

*Before the Board of Directors, Aromas Tri-County Fire Protection District,
County of Monterey, State of California*

RESOLUTION NO. 2016-06)
)
A Resolution Ordering an Election,)
Requesting County Elections to Conduct)
The Election and Requesting)
Consolidation of the Election)

THE BOARD OF DIRECTORS OF AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT FINDS, DETERMINES AND DECLARES AS FOLLOWS:

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any district may by resolution request the Board of Supervisors of the County to permit the county elections official to render specified services to the district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the district shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the district shall reimburse the County in full for the services performed upon presentation of a bill to the district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 4108, notwithstanding any other provisions of law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4. An election conducted pursuant to this section shall be held on a date prescribed in Section 1500 or on any other date other than an established election date; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other

political subdivision shall, at least 88 days prior to the date of the election, file with the Board of Supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 8, 2016;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE governing body of the AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT (District) hereby orders an election be called and consolidated with any and all elections also called to be held on November 8, 2016 insofar as said elections are to be held in the same territory or in territory that is in part of the same as the territory of the requests the Board of Supervisors of the Counties of Monterey, Santa Cruz and the San Benito to order such consolidation under Elections Code Section 10400 and 10403; and

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 the District hereby requests the Board of Supervisors for each of the Counties of Monterey, Santa Cruz and San Benito to permit their respective County Elections Departments to provide any and all services necessary for conducting an election and agrees to pay for said services in full; and

BE IT FURTHER RESOLVED AND ORDERED that the Elections Departments of Monterey, Santa Cruz and San Benito Counties shall each conduct the election for the following MEASURE to be voted on at the November 8, 2016 election:

DISTRICT MEASURE ()

Shall the Ordinance that imposes a special tax in an amount not-to-exceed \$230 dollars per developed parcel per year, and generating estimated revenues of between \$410,000 and \$487,500 dollars annually, with no termination date, be adopted to fund engine-company based paramedic services within the District?

Yes ()

No ()

and

BE IT FURTHER RESOLVED AND ORDERED THAT the Elections Departments of Monterey, Santa Cruz and San Benito Counties are requested not to print the attached full measure text [EXHIBIT A] in the Voter Guide, but send a copy to voters upon request at the cost of said District. The contact number to be printed in the Voter Guide is (831) 726-3130 (EC §§ 9160, 9312).

In addition, the full text will be available at the following web site address: <http://www.atcfire.org/>.

BE IT FURTHER RESOLVED AND ORDERED THAT the voter approval requirement is 2/3.

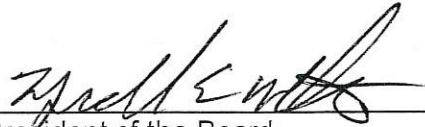
PASSED AND ADOPTED by the AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT
this 26th day of July, 2016 by the following vote:

AYES: *Miller, Motter, Mahler, Mesikoff*

NOES: *None*

ABSTENTIONS: *None*

ABSENT: *None*



President of the Board



Secretary of the Board

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Exhibit A

*Before the Board of Directors, Aromas Tri-County Fire Protection District,
County of Monterey, State of California*

ORDINANCE NO. 2016-02)
)
A Ordinance Authorizing the Levy of)
A Special Parcel Tax to Finance)
Paramedic Services within the District)

THE BOARD OF DIRECTORS OF AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT FINDS, DETERMINES AND DECLARES AS FOLLOWS:

WHEREAS, the Aromas Tri-County Fire Protection District (District) is a special district formed in 1963 to provide fire protection services and life safety responsibilities within portions of Monterey, San Benito and Santa Cruz Counties; and

WHEREAS, the District is a full service fire protection and life safety fire district, serving a nearly 60 square miles and a population of approximately 6,000; and

WHEREAS, along with fire suppression and Emergency Medical Service (EMS), District personnel are trained for and respond to many other calls for service including vehicle extrication, swift water rescue, hazardous materials response, public service assists, and earthquake and flood response; and

WHEREAS, the national standard for EMS is paramedic service, and there is no current funding source within the District to support such service; and

WHEREAS, the District Board of Directors (Board) does hereby determine that to maintain sufficient levels of paramedic services within the District, it is necessary to impose a special tax pursuant to the provisions of California Government Code Section 50075 et seq.; and

WHEREAS, the special tax will fund engine-company based paramedic services within the District; and

WHEREAS, pursuant to the authority of California Health and Safety Code Sections 13911 and 13913, and other applicable law, the District has the power to levy a special tax on all developed parcels of real property within the District for each fiscal year; and

WHEREAS, the proposed parcel tax covers the costs to staff one paramedic on one fire engine within the District, as well as protective equipment, paramedic-specific equipment to provide advanced life support treatment, and paramedic training, and may only be used for these measures; and

WHEREAS, the proposed parcel tax is applicable to all developed parcels within the District; and

WHEREAS, if this tax measure is approved, the maximum parcel tax would be \$230.00; and

WHEREAS, the parcel shall be approved if the measure receives at least a two-thirds vote at a special District to be consolidated with the general election to be held on November 8, 2016; and

WHEREAS, the proposed tax measure is exempt from the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

NOW THEREFORE, BE IT ORDAINED:

SECTION 1. The District Board of Directors adopts each Finding set forth above as though fully set forth in the body of this Ordinance.

SECTION 2. An election of the District shall be held within the District on November 8, 2016, at which time there shall be submitted to the voters the Ballot Measure to authorize enactment of a special tax as set forth in this Ordinance.

SECTION 3. If approved by two-thirds of the voters of the District the text set forth entitled "Special Tax to Finance Paramedic Services within the District" shall be imposed, as follows:

"Special Parcel Tax to Finance Paramedic Services within the District"

Section 1. Pursuant to the authority of California Health and Safety Code Sections 13911 and 13913 and other applicable law, the Aromas Tri-County Fire Protection District (District) hereby levies and assesses a special tax on all developed parcels of real property within the Aromas Tri-County Fire Protection District for each fiscal year. It is the sole purpose and intent of this Ordinance to impose a special tax for paramedic services.

Section 2. Special Tax Imposed.

A special tax for the purpose specified in Section 4 of this Ordinance shall be imposed on all developed parcels of real property in the Aromas Tri-County Fire Protection District for each fiscal year, commencing with fiscal year 2017-2018. Developed parcels include real property with improvements.

The maximum amount of the special tax for fiscal year 2017-18 shall be \$230.00 per developed parcel. The records of the Monterey County Assessor as of March 1st of each year shall determine the use and improvement of each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year.

For the purposes of this Ordinance, the term "Parcel" shall mean a parcel of real property within the District, having a separate assessor's parcel number as shown on the last equalized assessment roll of the Counties of Monterey, Santa Cruz or San Benito, as identified in Exhibit A, and incorporated by reference.

Section 3. Annual levy; Public Hearing.

The Board of Directors shall conduct a public hearing regarding the proposed annual levy of the special tax during the budget hearing for the applicable year. Notice of the public hearing shall be published in accordance with District procedures at least ten (10) days prior to the hearing.

The Board of Directors shall annually by an affirmative vote of at least a majority of its members establish the amount of the special tax levy, in an amount that does not exceed the maximum amount specified in Section 2 of this Ordinance. The special tax shall not be measured by the value of the property.

Section 4. Special Fund, Use of Tax Proceeds.

The proceeds of the special tax imposed by this Ordinance shall be placed in a special fund to be used solely for the purpose of financing engine-company based paramedic services within the District.

Section 5. Collection.

The special tax imposed by this Ordinance shall be collected in the same manner, on the same dates, and shall be subject to the same penalties and interest as other charges and taxes fixed and collected by the Counties of Monterey, Santa Cruz and San Benito on behalf of the Aromas Tri-County Fire Protection District. Said special tax, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and said special tax, together with all penalties and interest thereon, shall, until paid, constitute a personal obligation to the Aromas Tri-County Fire Protection District by the persons who own the parcel on the date the tax is due. Any tax levied shall become a lien upon the properties against which taxes are assessed and collectible as herein provided.

Section 6. Amendment.

The Board of Directors shall be empowered to amend this Ordinance by an affirmative vote of at least a majority of its members to carry out the general purposes of this Ordinance, to conform the provisions of this Ordinance to applicable state law, to modify the methods of collection, or to assign the duties of public officials under this Ordinance.

In no event shall the Board of Directors amend this Ordinance to increase the maximum amount of the special tax established in section 2 of this Ordinance, unless approved by two-thirds of the voters voting thereon.

Section 7. Exemptions.

The special tax shall not be imposed upon any parcel that is exempt from the special tax pursuant to any provision of the Constitution, California State law, or any paramount law. The Board of Directors by Ordinance may adopt exemptions to the special tax imposed by this Ordinance.

Section 8. Invalidity and Severability.

If any section of this Ordinance is held invalid or unenforceable by the final judgments of any court, then that section may be amended by the Board of Directors by a majority vote to conform to the judgments of such court, provided such amendment is consistent with the purpose and intent of this Ordinance.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this Ordinance are declared to be severable. The Board of Directors, and the electorate by referendum, do hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 9. Effective Date.

This Ordinance proposing the special tax shall be submitted to the voters of the District at an election to be conducted on November 8, 2016, and shall take effect immediately upon its confirmation by two-thirds (2/3rds) of the voters voting upon the ballot measure at the election.

PASSED AND ADOPTED by the **AROMAS TRI-COUNTY FIRE PROTECTION DISTRICT** this 26th day of July, 2016 by the following vote:

AYES: *M. Her, Mahler, Mattar, Mrs. Roff*

NOES: *None*

ABSTENTIONS: *None*

ABSENT: *None*



President of the Board



Secretary of the Board

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