

BOARD OF DIRECTORS

*Rene Campbell (Division 1) – President, Randy Mendosa (Division 3) – Vice-President,
Nicole Johnson (Division 2) – Director, Elena David (Division 4) – Director,
David Rosen (Division 5) – Director*

***Special Board Meeting
November 20, 2019
5:30 p.m.***

*Location: 2149 Central Avenue, McKinleyville
McKinleyville Station Conference Room*

AGENDA

1) CALL TO ORDER

2) ATTENDANCE AND DETERMINATION OF QUORUM

3) PUBLIC COMMENT

Any person may address the District Board on any subject pertaining to District business, which is not listed on the agenda. This comment is provided by the Ralph M Brown Open Meeting Act (Government Code § 54950 et seq.) and may be limited to three (3) minutes for any person addressing the Board. Any request that requires Board action may be set by the Board for a future agenda or referred to staff.

4) OLD BUSINESS

4.1 Rescind Prior Action for Adoption of Resolution 19-214 Pg. 3

5) NEW BUSINESS

5.1 Discussion And Possible Action Adopting Resolution No. 19-214, In Its Final Form, Submitting To The Voters At The Statewide Election On March 3, 2020, A Proposed Ordinance Adjusting The Rate Of A Fire Protection Special Tax; Requesting The Board Of Supervisors Of Humboldt County To Consolidate Said Election With The Statewide Election; And Directing The District Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election Pg. 4

Attachment 1 – Resolution 19-214 with Exhibit A Pg. 7

5.2 Training Workshop in Regards to the March 2020 Election Pg. 14

6) ADJOURNMENT

Next Regular Board Meeting is scheduled for **December 10, 2019 at 5:30 pm. Arcata Station Classroom**

Prepared by: *Becky Schuette, Clerk of the Board*

The Arcata Fire Protection District ("District"), in compliance with the Americans with Disabilities Act ("ADA"), individuals who require special accommodations to access, attend and/or participate in District board meetings due to a disability, shall make their request by calling (707)825-2000, no later than 48 hours in advance of the scheduled meeting time. In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting may be viewed at 2149 Central Avenue, McKinleyville, California or at the scheduled

meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Board Secretary, at (707) 825-2000.

The meeting agenda is posted at least 72 hours in advance of regular scheduled meetings, at the following locations:

- *District's Headquarters' Building, 2149 Central Avenue, McKinleyville, CA 95519*
- *Arcata Downtown Station, 631 9th Street, Arcata, CA 95521*
- *Mad River Station, 3235 Janes Road, Arcata, CA 95521*
- *The Arcata Fire Protection District website: www.arcatafire.org*

Date: November 20, 2019
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Rescind Prior Action for Adoption of Resolution 19-214

Background

While reviewing minutes and preparing Resolution 19-214 for public availability, the Board Clerk discovered a discrepancy in the ballot language on the staff note compared to the language in the Resolution. The discrepancy involved the removal of the words “restoring fire marshal and fire inspector positions” from the Resolution, in addition to the update of the sunset clause date. Although both of these items were discussed during the regular meeting, the final motion did not include the removal of these items, by amendment, to the Resolution. During preparation of these items for this meeting, another discrepancy was discovered between the two versions of the ballot language, as well.

When the discrepancy was discovered, Staff contacted District counsel regarding options for the error. To avoid any future arguments, the actions being taken during this meeting, are his recommendations. All versions of the updated Resolution being presented in item 5.1 have been corrected and are in their final form.

Recommendation

Staff recommends the Board consider the information provided, take public comment, discuss and rescind the prior action for adoption of Resolution 19-214 as adopted on November 12, 2019.

To rescind the prior action, a Board member should make a motion to rescind the adoption of Resolution No. 19-214, made at the November 12, 2019, regular meeting. (4/5th vote requirement)

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed:
- Other:

Alternatives

The Board has the following alternatives:

1. Take no action
2. With direction, refer the topic back to staff for further consideration

Attachments

None

Date: November 20, 2019
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Discussion And Possible Action Adopting Resolution No. 19-214, In Its Final Form, Submitting To The Voters At The Statewide Election On March 3, 2020, A Proposed Ordinance Adjusting The Rate Of A Fire Protection Special Tax; Requesting The Board Of Supervisors Of Humboldt County To Consolidate Said Election With The Statewide Election; And Directing The District Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election

Background

In 1997, the voters of the District approved a special tax at the rate of \$5.00 per special unit of benefit. Based on the rates and number of taxable parcels within the District, the special tax generates approximately \$320,000 to \$350,000 in revenue per year.

The revenue generated by the 1997 Special Tax is insufficient to meet current demands. The District Board has reviewed the FY20/21 funding and expenses and has identified that it will have to cut up to \$200,000 in FY 20/21 if the District does not secure additional revenue sources. Fiscal cuts will have to be deeper, as the PERS unfunded liability ramps up to \$500,000 over the next few years. This does not include any increases to insurance, fuel costs, utilities and any other unforeseen catastrophic issues or failures. Additionally, position cuts and/or forced demotions raises contractual concerns and may not be absolute. It should also be highlighted that any further cuts to staffing and/or operating expenses will come at a great cost to the operations of the District and to the community.

Accordingly, the Board appointed an ad hoc committee to review and propose an increased special tax. The tax rates are commensurate with the service level that the District must provide in proportion to the property use, size, and demand.

District staff is proposing to increase the special tax rate to a flat rate based on the use of each taxable parcel at the rates below:

	<u>Parcel use Category</u>	<u>Total Annual Charge</u>
A.	Vacant/unimproved:	\$30 per year
B.	Single-Family Residential:	\$118 per year
C.	Rural Residential/Improved:	\$192 per year
D.	Multi-Family Residential (2-4 units):	\$309 per year
E.	Multi-Family Residential (5-9 units):	\$388 per year

F.	Multi-Family Residential (10+ units):	\$465 per year
G.	Commercial:	\$546 per year
H.	Industrial:	\$910 per year
I.	Retail (10,000 + square feet):	\$910 per year
J.	Mobile Homes:	\$90 per year

If approved, the special tax is estimated to generate approximately \$2,200,000 in revenue on an annual basis based on the number and use types of existing parcels. The revenue generated by the special tax would be earmarked for fire protection services and subject to annual reporting obligations.

If approved, the special tax would sunset after ten (10) years, i.e., June 30, 2030. To avoid a complete loss of special tax revenue after the expiration date, the District would need to obtain additional voter approval to (i) increase the period of the tax beyond the expiration date or (ii) adopt a new special tax.

Process for adoption:

In order to increase the current special tax rates, the Board must propose the increased rates to the voters for approval. The tax is approved if two-thirds (2/3) of the voters voting on the measure vote in favor of the measure. The ballot question is proposed to be:

To ensure and maintain fire protection services, including maintaining firefighter positions, and maintaining equipment and vehicle replacement funding, shall the Arcata Fire Protection District Ordinance No. 20-20, increasing the existing special tax rates until June 30, 2030, and raising an estimated \$2,200,000 dollars annually with independent citizen oversight, be adopted?	YES	
	NO	

The next statewide election is March 3, 2020. High turnout is expected for this election because the presidential primary will be held on this date. As a result of the anticipated turnout rate, staff believes this election gives the measure the best chance of success.

In order to place the special tax measure on the March 3, 2020 ballot, the County Office of Elections requires the District to submit a resolution requesting consolidation with the County election on or before December 6, 2019. If consolidation is not requested by that date, the District would be required to either hold a special election (at a considerable cost) or wait until the November, 2020, general election.

The ordinance imposing the tax and the resolution submitting the proposed ordinance to the qualified voters of the District are attached hereto as **Attachment 1**, Resolution 19-214 with Exhibit A.

The Board need only vote to adopt the Resolution. The voters will be asked whether the ordinance should be adopted.

Recommendation

Staff recommends the Board consider the information provided, take public comment, discuss and adopt Resolution No.19-214, in its Final Form, Submitting To The Voters At The Statewide Election On March 3, 2020, A Proposed Ordinance Adjusting The Rate Of A Fire Protection Special Tax; Requesting The Board Of Supervisors Of Humboldt County To Consolidate Said Election With The Statewide Election; And Directing The District Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election.

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed:
- Other: The District will incur yet unascertained costs for the County Elections Office to conduct the election.

Alternatives

The Board has the following alternatives:

1. Take no action
2. With direction, refer the topic back to staff for further consideration

Attachments

Attachment 1 – Resolution 19-214 and Exhibit A



Resolution Number: 19-214

A RESOLUTION OF THE ARCATA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS SUBMITTING TO THE VOTERS AT THE STATEWIDE ELECTION ON MARCH 3, 2020, A PROPOSED ORDINANCE ADJUSTING THE RATE OF A FIRE PROTECTION SPECIAL TAX; REQUESTING THE BOARD OF SUPERVISORS OF HUMBOLDT COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE ELECTION; AND DIRECTING THE DISTRICT CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE ELECTION.

WHEREAS, in 1997, the voters within the Arcata Fire Protection District approved a special tax of \$5.00 per unit of special tax (“Special Tax”);

WHEREAS, since 1997, the Special Tax has not been increased despite a significant increase in District obligations and service areas;

WHEREAS, based on current funding sources, including the Special Tax approved in 1997, the Arcata Fire Protection District is unable to provide adequate Fire Protection within the District with the existing financial resources; and

WHEREAS, additional funds are necessary to provide an adequate level of service within the Arcata Fire Protection District; and

WHEREAS, pursuant to the requirements of Article XIIIID, Section 4 of the California Constitution, the Board of Directors of the Arcata Fire Protection District proposes to amend the existing Special Tax for the purpose of maintaining and improving fire protection and prevention services to properties within the Arcata Fire Protection District, including annual budget support to maintain current firefighter positions, restore the fire marshal and fire inspector positions, and provide for adequate firefighting equipment, apparatus, and necessary capital improvements, consistent with the needs of the residents of the District; and

WHEREAS, in the judgement of the Board of Directors of the Arcata Fire Protection District, it is advisable to call an election to submit to the electors of the District the question whether the District shall amend the Special Tax for the purpose of providing, maintaining and improving fire protection and prevention services; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, March 3, 2020 and to request the County of Humboldt Elections Office to perform certain election services for the District.

NOW THEREFORE, BE IT RESOLVED THAT the Arcata Fire Protection District Board of Directors does hereby:

1. Recitals: The foregoing recitals are true and correct and are hereby incorporated by reference.
2. Call for Election; Placement of Measure on Ballot: Pursuant to California Constitution Article XIII C, Section 2; Government Code Section 53724; and Elections Code Section 10403, the Board of Directors of the Arcata Fire Protection District hereby calls an election at which it shall submit to the qualified voters of the District, a measure that, if approved, would increase the existing Special Tax rate. This measure shall be designated by letter by the Humboldt County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on March 3, 2020, and be held and conducted in the manner prescribed by Elections Code Section 10418.
3. Election Date: The date of the election shall be Tuesday, March 3, 2020.
4. Ballot Language: The question to be presented to the voters is as follows:

To ensure and maintain fire protection services, including maintaining firefighter positions, and maintaining equipment and vehicle replacement funding, shall the Arcata Fire Protection District Ordinance No. 20-20 increasing the existing special tax rates until June 30, 2030, and raising an estimated \$2,200,000 dollars annually with independent citizen oversight, be adopted?	YES	
	NO	

5. Proposed Ordinance. The ordinance authorizing the special tax to be approved by the voters pursuant to this Resolution is as set forth in Exhibit A, hereto. The Board of Directors hereby approves the ordinance, and form thereof, and its submission to the voters of the District at the March 3, 2020 election, subject to the approval of two-thirds of the voters voting on the measure at the election called by the adoption of this resolution. The entire text of the ordinance, attached hereto as Exhibit A, shall be included in the voters' pamphlet. The ordinance specifies that the rate of the special tax shall be as set forth in the ordinance; it specifies that the tax shall be in effect until June 30, 2030; and that the tax shall be collected in the same manner as, or with, other taxes fixed and collected by Humboldt County.
6. Publication of Measure. The District Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the District, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.
7. Request to Consolidate and Conduct Election and Canvass Returns.
 - a. Pursuant to the requirement of Section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of

a District Election with the Statewide Election on Tuesday, March 3, 2020, for the purpose of placing the measure set forth in this Resolution on the ballot.

- b. The County of Humboldt Registrar of Voters is authorized to canvass the returns of the district election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
 - c. The Board of Supervisors is requested to issue instructions to the Humboldt County registrar of voters to take any and all steps necessary for the holding of the consolidated election.
 - d. The District recognizes that additional costs will be incurred by the County of Humboldt by reason of this consolidation and agrees to reimburse the County for any costs.
8. Submission of Ballot Argument and Impartial Analysis.
- a. The submission of ballot arguments for or against the measure shall be conducted pursuant to Election Code sections 9281 through 9287.
 - b. The last day for submission of direct arguments for or against the measure shall be by December 13, 2019.
 - c. Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
 - d. The County Counsel shall prepare an impartial analysis of the measure by December 20, 2019.
9. Effective Date. This Resolution shall become effective immediately upon its adoption and the District Clerk is directed to send certified copies of the Resolution to the Humboldt County Board of Supervisors and the Humboldt County Registrar of Voters.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the Board of Directors of the Arcata Fire Protection District by the following polled vote:

Ayes:

Nays:

Abstain:

Absent:

DATED: November 20, 2019

Signed:

Rene Campbell, President

Attest:

Becky Schuette, Board Clerk/Secretary



Measure _____

Ordinance Number: 20-20

AN ORDINANCE OF THE ARCATA FIRE PROTECTION DISTRICT ADJUSTING THE RATE OF A FIRE PROTECTION SPECIAL TAX IN ORDER TO CONTINUE TO PROVIDE QUALITY LOCAL FIRE PROTECTION, RESCUE, AND OTHER ESSENTIAL SERVICES

The people of the Arcata Fire Protection District do ordain as follows:

SECTION 1. Authority. Pursuant to the authority of Government Code Section 53978 and Article XIII A of the California Constitution, this Ordinance, if passed by two-thirds voter approval, would increase the Arcata Fire Protection District's existing voter-approved special tax levied for fire protection, rescue, and emergency medical services and would supersede the existing special tax rate of \$5 per unit of benefit approved by qualified voters of the District in 1997 (Ordinance No. 97-010).

SECTION 2. Purpose and Intent. The proceeds from this special tax shall be used solely for the purpose of providing fire protection, rescue, and emergency medical services within the District. In particular, the special tax will be used to maintain and improve the current level of community-based fire protection services provided by the District. This includes annual budget support to maintain current firefighter positions, and provide for adequate firefighting equipment, apparatus, and necessary capital improvements, consistent with the needs of the residents of the District and the Fire Protection District Law of 1987.

SECTION 3. Special Tax Rate. Beginning with the 2020-21 fiscal year, the special tax shall be levied at flat rates based on the use of each taxable parcel of real property, in accordance with the schedule below:

	<u>Parcel use Category</u>	<u>Total Annual Charge</u>
A.	Vacant/unimproved:	\$30 per year
B.	Single-Family Residential:	\$118 per year
C.	Rural Residential/Improved:	\$192 per year
D.	Multi-Family Residential (2-4 units):	\$309 per year
E.	Multi-Family Residential (5-9 units):	\$388 per year
F.	Multi-Family Residential (10+ units):	\$465 per year
G.	Commercial:	\$546 per year

H.	Industrial:	\$910 per year
I.	Retail (10,000 + square feet):	\$910 per year
J.	Mobile Homes:	\$90 per year

- A. **Vacant/Unimproved:** Any vacant land or unimproved property.
- B. **Single-Family Residential:** A dwelling unit designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted).
- C. **Rural Residential/Improved:** Low-density residential or agricultural structures that generally rely upon onsite water systems, requiring the use of trucked-in water for fire suppression.
- D. **Multi-Family Residential (2-4 units):** 2 to 4 dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, duplexes, apartments, condominiums, and bed and breakfasts.
- E. **Multi-Family Residential (5-9 units):** 5 to 9 dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, apartments, condominiums, and bed and breakfasts.
- F. **Multi-Family Residential (10+ units):** ten or more dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, apartments, condominiums, and bed and breakfasts.
- G. **Commercial:** Commercial or institutional uses including but not limited to stores and retail businesses (less than 10,000 square feet), offices, restaurants and bars, service stations, auto repair, hotels, motels, day care facilities, professional business parks, and similar uses.
- H. **Industrial:** Industrial uses including but not limited to manufacturing, packaging, shipping, recycling, industrial parks, wood products, energy production, and similar uses.
- I. **Retail (10,000 + square feet):** a retail business that occupies 10,000 or more square feet.
- J. **Mobile Home Site:** an area of land within a mobile home park that is rented, or held out for rent, to accommodate a mobile home used for human habitation. A mobile home park is an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation. A mobile home is a structure designed for human habitation and for being moved on a street or highway, including, but not limited to, manufactured homes, motor homes, and recreational vehicles.

SECTION 4. Appeals. Any property owner 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 written appeal with the District. Any such appeal shall be filed by December 1st of the calendar year for which the tax is levied. The appeal 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 5. Method of Collection. On or about July 1st of each year, but in any event in sufficient time to include the levy of the special tax on the County's secured tax roll, the District shall determine the use category and related tax amount representing each parcel of real property within the District subject to the special tax. Parcels subject to levy shall be determined based upon the records of the Humboldt County Assessor or, in lieu thereof, upon such other reliable public records available to the District.

The special tax shall be collected in the same manner and subject to the same penalty as, or with, other taxes fixed and collected by Humboldt County on behalf of the Arcata Fire Protection District. The County of Humboldt may deduct reasonable expenses incurred for such service before remitting the balance to the District.

SECTION 6. Special Account. 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 50075.1. Funds deposited into this account cannot be used for any other purpose than those outlined in Section 2 of this Ordinance.

SECTION 7. 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 8. Annual Report. In accordance with Government Code Section 50075.3, the District's Fire Chief, as the chief fiscal officer of the District, shall file a report with the District Board at least once a year. The annual report shall contain 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.

SECTION 9. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the remaining portion of this Ordinance.

SECTION 10. Effective Date and Sunset Date. This Ordinance shall be effective only at such time as the District Board has declared that the Ordinance has been approved by two-thirds of the voters voting at an election to be held on March 3, 2020. Should this Ordinance not be approved, Ordinance No. 97-010 (approved by voters in 1997) will remain in full force and effect. Notwithstanding the above, if this Ordinance is approved, the special tax shall be collected at the rates established by this Ordinance

beginning with the 2020-2021 fiscal year until June 30, 2030, at which time the special tax shall be repealed by operation of law.

SECTION 11. Certification. The District Secretary shall certify to the passage and adoption of this Ordinance and shall cause a copy of the full text of the Ordinance to be posted.

Date: November 20, 2019
To: Board of Directors, Arcata Fire District
From: Justin McDonald, Fire Chief
Subject: Training Workshop in Regards to the March 2020 Election

Background

This Training Workshop will discuss the questions and answers as well as educational opportunities for the March 2020 election in relation to the proposed Special Tax.

Recommendation

This is an informational item only. There will be no action taken.

District Funds Requested/Required

- No Impact/Not Applicable
- Funding Source Confirmed:
- Other:

Alternatives

The Board has the following alternatives:

1. Take no action
2. With direction, refer the topic back to staff for further consideration

Attachments

None