

OCT 25 2019  
*Tommy Gong*  
CLERK

RESOLUTION NO. 2019- 13

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY SERVICES DISTRICT CALLING AN ELECTION FOR SUBMISSION TO THE VOTERS OF A PROPOSED ORDINANCE FOR LEVY OF A SPECIAL TAX ON REAL PROPERTY LOCATED WITHIN THE DISTRICT TO FUND LOCAL EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES AND REQUESTING CONSOLIDATION OF SAID ELECTION WITH THE MARCH 3, 2020 PRESIDENTIAL PRIMARY ELECTION**

The following Resolution is hereby offered and read:

**WHEREAS**, the Oceano Community Services District ("OCSD") is a member agency in the Five Cities Fire Authority ("FCFA") along with the City of Grover Beach and the City of Arroyo Grande. The FCFA has identified the need for additional full-time emergency responders to ensure adequate local emergency medical and fire protection services for the member communities. This is due, in part, to the continued decline of the existing reserve program and increasing costs; and

**WHEREAS**, numerous studies have concluded that emergency response personnel staffing levels directly affect the level of community emergency medical and fire protection services and that additional, full-time emergency responders are necessary to provide for the overall safety of the community; and

**WHEREAS**, on June 27, 2018, the OCSD Board considered a report entitled "2018 Fire Service Analysis for the Oceano Community Services District" which included eight options that were evaluated for future emergency medical and fire protection services within Oceano. The report recommended that the most viable and cost-efficient choice for the community of Oceano was to continue to provide emergency medical and fire protection services through the Five Cities Fire Authority with funding supplemented by a special tax ballot measure; and

**WHEREAS**, on July 1, 2019, the OCSD Board approved an amendment to the Five Cities Fire Authority Joint Powers Agreement ("JPA") in order to 1) fund certain priorities identified in the FCFA Strategic Plan; 2) make changes to the funding formula and funding contributions by member agencies to reflect current staffing levels; and 3) commit OCSD to the undertaking of a special tax ballot measure; and

**WHEREAS**, in order to provide the best emergency medical and fire protection services to Oceano, to have a fire department staffed and prepared to provide emergency medical and fire protection services 24-hours a day, 7-days a week, and to accomplish both victim rescue and property conservation, additional funding must be sought; and

**WHEREAS**, the Board of Directors desires to place a ballot measure before the voters at the March 3, 2020 election for approval of a proposed Ordinance to levy a special tax on real property within the District to provide 24-hours a day, 7-days a week local emergency medical services and fire protection within the OCSD and to assist with the attraction and retention of qualified professional medical responders and firefighters in Oceano; and

**WHEREAS**, according to the amendment to the JPA, if the proposed Ordinance fails to pass and Oceano is unable to fund its share of the funding formula of the FCFA JPA, Oceano will automatically and without further action cease to be a member of the Five Cities Fire Authority on June 30, 2021; and

**WHEREAS**, in its consideration of adoption of this Resolution, the Board of Directors has indicated that if funding through a special tax is not approved, the Board would consider seeking approval from the Local Agency Formation Commission to divest its active authority to provide emergency medical services and fire protection and instead request those services be provided by San Luis Obispo County under its contract with Cal Fire; and

**WHEREAS**, pursuant to the provisions of Government Code section 61121(a) and Government Code section 50075 et seq., the Board is authorized to levy a special tax, subject to the approval of the voters; and

**WHEREAS**, in accordance with the requirements of Government Code section 50077, on October 23, 2019, the Board of Directors conducted a noticed public hearing on the issue of whether to place such a measure on the ballot. The notice included 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 could be obtained; and

**WHEREAS**, the Board of Directors desires to have the County of San Luis Obispo render certain services in connection with the March 3, 2020 election; and

**WHEREAS**, pursuant to Elections Code sections 10555 and 10400 et seq. said election may be consolidated with any other election, pursuant to the procedures set forth in the Elections Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Oceano Community Services District Board of Directors as follows:

1. The Board of Directors hereby finds and determines that the foregoing recitals are true and correct.
2. The Board of Directors hereby calls an election to be held on March 3, 2020, on the question of adopting a special tax to fund emergency medical and fire protection services.
3. It is hereby requested that the Board of Supervisors of San Luis Obispo County consolidate the election of the OCSD to be held on March 3, 2020, with any other San Luis Obispo County General Election held on the same date. This request is made pursuant to Elections Code sections 10555 and 10400, et seq. The Board of Directors agrees to reimburse the County of San Luis Obispo in full for services performed relating to this election upon presentation of an invoice.

The purpose of the election shall be for the voters in the District to vote on the following question:

<b>OCEANO COMMUNITY SERVICES DISTRICT LOCAL EMERGENCY MEDICAL SERVICES/FIRE PROTECTION RESPONSE MEASURE:</b>	<b>YES</b>	
<b>To maintain rapid response times for 911 medical emergency/fire protection services, provide 24-hours a day, 7-days a week staffed medical emergency/fire vehicles, shall Oceano Community Services District Ordinance No. 2020-1 levying an annual special tax of \$180.00 per parcel, providing \$422,000 a year, subject to annual maximum increases capped at 2%, until repealed by voters, and requiring independent citizen oversight and annual reports, be adopted?</b>	<b>NO</b>	

4. In accordance with Elections Code section 13119, the Ballot shall contain the following Fiscal Impact Statement:

FISCAL IMPACT STATEMENT FOR A SPECIAL TAX FOR THE PURPOSE OF FUNDING EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES TO BE IMPOSED ON ALL PARCELS OF REAL PROPERTY IN THE OCEANO COMMUNITY SERVICES DISTRICT EACH FISCAL YEAR [Elections Code section 13119]

Rate of tax to be levied: \$180.00 per parcel located in the Oceano Community Services District. The special tax is subject to an annual maximum increase in an amount not to exceed two percent (2%) per year.

Amount of money to be raised annually: \$422,000.00 (estimated).

Duration of the tax: The authorization to levy the tax pursuant to this Ordinance shall continue until repealed by the voters.

The tax information estimates in this statement reflect the District's current determination of the number of taxable parcels, which is based on certain assumptions. The actual amount of money raised in each year the tax is levied may vary due to factors including, but not limited to, variations in the number of taxable parcels within the District and inflation.

5. The Board of Directors hereby approves the proposed Ordinance to be submitted to the voters, which shall be included in its entirety with the ballot measure, in the form attached to this Resolution as Exhibit A and incorporated herein by this reference. The proposed measure is a special tax as defined in Article XIIC of the California Constitution and shall not take effect unless and until approved by a vote of at least a two-thirds (2/3) majority of the voters voting on the question in the election.
6. The District Clerk is hereby directed to file a certified copy of this Resolution with the San Luis Obispo County Board of Supervisors.



**PASSED, APPROVED, and ADOPTED** by the Board of Directors of the Oceano Community Services District, State of California, this 23 day of October, 2019, by the following vote:

AYES: Vice President White, Director Gibson, Director Villa, President Austin

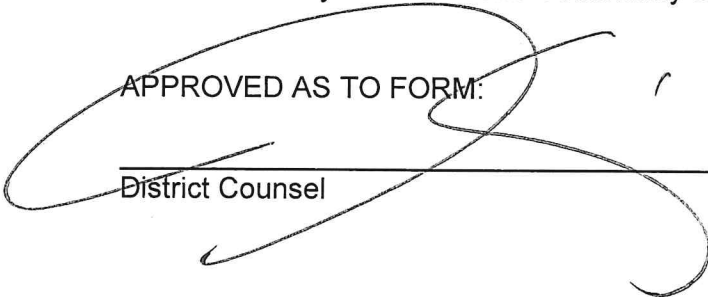
NOES: Director Replogle

ABSENT:

ABSTAIN:

  
\_\_\_\_\_  
President of the Board of Directors

ATTEST:  
  
\_\_\_\_\_  
Board Secretary of the Oceano Community Services District

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
District Counsel

**ORDINANCE NO. 2020-1**

**OCEANO COMMUNITY SERVICES DISTRICT  
AN ORDINANCE FOR LEVY OF A SPECIAL TAX ON REAL PROPERTY  
LOCATED WITHIN THE DISTRICT TO FUND LOCAL EMERGENCY MEDICAL  
AND FIRE PROTECTION SERVICES**

**WHEREAS**, the Oceano Community Services District (“OCSD”) is a member agency in the Five Cities Fire Authority (“FCFA”) along with the City of Grover Beach and the City of Arroyo Grande. The FCFA has identified the need for additional full-time emergency responders to ensure adequate local emergency medical and fire protection services for the member communities. This is due, in part, to the continued decline of the existing reserve program and increasing costs; and

**WHEREAS**, numerous studies have concluded that emergency response personnel staffing levels directly affect the level of community emergency medical and fire protection services and that additional full-time emergency responders are necessary to provide for the overall safety of the community; and

**WHEREAS**, on June 27, 2018, the OCSD Board considered a report entitled “2018 Fire Service Analysis for the Oceano Community Services District” which included eight options that were evaluated for future emergency medical and fire protection services within Oceano. The report recommended that the most viable and cost-efficient choice for the community of Oceano was to continue to provide emergency medical and fire protection services through the Five Cities Fire Authority with funding supplemented by a special tax ballot measure; and

**WHEREAS**, on July 1, 2019, the OCSD Board approved an amendment to the Five Cities Fire Authority Joint Powers Agreement (“JPA”) in order to 1) fund certain priorities identified in the FCFA Strategic Plan; 2) make changes to the funding formula and funding contributions by the member agencies to reflect current staffing levels; and 3) commit OCSD to the undertaking of a special tax ballot measure; and

**WHEREAS**, according to said amendment to the JPA, if the proposed Ordinance fails to pass and Oceano is unable to fund its share of the funding formula of the FCFA JPA, Oceano will automatically and without further action cease to be a member of the Five Cities Fire Authority on June 30, 2021; and

**WHEREAS**, in order to provide the best emergency medical and fire protection services to Oceano, to have a fire department staffed and prepared to provide emergency medical and fire protection services 24-hours a day, 7-days a week, and to accomplish both victim rescue and property conservation, additional funding must be sought. Therefore, the Board of Directors has placed a ballot measure before the voters at the March 3, 2020 election for approval of this Ordinance to levy a special tax on real property within the District to fund emergency medical and fire protection services.

**NOW, THEREFORE, THE PEOPLE OF THE OCEANO COMMUNITY SERVICES DISTRICT DO ORDAIN** as follows:

### **Section 1. Authority.**

This Ordinance is adopted pursuant to section 4 of Article XIII A, section 4 of Article XIII B, and section 2 of Article XIII C of the California Constitution; Article 3.5 (commencing with section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code; Article 3.7 (commencing with section 53720) of Chapter 4 of Division 2 of Title 5 of the Government Code; Government Code section 53978; and Government Code section 61121(a).

### **Section 2. Fiscal Impact Statement [Elections Code section 13119].**

Rate of tax to be levied: \$180.00 per parcel located in the Oceano Community Services District. The special tax is subject to annual maximum increases in an amount not to exceed two percent (2%) per year.

Amount of money to be raised annually: \$422,000.00 (estimated).

Duration of the tax: The authorization to levy the tax pursuant to this Ordinance shall continue until repealed by the voters.

The tax information estimates in this statement reflect the District's current determination of the number of taxable parcels, which is based on certain assumptions. The actual amount of money raised in each year the tax is levied may vary due to factors including, but not limited to, variations in the number of taxable parcels within the District and inflation.

### **Section 3. Tax Imposed and Purpose of Tax.**

A special tax for the purpose of funding emergency medical and fire protection services shall be imposed on all parcels of real property in the Oceano Community Services District for each fiscal year, commencing with fiscal year 2020-2021. The maximum amount of the special tax for fiscal year 2020-2021 shall be \$180.00 per parcel.

Beginning with fiscal year 2021-2022, and for each fiscal year thereafter, the maximum amount the special tax shall increase is two percent (2%).

The records of the San Luis Obispo Assessor as of March 1st of each year shall be used to identify each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year. For the purposes of this Ordinance, the term "parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized assessment roll of San Luis Obispo County.

### **Section 4. Exemptions.**

A. To the extent required by California and Federal law, the following parcels shall be exempt from the tax imposed by this Ordinance:

1. Parcels owned by Federal or State governmental agencies;
2. Parcels owned by local governmental agencies; and
3. Parcels exempt from taxation by the District pursuant to the laws or constitutions of the United States and/or the State of California.

B. Any person or entity claiming an exemption from the tax imposed by this Ordinance shall file a verified statement of exemption on a form prescribed by the Oceano Community Services District General Manager prior to June 30th of the first fiscal year for which the exemption is sought.

**Section 5. Ballot Question.**

Pursuant to the California Elections Code, the abbreviated statement of the proposition, as it appears on the ballot is as follows:

**To maintain rapid response times for 911 medical emergency/fire protection services, provide 24-hours a day, 7-days a week staffed medical emergency/fire vehicles, shall Oceano Community Services District Ordinance No. 2020-1 levying an annual special tax of \$180.00 per parcel, providing \$422,000 a year, subject to annual maximum increases capped at 2%, until repealed by voters, and requiring independent citizen oversight and annual reports, be adopted?**

YES

NO

**Section 6. Use of Tax Proceeds.**

The proceeds of the special tax shall be deposited in a special account, created and maintained by the District and will be used solely for the purpose of providing 24-hours a day, 7-days a week staffed emergency medical and fire protection services within the District and for the costs of administering the special tax, including, but not limited to, the costs of collection. Proceeds of this special tax will not be used for any other purpose and will not be used to offset other District obligations.

(a) For purposes of this Ordinance, "emergency medical and fire protection services" include, but are not limited to, fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property that are critical to the public peace, health, and safety of the District's residents and members of the public.

(b) For the purposes of this Ordinance, the District's costs of "providing 24-hours a day, 7-days a week staffed emergency medical and fire protection services" include, but are not limited to, the following: salaries, benefits, training, and all other personnel related costs; the costs of acquiring or leasing, operating, and maintaining equipment and apparatus used for fire and emergency services; the costs of operating, maintaining, repairing, renovating, and equipping fire facilities.

### **Section 7. Method of Collection.**

The special tax imposed by this ballot measure is due from each owner of record of a parcel within the District as reflected upon the rolls of the County Assessor at the same time the ad valorem tax is due and is to be collected in the same manner. The San Luis Obispo County Tax Collector shall collect the tax and any penalty or interest due hereunder; provided however, that the District Board of Directors may authorize other appropriate methods of collection of the special tax by appropriate resolution(s). The special tax shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency, as provided for ad valorem taxes.

### **Section 8. Accountability Measures.**

- A. Account. Upon the levy and collection of the tax authorized by this Ordinance, an account shall be created into which the proceeds of the tax will be deposited. The proceeds of the tax authorized by this Ordinance shall be applied only to the specific purposes identified in this Ordinance.
- B. Annual Report. An annual report that complies with the requirements of Government Code section 50075.3 shall be filed with the District Board of Directors no later than January 1st of each fiscal year in which the tax is levied.

### **Section 9. Citizen Oversight Committee.**

The Board of Directors shall establish a Citizen Oversight Committee (the "Committee"). The Committee shall review and evaluate annual expenditures made by the District from the proceeds of the special tax ("special tax proceeds"). The Committee may receive and review copies of the Report prepared pursuant to Section 8 of this Ordinance, and may inspect all facilities and contracts entered into for which special tax proceeds have been or will be expended. The Committee shall consist of a minimum of three (3) members appointed by the District Board of Directors or as otherwise deemed appropriate. To be a qualified candidate for the Committee, a person must be at least 18 years of age and reside within the District's geographic boundaries. The Committee may not include any employee or officer of the District, or any vendor, contractor, or consultant of the District.

### **Section 10. Severability.**

If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The People of the Oceano Community Services District hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unlawful.

### **Section 11. Recitals.**

That the recitals set forth hereinabove are true, correct, and valid.



**Section 12. Effective Date.**

This Ordinance shall not become effective unless approved at the March 3, 2020 election by a two-thirds (2/3) majority of the voting registered voters within the District. This Ordinance shall become effective ten (10) days after the vote is certified by San Luis Obispo County.

PASSED AND ADOPTED by the People of the Oceano Community Services District at an election held on March 3, 2020.