

BENEFIT ASSESSMENT ORDINANCE

MEASURE A ANDERSON VALLEY COMMUNITY SERVICES DISTRICT

Resolution No. 95-

A Resolution OF THE ANDERSON VALLEY COMMUNITY SERVICES DISTRICT ESTABLISHING A BENEFIT ASSESSMENT TO FINANCE FIRE SUPPRESSION SERVICES

The Board of Directors of the Anderson Valley Community Services District resolves as follows:

SECTION 1. AUTHORIZATION: This Resolution for the levy of a benefit assessment for fire suppression services is expressly authorized by Sections 50078 through 50078.20 of the Government Code.

SECTION 2. DEFINITIONS:

- (a) "Assessment" shall mean the benefit assessment authorized by and imposed pursuant to this Resolution.
- (b) "District" shall mean the Anderson Valley Community Services District.
- (c) "Board of Directors" shall mean the Board of Directors of the Anderson Valley Community Services District.
- (d) "Parcel of Real Property" shall mean a single parcel, ordinarily undivisible for purposes of building or resale. Where such a parcel is given more than one assessor's parcel number, it shall nevertheless, for the purposes of this Assessment, be considered a single parcel. The Recorder deed number shall be used to determine when parcels with different Assessor's parcel numbers should be considered to form parts of a single parcel. Parcels of real property may include "residential parcels", "commercial parcels", "industrial parcels", "agricultural parcels", "institutional parcels", "miscellaneous parcels" and such other parcels as may be recorded by the County Assessor. "Parcel of Real Property" shall not include wildland or watershed land located in a State Responsibility Area as defined in Public Resources Code Section 4102, except that such wildland or watershed land containing any improvement shall be subject to assessment.
- (e) "Unit" shall mean unit of benefit as defined in Section 8.
- (f) "Director" shall mean a member of the Board of Directors of the Anderson Valley Community Services District.
- (g) "Solid Waste Code" shall mean the code prepared by the Assessor's Office of the County of Mendocino designating how many residential or commercial units are found on each parcel.
- (h) "Use Code" shall mean that code assigned to a parcel by the Assessor's Office of the County of Mendocino.
- (i) "Fiscal Year" shall mean the period from July 1 of any year to June 30 of the following year.

SECTION 3. PURPOSE OF BENEFIT ASSESSMENT: The purpose for which this assessment is levied is to establish a stable source of supplementary funds to obtain, furnish, operate and maintain fire suppression equipment and services, and for the purpose of paying the salaries and benefits of fire fighting personnel, or both, whether or not fire suppression services are actually used by or upon a parcel, improvement, or property.

SECTION 4. CURRENT FUNDING: Fire suppression services in the district are being insufficiently funded by property taxes and donations.

SECTION 5. DETERMINATION OF NECESSITY: The level of fire suppression services which can be provided by existing and anticipated revenue sources has been determined by the Board of Directors of the District to be inadequate to meet current and future needs.

SECTION 6. LIMITATION UPON EXPENDING ASSESSMENT PROCEEDS: Any funds collected from the assessment authorized by this Resolution shall be expended for fire suppression purposes, as described in SECTION 3 above, within the District, or within areas covered by mutual aid agreements. Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried for the same purpose in the next fiscal year.

SECTION 7. LEVY: A benefit assessment to raise revenue to fund fire suppression services is hereby levied upon all real property within the district, except that of Federal, State, other governmental agencies, or wildland or watershed land located in a State Responsibility Area as defined in Public Resources Code Section 4102. Notwithstanding this general exemption, such wildland or watershed land containing any improvements shall be subject to assessment.

SECTION 8. ASSESSMENT RATE: A uniform schedule of units of benefit, based on the type of use of the property and the risk classification of the structures or other improvements or use of the property, is hereby established. The number of units assigned to a parcel is related to the benefits that accrue to the property assessed.

SECTION 8.1. DETERMINATION OF ASSESSMENT: The assessment per unit of benefit shall be twelve (\$12) dollars.

SECTION 8.2. LIMITATION ON ASSESSMENT: The assessment per unit of benefit will in no case exceed twelve (\$12) dollars.

SECTION 8.3. ADDITIONAL FUNCTIONS: The terms of this resolution shall not be construed to limit the ability of the District to take on additional necessary functions.

SECTION 9. SCHEDULE OF UNITS OF BENEFIT

SECTION 9.1. LIMITATION ON ASSESSMENT: NO PARCEL of Real Property within this District shall be assessed more than FIFTY (50) units of benefit.

SECTION 9.2. UNITS OF BENEFIT

a. **TYPE 1 PARCELS – AGRICULTURAL AND TIMBERLAND** (Use Codes 61-65, 41-44, 51-54): Agricultural and timberland parcels shall be classified as TYPE 2 if the Solid Waste Code indicates that a residence is located thereupon. Parcels shall be classified as TYPE 3 if there is located thereupon a business that substantially employs one or more non-family members in other than field-work agricultural pursuits. Timberland (Use Codes 61-65) 0 Unit
Undeveloped Agricultural Land (Use Codes 53-54) 0

Developed Agricultural Land (Use Codes 41-44, 51, 52) 3 Units

b. **TYPE 2 PARCELS – RESIDENTIAL** (Use Codes 00-06, 21, 45, 55, 66, 67): The Solid Waste Code will be used to determine how many residential, housing, or dwelling units are located on each parcel. For the purposes of this benefit assessment any parcel otherwise classified as Timberland or Agricultural upon which the Solid Waste Code indicates that any residence, housing or dwelling unit is located shall be classified as TYPE 2. Any Parcel otherwise classified as Residential which has thereupon any business substantially employing one or more nonfamily members in other than field-work agricultural pursuits shall be classified as TYPE 3.

Undeveloped 3 Units Single Family Residence 6

Each Additional Residence, Housing, or Dwelling 3

c. **TYPE 3 PARCELS – COMMERCIAL/INDUSTRIA /INSTITUTIONAL**
(Use Codes 10-20, 22-36, 70-77, 79):

The actual area or areas of any structure(s) or other major improvement(s) located on the property shall be calculated and used to determine the Units of Benefit. Square foot calculations shall be made for the total number of non-residential structures on each parcel. In addition, on any parcel, upon which are located single or multiple family residential units, those residential

units shall be calculated in the total square footage and assessed as TYPE 3. Additionally, any Residential, Timberland or Agricultural Parcel upon which is located a non-field work agricultural

home-business substantially employing one or more non-family members on a regular basis shall be classified as TYPE 3. This provision shall not be construed to include any cottage industry or business substantially employing only family members.

Undeveloped 3 Units

Under 2,500 Square Feet 10

2,501-5,000 Square Feet 15

5,001-10,000 Square Feet 20

10,001-15,000 Square Feet 25

15,001-20,000 Square Feet 30

20,001-25,000 Square Feet 35

Over 25,000 Square Feet 40

Cap 50 Units

SECTION 9.3: CREDITS: The Fire Chief may decrease the units of benefit assigned to any Type 3 parcel by up to FIFTEEN (15) percent. If an automatic fire sprinkler system is installed in a building, a percentage unit of benefit can be decreased by a maximum of TWENTY (20) percent. Credit shall be given after the assessment of any special risks in section 9.4. If credit is given for any of the below mentioned items and they are not continuously maintained or inspection corrections are not fixed, the parcel will revert back to the original assessed unit cost. If a parcel has incorporated approved fire prevention safety measures, the percentage of benefit shall be:

(1) On site approved maintained (tested) automatic fire sprinkler system. = 10%

NOTE: The fully sprinklered automatic fire sprinkler system shall be installed in accordance with NFPA standards.

(2) On site approved maintained (tested) automatic fire sprinkler system. = 5%

NOTE: The partially sprinklered automatic fire sprinklers shall be installed in accordance with NEPA standards.

(3) Annual fire prevention inspection program. = 5%

NOTE: This fire inspection program is for the AV Fire Department familiarization of the structures, hazards, and community safety. The fire inspection reports are confidential and stay in the A.V.FD. office.

(4) On site maintained fire department water supply and fire hydrant. = 5% NOTE:

Hydrant/Water system shall be installed in accordance with NFPA standards.

(5) Annual hazardous materials use and storage disclosure statement. = 5% NOTE: Hazardous Materials statements are a declaration form filled out annually or when the storage/use changes.

Location maps of stored materials, areas where the substances are used and on site MSDS documents available. Storage and use of hazardous materials must be in accordance with the NFPA standards.

SECTION 9.4. SPECIAL RISKS: Certain TYPE 3 Parcels may be assessed up to an additional EIGHT (8) Units of Benefit if, in the judgment of the Fire Chief or his designee, such Parcels constitute an extraordinary fire hazard or undue risk to persons or property. Examples of such greater risks are:

a. Combustible storage

b. Lumber yards or mills, and/or storage of large quantities of sawdust or debris

- c. Fuel or LPG storage for resale
- d. Any high-density occupation, either during or outside normal business hours
- e. Hazardous materials storage or use
- f. Other hazardous conditions

SECTION 10. LIMITATIONS ON BOARD OF DIRECTORS: Nothing herein contained shall be deemed to qualify or otherwise limit the power or authority of the Board of Directors in the exercise of the functions and duties, prescribed by applicable laws of the State of California or the United States of America.

SECTION 11. CORRECTIONS, CANCELLATIONS AND REFUNDS: On order of the Board of Directors of the District, the assessment on any particular parcel may be corrected. The owner shall deliver his or her correction in writing to the General Manager or Secretary of the District. Said Board of Directors may make the correction, or may require a hearing before making a determination. The assessment of a single family residence inhabited by the owner may be reduced by 50% (typically from 6 units to 3 units) upon application to the CSD, if the owner can demonstrate that he or she is: a) over 65 years of age, and b) is on a fixed income that is less than the standard established by the California Department of Housing and Community Development for "very low income" persons for Mendocino County.

SECTION 12. COLLECTION: The Tax Collector of Mendocino County may collect the assessment levied by this Resolution, beginning with the 1995-1996 fiscal year. The County may deduct its reasonable costs incurred for that service prior to remitting the balance to the District.

SECTION 13. SEVERABILITY CLAUSE: If any section, subsection, sentence, phrase or clause of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Directors declares that it would have adopted the Resolution and each section despite the fact that any one or more sections, subsections, sentences, phrases or clauses be declared invalid. SECTIONS 14 and 15 shall apply if voter approval is required. In that case, final action of the Board will be taken after the November, 1995, election.

SECTION 14. ELECTION: Having conducted a public hearing on June 29, 1995, and finding that the written protests filed with the General Manager of the District by persons obligated to pay the proposed assessment represented more than 10% but less than 50% of the total amount of expected revenue from the assessment, the Board of Directors ordered that it be put to the electorate to decide whether this Resolution should be enacted. Accordingly, the matter was placed, by the Board of Directors of the District, on the ballot of the general election of November, 1995, administered by the County Clerk of Mendocino County.

SECTION 15. ADOPTION: This Resolution shall take effect upon approval by a majority of the voters in the District voting on the proposition. If so approved, then prior to the expiration of fifteen days after the votes have been counted and certified by aforesaid County Clerk, it shall be published once in the Anderson Valley Advertiser, a newspaper printed and published in Mendocino County, together with the names of the Directors voting for and against the issue.

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE ANDERSON VALLEY COMMUNITY SERVICES DISTRICT ON THIS DAY OF , 1995, AT A MEETING OF SAID BOARD DULY CALLED AND HELD ON SAID DAY, BY THE FOLLOWING VOTE:

AYES:DIRECTORS

NOES:DIRECTORS

ABSENT: DIRECTORS

STEVE HALL
Chairman, Board of Directors
ATTEST:

N.F. POPPELREITER
General Manager and Secretary