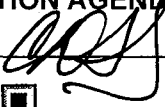


THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors



BOARD AGENDA # *A-5

Urgent

Routine

AGENDA DATE April 21, 2015

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of a Special Mail Ballot Election to be Held on August 25, 2015 for the Burbank Paradise Fire Protection District Special Tax to be Conducted by the Clerk-Recorder and Registrar of Voters

STAFF RECOMMENDATIONS:

Approve a Special Mail Ballot Election to be held on August 25, 2015 for the Burbank Paradise Fire Protection District Special Tax to be conducted by the Clerk-Recorder and Registrar of Voters.

FISCAL IMPACT:

The Burbank Paradise Fire Protection District will reimburse the County for the cost of providing services to hold this special election.

BOARD ACTION AS FOLLOWS:

No. 2015-160

On motion of Supervisor Monteith, Seconded by Supervisor De Martini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

This Item was removed from the consent calendar for discussion and consideration.

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No. DF-06-A-27

BURBANK PARADISE FIRE PROTECTION DISTRICT
Resolution No. 2015-04

A RESOLUTION REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS AUTHORIZE THE ELECTIONS OFFICIAL TO CONDUCT A SPECIAL ELECTION BY MAIL BALLOT WITHIN THE BOUNDARIES OF THE BURBANK PARADISE FIRE PROTECTION DISTRICT ON AUGUST 25, 2015

WHEREAS, on February 18, 2015, the Board of Directors approved Ordinance No. 2015-01 establishing a Special Tax to finance fire protection and emergency services; and

WHEREAS, on March 25, 2015, the Board of Directors adopted Resolution No. 2015-03 calling for a special election to be conducted on August 25, 2015 for submission to the voters of the question related to Ordinance No. 2015-01.

WHEREAS, the Burbank Paradise Fire Protection District respectively requests that the Stanislaus County Registrar of Voters furnish all services, facilities, supplies, equipment, etc. necessary to conduct the election to be held on August 25, 2015; and

WHEREAS, the Burbank Paradise Fire Protection District will reimburse the County of Stanislaus for all actual costs for services performed to conduct the special election by mail ballot on behalf of the District.

NOW, THEREFORE, BE IT RESOLVED by the Burbank Paradise Fire Protection District, pursuant to Elections Code §§4000, 4108, 1500 and 10002, and Ordinance No. 2015-01 and Resolution No. 2015-03, that it hereby formally requests that the Stanislaus County Board of Supervisors hold the District's special election by mail ballot on August 25, 2015, further requesting the services of the Stanislaus County Registrar of Voters to conduct the election on behalf of the District.

The foregoing resolution was adopted by the Board of Directors of the Burbank Paradise Fire Protection District on April 15, 2015.

Ayes: 3
Abstentions: 0

Nays: 0
Absences: 2

4/15/2015

Attest: *Paula Alley*
District Secretary

 [Signature]
Chair of the Board of Directors

Ordinance NO.2015-01

THE BURBANK PARADISE FIRE PROTECTION DISTRICT TO AUTHORIZE AN INCREASE IN THE AMOUNT OF A SPECIAL TAX TO FINANCE FIRE PROTECTION AND EMERGENCY SERVICES AND AUTHORIZE AN INCREASE IN THE APPROPRIATIONS LIMIT FOR THE BURBANK-PARADISE FIRE PROTECTION DISTRICT.

WHEREAS, California Government code 550075 and 5397, and article XIII A of the California Constitution authorize the Burbank-Paradise Fire Protection District to determine and levy a special tax; and

WHEREAS, this Board of Directors (the board) is the governing board of the Burbank-Paradise Fire Protection District (the district); and

WHEREAS, the voters of the District approved special assessment 53025 in the amount of 12.00 for residential property; and

WHEREAS, in 1990 the voters of the District approve a special assessment 53000 in the amount of 36.00 for residential property; and

WHEREAS, the total assessment on the voters of the District has remained 48.00 for residential property for 25 years and has over time become insufficient to fund the needs of the District; and

WHEREAS, the Board has determined that a increase of 27.00 in the special assessment is necessary and required to provide adequate financial resources to fund fire protection, suppression, training and emergency response, operations and capital acquisitions; and

WHEREAS, the county's Auditor Controller charges the District a separate charge for placing each special assessment on the tax roll; and

WHEREAS, The Board has determined that it is in the best interest of the District to have one special Tax to reduce administrative costs,

Now, therefore, the people of the Burbank-Paradise Fire Protection District ordain as follows:

Section 1. Purpose And Intent, it is the purpose and intent of this special tax to authorize a single special tax on parcels of real property on the secured property tax roll of Stanislaus County within the District to provide revenue for the District to use in performing necessary fire protection and prevention services and emergency services, including acquiring, operating and maintaining fire suppression equipment, payment of personnel costs, and funding capital improvements.

Section 2. Authority, This special tax 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 3.5 (commencing with Section 50075) of chapter 1 of part 1 of Division 1 of title 5 of the California Government Code; Article 3.7 (commencing with 53720) of chapter 4 of Division 2 of title 5 of the California Government Code; California Government Code Section 53978; and Section 13911 and 13913 of the California Health and Safety Code

Section 3, AMOUNT AND LEVEL OF SPECIAL TAX. The increase to the special tax specified in this ordinance shall be levied annually, on every parcel of taxable real property in the amount specified below, designated the "Base Year Amount."

1. Beginning tax year 2015-2016 (the "Base Year"), the Base Year Amount will be \$75.00 for residential property and open lots. \$100.00 for all residential income property (rentals) and \$150.00 for all commercial property within the District.
2. Beginning tax year 2019-2020 and each succeeding year, the special tax may be increased by a Resolution of the Board in the amount of 1% per year.

In no event shall the amount of the special tax to be levied in any fiscal year exceed the maximum amount authorized herein without the approval of the voters of the District.

Section 4. Collection. The special tax to be levied on each parcel pursuant to this ordinance shall be charged upon the parcel and shall be due and collectible as set forth in this section.

- (a) Taxes as Liens against the Property. The amount of the special tax for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property lien until fully paid.
- (b) Collection. The special tax levied on each parcel shall be billed on the secured roll tax for ad valorem property taxes. The special tax shall be collected by Stanislaus County on behalf of the District in the same manner in which Stanislaus County collects secured roll ad valorem property taxes. The times and procedures regarding exemptions, due dates, installment payment, corrections, cancelations, refunds, late payments, penalties, liens, and collection for secured roll ad valorem property taxes apply to the collection of taxes. Notwithstanding anything to the contrary in the foregoing, as to this special tax : (1) the secured roll tax bills shall be the only notices required for this special tax; and (2) the homeowner and veterans exemption shall not be applicable because such exemptions are determined by a dollar amount value.

Section 5. Accountability Measures

- (a) Account, upon the levy and collection of the special tax authorized by this ordinance, an account shall be created into which the proceeds of the tax will be deposited. The proceeds of the special tax authorized by this ordinance shall be applied only to the specific purposes identified in this ordinance.
- (b) Annual Report. An annual report that complies with the requirements of Government Code Section 50075.3 shall be filed with the District Board of Directors no later than January 1 of each fiscal year in which the tax is levied.

Section 6. Appropriations limit. The appropriations limit of the District established under Article XIII B of the California Constitution shall be increased by the amount collected by the levy of this Special tax in accordance with the applicable requirements of state law.

Section 7. Exemptions. The Special tax authorized by this ordinance shall not be imposed upon any Federal or State government agency, any local public agency, or any parcel of property that is exempt from ad valorem taxes under applicable law. All property that is otherwise exempt from or levied on ad valorem property taxes in any year shall also be exempt from the Special tax in that year.

Section 8. Repeal of Special Taxes. This Ordinance shall not be construed to repeal or replace any existing assessment or special taxes, however, on the express condition that, (1) the Special tax established above is approved by the electorate of the District and (2) the Special tax becomes effective, then the District hereby repeals the two special assessments in the amount of \$12.00 and \$36.00 for residential property.

Section 9. Severability. If any section, subsection, sentence, phrase or clause of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The voters of the District hereby declare that they would have adopted the remainder of the ordinance, including each section, subsection, phrase or clause, irrespective of the invalidity of any other section, subsection, sentence, phrase or clause.

Section 10. ELECTION Pursuant to Government Code section 50075 et seq; the district will request that the Stanislaus County Board of supervisors direct the Elections Official to place a measure on the ballot of the statewide General Election, scheduled on August 25, 2015, for the purpose of submitting to the voters of the district the question of the special tax to be levied by the district in the amount and for the purposes stated herein.

Section 11. Effective date. The election to approve the special assessment shall be held on August 25, 2015. The Special Tax shall be collected hereunder for the tax year beginning December 10, 2015. Within 15 days of passage, this ordinance shall be published once, with names of the directors voting for and against it, in the Modesto Bee, a newspaper of general circulation published in this county.

PASSED AND ADOPTED at a regular meeting of the Board of Directors, Burbank-Paradise Fire Protection District, State of California, on February 18, 2015, by the following vote:

AYES: 4


NOES: 0


ABSENT: 1

ABSTAIN: 0

ATTEST:

By:


District Secretary


Chair of the Board of Directors, of the
Burbank Paradise Fire Protection District

BURBANK PARADISE FIRE PROTECTION DISTRICT
1313 BEVERLY DR. MODESTO, CA. 95351
(209) 523-1129

RESOLUTION NO.2015-03

A RESOLUTION OF THE BURBANK PARADISE FIRE PROTECTION DISTRICT OF THE COUNTY OF STANISLAUS AND THE STATE OF CALIFORNIA IS CALLING FOR THE HOLDING OF AN EMERGENCY SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY **August 25, 2015**. TO INCREASE THE TAX REVENUE FOR THE DISTRICT AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATED TO RESOLUTION NO. 2015-03

An emergency is warranted due to the deteriorating condition of the fire station. A need exists for an exhaust removal system as well as fire apparatus due to age.

WHEREAS, under the provisions of the law relating to special districts in the State of California, a Special District Election shall be held on August 25, 2015.

NOW, THEREFORE, THE BURBANK PARADISE FIRE PROTECTION DISTRICT OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DOES DECLARE, DETERMINE AND ORDER AS FOLLOWS:

- SECTION 1. That the Fire District, pursuant to its right and authority, does order submitted to the voters at the Special Municipal Election the following question(s).

Shall a vote to eliminate the two current tax assessments and put a single special tax in its place be proposed with the following criteria to be met? **YES/NO**

The proposal for tax amount is as follows:

\$75.00 for residential and vacant land
\$100.00 for residential income property
\$150.00 for commercial property

As well as a tax increase of 1% per year to provide for future growth starting in the year 2019.

A no vote would keep the current tax in place.

- SECTION 2. That the proposed complete text of the measure submitted to the voters as attached; see Ordinance NO.2015-03.
- SECTION 3. That the voters requirement for the measure to pass is a 2/3 (66.6%) of voters cast.
- SECTION 4. That the ballots to be used at the election shall be in the form and content as required by law.
- SECTION 5. That the Election Official is authorized, instructed and directed to coordinate with the County of Stanislaus Register – Recorder/ County Clerk.
- SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding district elections.
- SECTION 7. That notice of time and place of holding of the election is given and the Election Official is authorized, instructed, and directed to give further or additional notice of the election, in time, form and manner as required by law.
- SECTION 8. That the Election Official shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
- SECTION 9. The Fire District authorizes the Election Official to administer said election and all reasonable and actual election expenses shall be paid by the Fire District upon presentation of a properly submitted bill.


PASSED, APPROVED AND ADOPTED ON March 25, 2015, 2015

AYES: 5

NOES: 0

ABSENT: 0

CHIEF, MIKE J HILLAR
ASS CHIEF PETER GOLLING


BOARD OF DIRECTORS
CHAIR, CURTIS KING
SECRETARY, PAM HILLAR
RON ROBERT
RUDOLFO CARO
EVETTE ADRE