

FILED

AUG 04 2016

MEASURE _____

BY  DEPUTY
REGISTRAR OF VOTERS

ORDINANCE NO. 54

AN ORDINANCE OF THE PEOPLE OF THE APPLE VALLEY FIRE PROTECTION DISTRICT OF SAN BERNARDINO COUNTY EXTENDING THE TERM AND ADJUSTING THE RATE OF A FIRE PROTECTION SPECIAL TAX CONTINUATION MEASURE IN ORDER TO CONTINUE TO PROVIDE QUALITY LOCAL FIRE AND EMERGENCY MEDICAL/RESCUE SERVICES.

THE PEOPLE OF THE APPLE VALLEY FIRE PROTECTION DISTRICT DO ORDAIN AS FOLLOWS:

Section 1. Upon the date set forth in Section 5 herein, there is hereby imposed a Fire Protection Special Tax ("Special Tax") on each residential dwelling unit and non-residential parcel within the District's boundaries for the purposes set forth in this Ordinance and at the rate specified herein. The Special Tax shall be applicable to all parcels of real property within the District's boundaries as depicted on the boundary map attached hereto as Exhibit A.

Section 2. The following shall constitute the Apple Valley Fire Protection District's Fire Protection Special Tax:

The proceeds of the Fire Protection Special Tax Measure shall be used to reduce 9-1-1 emergency response times, improve the ability of local firefighters to respond to several emergencies at the same time, improve emergency response times to meet National Fire Protection Standards, maintain professional fire protection for local residents, better protect homes and businesses within the Fire District, reopen fire stations, keep insurance rates manageable, and maintain the District's fiscal well-being. The proceeds of the Fire Protection Special Tax Measure shall be applied only to these specific purposes.

The rates set forth below are annual and shall be based upon the category of real estate.

1. Categories of Special Tax Measure

A. Vacant Land

Acres	Annual Rate
0-10.00	\$ 81.27
10.01 – 24.99	\$113.98
25 or more	\$146.84

B. Residences \$126.90 annually per dwelling unit (a single family residence, individual apartment unit, condominium or mobile home)

C. Commercial (including industrial, manufacturing, mercantile, wholesale/retail, churches, private schools, etc.)

MEASURE _____

ORDINANCE NO. 54

Square Feet	Annual Rate
0 – 5,000	\$252.34
5,001 – 20,000	\$344.97
20,001 – 50,000	\$487.53
50,001 or more	\$630.06

- D. Others (including agricultural buildings and privately owned light aircraft T hangars) \$116.88 annually per building/unit.

2. Collection of the Special Tax. On or about July 1st of each year, but in any event in sufficient time to include the levy of the Special Taxes on the County's secured tax roll, the District shall determine the Tax Category representing each parcel of real property within the District subject to the Tax. Parcels subject to levy shall be determined based upon the records of the San Bernardino County Assessor or, in lieu thereof, upon such other reliable public records available to the District.

This Special Tax shall be collected in the same manner and subject to the same penalty as, or with, other taxes fixed and collected by San Bernardino County on behalf of the Apple Valley Fire Protection District. The County of San Bernardino may deduct, with the District's approval, reasonable expenses incurred for such service before remitting the balance to the District.

3. Deposit of Special Tax Measure Proceeds. The proceeds of the Special Tax Measure shall be deposited into an account created for that purpose. Funds deposited into this account cannot be used for any other purpose than those outlined in Section 2 of this Ordinance.

4. Consumer Price Index Increases. The Special Tax Measure rates set forth above shall automatically increase each year no later than July 1st in accordance with the Consumer Price Index applicable to the District's territory within its boundaries, but in no case shall the rates increase by more than 2% over the Special Tax levied in the previous fiscal year.

5. Annual Report. Pursuant to California Government Code, Section 50075.3, the Chief Financial Officer of the District shall file a report with the Board of Directors at least annually that contains both of the following:

- A. The amount of funds collected from the Special Tax and expended; and
- B. The status of any project required or authorized to be funded by the Special Tax.

Section 3. The Board of Directors may, by ordinance or resolution, adjust the rate or temporarily suspend all or a portion of the Special Tax Measure, as appropriate to the financial condition of the District. No adjustment to the rate or temporary suspension of the Special Tax Measure shall constitute a decrease in a tax, or an increase in a tax requiring voter approval under California Constitution Article XIII C (Proposition 218); provided the Board's action does not increase the Special Tax beyond the maximum rate or methodology set forth in this voter-approved ordinance. To the extent that any aspect of a rate adjustment or temporary Special Tax suspension is found to invoke such a requirement under Proposition 218, the entire Board action shall be deemed null and void.

MEASURE _____

ORDINANCE NO. 54

Section 4. If any section, subsection, part, clause, sentence or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of the Ordinance, the application thereof, and the Special Tax imposed shall not be affected thereby but shall remain in full force and effect, it being the intention of the voters to adopt each and every section, subsection, part, clause, sentence or phrase, regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

Section 5. This Ordinance shall be effective ten days after the date on which the District Board of Directors has declared that the voters of the District have approved this Ordinance by a vote of not less than two-thirds of the votes cast by the electors voting on the Special Tax set forth in this Ordinance. Otherwise, this Ordinance shall be of no force and effect. Notwithstanding the above, if this Ordinance is approved, the District's Special Tax shall continue to be collected at the rates established by Ordinance No. 39 (approved by the voters on November 4, 1997) until June 30, 2017, after which the Special Tax shall be collected at the rates established by this Ordinance.

Section 6. The Secretary of the District Board of Directors shall certify to the passage and adoption of this Ordinance and shall cause a certified copy of the full text of the Ordinance to be posted.

PASSED, APPROVED AND ADOPTED this 8th day of November, 2016.

DANIEL J. LEARY, President of the
Apple Valley Fire Protection District
and of the Board of Directors thereof.

ATTEST:

SID HULTQUIST, Fire Chief and Secretary of the
Apple Valley Fire Protection District
and of the Board of Directors thereof.

MEASURE _____

ORDINANCE NO. 54

CERTIFICATION

I, SID HULTQUIST, hereby certify that the foregoing Ordinance No. 54 was duly adopted by a minimum two-thirds vote of the registered voters who voted in an election of the Apple Valley Fire Protection District held on November 8, 2016.

I have hereunto set my hand and affixed the official seal of the Apple Valley Fire Protection District this _____ day of _____, 2016.

SID HULTQUIST, Fire Chief and Secretary of the
Apple Valley Fire Protection District
and of the Board of Directors thereof.

MEASURE _____

ORDINANCE NO. 54

ATTACHMENT 1 – EXHIBIT A
ORDINANCE 54

APPLE VALLEY FIRE PROTECTION DISTRICT
MAP OF THE DISTRICT

