LAKE SHASTINA COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 1-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT PROPOSING THAT THE ADOPTION OF A SPECIAL TAX FOR THE PUBLIC SAFETY DEPARTMENT BE SUBMITTED TO THE VOTERS FOR APPROVAL AND FIXING TIME FOR ELECTION.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT (LSCSD) DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Authority. This Resolution is adopted pursuant to Article XIIIC of the California Constitution; Government Code Sections 50075, et seq., 53720, et seq., and 61121; and Elections Code Section 9342.

Section 2. Calling of Election. Board of Directors hereby calls an election at which it shall submit to the qualified voters of the District a measure that, if approved, would adopt and levy a special tax to fund operations of the District's Public Safety Department. The measure shall be designated by the Siskiyou County Registrar of Voters. The election shall be held on and, pursuant to Elections Code Section 10400 et seq., consolidated with the election to be conducted on June 3, 2014.

Section 3. Proposal. The question to be presented to the voters shall be as follows:

To maintain local fire protection, emergency medical and police first responder services for properties within Lake Shastina Community Services District, so that victims of crime, heart attack, stroke, and fire emergencies can receive rapid response, shall the existing police and fire special taxes be replaced with a public safety tax of $124 per parcel annually, subject to yearly adjustment for six years, and collected per District policy, with all revenue staying in our community.	**YES**	
	NO	

Section 4. Full Text and Approval of Proposed Measure. The full text of the proposed measure to be submitted to the voters is attached as Attachment 1 (the "Measure") hereto and shall be included in the voters' guide for the election. If two-thirds of qualified voters voting on the Measure vote in favor therefor, the Measure shall be adopted.

Section 5. Conduct of Election. The election shall be conducted subject to and in conformity with all applicable constitutional and statutory voting requirements.

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Section 6. Transmission of Resolution and Cooperation with Registrar. The Secretary of the Board is directed to ensure a true copy of this Resolution be promptly delivered to the Siskiyou County Registrar of Voters and to take such other actions in conjunction with the Registrar, to cause the election provided for in this Resolution to be duly and regularly conducted.

Section 7. Costs of Election. Funds in an amount sufficient to pay for the costs of the election called by this Resolution are hereby appropriated, and the General Manager is hereby authorized to expend the funds appropriated to reimburse the County for the costs of conducting the election.

Passed and adopted this 23rd day of January, 2014, by the following vote:

AYES: Directors Cupp, Mitchell, Moller, Roths and Wetter
NAYS: None
ABSENT: None

Corinne Moller, President

ATTEST:

John McCarthy, Secretary

APPROVED AS TO FORM:
Meyers Nave, 2227704.1

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ATTACHMENT 1

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

DRAFT

ORDINANCE NO. _-14

AN ORDINANCE OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT ESTABLISHING AND LEVYING A SPECIAL TAX TO FUND PUBLIC SAFETY SERVICES AND REPEALING EXISTING SPECIAL TAXES FOR POLICE PROTECTION AND FIRE PROTECTION AND EMERGENCY SERVICES AND INCREASING THE DISTRICT'S APPROPRIATIONS LIMIT BY THE AMOUNT OF THE SPECIAL TAXES LEVIED.

WHEREAS, the Lake Shastina Community Services District is the primary provider of police, fire safety, and emergency response services to the residents and businesses within part of Siskiyou County; and

WHEREAS, recent changes in the judicial system have increased calls that are law enforcement related; and

WHEREAS, environmental and population issues impact the need for fire and medical responses; and

WHEREAS, in 2012, the District consolidated the Police and Fire Departments into a single Public Safety Department to achieve greater efficiency in operation and to control costs of operation; and

WHEREAS, it is essential that the District continue to operate the Public Safety Department at least at current levels to prevent increases in crime and property damage from fire, and to ensure timely and high quality response to calls for emergency medical needs like heart attack and stroke; and

WHEREAS, the amount of revenue available to the District from existing sources is inadequate to meet the costs of providing residents with the services of the combined Public Safety Department at current levels; and

WHEREAS, additional funding is necessary to meet current needs for maintaining current levels of fire safety, police emergency, and other first responder services; and

WHEREAS, a special tax will provide the District with necessary additional funding to continue to provide and maintain quality programs and services to District residents, businesses, and visitors; and

WHEREAS, the District currently levies special taxes for police protection services and fire protection and emergency services. The tax authorized by this Ordinance replaces those taxes with a single tax to fund the operations of the consolidated Public Safety Department; and

WHEREAS, the special tax approved and levied by this Ordinance is authorized by Article XIIIA of the California Constitution and Sections 61121 and 50075 of the California Government Code. It is adopted in conformance with the legally required procedures, including those in Article XIIIC of the California Constitution and Sections 50075.1, 50077, 53722, and 53724 of the California Government Code.

NOW, THEREFORE, IT IS ORDAINED BY THE PEOPLE OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT AS FOLLOWS:

Section 1. Definitions.

A. "Board" means the Board of Directors of the District.

B. "Commercial parcel" means all parcels that are improved with uses other than residences.

C. "District" means the Lake Shastina Community Services District.

D. "Lake Shastina Community Services District Public Safety Special Tax" and "special tax" mean the tax authorized and levied pursuant to this Ordinance.

E. "Occupant" means the person or persons who rent, lease, reside in, or otherwise occupy real property located within the District.

F. "Owner" means the owner or owners of the real property located within the District.

G. "Parcel" means any parcel of real property to which the County Assessor of the County of Siskiyou has assigned a separate parcel number. For the purposes of levying the special tax, the District may treat a parcel as having been created when a subdivision map of any kind has been recorded and prior to the assignment of a parcel number by the County Assessor.

H. "Public Safety Services" mean the operations of the District's Public Safety Department, including but not limited to police protection and fire protection and emergency medical response services.

I. "Residential parcel" means all parcels that are improved with one or more residential units.

J. "Undeveloped parcel" means all parcels, regardless of zoning or other land use designation, upon which no permanent improvements have been constructed or placed.

Section 2. Special Tax.

A. A special tax in the amounts set forth below is hereby imposed and levied on every parcel of real property within the District.

B. The annual special tax shall be payable to the District. The District shall collect the tax in approximately equal quarterly installments billed as a separate item on the water and sewer bill

issued by the District, which bill may be issued either to the owner or occupant of a parcel. The tax shall be first collected at the beginning of the month following this ordinance becoming effective. The special tax shall be collected at the same time and in the same manner as ordinary District water and sewer fees and shall be subject to the same penalties and same procedure in the case of delinquency as provided for such fees.

C. The special tax constitutes a debt owed by the Owner of each parcel to the District, even if water and sewer services are billed to the Occupant of a parcel. The amount of 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.

D. Special Tax Rate.

1. The tax rate for each parcel, whether residential or commercial, developed or undeveloped, shall be $124 annually.

2. After the first fiscal year that the special tax is in effect, and for each of the subsequent six fiscal years, the Board may by resolution increase the annual tax rate by up to $24 annually ($2.00 per month). Thereafter, voter approval shall be required to increase the annual tax rate.

3. The Board may by resolution establish an annual tax rate less than the maximum amount then authorized. Following any such decrease in the annual tax rate, the Board may by resolution increase the annual tax rate to the maximum rate then permitted, or to any other amount less than the maximum rate then permitted, without obtaining voter approval.

4. The most recently available assessment roll data of the Siskiyou County Assessor each year shall be used to determine the existence and actual use of each parcel of real property for purposes of determining the tax rate.

E. Real property otherwise wholly exempted from ad valorem tax by state or federal law shall also be exempted from any liability for the special tax imposed by this Ordinance.

F. For parcels divided by Tax Rate Area lines, the payment for the portion of the parcel within the District shall be calculated at the same rate as set forth above. For properties wholly within Siskiyou County and divided by Tax Rate Area lines into multiple parcels, the property shall be taxed as a single parcel at the rate set forth above.

G. The District may establish rules that are necessary and desirable for implementation of this Ordinance.

H. Any person claiming a refund of the special tax for any reason not provided herein shall first file a written claim, with the District. All claims must be filed by the person who paid the tax or his or her guardian, conservator, or the executor of his or her estate. No claim may be filed on behalf of other taxpayers or a class of taxpayers. Filing of a claim shall be a condition precedent to legal action against the District for a refund of the tax.

Section 3. Adjustment of District Appropriations Limit.

Pursuant to Article XIIIB of the Constitution of the State of California and applicable laws, the appropriations limit for the District is hereby increased by the aggregate sum authorized to be levied by this special tax for fiscal year 2014-15 and each year thereafter.

Section 4. Use of Special Tax Revenue.

Funds collected from the special tax shall be used only to pay for the costs of providing public safety services by the District's Public Safety Department, including but not limited to police protection and fire protection and emergency medical response services, training, wages and benefits of police officers and firefighters, administration, and acquire fire fighting or police equipment needed to carry out the functions of the Department. If this Ordinance or the use of special tax funds is legally challenged, special tax funds may be used to pay for the District's costs of legal defense, including attorneys' fees and other expenses. Special tax funds may also be used for the District's costs of the election required to obtain voter approval of the special tax and for the costs of administering the special tax.

Section 5. Accountability.

In accordance with the requirements of California Government Code Sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the special tax:

A. A separate, special account, referred to as the Public Safety Department Special Tax Fund, shall be created, into which the proceeds of the special tax must be deposited.

B. The specific purposes of the special tax are for the funding of the District's Public Safety Department and for related election, administration, and legal fees as set forth in Section 4 of this ordinance. The proceeds of the special tax shall be applied only to these specific purposes.

C. The District's chief financial officer shall annually prepare and submit to the Board regarding the special tax funds collected and expended, as well as any other information required by Government Code Sections 50075.1 and 50075.3.

Section 6. Repeal of Existing Special Taxes.

The Police Protection Services Special Tax approved by District Ordinance No. 2-95 and the Fire Protection and Emergency Services Special Tax approved by District Ordinance 1-91 are hereby repealed, effective upon the special tax approved by this Ordinance first being levied. In the event that this Ordinance is not approved, Ordinance Nos. 1-91 and 2-95 shall continue in full force and effect.

Section 7. Severability.

A. If any provision of this Ordinance is held by any court or by any Federal or State agency of competent jurisdiction, to be invalid as conflicting with any Federal or State law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this ordinance, and such holding shall not affect the

validity and enforceability of all other provisions hereof. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision thereof which had previously been held invalid or modified is no longer in conflict with such law, rule or regulation, said provision shall thereupon return to full force and effect and shall thereafter be binding.

B. If any Section, subsection, phrase, clause, sentence, or word in this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance but shall be confined to the article, Section, subsection, subdivision, clause, sentence or word so held invalid or unconstitutional.

Section 8. Amendment.

This Ordinance may only be amended by a vote of the people if the amendment would result in the special tax being imposed, extended, or increased in a manner not authorized by this Ordinance as originally approved by the voters. The District Board of Directors may enact other amendments, including but not limited to amendments necessary to obtain long-term financing for services and projects.

Section 9. Effective Date.

This Ordinance shall be considered adopted on the date that the Siskiyou County Board of Supervisors declares the results of the election at which it was voted upon and shall be effective ten days thereafter.

Section 10. Posting.

The Secretary of the Board shall cause this Ordinance to be posted in the manner required by law.

Section 11. Compliance with the California Environmental Quality Act.

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.* ("CEQA"), and 14 Cal. Code Reg. §§ 15000 *et seq.* ("CEQA Guidelines"). This Ordinance adopts a special tax to fund the operations of the District's Public Safety Department, an ongoing component of the District's governmental functions; it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378(b)(4), the Ordinance is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the District would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines Section 15060 CEQA analysis is not required.

Section 12. Voter Approval Required.

This Ordinance shall become effective only upon affirmative vote by a two-thirds majority of the eligible voters of the District pursuant to California Constitution, Article XIIIA, Section 4 and Article XIIIC, Section 2; California Government Code 53722; and Elections Code Section 9342.