

FULL TEXT  
Burbank-Paradise Fire Protection District  
MEASURE C

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, cancellations, 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 XIIB 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 assessment 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 invalidity, 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, schedule 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.

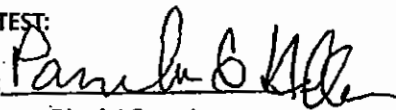
Section 11. Effective date. The election to approve the special assessment shall be held on August 25, 2015. The Special Tax shall be collected hereunder for the tax year beginning December 10, 2015. Within 15 days of passage, this ordinance shall be published once, with names of the directors voting 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:

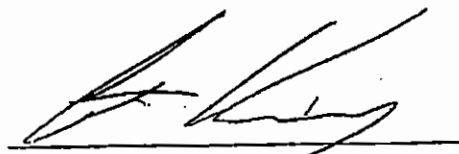
AYES: 4  
NOES: 0  
ABSENT: 1  
ABSTAIN: 0

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 26, 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

# BURBANK PARADISE FIRE PROTECTION DISTRICT

1313 BEVERLY DR. MODESTO, CA. 95351  
(209) 523-1129

Resolution # 2015-0 5

## A RESOLUTION APPROVING THE BALLOT QUESTION FOR THE AUGUST 25, 2015 SPECIAL ALL-MAIL BALLOT ELECTION REGARDING ESTABLISHING A SPECIAL TAX

WHEREAS, on February 18, 2015, the Board of Directors approved Ordinance 2015-01 establishing a Special Tax to finance fire protection and emergency services; and

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

NOW, THEREFORE BE IT RESOLVED:

1. The Board, pursuant to its right and authority, does order that the ballot measure shall be presented and printed upon the ballot submitted to the qualified voters of the District in the manner and form set forth herein below. On the ballot to be submitted to the qualified voters at the special all-mailed ballot election to be held on August 25, 2015, in addition to any other matters required by law, there shall be printed substantially the following:

MEASURE C: ADOPTING A SPECIAL TAX FOR BURBANK PARADISE FIRE PROTECTION DISTRICT	
Shall Burbank Paradise Fire Protection District Ordinance No. 2015-01 authorizing the District Board to eliminate the two current tax assessments and levying residential and vacant land \$75.00, residential income property \$100.00, and commercial property \$150.00, which the District Board may increase by up to 1% each year starting 2019, to use in performing necessary fire protection, prevention and emergency services, including acquiring, operating and maintaining fire suppression equipment, payment of personnel costs and funding capital improvements be adopted?	YES
	NO

The foregoing resolution was adopted by the Board of Directors of the Burbank Paradise Fire Protection District on May 6, 2015.

Ayes: 4  
Abstentions: 0

Nays: 0  
Absences: 1

Attest: Donald Hillar  
District Secretary

[Signature]  
Chair of the Board of Directors

BOARD OF DIRECTORS

CHIEF  
MIKE J HILLAR

[Signature]

ASST. CHIEF  
PETER GOLLING

CURTIS KING  
RON ROBERTS  
PAM HILLAR  
RUDY CARO  
EVETTE ANDRE