

ORDINANCE NO. 89

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TWENTYNINE PALMS WATER DISTRICT
AUTHORIZING AND SETTING A SPECIAL TAX FOR
FIRE PROTECTION SERVICES INCLUDING EMERGENCY MEDICAL SERVICES**

WHEREAS, the Board of Directors of the Twentynine Palms Water District is a County Water District formed and operating under the County Water District Law set forth in Section 30000 et seq. of the Water Code and has the authority to provide fire protection services, including emergency medical services under Water Code Section 31120; and

WHEREAS, the District may, by ordinance, determine and propose for adoption a special tax for fire protection and prevention. Such a proposition shall be submitted to the voters of the District, and shall take effect upon approval of a two-thirds of the voters voting upon such proposition. (Article XIIC, Section 2; Government Code Sections 50075 et seq., 53970 et seq., 53722, 53724 and 53739) The ordinance proposing such a special tax must be approved by a two-thirds vote of all members of the Board. (Government Code Section 53724)

WHEREAS, the amount of the special tax currently imposed within the District prior to the effective date of this Ordinance has been \$54.00 per unit per year. Said amount was established by voter approval of Ordinance 75 in June 1997. At that time, the District contemplated that the rate of \$54.00 would only remain in effect for a 5-year period. However, said rate has remained in effect up to the present time. Although the rate has remained the same, the costs and expenses incurred by the District for the provision of fire protection services have increased substantially. For example, the District's fire/medical aid call volume has increased 51% from 1997 to 2004. To meet the increased demand for service, the District added full-time staffing to a second fire station in February 2002. Due to a lack of increased revenue, the District was forced to remove the full-time staffing from the second fire station in March 2004 to balance the budget.

WHEREAS, as a result of the substantial increases in the costs and expenses incurred by the District for the provision of fire protection services, including emergency medical services, and the District's desire to provide full-time staffing at the second fire station, the District desires to adopt this Ordinance No. 89 in order to determine and propose for adoption a special tax for fire protection and prevention and to submit said proposition to the voters of the District for their approval.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the Twentynine Palms Water District as follows:

1. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

2. The Board hereby determines and proposes for adoption a special tax for fire protection and fire prevention, including emergency medical services, with the ballot measure to read as follows:

“To ensure a dependable and reliable revenue source for the Twentynine Palms Fire Department, enabling the staffing of two fire stations for an estimated eight years, shall the annual special tax for funding of fire and emergency medical services be increased from the current \$54.00 per unit to the new amount of \$80.00 per unit, as defined in the unit schedule of Ordinance 89 of the District?”

3. The special tax, if voter approved, shall be collected from all taxable property within the District pursuant to a written report which shall contain a description of each lot or parcel of property subject to the special tax, the amount of the special tax for each lot or parcel for each fiscal year, and the basis and schedule for the special tax authorized herein.

4. The annual special tax shall be and is fixed at \$80.00 for each unit as per the unit schedule set forth herein.

5. The unit schedule is hereby established as follows:

A. BASIC TAX AMOUNT

<u>Description</u>	<u>Number of Units</u>
<u>Commercial and Industrial</u> (Building Size in Square Footage)	

From	To	
0	3,000	1.0
3,001	6,000	2.0
6,001	9,000	3.0
9,001	12,000	4.0

One (1) unit per each additional 3,000 square foot or portion thereof, OR One (1) unit per Business/Occupancy, whichever is greater.

Motel, Hotel and Institutional	(Each Rental or Living Unit)	0.25
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Residential

Single Family Residential Dwelling	(Each Dwelling)	1.0
Duplex, Triplex and Apartment Complex	(Each Living Unit)	1.0

Mobile Home Park	(Each Living Unit physically located within the Park on June 1 st of each year)	1.0
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Recreational Vehicle Park (Less 30% seasonal vacancy factor)	(Each Space)	1.0
<u>Unimproved Parcels</u>	(Each Parcel)	0.60

B. LARGE PARCEL AMOUNT

All parcels (improved or unimproved) greater than 5.0 acres shall be taxed an additional amount of \$2.00 per acre for each acre, or portion thereof, in excess of 5.0 acres. The Large Parcel Amount shall not exceed the amount of \$150.00 per parcel per fiscal year and shall be in addition to the Basic Tax Amount imposed upon any parcel greater than 5.0 acres.

6. The special tax shall be imposed upon any parcel, improvement and use of property to which fire protection and prevention service are made available, as specified in the written report, unless otherwise exempted.

7. The special tax shall be imposed only for the purpose of obtaining, furnishing, operating and maintaining fire suppression equipment or apparatus; for the purpose of hiring and paying salaries and benefits to fire fighting personnel; and for other necessary fire protection and prevention expenses, and for emergency medical services as permitted by law.

8. The special tax shall be collected on behalf of the District by the County of San Bernardino in the same manner and subject to the same penalties as, or with, other charges and taxes fixed and collected by the District, or by the County on behalf of the District.

9. If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby and, to this end, the provisions of this Ordinance are severable.

10. To the fullest extent permitted by law, this Ordinance and its special tax authorization and authority shall be binding upon any successors in interest to the District or any successors in interest to the District's fire protection and prevention functions, including emergency medical service functions.

11. Special tax monies raised pursuant to this Ordinance are exempt from environmental analysis under the California Environmental Quality Act pursuant to Public Resources Code Section 21080 (b)(8) since the proceeds of the special tax will be used for: (a) meeting operating expenses, including employee wage rates and fringe benefits; (b) purchasing or leasing supplies, equipment or materials; (c) meeting applicable financial reserve needs and requirements; and (d) obtaining funds for capital projects necessary to maintain service within existing service areas.

12. This Ordinance was introduced at a meeting of the Board held on September 8, 2004. Public hearings were held on September 30, 2004 and October 5, 2004, the notice of which was published in the Desert Trail on September 16 and 23, 2004.

13. This Ordinance shall be effective upon adoption. Within ten (10) days from the date of adoption, this Ordinance shall be published one time in a newspaper of general circulation.

PASSED, APPROVED AND ADOPTED this 5th day of October 2004 by the following roll call vote.

AYES: Directors Anthony, Carter, Cisneros, Moore and Yockey

NOES: None

Edith E. Carter, President
Board Of Directors

Attest:

Tina Johnson, Board Secretary
Twentynine Palms Water District