

AN ORDINANCE OF THE LOS ALTOS COUNTY FIRE
PROTECTION DISTRICT IMPOSING A SPECIAL TAX
FOR FIRE PROTECTION AND RELATED SERVICES

The Board of Commissioners of the Los Altos County Fire Protection District Commission, acting in accordance with authority granted by resolution of the County Board of Supervisors January 5, 1981, does ordain as follows:

SECTION 1. PURPOSE AND INTENT.

As a result of the passage of Proposition 13 in June, 1978, the Los Altos County Fire Protection District lost about 60 percent of its property tax revenue. The State of California responded to the urgent need of special districts by creating a special district fund and giving counties the responsibility for distribution of a limited fund among all special districts. The amount allocated to the Los Altos County Fire Protection District has been insufficient to meet its commitment under an existing contract with the City of Los Altos.

It is the purpose and intent of this ordinance to impose a special tax pursuant to the provisions of California Government Code Section 53978 on real property, other than property owned by governmental agencies, within this district for the purpose of augmenting funding of fire protection and related services in order to continue the present level of service. The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus, for paying the salaries and benefits of firefighting personnel, and for such other fire protection and related services expenses as are deemed necessary by the Los Altos County Fire Protection District governing board.

SECTION 2. DEFINITIONS.

The following definitions shall apply throughout this ordinance:

(a) "Parcel" means the land and any improvements thereon designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of the County of Santa Clara. For purposes of this ordinance, "parcel" does not refer to any land or improvement located outside the boundaries of the Los Altos County Fire Protection District or owned by another governmental entity.

(b) "Improvement" means any building, structure or fixture located

on the land except fences, poles and walls that are not part of or connected to a structure.

(c) "Combustible improvement" means any improvement any part of which is combustible or the contents of which is combustible.

(d) "Improved parcel" means any parcel upon which any combustible improvement exists.

(e) "Unimproved parcel" means any parcel except an improved parcel.

(f) "Improved residential parcel" means any parcel containing one or more but not more than four dwelling units. It shall not include parcels which also contain churches or other institutional improvements.

(g) "Dwelling unit" means any building or portion thereof used or designed as a separate living accomodation with cooking, living and sleeping facilities.

(h) "Improved commercial parcel" means any improved parcel which is not an improved residential parcel.

SECTION 3. SPECIAL TAX LEVY.

The following annual special tax is hereby imposed on all parcels within the Los Altos County Fire Protection District:

(a) Unimproved Parcel. A special tax is imposed on each unimproved parcel in the sum of Fifteen and 00/100 Dollars (\$15.00) per five acres or fraction thereof; provided, the tax shall not exceed Sixty and 00/100 Dollars (\$60.00) regardless of the size of the parcel.

(b) Improved Residential Parcel. A special tax is imposed on each improved residential parcel in the amount of fifty and 00/100 Dollars (\$50.00).

(c) Improved Commercial Parcel. A special tax is imposed on each improved commercial parcel in an amount of Seventy-five and 00/100 Dollars (\$75.00).

SECTION 4. ALTERATION OF TAX BY GOVERNING BOARD.

The governing board of the District is authorized to reduce the special taxes imposed by Section 3 of this ordinance by a simple majority vote; provided, the same percentage reduction is made in the tax on each of the three catagories of property specified in Section 3. Having reduced the tax below the rates set forth in Section 3, the governing board may by a simple majority vote increase the tax up to the amount

stated in Section 3, provided the same percentage increase is made in the tax on each of the three categories of property specified in Section 3. Under no circumstances may the tax exceed that set forth in Section 3. The governing board shall set the tax rates for each year based upon the approved district budget, subject to the above limitation.

SECTION 5. COLLECTION AND ADMINISTRATION.

(a) Liens. The special taxes imposed under this ordinance shall constitute a lien on the real property in accordance with Revenue and Taxation Code Section 2187 and shall have the same effect as an ad valorem real property tax lien until fully paid. For fiscal year 1981-82 the lien shall attach at 12:01 a.m. on December 1, 1981, and for subsequent years the lien shall attach at 12:01 a.m. on March 1 preceding the fiscal year for which the taxes are levied.

(b) Collection. The special tax shall be collected by the Tax Collector of the County of Santa Clara at the same time as and along with, and shall be subject to the same interest and penalties, as general ad valorem property taxes. The taxes on each parcel shall be billed on the secured roll tax bills. For fiscal year 1981-82, the special taxes shall be separately billed and shall be due March 1, 1982. For subsequent years, the special taxes shall be billed with the secured roll bills and shall be collected in the same manner as ad valorem county taxes on the secured roll. Failure to pay when due will result in the imposition of penalties and interest in the same manner as if the taxes were ad valorem property taxes.

(c) Recovery of County Costs. The County of Santa Clara shall be entitled to deduct the reasonable costs of collection and administration of this ordinance before remitting the tax revenues collected to the District.

(d) Administrative Regulations. The governing board of the Los Altos County Fire Protection District may from time-to-time adopt regulations necessary for the enforcement and administration of the special tax provided for herein. Such regulations shall be consistent with the purpose and intent of this ordinance.

SECTION 6. APPEALS.

(a) Notice of Right to Appeal. Within ten (10) days after the tax bills containing the special taxes imposed by this ordinance have been mailed, the governing board of the District shall cause a notice of right

to appeal to be published once a week for two successive weeks in a newspaper of general circulation throughout the District. Such notice shall be headed "Notice of Appeals Period and Procedure for Los Altos County Fire Protection District Special Tax for Fire Protection and Related Services" and shall contain the precise wording of paragraph (b) of this Section 6.

(b) Appeals Procedure. Appeals of the amount of the special tax for fire protection and prevention services for a parcel or of any component of the tax must be made in accordance with the following:

(1) Application. Appeal shall be initiated by taxpayer by written application addressed to "Board of Commissioners, as Governing Board of the Los Altos County Fire Protection District, 10 Almond Avenue, Los Altos, California 94022".

The application must be received no later than April 1, 1982, for the 1981-82 tax and no later than December 31 for subsequent years. Any such application for reduction shall set forth all facts upon which the taxpayer relies as support for the tax reduction sought. The application must give the mailing address of taxpayer, must specify by precise address or assessor's parcel number the location of the parcel for which the taxes are being appealed and must contain a statement made under penalty of perjury that the facts set forth in the application are true. If the District's staff and the appealing taxpayer do not agree on a resolution of the matters presented by the appeal, an application which complies with the requirements stated above shall be set for hearing before the Board of Commissioners of the Los Altos County Fire Protection District Commission, or by its designated representative, as soon as reasonably possible. Notice of such hearing shall be mailed to the appealing taxpayer at least fourteen (14) days in advance of the date of the hearing. Filing of an appeal is not grounds for failing to timely pay the entire amount of taxes specified as due on the tax bill.

(2) Hearing. The taxpayer or designated representative may, but need not, be present at the hearing. If present, the taxpayer or designated representative may present any relevant evidence

and may be examined under oath by the District's representative and by the members of the governing board. The District's representative may also present any relevant evidence and be examined under oath by the taxpayer, or designated representative, and by members of the governing board. The burden of proof of any factual question shall be on the taxpayer. Within forty (40) days after the hearing, the governing board, by majority vote, shall determine what (if any) component of the tax bill shall be reduced or increased and by how much. If taxes are reduced or increased as a result of the decision of the governing board of the District, the taxes shall be refunded or collected, insofar as it is feasible, in the same manner as secured roll ad valorem property taxes are refunded or collected after Assessment Appeals Board hearings.

SECTION 7. SEVERABILITY CLAUSE.

If any section, subsection, sentence, phrase or clause of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The voters of the Los Altos County Fire Protection District hereby declare that they would have adopted this ordinance and each section, subsection, sentence, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentences, phrases or clauses be declared invalid.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the District in an election to be held November 3, 1981.

PASSED AND ADOPTED at a regular meeting of the Board of Commissioners of the Los Altos County Fire Protection Commission sitting as the governing board of the Los Altos County Fire Protection District, on this 18th day of June, 1981, by the following vote:

AYES: Commissioners: Cheney, Schmidt, Perkins, Lundquist, Mc Guigan

NOES: None

ABSENT: Commissioners: Nystrom, Mc Reynolds

ATTEST: JEANNE M. EVILSIZER, Clerk/Secretary
Los Altos County Fire Protection District Commission

James Coltriger

APPROVED AS TO FORM:

Donald J. Fallon
Deputy County Counsel

AYES:

Robert C. Cheney
Robert C. Cheney, Commissioner

Muriel V. Schmidt
Muriel V. Schmidt

William A. Perkins, Jr.
William A. Perkins, Jr.

Robert D. Lundquist
Robert D. Lundquist

William D. McGuigan
William D. McGuigan

NOES: NONE

ABSENT: Commissioner James C. Nystrom
Commissioner Thomas P. Mc Reynolds