THE DISTRICT, AND (II) INCREASING THE DISTRICT'S APPROPRIATIONS LIMIT FOR THE MAXIMUM PERIOD ALLOWED BY LAW TO PERMIT SPENDING OF THE REVENUE RAISED BY THE SPECIAL TAX**

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The people of the Monte Rio Fire Protection District ordain as follows:

**SECTION I. DEFINITIONS**

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section; unless the context clearly requires a different meaning. The definition of a word or phrase applies to any of that word's or phrase's variants.

**"Board of Directors"** means the Board of Directors of the Monte Rio Fire Protection District.

**"Campsite"** means a space made available for occupancy in a public or private camp ground in return for the payment of consideration.

**"District"** means the Monte Rio Fire Protection District located in Sonoma County, California.

**"Mobile Home Space"** means a space available for rent in a mobile home park on which a mobile home is located.

**"Parcel of Real Property"** means a separate parcel of real property having a separate Assessor's parcel number as shown on the secured tax rolls of the County of Sonoma, or an assessment of a structural property on the unsecured tax rolls of the County of Sonoma, or an assessment made by the State Board of Equalization.

**"Special Tax"** means the special tax authorized by and imposed pursuant to this Ordinance. The special tax is a special tax within the meaning of Article XIII A, section 4 and Article XIII C, section 1 of the California Constitution.

“Use Code” means the land use classification or classifications designated by the County of Sonoma and applied using Exhibit “A” of this Ordinance to determine the appropriate special tax rate for each separate parcel of real property in the District.

## **SECTION II. AUTHORITY**

This Ordinance is adopted pursuant to Article XIII A, section 4, Article XIII B, section 4 and Article XIII C, section 2 of the California Constitution, Article 3.7 (commencing with Section 53720) of chapter 4 of Division 2 of Title 5 of the California Government Code, Section 13911 of the California Health and Safety Code, and Article 3.5 (commencing with Section 50075 of chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code.

## **SECTION III. DETERMINATION OF NECESSITY**

The amount of revenue available to the District from property taxes is inadequate to meet the current and future costs of continuing to provide fire and emergency services pursuant to Section 13862 of the California Health and Safety Code. Therefore, the District must establish a stable source of supplementary revenue to assist in meeting the costs of providing such services and exercising the other rights and powers of the District.

## **SECTION IV. PURPOSE OF SPECIAL TAX**

The purpose for which the special tax shall be imposed and levied is to raise revenue for the District to use in meeting the current and future costs of (1) continuing to provide fire and emergency services pursuant to Section 13862 of the California Health and Safety Code, and (2) exercising other rights and powers granted to the District in Chapter 5 (commencing with Section 13860) of Part 2.7 of Division 12 of the California Health and Safety Code.

## **SECTION V. SPECIAL TAX AUTHORIZATION AND LIMIT**

The Board of Directors is authorized to impose and levy the special tax each year on each parcel of real property within the District, except parcels of real property owned by a federal, state, or local agency, based on the use or right of use of the parcel and for the purposes stated in Section IV of this Ordinance. The special tax may be levied at a rates based on use codes shown on Exhibit “A” of this Ordinance of \$200.00 for residential properties, mobile home and campground spaces; \$400.00 for commercial and industrial properties, and \$100.00 for timberland and vacant land, raising approximately \$500,000.00 annually until repealed. In accordance with Section 53739 of the California Government Code, the rate shall be adjusted each year for inflation by an amount equal to the annual adjustment factor determined pursuant to Section 7902 of the California Government Code and applied by the District to its appropriations limit. The special tax shall be imposed in accordance with the schedule set forth in Exhibit “A,” attached hereto and incorporated herein by this reference. The Board of Directors shall set the rate of the

special tax each year as provided in Section VI of this Ordinance, provided that in no year shall the rate exceed the maximum specified in this section.

#### **SECTION VI. REPORT AND HEARING ON SPECIAL TAX**

Each year prior to the imposition of the special tax, the Board of Directors shall cause a report to be prepared showing each parcel of real property subject to the special tax, the owner(s) thereof, the land use classification or classifications applied thereto, and the proposed levy thereon. Where there are multiple land uses on a parcel, more than one land use classification may be applied to the parcel if necessary to reflect the risk associated with the parcel. Upon receipt of the report, the Board of Directors shall set a date for a public hearing thereon and shall cause notice of the hearing to be given pursuant to Section VIII of this Ordinance. At the public hearing, the Board of Directors shall set the rate and make such corrections to the taxes proposed to be levied as may be required to conform to the schedule set forth in Exhibit "A".

#### **SECTION VII. ANNUAL REPORT ON SPECIAL TAX REVENUES**

Each year the District shall cause a report to be prepared and filed with the Board of Directors containing information regarding the amount of special tax revenues collected and expended as well as the status of projects funded with proceeds of the special tax.

#### **SECTION VIII. NOTICE OF HEARING.**

In the absence of state law specifying the procedure for giving notice, notice of any public hearing held pursuant to this Ordinance shall be given by posting in at least three (3) public places with the District at least fifteen (15) days prior to the hearing and publishing twice pursuant to Section 6066 of the California Government Code in at least on (1) newspaper of general circulation within the District. The notice shall include the date, time, and place of the public hearing, a general explanation of the matter to be considered, and a statement of where additional information may be obtained.

#### **SECTION IX. COLLECTION.**

The special tax shall be collected in the same manner and subject to the same penalty as other charges and taxes collected by or on behalf of the District by the County of Sonoma. The Sonoma County Tax Collector may deduct reasonable administrative costs incurred in collection the special tax and deposit the amounts deducted in the Sonoma County general fund. In accordance with Article 1 (commencing with section 29300) of Chapter 2 of Division 3 of Title 3 of the California Government Code, there shall be added to the amount of special tax an amount for the reasonable administrative costs incurred in collecting the special tax.

**SECTION X. APPROPRIATIONS LIMIT.**

The appropriations limit for the District shall be increased by the amount of the additional tax money raised to permit spending of the revenue raised by the special tax, for the maximum period permitted by law.

**SECTION XI. SEVERABILITY CLAUSE.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The people of the Monte Rio Fire Protection District hereby declare that they would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION XII. EFFECTIVE DATE.**

This Ordinance shall take effect the day following its approval by two-thirds of the District's qualified voters voting on its approval at the election on November 6, 2018.

**APPROVED**, by a two-thirds vote of the voters of the Monte Rio fire Protection District at the election held on November 6, 2018, and **SO ORDERED**.

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Dan Fein  
President, Board of Directors  
Monte Rio Fire Protection District

**ATTEST:**

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Clerk of the Board of Directors



## EXHIBIT A

MONTE RIO FIRE PROTECTION DISTRICT 2018 SPECIAL TAX PARCEL - USE CODES			
USE CODE SUMMARIES	RATE PER APN	RATE PER ADDITIONAL UNIT	CHARGE BASE
MOBILE HOME/CAMPGROUND SPACES	\$200.00	\$50.00	SPACE
VACANT LAND	\$100.00	\$0.00	FLAT RATE
SINGLE FAMILY RESIDENTIAL	\$200.00	\$0.00	FLAT RATE
MULTI-FAMILY RESIDENTIAL	\$400.00	\$0.00	UNIT
HOTEL/MOTEL/LODGING	\$200.00	\$50.00	UNIT
COMMERCIAL/INDUSTRIAL	\$400.00	\$0.00	FLAT RATE
WAREHOUSE	\$400.00	\$0.00	FLAT RATE
CLUB/LODGE	\$200.00	\$0.00	FLAT RATE
TIMBERLAND	\$100.00	\$1.00	ACRE
EXCLUDED	\$0.00	\$0.00	FLAT RATE

USE CODE CLASSIFICATION DETAILS	(as adopted and amended by the County of Sonoma)
MOBILE HOME/CAMPGROUND SPACES	0092, 0093, 0680, 0681
VACANT LAND	0000, 0001, 0002, 0003, 0005, 0050, 0100, 0101, 0540, 0580, 0890, 0891
SINGLE FAMILY RESIDENTIAL	0010, 0011, 0014, 0016, 0023, 0051, 0054, 0056, 0057, 0541, 0546, 0555, 0561
MULTI-FAMILY RESIDENTIAL	0021, 0022, 0031, 0032, 0034, 0035, 0041, 0042, 0044, 0052
HOTEL/MOTEL/LODGING	0062, 0066, 0068, 0071
COMMERCIAL/INDUSTRIAL	0110, 0112, 0113, 0114, 0171, 0179, 0201, 0202, 0210, 0213, 0231, 0254, 0255, 0280, 0661, 0710, 0830
TIMBERLAND	0550, 0554, 0556, 0557, 0558, 0559, 0560
CLUB/LODGE	0640
EXCLUDED	0850, 0851, 0860, 0862, 0870, 0871