

**ORDINANCE INCREASING THE SPECIAL TAX FOR
FIRE PROTECTION, PREVENTION, AND OTHER SERVICES
OF THE BRANCIFORTE FIRE PROTECTION DISTRICT MEASURE D
(Full Text of Ordinance No. 88-1)**

The Board of Directors of the Branciforte Fire Protection District do ordain as follows:

SECTION I

NECESSITY FOR AN INCREASE IN THE SPECIAL TAX. The Board of Directors of the Branciforte Fire Protection District find it necessary to hereby determine and propose for adoption an increase in the special tax for fire protection, prevention, and other services which the District is authorized to render under Fire Protection District Law of 1987, as amended, as set forth at Health and Safety Code §§ 13800 and following.

SECTION II

INCREASE OF THE SPECIAL TAX UPON VOTER APPROVAL. The Board of Directors of the Branciforte Fire Protection District hereby enact an ordinance authorizing the increase of the special tax to be submitted on November 8, 1988 to the voters voting upon said ordinance. The increase of the special tax thereby authorized to be imposed by the District shall be as follows:

(a) **Land.** The maximum annual amount of the special tax imposed upon each parcel of land in the district which does not exceed 10,000 square feet in size shall be \$5.00. The maximum annual amount of the special tax imposed upon each parcel of land which is larger than 10,000 square feet and less than 25 acres in size shall be \$20.00. The maximum annual amount of the special tax imposed upon each parcel of land which is 25 acres or more in size shall be \$30.00. The term "parcel of land", as used herein, shall mean any unit of land as shown on the last equalized secured assessment roll of the County of Santa Cruz. The following additional amounts shall be added to the amount due for the parcel, as applicable to each individual parcel.

(b) **Improved Residential Property.** The maximum annual amount of the special tax imposed upon improved residential property shall be \$30.00 per dwelling unit. This amount shall be in addition to the amount imposed upon the parcel. The term "dwelling unit" as used herein shall mean any structure, including mobile home, composed of one or more rooms, habitable for humans, which is occupied or is intended or designed to be occupied by one or more persons with complete independent facilities for living, sleeping, cooking, eating and sanitation. Hotels, motels, hostels, and apartment structures are excluded from the term "dwelling unit".

(c) **Improved Business Occupancy.** The maximum annual amount of the special tax imposed upon improved business occupancies shall be \$150.00 per business occupancy. This amount shall be in addition to the amount imposed upon the parcel and applicable special charges listed below. The term "business occupancy", as used herein, shall mean any building, improvement or structure, occupied or designated to be occupied independently for commercial, professional, administrative, recreational, office, hotels, motels, hostels, apartment structures, or other purposes other than residential, or industrial, or organized camp, or agricultural.

(d) **Improved Industrial Occupancy.** The maximum annual amount of the special tax imposed on each improved industrial occupancy shall be \$400.00. The term "industrial occupancy" as used herein shall mean any building, improvement or structure, or portion thereof, occupied independently for industrial, manufacturing, assembling, compounding, packaging, processing or other similar purposes. This amount shall be in addition to the amount imposed upon the parcel and applicable special charges listed below.

(e) **Special Charges.** There shall be special charges imposed upon occupancies of parcels as listed below. The maximum annual amount of the special tax imposed upon each residential care facility shall be \$10.00 per licensed bed in such facility. The maximum annual amount of the special tax imposed upon each commercial campground or travel trailer park shall be \$10.00 per camping/travel trailer/motor home space. The maximum annual amount of the special tax imposed upon each hotel, motel, hostel, or apartment structure shall be \$10.00 per sleeping room.

(f) **Organized Camp Facility.** The maximum annual amount of the special tax imposed on each organized camp facility shall be \$150.00. This amount shall be in addition to the amount imposed upon the parcel.

SECTION III

AUTHORITY FOR REDUCED AMOUNTS. The Board of Directors of the Branciforte Fire Protection District shall be authorized to annually establish the amount of the special tax at or below the amounts set forth at Section II hereof. Said Board may establish a reduced amount for the special tax imposed for any parcel upon which there is an installed sprinkler system or other fire protection system approved by the District.

SECTION IV

ANNUAL ESTABLISHMENT OF AMOUNT. At the time of adoption of its annual final budget, the Board of Directors of the Branciforte Fire Protection District shall establish the amount of the special tax to be levied during the ensuing fiscal year; provided, however, that such tax shall not exceed the maximum amounts set forth in Section II hereof.

SECTION V

COLLECTION. The special tax imposed by this ordinance shall be collected with and in the same manner as, and be subject to the same penalty as, other taxes fixed and collected by the County of Santa Cruz on behalf of the Branciforte Fire Protection District. The County of Santa Cruz may deduct its reasonable costs incurred for such service before remittal of the balance to the Branciforte Fire Protection District.

SECTION VI

REGULATIONS. The Board of Directors of the Branciforte Fire Protection District may from time to time adopt regulations necessary or convenient for the administration and enforcement of the special tax provided herein; provided that any such regulation be consistent with the purpose and intent of this ordinance.

SECTION VII

APEALS. The Board of Directors of the Branciforte Fire Protection District is established as the Board of Appeals for any and all appeals to the application of various charges listed in Section II hereof. The Board shall establish the rules relating to such appeals and the method of processing same.

SECTION VIII

AMENDMENT TO CONFORM WITH JUDGMENT OF COURT. If any part of this ordinance is held invalid or unenforceable by the final judgment of any court, that part may be amended by majority vote of the Board of Directors of the Branciforte Fire Protection District to conform with the judgment of such court, provided that any such amendment be consistent with the purpose and intent of this ordinance.

SECTION IX

SEVERABILITY. If any part of this ordinance is for any reason held to be invalid by the final judgment of any court, such judgment shall not effect the validity of the remaining portion of this ordinance. The people of the Branciforte Fire Protection District hereby declare that they would have adopted this ordinance and each and every section, subsection, sentence, phrase, clause, or part thereof irrespective of whether any one or more sections, subsections, sentences, phrases, clauses, or parts may be declared invalid.

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ANALYSIS OF THE SPECIAL TAX MEASURE D

The voters of the Branciforte Fire Protection District passed in 1987 a proposition which imposed a special tax. The current proposition asks the voters to increase the previously imposed special tax. The increase can be illustrated as follows:

SERVICE AREA	1981 Service Fee	1988 Proposed Service Fee
PARCELS NOT EXCEEDING 10,000 SQ. FEET IN SIZE	\$ 2.00	\$ 5.00
PARCELS OF MORE THAN 10,000 SQ. FEET AND LESS THAN 25 ACRES IN SIZE	\$ 15.00	\$ 20.00
PARCELS OF 25 ACRES OR MORE IN SIZE	\$ 25.00	\$ 30.00
ADDITIONAL PER DWELLING UNIT FOR IMPROVED RESIDENTIAL PROPERTY	\$ 25.00	\$ 30.00
ADDITIONAL PER OCCUPANCY FOR IMPROVED BUSINESS OCCUPANCY	\$100.00	\$150.00
ADDITIONAL PER LICENSED BED FOR RESIDENTIAL CARE FACILITIES	\$ 5.00	\$ 10.00
ADDITIONAL PER SPACE FOR COMMERCIAL CAMPGROUND/ TRAVEL TRAILER PARK	\$ 5.00	\$ 10.00
ADDITIONAL PER SLEEPING ROOM FOR HOTELS, APARTMENTS & HOSTELS	\$ 5.00	\$ 10.00
ADDITIONAL FOR ORGANIZED CAMP FACILITIES	\$150.00	\$150.00
ADDITIONAL PER OCCUPANCY FOR IMPROVED INDUSTRIAL OCCUPANCY	\$200.00	\$400.00

The Board of Directors has called an election for the purpose of submitting the proposition to voters of the Branciforte Fire Protection District of Santa Cruz County for adoption. If two-thirds of the voters of the district voting on the measure approve it, the ordinance will become operative.

If the proposition is defeated, 1981 service fees will remain in effect.

Submitted by:

s/ Margaret Rose Molin, ESQ.
Attorney for Branciforte Fire
Protection District

ARGUMENT IN FAVOR OF MEASURE D

In order to maintain local control and quality fire protection, prevention and other services for the **Branciforte Fire Protection District** community, it is necessary to **increase the Special Tax.**

The service fees were originally adopted by the voters in 1981. Even though costs have risen dramatically since that time, there have been no increases in those fees. It has been determined that in order to meet federally mandated training costs, update medical emergency equipment and replace other necessary apparatus, this increase is essential.

The undersigned authors of the primary argument in favor of the ballot measure, Branciforte Fire Protection District Amendment of Special Tax at the General Election for the County of Santa Cruz and the State of California, to be held on November 8, 1988, hereby states that such argument is true and correct to the best of their knowledge and belief.

s/ Juanita A. Leatherman
s/ Clay Dieckmann
s/ J. Mark Messer
s/ James Page

**NO ARGUMENT AGAINST THIS MEASURE
WAS SUBMITTED**

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