

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

DEPT: Board of Supervisors

BOARD AGENDA #: *A-2

AGENDA DATE: May 3, 2016

SUBJECT:

Approval to Authorize the Registrar of Voters to Provide Specified Services to the Westport Fire Protection District to Conduct a Special Mail Ballot Election on August 30, 2016 Regarding a Special Tax

BOARD ACTION AS FOLLOWS:

No. 2016-213

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

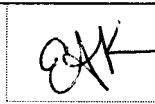
File No. DF-16-23

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors

BOARD AGENDA #: *A-2

Urgent Routine



AGENDA DATE: May 3, 2016

CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval to Authorize the Registrar of Voters to Provide Specified Services to the Westport Fire Protection District to Conduct a Special Mail Ballot Election on August 30, 2016 Regarding a Special Tax

STAFF RECOMMENDATIONS:

1. Authorize the Registrar of Voters to furnish all services, facilities, supplies, and equipment necessary to conduct a special mail ballot election on August 30, 2016, regarding a special tax for the Westport Fire Protection District.

DISCUSSION:

Pursuant to section 10002 of the Elections Code of the State of California, the Westport Fire Protection District requests that the Stanislaus County Board of Supervisors permit the County Registrar of Voters to furnish all services, facilities, supplies, and equipment necessary to hold an election by all mail ballot pursuant to Division 4 of the Elections Code on August 30, 2016, for the purpose of submitting to the voters of the District the question of a special tax to be levied by the District in the amount and for the purposes stated in the attached ordinance.

The District shall reimburse the County for services performed when the work is completed and upon presentation to the District of the bill.

POLICY ISSUE:

Pursuant to section 10002 of the Elections Code, and subject to approval of the Board of Supervisors, the County's election official shall provide the specified election services requested by a district.

FISCAL IMPACT:

The Westport Fire Protection District will reimburse the County for the cost of providing services to hold this special election. The Registrar of Voters estimates the election cost to be between \$18,000 and \$20,000.

BOARD OF SUPERVISORS' PRIORITY:

Authorizing the Registrar of Voters to provide the requested services to conduct a special mail ballot election for the Westport Fire Protection District supports the Board of Supervisors' priority of efficient delivery of public services.

Approval to Authorize the Registrar of Voters to Provide Specified Services to the Westport Fire Protection District to Conduct a Special Mail Ballot Election on August 30, 2016 Regarding a Special Tax

STAFFING IMPACT:

The Registrar of Voters has sufficient staff to perform the requested services.

CONTACT PERSON:

Thomas E. Boze, Assistant County Counsel

209-525-6376

ATTACHMENT(S):

1. Westport Fire Protection District's Ordinance Regarding Imposition of a Special Tax to Fund the Daytime Staffing Program and Other Fire Protection Services.

ATTACHMENT 1



BOARD OF SUPERVISORS

2016 APR 19 P 1:54

Westport Fire Protection District
5160 S. Carpenter Rd. Modesto Ca. 95380

To Whom It May Concern:

The Westport Fire Protection District request that the Stanislaus County registrar of voter's office conducts a mail ballot for the district. Westport Fire Protection District will be responsible for the cost associated with the mail ballot.

Sincerely,
Chad Hackett

A handwritten signature in cursive script that reads "Chad Hackett".

Chief, Westport Fire
Cell (209) 896-6941

**WESTPORT FIRE PROTECTION DISTRICT
ORDINANCE 2016 – 1**

**A ORDINANCE OF THE BOARD OF DIRECTORS OF THE
WESTPORT FIRE PROTECTION DISTRICT**

**PROVIDING FOR THE IMPOSITION OF A SPECIAL TAX TO
FUND THE DAYTIME STAFFING PROGRAM AND OTHER FIRE
PROTECTION SERVICES**

WHEREAS, California Government Code §§ 50075 and 53978, and Article XIII.A of the California Constitution authorize the Westport Fire Protection District to determine and levy a special tax; and

WHEREAS, the Westport Fire Protection District has determined additional tax revenue is necessary to adequately fulfill its responsibility to provide fire protection from fire, emergency medical calls and other hazards, as well as protection of property, to the residents of the Westport community; and

WHEREAS, additional revenue will be allocated towards a daytime firefighter staffing program, which the Westport Fire Protection District has determined to be the most vulnerable time; and

WHEREAS, the Westport Fire Protection District has exhausted all other options in order to avoid a tax increase and after a four month trial period has deemed the daytime firefighter staffing program successful, reliable, responsible and ultimately in the best interest of the Westport community as a whole.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Westport Fire Protection District (“Board”) that:

Section 1. 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 3.5 (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 Section 53720) of Chapter 4 of Division 2 of Title 5 of the California Government Code; California Government Code Section 53978; and Sections 13911 and 13913 of the California Health and Safety Code.

Section 2. Purpose and Intent. It is the purpose and intent of this Ordinance to authorize a special tax on parcels of real property on the secured property tax roll of Stanislaus County within the District to fund the Daytime Firefighter Staffing Program and 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.

This ordinance is not intended to repeal or replace any existing assessment or special tax and the special tax authorized herein shall be levied in addition to any existing assessment or special tax.

Section 3. Special Tax. The special tax shall be levied annually, on every parcel of taxable real property at a rate not to exceed the amount specified below.

<u>Character of Property</u>	<u>Tax Rate</u>
Residential	\$80.00 per dwelling unit, plus \$2.50 per acre over 0.5 acres
Residential Income	\$80.00 per dwelling unit, plus \$2.50 per acre over 0.5 acres
Mobile Home Park 20 or Fewer Dwelling Units	\$300 per parcel
Mobile Home Park More than 20 Dwelling Units	\$600 per parcel
Cow Dairy, Chicken and Turkey Ranch Parcels	\$200 per parcel, plus \$2.50 per acre over 0.5 acres
Goat Dairy Parcels	\$100 per parcel, plus \$2.50 per acre over 0.5 acres
Feedlots with 25 Heads or More Fed for Sixty (60) Days or More Per Year	\$100 per parcel, plus \$2.50 per acre over 0.5 acres
Parcels with Agricultural Processing Structures	\$200 per parcel, plus \$2.50 per acre over 0.5 acres
Non-Residential Structures	\$0.05 per square feet of non-residential floor area, plus \$2.50 per acre over 0.5 acres
Non-Residential Parcels Without a Structure	\$2.50 per acre
Vacant Residential	\$30.00 per parcel
Public	Tax exempt

“Agricultural Processing Structures,” shall mean facilities used for manufacturing that processes raw materials and intermediate products derived from the agricultural sector.

“Chicken/Turkey Ranch Parcels,” shall mean all Parcels utilized with the primary business of raising or farming chickens and/or turkeys.

“County Use Code,” shall mean the designation applied to Parcels by the Stanislaus County Assessor’s Office identifying the general utilization of the parcel.

“Cow Dairy Parcels,” shall mean all Parcels designated with a County Use Code identifying its property utilization as Dairy with the primary business of raising or farming cows. Feedlots are not included in this definition for the purposes of the District’s special tax.

“Developed Property,” shall mean all Parcels for which a building permit has been issued.

“Dwelling Unit,” shall mean a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

“Feedlots,” shall mean all Parcels utilized as a concentrated feeding operation for livestock with 25 heads or more fed for sixty (60) days or more per year.

“Goat Dairy Parcels,” shall mean all Parcels designated with a County Use Code identifying its property utilization as Dairy with the primary business of raising or farming goats. Feedlots are not included in this definition for the purposes of the District’s special tax.

“Mobile Home,” shall mean a manufactured residential structure that is transportable in one or more sections, built on an integrated chassis, and designed to be used as a Dwelling Unit when connected to the required utilities.

“Mobile Home Park,” shall mean all Parcels upon which two or more occupied Mobile Homes or recreational vehicles used as a Dwelling Unit, whether free of charge or for income producing purposes.

“Non-Residential Floor Area,” shall mean the total building square footage of the Non-Residential Structure(s) or the non-residential portion of a building with both residential and non-residential areas located on an Parcel of Developed Property, measured from outside wall to outside wall, exclusive of overhangs, porches, patios, carports, or similar spaces attached to the building but generally open on at least two sides. The determination of Non-Residential Floor Area shall be made by reference to the building permit(s) issued for such Parcel and/or to the appropriate records kept by the County Building Division, as reasonably determined by the County.

“Non-Residential Structures,” shall mean any Parcel of Developed Property for which a building permit was issued for a non-residential use.

“Non-Residential Parcels,” shall mean any Parcels with a County Use Code classification that is not residential.

“Parcel” shall mean any parcel of land which lies wholly or partially within the boundaries of the District, for which the Assessor of Stanislaus County has assigned an assessor’s parcel number; provided, however, that in the event any such parcels are contiguous, used solely for owner-occupied single family residential purposes, and held under identical ownership, they may, at the discretion of the Board, be treated as a single parcel for purposes of the levy of this special tax.

“Public,” shall mean any parcel that is owned by the federal government, the State, the District or any other public agency.

“Residential,” shall mean any Parcel of Developed Property occupied or intended to be used for living purposes, and includes a single family residence, condominium, mobile home site and garage or other similar space converted to a living space.

“Residential Income,” shall mean a Parcel of Residential Developed Property that is a non-owner occupied multi-unit residential parcel.

“Vacant Residential,” shall mean any Parcel designated as a Residential parcel by the County Use Code, without an improvement of any type; includes parcels where existing improvements have little or no value.

Section 4. Inflation Adjustment. To account for the impact of inflation on the cost of providing the services supported by the special tax, the special tax may, at the discretion of the Board be increased in an amount not to exceed two percent per year commencing the 2018-2019 tax year.

Section 5. Amount of Revenue Raised Annually. The board anticipates the special tax to raise \$130,000 annually.

Section 6. Collection. The special tax levied on each parcel pursuant to this ordinance shall be a charge 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 tax lien until fully paid.

(b) Collection. The special tax levied on each parcel shall be billed on the secured roll tax bills 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 procedure regarding exemptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collection for secured roll ad valorem property taxes apply to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax: (1) the secured roll tax bills shall be the only notices required for this tax; and (2) the homeowner and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount value.

Section 7. Accountability Measures. Upon the levy and collection of the tax authorized by this ordinance, an account shall be created into which the proceeds of the tax will be deposited. The proceeds of the tax authorized by this ordinance shall be applied only to the specific purposes identified in this ordinance. 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 8. Exemptions. The special tax authorized by this ordinance shall not be imposed upon any Federal or State governmental agency, any local public agency, or any parcel of property that is exempt from ad valorem taxes under any applicable law.

Section 9. 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 10. Election. Pursuant to Government Code Section 50075 et seq., Elections Code sections 4000 and 4108 and Health and Safety Code section 13911, the District requests that the Stanislaus County Board of Supervisors direct the Registrar of Voters to take all steps necessary to hold an election by all mail ballot pursuant to Division 4 of the Elections Code on August 30, 2016, 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. Required Votes. The District shall levy the special tax provided for herein upon approval of two-thirds of the votes cast by voters voting upon the measure.

Section 12. Cost of Election. The District shall bear the cost of the election.

Section 13. Full Text. The board hereby approves and adopts the full text for the ballot set forth in Exhibit A, attached hereto. The District requests the Registrar of Voters to print the full text for the ballot set forth in Exhibit A, in the voter information pamphlet to be distributed to the voters.

Section 14. Abbreviated Statement. Pursuant to Election Code section 13247, the abbreviated statement of the ballot form of the measure shall be as follows: (75 word limit.)

MEASURE: ADOPTING A SPECIAL PARCEL TAX FOR WESTPORT FIRE PROTECTION DISTRICT FIRE PROTECTION SERVICES	
To improve public safety and ensure adequate fire protection and emergency medical response is provided to our community shall the Westport Fire Protection District Ordinance No. 2016-1 be adopted, authorizing the District to impose and levy a special tax, including \$80 per residential parcel, to permanently fund the successful daytime firefighter staffing pilot program and other fire protection services, with annual audits, and all money staying local?	Yes
	No

Section 15. Argument in Favor. The Chair of the District Board or designees are hereby authorized to prepare and file with the Registrar of Voters a ballot argument in favor of the special tax, or act as an author of any ballot argument prepared in connection with the election, including rebuttal argument, each within the time established by the Registrar of Voters, which shall be considered the official ballot arguments of this Board as sponsor of the measure.

Section 16. Necessary Acts. The Chair of the District Board or designees, is authorized and directed to execute any other document and to perform all acts necessary to place the measure on the ballot, including making any changes to the text of the measure described in this Ordinance, or to the abbreviated form of the measure, or to the text of this Ordinance as may be convenient or necessary to comply with the intent of this Ordinance, the requirements of elections officials, and requirements of law.

Section 17. 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 this ordinance, including each section, subsection, sentence, phrase or clause, irrespective of the invalidity of any other section, subsection, sentence, phrase or clause.

Section 18. Effective Date and Publication. This Ordinance shall take effect immediately upon its confirmation by the two-thirds of the voters voting thereon in an all-mail ballot election to be held on August 30, 2016, so that the special tax shall first be collected hereunder for the tax year beginning July 2017. The levy of taxes authorized herein, shall be collected in annually in perpetuity from and after the date of this election unless changed by the voters at a subsequent election. Within 15 days of passage, this ordinance shall be published once, with the names of the Directors voting for and against it, in the Modesto Bee, a newspaper of general circulation published in this County.

SIGNATORIES:

Director Ed Amador Ed Amador

Director Martin Avila _____

Director Norman Hyer Norman E Hyer

Director John Varni John Varni

Director Stacy Cardoso _____

APPROVED AND ADOPTED on this 12th day of April, 2016.

On motion of Director Norman Hyer, Seconded by Director John Varni

And approved by the following vote:

Ayes: Norman Hyer, John Varni and Ed Amador

Noes: _____

Chairman _____

Secretary: Corinne Roster

EXHIBIT A
FULL TEXT OF BALLOT MEASURE

WESTPORT FIRE PROTECTION DISTRICT SPECIAL TAX TO FUND THE
DAYTIME STAFFING PROGRAM AND OTHER FIRE PROTECTION SERVICES

To improve public safety and ensure adequate fire protection and emergency medical response is provided to the community, the Westport Fire Protection District proposes to levy a special tax on each taxable parcel of land within the District at the following annual rates:

<u>Character of Property</u>	<u>Tax Rate</u>
Residential	\$80.00 per dwelling unit, plus \$2.50 per acre over 0.5 acres
Residential Income	\$80.00 per dwelling unit, plus \$2.50 per acre over 0.5 acres
Mobile Home Park 20 or Fewer Dwelling Units	\$300 per parcel
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Cow Dairy, Chicken and Turkey Ranch Parcels	\$200 per parcel, plus \$2.50 per acre over 0.5 acres
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Non-Residential Parcels Without a Structure	\$2.50 per acre
Vacant Residential	\$30.00 per parcel
Public	Tax exempt

The estimated \$130,000 revenue from this special tax will be used to permanently fund the successful Daytime Firefighter Staffing Pilot Program and 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. Pursuant to Government Code Section 50075.1 the proceeds of the special tax shall be used only for the purposes stated above.

The rate of the special tax may, at the discretion of the Board, be increased in an amount not to exceed two percent per year commencing the 2018-2019 tax year.

The District's appropriation's limit will be increased by the amount of this voter-approved tax.

The District will prepare an annual report, to be filed with its Board of Directors, which shall include the amount of special tax revenues collected and expended each year, and which shall otherwise comply with the accountability measures established in Government Code Sections 59975.1 *et seq.*

If approved by the voters, the special tax shall be effective for the Districts 2017-2018 fiscal year and will be levied annually from and after the date of this election unless changed by the voters at a subsequent election.