


ORDINANCE NO. 1-91 

AN ORDINANCE OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT
ESTABLISHING A SPECIAL TAX TO BE LEVIED FOR FIRE PROTECTION
AND EMERGENCY SERVICES

The Board of Directors of the Lake Shastina Community Services District finds that the District is authorized by Government Code Section 61600(d), and by its formation petition, to provide protection against fire, and to provide emergency services, and it does so; and

The Board further finds that the expected costs of operating the fire department and emergency services are expected to exceed the funds currently available to pay same; and

The Board finds that the best way to remedy the expected deficiency is to levy a tax in the amounts set forth below, to be effective upon approval by the voters, which tax reflects the actual cost of providing such services.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT SHALL LEVY A SPECIAL TAX FOR FIRE PROTECTION AND EMERGENCY SERVICES, TO BE EFFECTIVE UPON APPROVAL OF THE VOTERS, IN THE AMOUNTS SET FORTH BELOW:

- 1) IMPROVED RESIDENTIAL AND NON-RESIDENTIAL PARCELS, \$40.00 PER YEAR.
- 2) UNIMPROVED RESIDENTIAL AND NON-RESIDENTIAL PARCELS, \$25.00 PER YEAR.
- 3) THE FOLLOWING ARE EXEMPT FROM THIS TAX: ANY ROAD, GREENBELT, OR ANY PROPERTY BELONGING TO ANY COUNTY, STATE, OR FEDERAL GOVERNMENT AGENCY.
- 4) FOR THE PURPOSES OF THIS ORDINANCE, THE FOLLOWING DEFINITIONS SHALL APPLY:
 - A) "YEAR" MEANS THE FISCAL YEAR;
 - B) "IMPROVED" PARCEL MEANS ANY PARCEL OF REAL PROPERTY WITH CONSTRUCTION OF A VALUE OF \$1,000.00 OR MORE; "UNIMPROVED" PARCELS ARE ALL OTHER PARCELS;
 - C) "PARCEL" MEANS A PARCEL OF REAL PROPERTY HAVING A SEPARATE ASSESSOR'S PARCEL NUMBER, AS SHOWN ON THE SECURED TAX ROLLS OF THE COUNTY OF SISKIYOU;
- 5) UPON THE ADOPTION OF THIS TAX, ALL DISTRICT ORDINANCES FOR FEES, ASSESSMENTS, AND OTHER CHARGES PREVIOUSLY LEVIED OR APPROVED BY THE DISTRICT FOR FIRE PROTECTION AND EMERGENCY

SERVICES, EXCEPT THOSE FOR THE 1991-92 FISCAL YEAR, ARE HEREBY RESCINDED, PROVIDED HOWEVER, THAT THE THEN CURRENT OUTSTANDING INDEBTEDNESS FOR SAME SHALL NOT BE DEEMED FORGIVEN. IF THE TAX ADOPTED BY THIS ORDINANCE IS AT ANY TIME FOUND TO BE INVALID, THE RESCISSION OF PREVIOUS FEE ORDINANCES, ETC., SHALL BE NULL AND VOID, AND THEY SHALL THEREUPON BE REINSTATED;

6) THE BOARD RECOGNIZES THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO PARTICULAR PROPERTIES, INCLUDING BUT NOT LIMITED TO SIZE, SHAPE, TOPOGRAPHY, LOCATION, SURROUNDINGS, AND INCOMBUSTIBILITY OF IMPROVEMENTS, VARIANCES FROM THE STRICT APPLICATION OF THE PROVISIONS OF THIS ORDINANCE MAY BE EQUITABLE AND APPROPRIATE. ANY PROPERTY OWNER MAY APPLY, IN WRITING, TO THE DISTRICT BOARD FOR A VARIANCE BASED ON SUCH CIRCUMSTANCES. THE DISTRICT BOARD IS HEREBY AUTHORIZED TO ADOPT RULES AND REGULATIONS, AND INCLUDING TIME LIMITS ON THE FILING OF APPLICATIONS FOR RELIEF, TO IMPLEMENT THIS SECTION. THE DECISION OF THE DISTRICT BOARD OF DIRECTORS IN REGARD TO SUCH APPLICATIONS FOR RELIEF SHALL BE FINAL.

7) THIS TAX SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL BY THE VOTERS. DURING THE 1991-92 FISCAL YEAR, A PRORATED AMOUNT OF THIS TAX SHALL BE LEVIED FROM OCTOBER 1, 1991, OR THE EFFECTIVE DATE OF THE MEASURE, WHICHEVER IS LATER.

I hereby certify that the forgoing is a full, true and correct copy of an Ordinance duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 11th day of June, 1991, by the following vote:


AYES: and in favor thereof, Directors Britt, Johns, Lewis, Trager and Wallace

NOES: None
ABSENT: None
ABSTAIN: None



DONALD WALLACE, CSD President

ATTEST:



CHARLES R. SMITH, General Manager

IMPARTIAL ANALYSIS BY DISTRICT GENERAL COUNSEL

This measure would permit the Board of Directors of the Lake Shastina Community Services District to levy a tax on each parcel of land within the district, in the amounts indicated, for the purpose of paying the expenses of the Lake Shastina Fire Department for fire protection and emergency services, and in such other manner provide such protection and services within the district as may be determined by the District's Board of Directors. It is expected that this measure will produce approximately \$110,000 in annual billings for this purpose. As a Special Tax, the measure requires the approval of 2/3 of votes cast.

Robert D. Winston,
General Counsel,
L. Shastina C.S.D.

V. UNFINISHED BUSINESS

A. REPORTS

1. Community Unification Committee

a. Minutes of 4/2/91 and 5/7/91 - By reference incorporated

herein.

b. Results of meeting w/attorney re: Consolidation of POA's, CCRs, Bylaws. - Chairman of the CUC, Hank Seegelken, made a presentation to the CSD Board by highlighting some of the specific concerns the attorney shared with them; e. g., excessive amounts of government and two identical POAs. Chairman Seegelken indicated that in order for community to move forward solving problem areas it would cost each property owner approximately \$3 to \$5.

2. LSCSD Combined Balance Sheet ending 04/30/91 - General Manager is to clarify distribution of General Fund Overhead for month of April in view of the fact that total yr-to-date overhead for ending month of April is less than total reported for yr-to-date month of March. By reference Combined Balance Sheet ending 4/30/91 is incorporated herein.

LSCSD Combined Statement of Income & Expense ending 04-30-91 NOTE: Reports not yet available. By reference incorporated herein.

3. Claims and Accounts Payable APRIL 1991 - By reference incorporated

herein.

4. Police Report for APRIL 1991 - By reference incorporated herein.

Total Incident Activity - 72 Total Punitive Actions - 10.

5. Fire Report for APRIL 1991 - By reference incorporated herein.

Total Medical Responses for April 1991 - 3 Total Fire responses for April 1991 - 0

a. 10-year plan based on recent Board motion - By reference incorporated herein. No action taken on plan.

b. Commissioner's recommendation re: Reimbursement of Assistant Fire Chief's out-of-pocket expenses. No action taken.

6. Sewer Report for APRIL 1991 - By reference incorporated herein.

Based on recommendation from the Director of Public Works, Director Johns moved and duly seconded by Director Britt to paint CSD ejector stations and the resealing of hood & block at Fire Police Station if current bid comes in within 10% of bid made by Algamuth Painting dated 9/19/90. Upon vote, motion carried unanimously.

7. Other Reports

OPEN

A. INTRODUCTION OF ORDINANCE 1-91 ESTABLISHING A SPECIAL TAX TO BE LEVIED FOR FIRE PROTECTION AND EMERGENCY SERVICES. (FIRST READING) NOTE: Improved residential and nonresidential parcels, \$40/yr and for unimproved residential and nonresidential parcels, \$25/yr. President Wallace read Ordinance 1-91 into the minutes. Director Britt moved and duly seconded by Director Johns to approve introduction of Ordinance dated 5/10/91 as written. Upon roll call vote, AYES: Britt, Johns, Wallace and Lewis. ABSENT: Trager, motion received required number of AYES to carry.

Director Trager moved and was duly seconded by Director Johns that Hall's Engineering be hired for this job, but that they are to include in their final design due consideration for the need to have scouring velocities. Upon vote, motion carried unanimously.

Discussion was held as to the necessity of appointing an acting Sewer Commissioner during Al Millett's illness. Director Johns volunteered to address any problems that may arise and act as coordinator during the commissioner's absence.

DFW asked the Board's concurrence that the letter concerning the rerouting of drainage at the Spearpoint townhouses be sent to SOA President, Carl Larson, by reference, incorporated herein. By consensus, the Board approved the sending of the letter.

B. SECOND READING OF ORDINANCE 1-91 ESTABLISHING A SPECIAL TAX TO BE LEVIED FOR FIRE PROTECTION AND EMERGENCY SERVICES. President Wallace conducted second reading of Ordinance 1-91. Director Britt moved and duly seconded by Director Johns to approve Ordinance 1-91. Upon roll call vote, AYES: Britt, Johns, Wallace, Lewis, and Trager; motion carried unanimously.

C. REVISED 5/21/91 RESOLUTION 4-91 REQUESTING THE SISKIYOU COUNTY CLERK TO CONDUCT A DISTRICT ELECTION BY MAILED BALLOT FOR A SPECIAL TAX LEVY MEASURE FOR FIRE PROTECTION AND EMERGENCY SERVICES. President Wallace read Resolution 4-91 into the minutes. Director Johns moved to accept the Revised 5/21/91 Resolution 4-91 after the following modifications: in Paragraph 1, "an ordinance" be changed to "Ordinance 1-91", and in Paragraphs 4, 5, and 6 of the Whereas's, the word "ordinance" be changed to "measure". Seconded by Director Trager and, upon roll call vote, AYES: Britt, Johns, Wallace, Lewis, and Trager; motion carried unanimously.

D. SECOND READING OF ORDINANCE 2-91 ESTABLISHING A SPECIAL TAX FOR POLICE PROTECTION SERVICES. President Wallace read Ordinance 2-91 into the minutes. Director Trager moved and duly seconded by Director Britt to approve Ordinance 2-91 as read. Upon roll call vote, AYES: Britt, Johns, Wallace, Lewis and Trager; motion carried unanimously.

E. REVISED RESOLUTION 5-91 REQUESTING THE SISKIYOU COUNTY CLERK TO CONDUCT A DISTRICT ELECTION BY MAILED BALLOT FOR A SPECIAL TAX LEVY MEASURE FOR POLICE SERVICES. President Wallace read revised Resolution 5-91 into the minutes. Director Britt moved and was duly seconded by Director Trager to approve Resolution 5-91 dated 5/21/91 as read. Upon roll call vote, AYES: Britt, Johns, Wallace, Lewis, and Trager; motion carried unanimously.

Upon acceptance of resolutions and ordinances by the Board, Director Britt moved and was duly seconded by Director Johns to authorize the President of the Board to sign said documents. Upon vote, motion carried unanimously.