

**NORTH COUNTY FIRE PROTECTION DISTRICT OF
MONTEREY COUNTY**

Administration Office: 11200 Speegle St. Castroville CA 95012

831.633.2578 or 722-7833 Phone

831.633.2572 Fax

<http://www.ncfpd.org>



SPECIAL BOARD MEETING

Location: 11160 Speegle Street, Castroville

Tuesday, July 31, 2018

10:00 a.m.

Board of Directors:

Don Chapin, President

Frank Balesteri, Vice-President

Don Champion, Ph.D., Secretary

Jacqueline C. Simon, Director

Stanley Silva, Director

Fire Chief Richard C. Hutchinson, Jr.

**NORTH COUNTY FIRE PROTECTION DISTRICT
SPECIAL BOARD MEETING
AGENDA**

Meeting Location: Castroville Library
11160 Speegle Street, Castroville, CA

Date: Tuesday, July 31, 2018

Roll Call: President Don Chapin
Vice President Frank Balesteri
Secretary Don Champion, Ph.D.
Director Jacqueline C. Simon
Director Stanley Silva

Administration: Fire Chief Richard Hutchinson

Time: 10:00 a.m.

**Please silence all cell phones and refrain from texting during the meeting.*

CALL TO ORDER:

OPEN SESSION:

PLEDGE OF ALLEGIANCE:

1. ADDITIONS & CORRECTIONS TO AGENDA:

The Secretary to the Board will announce Agenda corrections and proposed additions, which may be acted on by the Board as provided in Section 54954.2 of the California Government Code.

2. PUBLIC COMMENTS:

*Public comment on items **not** on the Board's agenda shall be limited to 3 minutes per person per topic and understand that no action shall be taken on any item not appearing on the agenda. During consideration of any agenda item, public comment shall be limited to 3 minutes per person per topic and will be allowed **prior** to Board action on the item under discussion.*

3. OLD BUSINESS:

- a. Take Action to rescind Resolution 18-7-1 Resolution Ordering and Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election.
- b. Take Action to approve Resolution 18-7-2: Resolution Ordering and Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election.

4. BOARD of DIRECTORS COMMUNICATION: *When needed, this time is reserved for the*

- a. *Board of Directors to communicate activity, educational classes, and/or Committee reports.*

<p><i>Note: If you believe you possess any disability that would require special accommodations in order to attend this meeting, please call North County Fire Protection District at 633-2578 or 722-7833.</i></p>	<p><i>Page 1 of 2</i></p>
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CLOSED SESSION:

None.

ANNOUNCEMENT OF CLOSED SESSION ITEMS (if applicable):

The board will report out on any action taken during Closed Session, and may take additional action in Open session as appropriate.

Next meeting: Tuesday, August 21, 2018 at 10:00 A.M.

ADJOURNMENT:

AGENDA POSTED AND FAXED TO MEDIA AT 04:00 P.M. on Friday, July 27, 2018

Posting Locations:

Castroville Library Bulletin Board, 11160 Speegle Street, Castroville CA 95012

NCFD, Station 1: 11200 Speegle Street, Castroville CA 95012

NCFD, Station 2: 17639 Pesante Road, Prunedale CA 93907

NCFD, Station 3: 301 Elkhorn Road, Royal Oaks, CA 95076

North County Fire Protection District website at www.ncfpd.org

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Page 2 of 2

Place Special Tax on November 6, 2018 Ballot

PURPOSE: After consulting with SCI Consulting and the Monterey County Registrar of Voters, it was determined that Resolution 18-7-1 Resolution Ordering and Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election would require revisions. The revised resolution includes the full text of the measure, a provision to increase the District's appropriations limit so it can spend the money the tax would bring in, if it is approved. There is also a slightly change the language of the maximum 75-word ballot question, including removing the word "dollars" where it was redundant.

RECOMMENDATION: That the Board rescind 18-7-1 Resolution Ordering and Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election and Adopt the revised Resolution 18-7-2 Resolution Ordering and Election, Requesting County Elections to Conduct the Election, and Requesting Consolidation of the Election.

Richard C. Hutchinson Jr., Fire Chief

NORTH COUNTY FIRE PROTECTION DISTRICT

RESOLUTION NO. 18-7-2

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NORTH COUNTY FIRE PROTECTION DISTRICT OF MONTEREY COUNTY**

A RESOLUTION ORDERING AN ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION, REQUESTING COLSOLIDATION OF THE ELECTION, FOR AN ELECTION TO BE HELD IN THE NORTH COUNTY FIRE PROTECTION DISTRICT ON NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS THE QUESTION OF THE ADOPTION OF A SPECIAL FIRE TAX FOR EMERGENCY MEDICAL RESPONSE AND FIRE PROTECTION SERVICES, TO ADOPT INTENDED BALLOT LANGUAGE, TO APPROVE AN INCREASE IN THE DISTRICT'S SPENDING LIMIT, AND TO REQUEST ELECTION SERVICES BY THE MONTEREY COUNTY ELECTIONS DEPARTMENT

WHEREAS, the Board of Directors (the "Board") of the North County Fire Protection District of Monterey County (the "District") is authorized and charged to provide emergency response and fire protection services; and

WHEREAS, the Board of the North County Fire Protection District has determined that it is in the best interest of the District's citizens to reduce otherwise necessary service cutbacks to fire protection and emergency medical response services for our community; that the cost to provide adequate levels of service is beyond the reach of the District absent this proposed special tax, and that this tax is therefore necessary for public protection and public safety; and

WHEREAS, pursuant to the provisions of California Health & Safety Code section 13911 and Government Code sections 50075-50077.5, the Board of Directors is authorized to adopt this resolution which shall, subject to the approval of the voters, impose a special tax, which shall be applied against all taxable real property within the District; and

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

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

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

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

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on September 6, 2018; and

WHEREAS, the Board has determined that it is in the best interest of the community to seek voter approval, which will require approval by two-thirds voters voting thereon, for the proposed special tax in order to be able to maintain fire protection and emergency medical response services; and

WHEREAS, if approved by the voters, the special tax will be used solely for the purpose of providing fire protection and emergency medical response services within the District; and

WHEREAS, if this special tax is approved by the voters, the District may exceed the appropriations limit as previously established for the District in accordance with the provisions of Article XIII B of the California Constitution; and

WHEREAS, Sections 9160 and 9313 of the Elections Code authorize the filing of an impartial analysis, and Section 9600 et seq. of said code authorizes the filing of written arguments for or against any ballot proposition and rebuttal arguments;

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. Call and Consolidation of Election. The Board hereby orders an election be called and consolidated with any and all elections also called to be held on November 6, 2018 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403. This election is for the purpose of submitting to the qualified voters within the District, the question of the adoption of a special tax for fire protection and emergency response services.

SECTION 2. Submission of the Special Tax to Voters and Voter Approval Requirement. The special tax and corresponding increase in the District's appropriations limit established by this Resolution shall be submitted to the District's registered voters within North County Fire Protection District for their approval or rejection. The voter approval requirement is two-thirds, so the special tax shall not become effective unless approved by two-thirds of the registered voters of the District voting thereon. The full text of the proposed ballot measure is attached as Exhibit A and incorporated herein. If approved by the voters, the special tax shall continue until repealed by the Board of Directors or by the voters.

SECTION 3. Request for Services. Pursuant to Elections Code Section 10002 the Board hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conduction and election and agrees to pay for said services in full. The Board directs that the election be held on November 6, 2018, pursuant to Elections Code section 10418, with the ballot prepared by the Registrar of Voters of the County of Monterey (the "Election Official"). The exact form of said question is set forth in Exhibit A. Said Election shall be held and conducted in conformity with the uniform District Election Law (Election Code Section 10402 et seq.).

SECTION 4. Ballot Question. The Monterey County Elections Department shall conduct the election for the following measure to be voted on at the November 6, 2018 election:

Shall the North County Fire Protection District of Monterey County impose an annual special tax to fund the District's response to fire, medical, rescue and hazardous condition emergencies; equipment replacement; training; and public fire prevention programs at the following rates: \$39 per residential unit, \$63.75 per unimproved lot/agricultural parcel, and \$0.10 per square foot per commercial/industrial building with a minimum of \$39; generating estimated revenues of approximately \$760,000 annually with no termination date?

SECTION 5. Request to Print Measure Text. The Monterey County Elections Department is requested to print full measure text in Exhibit A exactly as filed or indicated on the filed document in the Voter Guide for November 6, 2018 election. Cost of printing and distribution of the measure text will be paid for by the District.

SECTION 6. Authorization for Appropriations Limit Increase. To the extent that the revenue from the special taxes enacted by this Resolution are in excess of the appropriations limit for the District, as calculated in accordance with the provisions of Article XIII B of the California Constitution and applicable statutory provisions, the approval of this special tax by the voters shall constitute approval to increase the District's spending limit in an amount equal to the revenue derived from the special tax, for the maximum period of time as allowed by law.

SECTION 7. Effective Date of the Special Tax. This special tax shall be deemed established and shall be in effect as of the day following the election date of November 6, 2018, upon certification of the election results evidencing approval by at least two-thirds of the participating registered voters, and approved by the Board of Directors of the District. The special tax shall be levied against all taxable real property within the District beginning with the 2019-2020 fiscal year. If approved by the voters, the special tax shall continue until repealed by the Board of Directors or by the voters.

SECTION 8. Use and Accountability of the Special Tax Proceeds. The special tax shall be used solely for the purpose of providing fire protection, including both fire prevention and suppression; for emergency medical response services within the District; and for any responses outside of the District under automatic/mutual aid agreements with other fire protection or emergency service agencies, and for any incidental expenses related to the collection of the tax.

SECTION 9. Annual Reporting. In accordance with Government Code Section 50075.1 et seq., the District's Fire Chief, as the chief fiscal officer of the District, shall file a report with the District Board of Directors at least once a year, no later than January 1 of each year. The annual report shall contain both of the following: (a) the amount of funds collected and expended; and (b) the status of any project required or authorized to be funded with the proceeds of the special tax in accordance with this Section.

SECTION 10. Levy, Collection, and Deposit of the Special Tax. Unless otherwise ordered pursuant to a resolution adopted by the Board, the special taxes shall annually be collected on the County of Monterey property tax bill in the same manner and subject to the same penalty as the county property taxes are collected. The District Board shall annually take such steps as are necessary to have the special tax collected through the property tax bill and shall coordinate with the County Auditor and Tax Collector in this regard. The County shall be entitled to deduct its reasonable costs incurred in collecting the special tax before the balance of the tax is remitted to the District.

Upon receipt of the special taxes the District shall cause same to be deposited in a special tax account or such other account established by the District which allows the District to properly account for the special taxes in compliance with the provisions of Government Code Section 50075.3.

SECTION 11. Appeals. Any property owner who is assessed a special tax as provided for herein may appeal any determination by the District concerning the nature of the use of the property or the calculation of the amount of the tax by filing a notice of appeal with the District offices. Any such appeal shall be filed by December 1 of the calendar year for which the tax is levied. The appeal shall be filed on the form provided by the District and shall contain a statement by the property owner as to the nature and basis for the appeal in accordance with the District's appeal procedure.

SECTION 12. Validation Pursuant to Code of Civil Procedure Section 860 et seq. Pursuant to the provisions of Government Code Section 50077.5, any judicial action or proceeding to attack, review, set aside, void, or annul this resolution and/or the approval of the subject special tax and/or increase in the spending limitation pertaining to the special tax, shall be commenced, if at all, within 60 days of the date of the adoption hereof.

The foregoing Resolution was PASSED and ADOPTED by the Board of Directors of the North County Fire Protection District on July 31, 2018 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

By:

Don Chapin, President

Attest:

Don Champion, Secretary

EXHIBIT A

TEXT OF THE BALLOT MEASURE

The question submitted to the voters shall read substantially as follows:

Shall the North County Fire Protection District of Monterey County impose an annual special tax to fund the District's response to fire, medical, rescue and hazardous condition emergencies; equipment replacement; training; and public fire prevention programs at the following rates: \$39 per residential unit, \$63.75 per unimproved lot/agricultural parcel, and \$0.10 per square foot per commercial/industrial building with a minimum of \$39; generating estimated revenues of approximately \$760,000 annually with no termination date?

**FULL TEXT OF SPECIAL TAX MEASURE
NORTH COUNTY FIRE PROTECTION DISTRICT PARCEL TAX
FOR EMERGENCY MEDICAL RESPONSE AND FIRE PROTECTION SERVICES**

The North County Fire Protection District is responsible for emergency medical response and fire protection services to the communities of Castroville, Elkhorn, Las Lomas, Moss Landing, Oak Hills, Pajaro, Prundeale, and Royal Oaks; within Monterey County.

In order to maintain prompt local fire protection and emergency medical response services within the North County Fire Protection District; to prevent the layoff of firefighters once the current SAFER grant has expired, so that firefighters are available to respond to all emergencies; to keep property insurance rates manageable; and to adequately train and equip firefighters; the District proposes to levy a special tax on each taxable parcel of land within the District at the following annual rates:

Property Type	Rate
Residential Dwelling Unit	\$39.00 per residential dwelling unit
Unimproved (vacant, parking lot, agricultural)	\$63.75 per parcel
Commercial, Industrial, Office, Recreational Property	\$0.10 per square foot of building area, with a minimum of \$39 per parcel

Taxable parcels are those parcels that appear on the annual secured Monterey County property tax roll and are billable for North County Fire Protection District services.

The purpose of this parcel tax will be to ensure continued local fire suppression and protection as well as rapid emergency response services for all residents, employees, and visitors in the District. The revenues raised by this special tax will only be used to defray operating expenses and equipment and capital improvement expenditures to accomplish the foregoing purposes.

If the special tax is approved by two-thirds of the voters voting on the measure, the District's appropriations limit will be increased by the amount of this voter-approved tax.

The special tax revenues shall be deposited into a separate account for exclusive use by the North County Fire Protection District, in accordance with Government Code Section 50075.1, and shall be expended by the District according to a plan developed annually by the District's staff and approved and adopted by the District's Board of Directors.

The District will cause to be filed an annual report with its Board of Directors, which report shall include the amount of special tax revenues collected and expended, and which shall otherwise comply with the accountability measures established in Government Code Sections 50075.1 et seq.

Any property owner who is assessed a special tax as provided for herein may appeal any determination by the District concerning the nature of the use of the property or the calculation of the amount of the tax by filing a notice of appeal with the District offices. Any such appeal shall be filed by December 1 of the calendar year for which the tax is levied. The appeal shall be filed on the form provided by the District and shall contain a statement by the property owner as to the nature and basis for the appeal in accordance with the District's appeal procedure.