

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE RUSSIAN RIVER FIRE PROTECTION DISTRICT CALLING FOR A SPECIAL ELECTION ON TUESDAY, JUNE 8, 2010, ON AN ORDINANCE AUTHORIZING THE DISTRICT TO IMPOSE AND LEVY A NEW SPECIAL TAX TO ASSIST THE DISTRICT IN MEETING THE COSTS OF PROVIDING AND ENHANCING AUTHORIZED SERVICES, AND EXERCISING OTHER RIGHTS AND POWERS OF THE DISTRICT, REPEALING THE DISTRICT'S EXISTING SPECIAL TAX (ORDINANCE 80-1), AND REQUESTING THAT THE ELECTION BE CONSOLIDATED WITH ANY OTHER ELECTION HELD ON THE SAME DATE IN THE TERRITORY THAT IS THE SAME OR IN PART THE SAME.**

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**WHEREAS**, the amount of revenue available to the Russian River Fire Protection District ('the District') from property taxes and the District's existing special tax is inadequate to meet the costs of providing authorized services and exercising other rights and powers of the District; and

**WHEREAS**, a new special tax would provide a larger stable source of supplementary revenue to assist in meeting such costs; and

**WHEREAS**, Article XIII A section 4 and Article XIII C section 2 of the California Constitution, Article 3.7 (commencing with Section 53720) of Chapter 4 of Division 2 of Title 5 of the California Government code, Section 13911 of the California Health and Safety Code and Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code authorize the Board of Directors ('the Board') of the District, following notice and hearing, to propose the adoption of such a new special tax and to submit the proposition to the voters of the District; and

**WHEREAS**, the Board desires to propose an ordinance authorizing the District to impose and levy a new special tax to assist the District in meeting the costs of providing authorized services and exercising other rights and powers of the District, and repealing the District's existing special tax (Ordinance 80-1); and

**WHEREAS**, state law requires that such an ordinance be submitted to the voters of the District for their approval, and authorizes the Board to call a special election for that purpose, and to request consolidation of the election with any other election held on the same date in territory that is the same or in part the same;

**NOW, THEREFORE, THE BOARD HEREBY FINDS, RESOLVES AND ORDERS THE FOLLOWING:**

1. The Board finds and declares that the amount of revenue available to the District from property taxes and the District's existing special tax is inadequate to meet the costs of providing and enhancing authorized services and exercising other rights and powers of the District.

2. The Board finds and declares that imposing a new special tax is necessary to establish a larger stable source of supplementary revenue to assist the District in meeting the costs of providing, and enhancing authorized services and exercising other rights and powers of the District.

3. The Board finds and declares that the District has complied with all laws requiring notice of the actions contained herein, and has held a public hearing as required by law.

4. The Board determines that an ordinance authorizing the District to impose and levy a new special tax to assist the District in meeting the costs of providing and enhancing authorized services and exercising other rights and powers of the District, and repealing the District's existing special tax (Ordinance 80-1) shall be presented to the voters of the District. The Board further determines that the form of the ordinance, which is hereby designated Ordinance No. 09/10-1, shall be as set forth in Appendix 'A,' attached hereto and incorporated herein by this reference. Pursuant to state law, Ordinance No. 09/10-1 shall not go into effect unless it is approved by two-thirds of the votes cast by voters of the District voting upon the questions of its approval.

5. The Board hereby calls a special election for Tuesday, June 8, 2010, and directs that the foregoing proposition shall be submitted to voters of the District at the election in the following manner:

(a) There shall be included on the ballot to be marked by the voters of the District, in addition to any other matters required by law, ballot language in the following form:

Shall Russian River Fire Protection District Ordinance No. 09/10-1 be approved, authorizing the District to impose and levy a new special tax having flat rates ranging from \$70 to \$350 per parcel (depending on use and subject to additional assessments for multiple residential units or uses per parcel), to assist in meeting the costs of providing authorized services and exercising other rights and powers of the District, and repealing the existing special tax (Ordinance No. 80-1)?

(b) The ballot to be used at the election shall be both as to form and

matter contained therein such as may be required by law. On the ballot, in addition to any other printed matter required by law, opposite the measure to be voted upon and to its right, the words "yes" and "no" shall be printed on separate lines with voting squares.

(c) The Sonoma County Registrar of Voters is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary to properly and lawfully conduct the election.

(d) All notices required by law shall be given by the Sonoma County Registrar of Voters.

(e) Arguments for and against the measure may be, and other analyses provided for by law shall be, submitted in accordance with law.

(f) It is hereby requested the election be consolidated with any other election held on the same date in territory that is the same or in part the same.

(g) The canvass of ballots cast at the election shall be conducted in accordance with law.

6. The Clerk of the Board is directed to forward a certified copy of this resolution to the Sonoma County Board of Supervisors and to the Sonoma County Registrar of Voters.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Board on \_\_\_\_\_ by Director \_\_\_\_\_, who moved its adoption, seconded by Director \_\_\_\_\_, and ordered adopted by the following vote:

President Lambert \_\_\_\_\_  
Director Wilkes \_\_\_\_\_  
Director O'Shea \_\_\_\_\_  
Director Wood \_\_\_\_\_  
Director de Monchy \_\_\_\_\_

**AYES:** \_\_\_\_\_ **NOES:** \_\_\_\_\_ **ABSENT OR NOT VOTING:** \_\_\_\_\_

**WHEREUPON**, the President declared the foregoing resolution adopted, and **SO ORDERED**.

By: \_\_\_\_\_  
President of the Board

By: \_\_\_\_\_  
Secretary of the Board

Appendix A

ORDINANCE NO 09/10-1

**AN ORDINANCE OF THE RUSSIAN RIVER FIRE PROTECTION DISTRICT AUTHORIZING THE DISTRICT TO IMPOSE AND LEVY A NEW SPECIAL TAX TO ASSIST THE DISTRICT IN MEETING THE COSTS OF PROVIDING AND ENHANCING AUTHORIZED SERVICE AND EXERCISING OTHER RIGHTS AND POWERS OF THE DISTRICT AND REPEALING THE DISTRICT'S EXISTING SPECIAL TAX.**

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The people of the Russian River Fire Protection District ordain as follows:

**SECTION I. DEFINITIONS**

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section; unless the context clearly requires a different meaning. The definition of a word or phrase applies to any of that word's or phrase's variants.

**"Board of Directors"** means the Board of Directors of the Russian River Fire Protection District.

**"District"** means the Russian River Fire Protection District of Sonoma County, California.

**"Existing Special Tax"** means the special tax authorized by and imposed pursuant to Ordinance No 80-1.

**"New Special Tax"** means the special tax authorized by and imposed pursuant to this ordinance. The new special tax is a special tax within the meaning of Article XIII A, section 4 and Article XIII C, section 1 of the California Constitution.

**"Parcel of Real Property"** means a separate parcel of real property having a separate Assessor's parcel number as shown on the secured tax rolls of the County of Sonoma, or an assessment of a structural property on the unsecured tax rolls of the County of Sonoma, or an assessment made by the State Board of Equalization.

**"Residential"** means a permanent building or portion thereof, including manufactured and mobile homes designated or used exclusively as a residence, sleeping room, or living quarters, with kitchen facilities, which constitutes an independent housekeeping unit for one (1) or more persons. Residential does not include a tent, travel trailer, recreational vehicle, or similar vehicle or structure.

## **SECTION II. 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 3.7 (commencing with Section 53720) of Chapter 4 of Division 2 of Title 5 of the California Government Code, Section 13911 of the California Health and Safety Code, and Article 3.5 (commencing with Section 50075 of chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code.

## **SECTION III. DETERMINATION OF NECESSITY**

The amount of revenue available to the District from property taxes and the existing special tax is inadequate to meet the cost of providing or enhancing services pursuant to Section 13862 of the California Health and safety Code. Therefore, the District must establish a larger stable source of supplementary revenue to assist in meeting the costs of providing such service and exercising the other rights and powers of the District.

## **SECTION IV. PURPOSE OF SPECIAL TAX**

The purpose for which the new special tax shall be imposed and levied is to raise revenue for the District to use in meeting the costs of (1) providing service pursuant to Section 13862 of the California Health and Safety Code, and (2) exercising other rights and powers granted to the District in Chapter 5 (commencing with Section 13860) of Part 2.7 of Division 12 of the California Health and Safety Code.

## **SECTION V. SPECIAL TAX AUTHORIZATION AND LIMIT**

The Board of Directors is authorized to impose and levy the new special tax each year on each parcel of real property within the District, except parcels of real property owned by a federal, state, or local agency, based on the use or right of use of the parcel and for the purpose stated in Section IV of this ordinance. The new special tax shall be imposed in accordance with the schedule set forth in Exhibit "A," attached hereto and incorporated herein by this reference. The Board of Directors shall set the rate of the new special tax each year as provided in Section VI of this ordinance, provided that in no year shall the rate exceed the maximum specified in this section.

## **SECTION VI. REPORT AND HEARING ON SPECIAL TAX**

Each year prior to the imposition of the special tax, the Board of Directors shall cause a report to be prepared showing each parcel of real property subject to the new special tax, the owner(s) thereof, the land use classification applied thereto, and the proposed levy thereon. Upon the receipt of the report, the Board of Directors shall set a date for a public hearing thereon and shall cause notice of the hearing to be given pursuant to Section VIII of this ordinance. At the public hearing, the Board of directors shall set the rate and make such corrections to the taxes proposed to be levied as may be

required to conform to the schedule set for in Exhibit "A".

## **SECTION VII. ANNUAL REPORT ON SPECIAL TAX REVENUES**

Each year the District shall cause a report to be prepared and filed with the Board of Directors containing information regarding the amount of new special tax revenues collected and expended as well as the status of projects funded with proceeds of the new special tax.

## **SECTION VIII. NOTICE OF HEARING.**

In the absence of state law specifying the procedure for giving notice, notice of any public hearing held pursuant to this ordinance shall be given by posting in at least three (3) public places within the district at least fifteen (15) days prior to the hearing and publishing twice pursuant to Section 6066 of the California Government Code in at least one (1) newspaper of general circulation within the District. The notice shall include the date, time, and place of the public hearing, a general explanation of the matter to be considered, and a statement of where additional information may be obtained.

## **SECTION IX. COLLECTION.**

The new special tax shall be collected in the same manner and subject to the same penalty as other charges and taxes collected by or on behalf of the District by the County of Sonoma. The Sonoma County Tax Collector may deduct reasonable administrative costs incurred in collecting the new special tax and deposit the amounts deducted in the Sonoma County General Fund. In accordance with Article 1 (commencing with section 29300) of Chapter 2 of Division 3 of Title 3 of the California Government Code, there shall be added to the amount of special tax an amount for the reasonable administrative costs incurred in collecting the new special tax.

## **SECTION X. REPEAL OF EXISTING SPECIAL TAX.**

The existing special tax of the district established and levied pursuant to Ordinance 80-1 is repealed.

## **SECTION XI. SEVERABILITY CLAUSE.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The people of the Russian River Fire Protection District hereby declare that they would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid, except that Section X of this ordinance shall only be effective if the remaining portions of this ordinance are effective.

**SECTION XII. EFFECTIVE DATE.**

This ordinance shall take effect the day following its approval by two-thirds of the District's qualified voters voting on its approval at the special election on June 8, 2010.

**APPROVED**, by a two-thirds vote of the voters of the Russian River fire Protection District at the special election held on June 8, 2010, and

**SO ORDERED.**

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President, Board of Directors  
Russian River Fire Protection District

**ATTEST:**

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Clerk of the Board of Directors

**EXHIBIT A  
TO ORDINANCE**

RUSSIAN RIVER FIRE PROTECTION DISTRICT 2010 SPECIAL TAX PARCEL - USE CODES	
USE CODE SUMMARIES	RATE PER APN*
VACANT	\$70.00
SINGLE FAMILY RESIDENTIAL	\$140.00
MULTI FAMILY RESIDENTIAL	\$140.00 plus \$70.00 for each additional unit
AGRICULTURAL	\$175.00
COMMERCIAL/INDUSTRIAL	\$350.00

\* For parcels of real property with more than four uses, more than one land use classification may be applied to a single parcel to reflect the risk associated with the parcel. Subject to the forgoing sentence, contiguous vacant parcels of real property under the same ownership will be charged a single assessment at the highest rate applicable to the use of any of the parcels.

USE CODE DETAILS	(as adopted and amended by the County of Sonoma)
VACANT	000, 001, 002, 003, 005, 006, 020, 040, 050, 053, 080, 081, 082, 100, 101, 102, 200, 301, 302, 540, 560
SINGLE FAMILY RESIDENTIAL	010, 013, 014, 015, 016, 017, 018, 051, 054, 055, 056, 090, 091, 092, 095, 411, 416, 421, 423, 425, 426, 461, 471, 526, 541, 546, 561
MULTI FAMILY RESIDENTIAL	011, 021, 022, 023, 031, 032, 034, 035, 041, 042, 044, 046, 052, 057, 511, 521, 523, 751, 752
AGRICULTURAL	400, 420, 422, 510, 520, 522
COMMERCIAL/INDUSTRIAL	063, 066, 067, 068, 070, 071, 078, 110, 111, 112, 113, 115, 120, 121, 140, 141, 152, 154, 170, 171, 175, 178, 190, 191, 192, 193, 198, 201, 202, 210, 213, 214, 240, 250, 254, 255, 259, 260, 261, 262, 263, 280, 281, 283, 290, 291, 310, 311, 320, 329, 330, 331, 332, 350, 352, 353, 361, 370, 380, 381, 391, 393, 394, 481, 482, 610, 630, 640, 710, 720, 722