

**ORDINANCE NO. 88**

**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 benefit unit per year. Said amount has not changed since 1997, at which time the amount was lowered from a rate of \$57.00 per year. 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 has added an additional full-time staffed station. In addition, the District's estimated fire/medical aid call volume has increased 48% from 1997 to the present. As a result of staffing an additional station and the call volume increase, the District has incurred substantial increases in operating expenses.

**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, the District desires to adopt this Ordinance No. 88 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:

“Do the registered voters within the service area of the Twentynine Palms Fire Department, as owned and operated by the Twentynine Palms Water District, approve Ordinance 88 of the District which authorizes the yearly levy and collection of a special tax, in the amount of \$80.00 per benefit unit, where said amount will be subject to a yearly adjustment of 2.0% for inflation? On an annual basis, the Board of Directors of the District, at a public hearing, shall determine the amount to be levied. The amount determined by the Board shall be within a range from the amount imposed for the previous year up to the maximum amount of 2.0% for the inflation adjustment as set forth herein. The proceeds from the special tax shall be used for obtaining, furnishing, operating and maintaining fire suppression equipment or apparatus, for paying the salaries and benefits to firefighting personnel and for such other necessary expenses for fire protection, prevention and emergency medical services of the District within the service area of the Fire Department.”

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 benefit unit as per the benefit unit schedule set forth herein. The amount of the special tax shall be subject to a yearly adjustment for inflation pursuant to the percentage increase, if any, as authorized herein. On an annual basis, the Board of Directors of the District, at a public hearing, shall determine the amount to be levied. The amount determined by the Board shall be within a range from the amount imposed for the previous year to the maximum amount of 2.0% for the inflation adjustment as set forth herein.

5. The benefit unit schedule is hereby established as follows:

<u>DESCRIPTION</u>		<u>NUMBER OF BENEFIT 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) benefit unit per each additional 3,000 square foot or portion thereof, OR One (1) benefit unit per Business/Occupancy, whichever is greater.

Motel, Hotel and Institutional	(Each Rental or Living Unit)	0.25
<u>Residential</u>		
Single Family Residential Dwelling	(Each Dwelling)	1.0
Duplex, Triplex and Apartment Complex	(Each Living Unit)	1.0
Mobile Home Park (Less 10% vacancy factor)	(Each Space)	1.0
Travel Trailer Park (Less 30% vacancy factor)	(Each Space)	0.50
<u>Vacant Parcels and Parcels with Lesser Benefits</u>	(Each Parcel)	0.50

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 November 5, 2003, following a public hearing, the notice of which was published in the Desert Trail on October 30, 2003.

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 November 2003.

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

NOES: None

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Milford J. Yockey, President  
Board Of Directors

Attest:

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Tina Johnson, Board Secretary  
Twentynine Palms Water District