

**Resolution Number: 20-225**

**A RESOLUTION OF THE ARCATA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS SUBMITTING TO THE VOTERS AT THE STATEWIDE ELECTION ON NOVEMBER 3, 2020, A PROPOSED ORDINANCE ADJUSTING THE RATE OF A FIRE PROTECTION SPECIAL TAX; REQUESTING THE BOARD OF SUPERVISORS OF HUMBOLDT COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE ELECTION; AND DIRECTING THE DISTRICT CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE ELECTION.**

**WHEREAS**, in 1997, the voters within the Arcata Fire Protection District approved a special tax of \$5.00 per unit of special tax (“Special Tax”);

**WHEREAS**, since 1997, the Special Tax has not been increased despite a significant increase in District obligations and service areas;

**WHEREAS**, based on current funding sources, including the Special Tax approved in 1997, the Arcata Fire Protection District is unable to provide adequate Fire Protection within the District with the existing financial resources; and

**WHEREAS**, additional funds are necessary to provide an adequate level of service within the Arcata Fire Protection District; and

**WHEREAS**, pursuant to the requirements of Article XIID, Section 4 of the California Constitution, the Board of Directors of the Arcata Fire Protection District proposes to amend the existing Special Tax for the purpose of maintaining and improving fire protection and prevention services to properties within the Arcata Fire Protection District, including annual budget support to maintain current firefighter positions, and provide for adequate firefighting equipment, apparatus, and necessary capital improvements, consistent with the needs of the residents of the District; and

**WHEREAS**, in the judgement of the Board of Directors of the Arcata Fire Protection District, it is advisable to call an election to submit to the electors of the District the question whether the District shall amend the Special Tax for the purpose of providing, maintaining and improving fire protection and prevention services; and

**WHEREAS**, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 3, 2020 and to request the County of Humboldt Elections Office to perform certain election services for the District.

**NOW THEREFORE, BE IT RESOLVED THAT** the Arcata Fire Protection District Board of Directors does hereby:

1. Recitals: The foregoing recitals are true and correct and are hereby incorporated by reference.
2. Call for Election; Placement of Measure on Ballot: Pursuant to California Constitution Article XIII C, Section 2; Government Code Section 53724; and Elections Code Section 10403, the Board of Directors of the Arcata Fire Protection District hereby calls an election at which it shall submit to the qualified voters of the District, a measure that, if approved, would increase the existing Special Tax rate. This measure shall be designated by letter by the Humboldt County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 3, 2020, and be held and conducted in the manner prescribed by Elections Code Section 10418.
3. Election Date: The date of the election shall be Tuesday, November 3, 2020.
4. Ballot Language: The question to be presented to the voters is as follows:

To continue to provide fire protection services to the communities served by the District, including McKinleyville, Manila, Bayside, Jacoby Creek, and Arcata, by restoring vacant firefighter positions, re-staffing all fire stations, and funding equipment maintenance and replacements, shall the Arcata Fire Protection District Ordinance No. 20-20 increasing the existing special tax rates until June 30, 2030, and raising an estimated \$2,200,000 annually with independent citizen oversight, be adopted?	YES	
	NO	

5. Proposed Ordinance. The ordinance authorizing the special tax to be approved by the voters pursuant to this Resolution is as set forth in Attachment 1 hereto. The Board of Directors hereby approves the ordinance, and form thereof, and its submission to the voters of the District at the November 3, 2020 election, subject to the approval of two-thirds of the voters voting on the measure at the election called by the adoption of this resolution. The entire text of the ordinance, attached hereto as Attachment 1, shall be included in the voters' pamphlet. The ordinance specifies that the rate of the special tax shall be as set forth in the ordinance; it specifies that the tax shall be in effect until June 30, 2030; and that the tax shall be collected in the same manner as, or with, other taxes fixed and collected by Humboldt County.
6. Publication of Measure. The District Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the District, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

7. Request to Consolidate and Conduct Election and Canvass Returns.
  - a. Pursuant to the requirement of Section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of a District Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of placing the measure set forth in this Resolution on the ballot.
  - b. The County of Humboldt Registrar of Voters is authorized to canvass the returns of the district election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
  - c. The Board of Supervisors is requested to issue instructions to the Humboldt County registrar of voters to take any and all steps necessary for the holding of the consolidated election.
  - d. The District recognizes that additional costs will be incurred by the County of Humboldt by reason of this consolidation and agrees to reimburse the County for any costs.
8. Submission of Ballot Argument and Impartial Analysis.
  - a. The submission of ballot arguments for or against the measure shall be conducted pursuant to Election Code sections 9281 through 9287.
  - b. The last day for submission of direct arguments for or against the measure shall be by August 14, 2020.
  - c. Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
  - d. The County Counsel shall prepare an impartial analysis of the measure by August 28, 2020.
9. Effective Date. This Resolution shall become effective immediately upon its adoption and the District Clerk is directed to send certified copies of the Resolution to the Humboldt County Board of Supervisors and the Humboldt County Registrar of Voters.

**ADOPTED, SIGNED AND APPROVED** at a duly called meeting of the Board of Directors of the Arcata Fire Protection District by the following polled vote:

Ayes: Campbell, David, Mendosa, Rosen and Johnson

Nays: None

Abstain: None

Absent: None

**DATED:** July 14, 2020

Signed:



Nicole Johnson, President

Attest:



Becky Schuette, Board Clerk/Secretary

Measure \_\_\_\_\_

**Ordinance Number: 20-20**

**AN ORDINANCE OF THE ARCATA FIRE PROTECTION DISTRICT ADJUSTING THE RATE OF A FIRE PROTECTION SPECIAL TAX IN ORDER TO CONTINUE TO PROVIDE QUALITY LOCAL FIRE PROTECTION, RESCUE, AND OTHER ESSENTIAL SERVICES**

The people of the Arcata Fire Protection District do ordain as follows:

**SECTION 1. Authority.** Pursuant to the authority of Government Code Section 53978 and Article XIII A of the California Constitution, this Ordinance, if passed by two-thirds voter approval, would increase the Arcata Fire Protection District’s existing voter-approved special tax levied for fire protection, rescue, and emergency medical services and would supersede the existing special tax rate of \$5 per unit of benefit approved by qualified voters of the District in 1997 (Ordinance No. 97-010).

**SECTION 2. Purpose and Intent.** The proceeds from this special tax shall be used solely for the purpose of providing fire protection, rescue, and emergency medical services within the District. In particular, the special tax will be used to maintain and improve the current level of community-based fire protection services provided by the District. This includes annual budget support to maintain current firefighter positions, and provide for adequate firefighting equipment, apparatus, and necessary capital improvements, consistent with the needs of the residents of the District and the Fire Protection District Law of 1987.

**SECTION 3. Special Tax Rate.** Beginning with the 2020-21 fiscal year, the special tax shall be levied at flat rates based on the use of each taxable parcel of real property, in accordance with the schedule below:

	<u>Parcel use Category</u>	<u>Total Annual Charge</u>
A.	Vacant/unimproved:	\$30 per year
B.	Single-Family Residential:	\$118 per year
C.	Rural Residential/Improved:	\$192 per year
D.	Multi-Family Residential (2-4 units):	\$309 per year
E.	Multi-Family Residential (5-9 units):	\$388 per year
F.	Multi-Family Residential (10+ units):	\$465 per year
G.	Commercial:	\$546 per year

H.	Industrial:	\$910 per year
I.	Retail (10,000 + square feet):	\$910 per year
J.	Mobile Homes:	\$90 per year

- A. **Vacant/Unimproved:** Any vacant land or unimproved property.
- B. **Single-Family Residential:** A dwelling unit designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted).
- C. **Rural Residential/Improved:** Low density residential or agricultural structures that generally rely upon onsite water systems, requiring the use of trucked-in water for fire suppression.
- D. **Multi-Family Residential (2-4 units):** 2 to 4 dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, duplexes, apartments, condominiums, and bed and breakfasts.
- E. **Multi-Family Residential (5-9 units):** 5 to 9 dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, apartments, condominiums, and bed and breakfasts.
- F. **Multi-Family Residential (10+ units):** ten or more dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, apartments, condominiums, and bed and breakfasts.
- G. **Commercial:** Commercial or institutional uses including but not limited to stores and retail businesses (less than 10,000 square feet), offices, restaurants and bars, service stations, auto repair, hotels, motels, day care facilities, professional business parks, and similar uses.
- H. **Industrial:** Industrial uses including but not limited to manufacturing, packaging, shipping, recycling, industrial parks, wood products, energy production, and similar uses.
- I. **Retail (10,000 + square feet):** a retail business that occupies 10,000 or more square feet.
- J. **Mobile Home Site:** an area of land within a mobile home park that is rented, or held out for rent, to accommodate a mobile home used for human habitation. A mobile home park is an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation. A mobile home is a structure designed for human habitation and for being moved on a street or highway, including, but not limited to, manufactured homes, motor homes, and recreational vehicles.

**SECTION 4. Appeals.** Any property owner may appeal any determination by the District concerning the nature of the use of the property or the calculation of the amount of the tax by filing a written appeal with the District. Any such appeal shall be filed by December 1<sup>st</sup> of the calendar year for which the tax is levied. The appeal shall contain a statement by the property owner as to the nature and basis for the appeal in accordance with the District's appeal procedure.

**SECTION 5. Method of Collection.** On or about July 1<sup>st</sup> of each year, but in any event in sufficient time to include the levy of the special tax on the County's secured tax roll, the District shall determine the use category and related tax amount representing each parcel of real property within the District subject to the special tax. Parcels subject to levy shall be determined based upon the records of the Humboldt County Assessor or, in lieu thereof, upon such other reliable public records available to the District.

The special tax shall be collected in the same manner and subject to the same penalty as, or with, other taxes fixed and collected by Humboldt County on behalf of the Arcata Fire Protection District. The County of Humboldt may deduct reasonable expenses incurred for such service before remitting the balance to the District. Notwithstanding the foregoing, the District may, in its discretion, directly bill and collect the special tax for certain types of parcel use categories or property owners. In the event of a delinquency in the payment of directly billed special taxes, the delinquency shall be subject to a 10% penalty and an administrative cost of \$20.00.

**SECTION 6. Special Account.** Upon receipt of the special taxes the District shall cause same to be deposited in a special tax account or such other account established by the District which allows the District to properly account for the special taxes in compliance with the provisions of Government Code Section 50075.1. Funds deposited into this account cannot be used for any other purpose than those outlined in Section 2 of this Ordinance.

**SECTION 7. Authorization for Appropriations Limit Increase.** To the extent that the revenue from the special taxes enacted by this Resolution are in excess of the appropriations limit for the District, as calculated in accordance with the provisions of Article XIII B of the California Constitution and applicable statutory provisions, the approval of this special tax by the voters shall constitute approval to increase the District's spending limit in an amount equal to the revenue derived from the special tax, for the maximum period of time as allowed by law.

**SECTION 8. Annual Report.** In accordance with Government Code Section 50075.3, the District's Fire Chief, as the chief fiscal officer of the District, shall file a report with the District Board at least once a year. The annual report shall contain the following: (a) the amount of funds collected and expended; and (b) the status of any project required or authorized to be funded with the proceeds of the special tax.

**SECTION 9. Severability.** If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 10. Effective Date and Sunset Date.** This Ordinance shall be effective only at such time as the District Board has declared that the Ordinance has been approved  
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by two-thirds of the voters voting at an election to be held on November 3, 2020. Should this Ordinance not be approved, Ordinance No. 97-010 (approved by voters in 1997) will remain in full force and effect. Notwithstanding the above, if this Ordinance is approved, the special tax shall be collected at the rates established by this Ordinance beginning with the 2020-2021 fiscal year until June 30, 2030, at which time the special tax shall be repealed by operation of law, unless extended in accordance with law.

**SECTION 11. Certification.** The District Secretary shall certify to the passage and adoption of this Ordinance and shall cause a copy of the full text of the Ordinance to be posted.