

VOTER'S PAMPHLET

MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

D Shall the Branciforte Fire Protection District be authorized to continue to impose and make permanent the increase in the special tax within the district, and to deem correct and ratify the collection of the previous voter approved tax from July 1, 1997, through June 30, 2005, and to use said tax funds for district operations as determined by the Board of Directors? Such tax will continue to raise an estimated 39,000.00 dollars per year for the district.

FULL TEXT OF BALLOT MEASURE D

SHALL THE BRANCIFORTE FIRE PROTECTION DISTRICT BE AUTHORIZED TO CONTINUE THE INCREASE IN THE DISTRICT'S SPECIAL TAX, AS APPROVED BY VOTERS ON November 5, 1996, WITHIN THE DISTRICT FOR DISTRICT OPERATIONS UNDER THE FIRE PROTECTION DISTRICT LAW OF 1987, AS AMENDED (Health And Safety Code Section 13800 and following), SUCH CONTINUATION OF THE INCREASE IN TAX NOT TO EXCEED \$5.00 ADDITIONAL FOR PARCELS NOT EXCEEDING 10,000 SQUARE FEET; \$20.00 ADDITIONAL FOR PARCELS OF MORE THAN 10,000 SQUARE FEET AND LESS THAN 25 ACRES IN SIZE; \$30.00 ADDITIONAL FOR PARCELS OF 25 ACRES OR MORE IN SIZE; \$30.00 ADDITIONAL PER DWELLING UNIT FOR IMPROVED RESIDENTIAL PROPERTY; \$150.00 ADDITIONAL FOR IMPROVED BUSINESS OCCUPANCY, \$10.00 ADDITIONAL PER LICENSED BED FOR RESIDENTIAL CARE FACILITIES; \$10.00 ADDITIONAL PER SPACE FOR COMMERCIAL CAMPGROUND/TRAVEL TRAILER PARK SPACE OR MOBILE HOME SPACE; \$10.00 ADDITIONAL PER SLEEPING ROOM FOR HOTELS, APARTMENT STRUCTURED SLEEPING ROOMS AND HOSTELS; \$150.00 ADDITIONAL FOR ORGANIZED CAMP FACILITIES; AND \$400.00 ADDITIONAL PER OCCUPANCY FOR IMPROVED INDUSTRIAL OCCUPANCY, WITH SAID INCREASES TO REMAIN IN EFFECT PERMANENTLY, AND DEEM THE COLLECTION OF THE PREVIOUS VOTER APPROVED TAX FROM JULY 1, 1997 THROUGH JUNE 30, 2005, TO BE CORRECT AND RATIFIED.

ORDINANCE 2005-1

ORDINANCE REQUESTING THAT THE DISTRICT'S SPECIAL TAX FOR THE PURCHASE OF FIRE APPARATUS AND RELATED EQUIPMENT FOR THE BRANCIFORTE FIRE PROTECTION DISTRICT BE DEEMED CORRECT AND RATIFIED, AND THAT IT BE MADE PERMANENT, AND THAT THE DISTRICT BE ALLOWED TO USE SPECIAL TAX FUNDS FOR DISTRICT OPERATIONS

The People residing in the Branciforte Fire Protection District of the County of Santa Cruz, State of California, do ordain as follows:

Section I

Necessity for Maintaining the Special Tax. The Board of Directors of the Branciforte Fire Protection District deem and determine it necessary hereby to continue the increase in the District's Special Tax for the purchase of Fire Apparatus and Related Equipment which the District is authorized to purchase under Fire Protection District Law of 1987, as amended, as set forth at Health and Safety Code Sec. 13800 and following.

Section II

Duration. If said change is approved by the voters, it shall be to deem correct and ratify the collection of the previous voter approved tax from July 1, 1997, through June 30, 2005, and to extend said tax on a permanent basis for use in District operations as determined by the Board of Directors.

Section III

Priorities. To the extent that additional revenues are received from the district as a result of the adoption of this ordinance, the District may use the revenues for District operations. Because the exact nature of additional tax revenues cannot be predicted and major unforeseen events can force a reordering of priorities, the Board of Directors shall have final responsibility for determining the time, financing and extent of expenditures pursuant to the established priorities.

Section IV

Continuation of the Special Tax Upon Voter Approval. The Board of Directors of the Branciforte Fire Protection District hereby enact an ordinance authorizing the continuation of the District's Special Tax to be submitted on December 20, 2005, to the voters voting upon said ordinance. The continuation of the Special Tax thereby authorized to be imposed by the District shall be as follows:

(a) Land. The maximum amount of the increase in the District's Special Tax imposed annually upon each parcel of land in the district which does not exceed 10,000 square feet in size shall be an amount not to exceed an additional \$5.00. The maximum amount of the increase in the District's Special Tax imposed annually upon each parcel of land in the district which is larger than 10,000 square feet and less than 25 acres in size shall be an amount not to exceed an additional \$20.00. The maximum annual amount of the increase in the District's Special Tax imposed upon each parcel of land in the district which is 25 acres or more in size shall be an amount not to exceed an additional \$30.00. The term "parcel of land", as used herein, shall mean any unit of land as shown on the last equalized secured assessment roll of the County of Santa Cruz. The following additional amounts shall be added to the amount due for the parcel, as applicable to each individual parcel.

(b) Improved Residential Property. The maximum amount of the increase in the District's Special Tax imposed annually upon improved residential property shall be an amount not exceeding an additional \$30.00 per dwelling unit. This amount shall be in addition to the amount imposed upon the parcel. The term "dwelling unit" as used herein shall mean any structure, including mobile home, composed of one or more rooms, habitable for humans, which is occupied or is intended or designed to be occupied by one or more persons with complete independent facilities for living, sleeping, cooking, eating and sanitation. Hotels, motels, hostels and apartment structures are excluded from the term "dwelling unit."

(c) Improved Business Occupancy. The maximum amount of the increase in the District's Special Tax imposed annually upon improved business occupancies shall be \$150.00 per business occupancy.

(d) Improved Industrial Occupancy. The maximum amount of the increase in the District's Special Tax imposed on each improved industrial occupancy annually shall be an amount not to exceed an additional \$400.00. The term "industrial occupancy" as used herein shall mean any building, improvement or structure, or portion thereof, occupied independently for industrial, manufacturing, assembling, compounding, packaging, processing or other similar purposes. This amount shall be in addition to the amount currently imposed upon the parcel and applicable special changes listed below.

(e) Special Charges. There shall be special charges imposed upon occupancies of parcels as listed below. The maximum amount of the increase in the District's Special Tax imposed upon each residential care facility annually shall be an amount not to exceed an additional \$10.00 per licensed bed in such facility. The maximum amount of the increase in the District's Special Tax imposed upon each commercial campground or travel trailer park shall be an amount not to exceed an additional \$10.00 per camping/travel trailer/motor home space. The maximum amount of the increase in the District's Special Tax imposed upon each hotel, motel, hostel or apartment structure annually shall be an amount not to exceed an additional \$10.00 per sleeping room.

(f) Organized Camp Facility. The maximum amount of the increase in the District's Special Tax imposed on each organized camp facility annually shall be an amount not to exceed an additional \$150.00. This amount shall be in addition to the amount currently imposed annually upon the parcel.

Section V

Authority for Reduced Amounts. The Board of Directors of the Branciforte Fire Protection District shall be authorized to annually establish the amount of the increase in the District's Special Tax at or below the amounts set forth at Section IV hereof.

Section VI

Annual Establishment of Amount. At the time of adoption of its annual final budget, the Board of Directors of the Branciforte Fire Protection District shall establish the amount of the increase in the District's Special Tax to be levied during the ensuing

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fiscal year; provided, however, that such tax shall not exceed the maximum amounts set forth in Section IV hereof.

Section VII

Collection. The revenues collected by way of the permanent increase in the District's Special Tax imposed by this ordinance shall be collected with and in the same manner as, and be subject to the same penalty as, other taxes fixed and collected by the County of Santa Cruz on behalf of the Branciforte Fire Protection District. The County of Santa Cruz may deduct its reasonable costs incurred for such service before remittal of the balance to the Branciforte Fire Protection District.

Section VIII

Regulations. The Board of Directors of the Branciforte Fire Protection District may from time to time adopt regulations necessary or convenient for the administration and enforcement of the increase in the District's Special Tax provided herein; provided that any such regulation be consistent with the purpose and intent of this ordinance.

Section IX

Appeals. The Board of Directors of the Branciforte Fire Protection District is established as the Board of Appeals for any and all appeals to the application of various charges listed in Section IV hereof. The Board shall establish the rules relating to such appeals and the method of processing same.

Section X

Amendment to Conform with Judgment of Court. If any part of this ordinance is held invalid or unenforceable by the final judgment of any court, that part may be amended by majority vote of the Board of Directors of the Branciforte Fire Protection District to conform with the judgment of such court, provided that such amendment be consistent with the purpose and intent of this ordinance.

Section XI

Severability. If any part of this ordinance is for any reason held to be invalid by the final judgment of any court, such judgment shall not effect the validity of the remaining portion of this ordinance. The people of the Branciforte Fire Protection District hereby declare that they would have adopted this ordinance and each and every section, subsection, sentence, phrase, clause, or part thereof irrespective of whether any on or more sections, subsections, sentences, phrases, clauses, or parts may be declared invalid.

Section XII

Estimated Revenue. Estimated revenue from the District's Special Tax will be approximately Thirty-nine Thousand Dollars (\$39,000.00) per year.

IMPARTIAL ANALYSIS BY COUNTY COUNSEL

MEASURE D

The voters of the Branciforte Fire Protection District ("the District") previously passed a ballot measure which imposed a special tax within the District for the purchase of fire apparatus and related equipment. In November 1996, the voters of the District approved an increase in the special tax, with the tax increase not to exceed a six-year period.

The Directors of the District have called an election for the purpose of submitting to the voters the ballot question identified as Measure D in this ballot pamphlet.

If approved by at least two-thirds of those voting on it, Measure D would enact the District Ordinance No. 2005-1 shown in this Voter's Pamphlet and make permanent the previously approved increase; thus it would continue indefinitely until further action.

Measure D would also ratify and deem correct the collection of this tax which occurred during the period July 1, 1997, through June 30, 2005.

Measure D would permit any additional revenues received as a result of the ordinance's enactment to be used for District operations.

The ordinance printed in the Voter's Pamphlet sets out the precise amounts of the tax increase.

A "yes" vote is in favor of Measure D.

A "no" vote is opposed to Measure D.

DANA McRAE, COUNTY COUNSEL

By Jane M. Scott, Assistant County Counsel

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ARGUMENT IN FAVOR OF MEASURE D

The Board of Directors of the Branciforte Fire Protection District feels that in order to maintain adequate fire protection for the citizens of the District, and to provide revenue for District operations, it is imperative that the previously voter approved increase in the special tax be made permanent, and that previous collections be deemed correct and ratified. In light of the District's limited budget, it is necessary to request that the District continue to receive the previously voter approved tax in order to provide revenue for District operations. Such tax will continue to raise an estimated \$39,000.00 per year for the District. Branciforte Fire Protection District.

Branciforte Fire Protection District Board of Directors
s/ Peder McElroy, Chairperson

REBUTTAL TO THE ARGUMENT IN FAVOR OF MEASURE D

VOTE NO on MEASURE D

- **PERMANENT TAX BURDEN**
- **NO SENIOR EXEMPTION**
- **COSTLY & POORLY PLANNED**
- **NO SPECIAL PURPOSE**
- **ARBITRARY & UNFAIR**

Please re-read the Argument in Favor of Measure D.

Voters deserve a detailed explanation of how Measure D tax funds will be spent.

Government Officials must be responsible for how they are spending your money. The Fire District provides a valuable service to the community. However, they must be accountable to the people who ultimately pay the bills.

THE SENIOR COALITION MISSION

"The Senior Coalition strives to preserve and protect good government. Our Members work to embody the values of honesty, integrity and effectiveness in all of our dealings."

You can reach our Senior Volunteer Team by calling 479-2122.

Please participate in the Voting Process. Avoid the Holiday rush.

Be sure to return your Mail-In Ballot early. Thank You.

VOTE NO on MEASURE D

The Senior Coalition
s/ Tom Walsh, Executive Director

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ARGUMENT AGAINST MEASURE D

*Please **Vote NO** on **Measure D***

5 Reasons Why Measure D is a DOG

Measure D will replace a temporary tax to purchase fire equipment into a **PERMANENT TAX BURDEN**.

Measure D has **NO SENIOR EXEMPTION** or special provisions for those folks in our community who live on a fixed-income.

Measure D is **COSTLY & POORLY PLANNED** not to coincide with a regular election. Instead, Voters will get an expensive and unnecessary Christmas time Tax Bill from the Grinch.

Measure D funds will have **NO SPECIAL PURPOSE**. Unlike the previous special tax that has already stopped being collected, the new Measure D tax could be spent on just about any whim the Directors may want.

Measure D is **ARBITRARY & UNFAIR** in the crafting of its overall tax collection schedule. Read the fine print of how much each taxpayer actually pays versus the end-user of that service. Can you make sense of it?

The Senior Coalition Role in "Good Government"

The Senior Coalition exists to advocate for the fiscal and property rights of all Seniors and Voters without regard to ethnicity, gender, creed, party affiliation or financial status.

The Senior Coalition reminds elected officials on a regular basis that they are "public servants" and not above the law. This is especially true as it applies to the collection and expenditure of public funds.

The Senior Coalition serves our community as a fiscal watchdog with a strong commitment to open government.

Learn more about us @ www.SeniorCoalition.org

Just because some Special Districts want more of your tax money doesn't mean that you have to give it to them. Make them first explain and be accountable for what they are doing and not doing for you.

We ask that you take an active part by Voting NO on Measure D.

The Senior Coalition
s/ Tom Walsh, Executive Director

REBUTTAL TO ARGUMENT AGAINST MEASURE D

The Branciforte Fire Protection District is governed by five Board Members who live within our district. This is the only Board in the county that serves unpaid. All Board Members are Senior Citizens. They are not only worried about the fiscal integrity of the District, but also the critical emergency services required for the entire community.

The Branciforte Fire Protection District functions on an austere budget. These funds are needed to maintain the District's current level of service; if Measure D does not pass, cuts in services will be required.

There will not be a tax bill at Christmas time. Measure D continues the same payments, at the same rate, at the same time in your current property tax bill.

Measure D will not change the current tax amount that you pay for Fire Protection; these monies will continue to go towards equipment and apparatus maintenance.

The wording that describes the type charges is a description of the types of structures and uses within the District. Measure D does not change the amount you pay no matter what category you fit in. Measure D represents on average 15 cents per day for critical emergency services.

Your elected Board serves as your fiscal watchdog. Funds collected by this measure are for the sole purpose of funding The Branciforte Fire Protection District.

The Branciforte Fire Protection District has very limited funds. The services we provide are critical to our community. For the safety of our firefighters, and for the quick response to the community that only they can provide, please vote YES on Measure D.

s/ Benjamin Cahill
Member of the Board

s/ Lewis Erickson
Member of the Board

s/ Robert Echols
Member of the Board

s/ Pat O'Connell
Fire Chief

s/ Peder McElroy
Chairperson of the Board