

ORDINANCE NO. 1-2019

TEMPLETON COMMUNITY SERVICES DISTRICT

AN ORDINANCE FOR LEVY OF A SPECIAL TAX ON  
REAL PROPERTY LOCATED WITHIN THE DISTRICT TO  
PROVIDE 24-HOURS A DAY, 7 DAYS A WEEK STAFFED  
FIRE AND EMERGENCY SERVICES

**WHEREAS**, Templeton Fire and Emergency Services has one fire station that serves a community of 8,000 residents. Due to limited property tax funding from the County, the Templeton station is only staffed from 8 AM to 5 PM daily. Nights are currently covered by firefighters when they are available and choose to stay at the Fire Station overnight. This leads to longer response times and occasionally an emergency service crew is unable to respond to after-hour 911 calls. In 2018, there were 101 uncovered nights. Of those uncovered nights, there were 103 calls for service, where there was a delayed response due to lack of coverage; and

**WHEREAS**, nighttime coverage suffers during the summer because a number of the personnel take seasonal firefighter jobs with other agencies. During this time, the pool of available personnel becomes very unpredictable. Additionally, there are times, when no off-duty personnel are available to respond after hours. When this occurs Templeton Fire and Emergency Services is placed out of service and Cal Fire is relied upon to respond to emergency calls. In November of 2018, Templeton Fire and Emergency Services was unable to respond to two emergency calls for service due to lack of available personnel in the District; and

**WHEREAS**, Templeton Fire and Emergency Services has experienced a 75% increase in service calls since 2010. Over the past five years, sixty percent (60%) of all calls for service are for emergency medical incidents. This includes responding to victims of heart attacks, stroke, traumatic injury, car accidents, youth sport injuries and other medical emergencies; and

**WHEREAS**, If Templeton's fire service were to be provided by Cal Fire, County Fire Engine 30, located in Paso Robles, would most likely serve Templeton. Engine 30's primary response area is over 60 square miles and one of the busiest Engines in San Luis Obispo County. If simultaneous incidents were to occur there would be longer 911 response times for a fire or medical emergency in Templeton. In the last 2 years, Cal Fire (Engine 30) could not respond to 13.9% of Templeton's 911 emergency calls because they were already committed to another incident; and

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

**WHEREAS**, the Board of Directors has placed a ballot measure before the voters at an August 27, 2019 all-mail ballot election for approval of this ordinance to levy a special tax on real property within the District to provide 24-hours a day, 7 days a week staffed fire and emergency services, in order to create a sustainable and reliable source of funding to provide lifesaving fire and medical emergency services. Funds from the proposed measure will be used to provide essential local fire protection and emergency medical services 24 hours a day, 7 days a week and to reduce fire and 911 emergency response times.

**NOW, THEREFORE, THE PEOPLE OF THE TEMPLETON COMMUNITY SERVICES DISTRICT DO ORDAIN AS FOLLOWS:**

**Section 1. Authority.**

This Ordinance is adopted pursuant to Article XIII A, Section 4, Article XIII B, Section 4, and Article XIII C, Section 2 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 Templeton Community Services District. The tax will also be subject to annual CPI adjustments capped at 2%.

Amount of money to be raised annually: \$486,000 (estimated).

Duration of the tax: The authorization to levy the tax pursuant to this Ordinance does not expire.

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 providing 24-hours a day, 7 days a week staffed fire and emergency services, shall be imposed on all parcels of real property in the Templeton

Community District for each fiscal year, commencing with fiscal year 2020-2021. The maximum amount of the special tax for fiscal year 2020/21 shall be \$180.00 per parcel.

Beginning with fiscal year 2021/22 and for each fiscal year thereafter, the maximum amount of the special tax shall increase by the average percentage by which the Consumer Price Indexes for All Urban Consumers in both the San Francisco-Oakland-Hayward Area and the Los Angeles-Long Beach-Anaheim Area, published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor to those indices, increased in the twelve months prior to March of the calendar year in which the adjustment is made, with a maximum annual increase of two percent (2.00%) for any given fiscal year.

The records of the San Luis Obispo Assessor as of March 1<sup>st</sup> 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;
3. Parcels exempt from taxation by the District pursuant to the laws or constitutions of the United States and 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 Templeton Community Services District Finance Officer prior to June 1<sup>st</sup> for the following fiscal year.

#### **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:

**TEMPLETON COMMUNITY SERVICES DISTRICT LOCAL FIRE PROTECTION/EMERGENCY RESPONSE MEASURE: To maintain fire protection, improve 911 emergency response times, provide 24 hours per day, seven days a week staffed fire/emergency response services instead of the current 9 hours per day, shall Templeton Community Services District Ordinance No. 2019-1 levying an annual special tax**

**of \$180 per parcel, providing \$486,000 a year until ended by voters, subject to annual CPI adjustment capped at 2% with citizens' 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 fire and emergency services within the District, and 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, “fire and emergency 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 fire and emergency services” include, but are not limited to, the following: the salaries, benefits, training, and all other personnel related costs; the costs of acquiring or leasing, operating, and maintaining equipment and apparatus used for fire 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 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 1<sup>st</sup>, for the previous fiscal year, each fiscal year in which the tax is levied.

### **Section 9. Citizens' Oversight Committee.**

The Board of Directors shall establish a Citizens' 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. 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 Templeton 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 unconstitutional.

### **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 August 27, 2019 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 Templeton Community Services District at a special election held on August 27, 2019.