

RESOLUTION NO. 01-07-09-C

**A RESOLUTION OF THE GOVERNING BOARD OF THE
SOUTHERN INYO FIRE PROTECTION DISTRICT
ORDERING THAT THE SPECIAL ELECTION CALLED BY THE DISTRICT
TO BE CONDUCTED ON NOVEMBER 6, 2001
BE CONSOLIDATED WITH THE UNIFORM DISTRICT ELECTION LAW
ELECTION HELD ON THAT SAME DATE;
AND REQUESTING A FISCAL IMPACT STATEMENT**

WHEREAS, the Governing Board of the Southern Inyo Fire Protection District of Inyo County (hereinafter referred to as "District") has ordered and called for a special election to be conducted within the boundaries of the District on November 6, 2001, for the purposes of submitting to the qualified voters of the District a measure imposing and levying a Special Emergency Response Services Tax upon fee simple interest in real property within the District, all as is set forth in the attached resolution of the District's Governing Board (Attachment 1);

WHEREAS, such special election is required to be consolidated with the Uniform District Election Law election held on November 6, 2001; and

WHEREAS, Health and Safety Code Section 13887 provides that the expense of such election shall be a charge against the District.

NOW, THEREFORE, THE GOVERNING BOARD OF THE SOUTHERN INYO FIRE PROTECTION DISTRICT DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

- Section 1. That the special election ordered and called by the Southern Inyo Fire Protection District to be conducted on November 6, 2001, be consolidated with the Uniform District Election Law election on that same date; and that the District shall pay the County's expenses for conducting such consolidated special election.

Section 2. That the Inyo County Auditor prepare a fiscal impact statement for the District's ballot measure which will be submitted to the voters on November 6, 2001.

PASSED AND ADOPTED this 09 day of JULY, 2001 by the following vote:

AYES: 3
NOES: 0
ABSENT:
ABSTAIN:

Bruce Brown
Chairperson
Southern Inyo Fire Protection District Board

ATTEST: Bruce Newcomer
Secretary of the Southern Inyo Fire Protection District

ORDINANCE NO. 4

**AN ORDINANCE OF THE SOUTHERN INYO FIRE PROTECTION DISTRICT
IMPOSING A SPECIAL TAX, FOR EMERGENCY RESPONSE SERVICES, UPON
PROPERTY WITHIN THE DISTRICT**

The Governing Board of the Southern Inyo Fire Protection District of Inyo County ordains as follows:

SECTION I. TITLE AND APPLICATION.

This ordinance shall be known and may be cited as the Southern Inyo Fire Protection District Emergency Response Services Tax Ordinance. The tax imposed by this ordinance is applicable to real property located within the boundaries of the Southern Inyo Fire Protection District (hereinafter referred to as "the District").

SECTION II. AUTHORITY.

The District is a duly formed and organized Fire Protection District within the State of California. Under Health and Safety Code Sections 13861 and 13862, it is empowered to provide emergency medical and fire protection services within its established boundaries. Where the revenues available to the District are inadequate to meet the costs of providing emergency response services, the District is authorized by Health and Safety Code Sections 13910 and 13913 to impose a special non ad valorem property tax pursuant to Government Code Section 53978, and in accordance with Articles 13A Section 4 and 13C Section 2 of the California Constitution and Sections 53722 and 53724 of the Government Code. Such taxes are authorized by Government Code Section 53978(d) to be collected at the same time and in the same manner as other county taxes.

SECTION III. PURPOSE.

This ordinance proposes and, with voter approval, imposes a special non ad valorem tax upon real property within the District for the purpose of funding emergency medical and fire protection services within the District. This ordinance shall be interpreted liberally to accomplish this purpose.

SECTION IV. VOTER APPROVAL REQUIRED.

As required by law, the District shall call for a special election to be conducted within the boundaries of the District on November 6, 2001, for the purpose of submitting the special tax proposed by this ordinance to all of the electors within the District. Such election shall be consolidated with the UDEL election held on that date and will be conducted in conformity with the Uniform District Election Law (Election Code §§ 10500 et. seq.) and constitutional and statutory voting requirements. The Special tax proposed by this ordinance shall be imposed only if it is approved by two-thirds (2/3) of the voters voting upon such tax in such election.

SECTION V. SPECIAL EMERGENCY RESPONSE SERVICES.

Subject to the requirement for voter approval set forth in Section IV above, the District hereby imposes a Special Emergency Response Services Tax upon real property within the District as follows:

- A. Purpose of Tax. The Special Emergency Response Services Tax will enable the District to continue and improve emergency services. The revenues from the Special Emergency Response Services Tax shall be used by the District for the purpose of obtaining, furnishing, operating, and maintaining fire suppression and emergency medical equipment, for paying the salaries and benefits to emergency response personnel, and for such other emergency response and prevention expenses of the District. The Revenues from this tax shall not be used for any other purpose. Without passage of this measure of the District will cease all emergency services on January 1, 2002.
- B. Taxable Property. The Special Emergency Response Services Tax is imposed upon all fee simple interests in real property located within the District's boundaries, except that the tax shall not be imposed upon property belonging to the federal, state or other local government agency.
- C. Annual Tax and Operative Date. The Special Emergency Response Services Tax is imposed, and levied annually each fiscal year, commencing July 1, 2002.
- D. Basis and Amount of Annual Tax. The Special Emergency Response Services Tax is imposed and levied annually upon each parcel of taxable property within the District according to the County Assessor's classification of the use of the parcel, and in the amount set forth in the Schedule below:

**SOUTHERN INYO FIRE PROTECTION DISTRICT
SPECIAL EMERGENCY RESPONSE SERVICES TAX RATE SCHEDULE**

ASSESSOR'S CLASSIFICATION CODE	DESCRIPTION OF USE	ANNUAL TAX RATE PER PARCEL
111	Residential – Single	\$28.00 plus \$1.00 per acre or part thereof
112	Mobile Home – Private	\$28.00 plus \$1.00 per acre or part thereof
119	Travel Trailer	\$18.00 plus \$1.00 per acre or part thereof
132-135	Multiple Residence	\$28.00 per Residence plus \$1.00 per acre or part thereof
160-161	Mobile Home Park	\$15.00 per Mobile Home Space \$10.00 per RV space
170	Accessory Residential	\$18.00 plus \$1.00 per acre or part thereof
190 and 940	Vacant Parcels	\$18.00 plus \$1.00 per or part thereof
231	Multiple Commercial	

	and Residential	\$500.00
400	Mineral Production and Processing	\$1.00 per acre or part thereof
610	Resort	\$15.00 per Motel Room \$10.00 per RV Space plus \$1.00 per acre or part thereof

E. Tax Collection. The Special Emergency Response Services Tax shall be collected on behalf of the District by the County of Inyo in the same manner and subject to the same penalties, interest, fees, and costs as, or with, other charges and taxes fixed and collected by the County. The County may deduct its reasonable costs incurred for such service before remitting the balance of the tax proceeds to the District.

F. Appeal. Each property owner in the District shall, within thirty (30) days after mailing of the tax bill including the Special Emergency Response Services Tax for that fiscal year, have the right to file a written appeal with the District protesting the levy and imposition of such special tax. The filing of an appeal is not grounds for failing to timely pay the entire amount of taxes specified as due on the tax bill. The District Governing Board, after giving at least 30 calendar days written notice to the appealing property owner by first class mail, shall conduct the appeal hearing in an open and public meeting. If as a result of the appeal, the special tax is either reduced or increased by the District Governing Board, the District shall either refund the excess amount collected, or collect any additional amount due.

SECTION VI. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of a competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance. The Governing Board hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION VII. EFFECTIVE DATE.

This Ordinance provides for the imposition and levying of a special non ad valorem property tax within the District, and shall only become effective upon approval by two thirds (2/3) of the voters voting upon such tax at a consolidated statewide election held on November 6, 2001. This Ordinance shall become effective immediately upon such approval.

SECTION VIII. PUBLICATION.

Before the expiration of fifteen (15) days from the adoption thereof, this Ordinance shall be published once in the newspaper of general circulation printed and published in the County of Inyo, State of California. The District's Secretary is hereby instructed and ordered to so publish the Ordinance together with the names of the Governing Board members voting for and against the same.

PASSED AND ADOPTED this 09 day of JULY, 2001 by the following vote:

AYES: 3
NOES: 0
ABSENT:
ABSTAIN:

Brian R. ...
Chairperson,
Southern Inyo Fire Protection District
Governing Board

Attest: Bruce Stevenson
Secretary of the Southern Inyo Fire
Protection District

iC:District\SIFP1.2001Ord

6/11/01

SOUTHERN INYO FIRE PROTECTION DISTRICT
BALLOT MEASURE FOR NOVEMBER 6, 2001
CONSOLIDATED UDEL ELECTION

FILED

JUL 17 2001

MEASURE J

BEVERLY J. HARRY
INYO COUNTY CLERK
DEPUTY

SOUTHERN INYO FIRE PROTECTION DISTRICT SPECIAL EMERGENCY RESPONSE
SERVICES TAX

Shall the Southern Inyo Fire Protection District (hereinafter "the District") impose and levy a Special Emergency Response Services Tax upon fee simple interests in real property within the District as follows?

- Purpose of Tax: The Special Emergency Response Services Tax will enable the District to continue and improve emergency services. The revenues from the Special Emergency Response Services Tax shall be used by the District for the purpose of obtaining, furnishing, operating, and maintaining fire suppression and emergency medical equipment, for paying the salaries and benefits to emergency response personnel, and for such other emergency response and prevention expenses of the District. The Revenues from this tax shall not be used for any other purpose. Without passage of this measure of the District will cease all emergency services on January 1, 2002.
- Taxable Property. The Special Emergency Response Services Tax is imposed upon all fee simple interests in real property located within the District's boundaries, except that the tax shall not be imposed upon property belonging to the federal, state or other local government agency.
- Annual Tax and Operative Date. The Special Emergency Response Services Tax is imposed, and levied annually each fiscal year, commencing July 1, 2002.
- Basis and Amount of Annual Tax. The Special Emergency Response Services Tax is imposed and levied annually upon each parcel of taxable property within the District according to the County Assessor's classification of the use of the parcel, and in the amount set forth in the Schedule below:

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231	Multiple Commercial and Residential	\$500.00
400	Mineral Production and Processing	\$1.00 per acre or part thereof
610	Resort	\$15.00 per Motel Room \$10.00 per RV Space plus \$1.00 per acre or part thereof

5. Tax Collection. The Special Emergency Response Services Tax shall be collected on behalf of the District by the County of Inyo in the same manner and subject to the same penalties interest, fees, and costs as, or with, other charges and taxes fixed and collected by the County. The County may deduct its reasonable costs incurred for such service before remitting the balance of the tax proceeds to the District.

6. Appeal. Each property owner in the District shall, within thirty (30) days after mailing of the tax bill including the Special Emergency Response Services Tax for that fiscal year, have the right to file a written appeal with the District protesting the levy and imposition of such special tax. The filing of an appeal is not grounds for failing to timely pay the entire amount of taxes specified as due on the tax bill. The District Governing Board, after giving at least 30 calendar days written notice to the appealing property owner by first class mail, shall conduct the appeal hearing in an open and public meeting. If as a result of the appeal, the special tax is either reduced or increased by the District Governing Board, the District shall either refund the excess amount collected, or collect any additional amount due.

YES: 

NO: 

II ACTION SESSION

A. GENERAL FUNCTIONS OF THE BOARD

1. DISTRICT ACTION

(01.13) CONSENT AGENDA

It is moved by Jim Copeland and seconded by Ben Miller that the Board approves the consent agenda as listed.

a. Approve Minutes of the scheduled regular meeting of June 11, 2001

Warrant order listing for the amount of \$4,325.37. Pacific Bell, \$14.71; Edison Company, \$78.71; Chris Fairclough, \$123.09; Inyo County Elections, \$4,108.86. Presented by written report.

AYE'S 3 NAYS 0

2. DISTRICT ACTION

(01.14) RESOLUTIONS

A. ~~RESOLUTION 01-07-09-A~~ **ORDINANCE # 4**

~~A resolution of the~~ Governing Board of the Southern Inyo Fire Protection District adopts the ordinance levying a special property tax upon parcels within the District to fund emergency response services, subject to voter approval.

Motion by Ben Miller seconded by Jim Copeland to adopt the ordinance as written.

AYE'S 3 NAYS 0

B. RESOLUTION 01-07-09-B

A resolution of the Governing Board of the Southern Inyo Fire Protection District adopts the resolution call for a special election tax within the District on November 6, 2001, to consider approval of the special property tax upon parcels in the District.

Motion by Bruce Stevenson seconded by Ben Miller to adopt the resolution as written.

AYE'S 3 NAYS 0

C. RESOLUTION 01-0709-C

A resolution of the Governing Board of the Southern Inyo Fire Protection District adopts the Resolution ordering consolidation of the District's special election with the November 6, 2001 UDEL election.

Motion by Jim Copeland seconded by Bruce Stevenson to adopt the Resolution as written.

AYE'S 3 NAYS 0

D. Direct the secretary to publish the special tax ordinance as required by law before July 30, 2001.

Motion by Ben Miller seconded by Jim Copeland to publish the special tax ordinance.

AYE'S 3 NAYS 0

Submitted by Bruce Stevenson, Secretary / Treasurer Bruce Stevenson
July 10, 2001