

## PETITION TO REPEAL AND REPLACE BENEFIT FEE FOR JCYPD

To the Honorable Board of Supervisors of the County of San Diego:

We, the undersigned registered voters within the Julian-Cuyamaca Fire Protection District, by this petition hereby respectfully propose the following legislative act be adopted by the Board of Supervisors or submitted to the registered voters of the Julian-Cuyamaca Fire Protection District for their adoption or rejection:

### CITIZENS' INITIATIVE TO REPEAL AND REPLACE JULIAN-CUYAMACA FIRE PROTECTION DISTRICT BENEFIT FEE

**CITIZENS RESIDING WITHIN THE BOUNDARIES OF THE JULIAN-CUYAMACA FIRE PROTECTION DISTRICT ARE PROPOSING FOR ADOPTION THE REPEAL OF THE EXISTING ANNUAL BENEFIT FEE APPROVED IN 1984, AND ITS REPLACEMENT WITH AN ANNUAL BENEFIT FEE MORE CONSISTENT WITH CURRENT EXPENSES, TO RAISE THE LEVEL OF SERVICE FOR EMERGENCY MEDICAL RESPONSE, FIRE SUPPRESSION AND RELATED SERVICES WITHIN THE BOUNDARIES OF THE JULIAN-CUYAMACA FIRE PROTECTION DISTRICT.**

Citizens of Julian-Cuyamaca Fire Protection District propose as follows:

**Section 1.** It is the purpose and intent of this initiative to authorize the levy of a special tax on parcels of real property on the secured property tax roll of San Diego County that are within the Julian-Cuyamaca Fire Protection District (the "District"), to raise revenue for the District for the purpose of providing and enhancing necessary fire protection, prevention and emergency medical services. Specifically, the special benefit tax shall be imposed for the purpose of staffing the District with a full-time Fire Chief and adding personnel deemed necessary to reduce the time in responding to structure fires and medical emergencies. These fees will also bring revenue into line with current costs and replenish the District's general reserves for operational expenses.

**Section 2.** The citizens within the District do hereby determine and propose for adoption the repeal and replacement of the annual Benefit Fee approved by voters on November 6, 1984, with a new annual Benefit Fee for emergency medical response, fire suppression and related services within the boundaries of the Julian-Cuyamaca Fire Protection District, to be levied upon parcel, class of improvement to property, and use of property basis, in an amount not to exceed the following:

- (a) Parcels with existing construction shall be taxed according to the following schedule:
  - (1) Improved Property: Every parcel within the District with a Single (1) Unit (single family residence or commercial structure): \$200.00
  - (2) Improved Property: Every parcel within the District with Two (2) Units (residential or commercial): \$250.00
  - (3) Improved Property: Every parcel within the District with Three to Ten (3-10) Units: \$300.00
  - (4) Improved Property: Every parcel within the District with More than Ten (>10) Units: \$350.00
- (b) Separate parcels attached to a parcel containing a Unit shall be assessed as Vacant Land.
- (c) Vacant parcels shall be taxed according to the following schedule:
  - (1) Vacant Land: Each parcel within the District containing less than one (0-.99) acres, without a Unit: \$2.00
  - (2) Vacant Land: Each parcel within the District containing one to five (1-5) acres, without a Unit: \$20.00
  - (3) Vacant Land: Each parcel within the District containing 5.1 to 10 acres, without a Unit: \$30.00
  - (4) Vacant Land: Each parcel within the District containing greater than ten (>10) acres, without a Unit: \$50.00

**Section 3. Cost of Living Increase.** The fee imposed by this initiative shall be subject to an annual cost-of-living increase that is based on the Consumer Price Index for San Diego County area, determined by the U.S. Department of Labor. The maximum increase for each year shall not exceed three percent (3%).

**Section 4. Low-Income Homeowner Exemption.** The tax imposed by this initiative shall be subject to an exemption for owners of single-family residential units in which they reside whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low-income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C. §§ 1437 *et seq.*), for such year. Owners who qualify for this exemption shall be taxed at \$50.00 per parcel. The application process will be in the form of self-certification under penalty of perjury. Owners must apply for the exemption provided

for in this section annually by petition to the Fire Chief of the Julian-Cuyamaca Fire Protection District in the manner and at the time set forth by the Fire Chief. Such petitions shall be on forms provided by the Fire Chief and shall provide such information as the Fire Chief may require.

**Section 5.** Such charges shall be charged to any parcel, improvement, and use of property to which fire protection services may be made available, whether or not such fire protection service is actually used upon such parcel, improvement, or use of property except such tax shall not be imposed upon a federal or state governmental agency or other local agency.

**Section 6.** The Citizens of Julian-Cuyamaca Fire Protection District do hereby propose that the appropriations limit of the District established under Article XIII B of the California Constitution shall be increased by the amount collected by the levy of this special tax in accordance with the applicable requirements of state law.

**Section 7.** Pursuant to Government Code Section 53724(c), the special benefit tax proposed by this initiative shall be submitted to the voters within the boundaries of the Julian-Cuyamaca Fire Protection District in conjunction with the statewide general election to be held on December 4, 2018. The ballot initiative shall be worded as provided by agreement of the voters of the District.

**Section 8.** If adopted by fifty percent (50%) plus one (1) of the voters, the special tax shall be collected in the same manner and shall be subject to the same penalties as assessments and other revenues collected for the District by the County of San Diego.

**Section 9.** If the initiative is approved, the special benefit taxes shall not exceed the maximum charges set forth in Section 2 hereof.

**Section 10.** Accountability Measures.

(a) Account. Upon the levy and collection of the tax authorized by this initiative, an account shall be created into which the proceeds of the tax will be deposited. The proceeds of the tax authorized by this initiative shall be applied only to the specific purposes identified in this initiative.

(b) Annual Report. An annual report that complies with the requirements of Government Code Section 50075.3 shall be filed with the District Board of Directors no later than January 1 of each year in which the tax is levied.

**Section 11.** Pursuant to Elections Code Section 9141(a)(3), and California Supreme Court Opinion S234148 dated August 28, 2017, this initiative shall be considered adopted and go into effect if this initiative is approved by fifty percent (50%) plus one (1) vote of the voters.

**Section 12.** The sole purpose of the levy of this special tax on parcels of real property within the Julian-Cuyamaca Fire Protection District is to provide revenue on behalf of the District for the purpose of maintaining and enhancing fire protection and emergency medical service. If, at any time in the future after the approval and implementation of this Initiative, the Julian-Cuyamaca Fire Protection District is dissolved, voluntarily or through any other legal action, this benefit fee shall terminate on the corresponding date that the Julian-Cuyamaca Fire Protection District is legally determined to be dissolved.

**Section 13.** If any portion of this initiative shall be declared unconstitutional, invalid, or otherwise unenforceable, the other provisions of this initiative shall remain in full force and effect.

**Section 14.** The special benefit tax proposed by this initiative shall have no effect upon Proposition S, commonly known as the Benefit Fee for Construction of a New Fire Station and maintenance of District's real property, passed by the voters of the Julian-Cuyamaca Fire Protection District on November 7, 2006.

**Section 15.** Definitions. The term "fire protection services" includes both fire protection and emergency medical services.

Statement of the reasons for the proposed action as contemplated in said petition is as follows:

The revenue from the proposed benefit fee will provide sufficient funds to raise the level of fire and emergency medical services to residents and visitors within the District by hiring a Full-time Fire Chief, paying the increased operational expenses of the fire district, replenishing the general reserves that were diminished by costs associated with building the new fire station, adding staff (e.g., paramedic firefighters) and providing stipends to volunteers and reser

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**DECLARATION OF CIRCULATOR**

(To be completed in circulator's own handwriting after above signatures have been Obtained)

I, \_\_\_\_\_, am registered to vote or am qualified to vote in the County of San Diego. My residence address is \_\_\_\_\_.

I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on the document were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_.

I declare under penalty to perjury under the laws of the state of California that the foregoing is true and correct.

Executed on (date) \_\_\_\_\_ at (place of signing) \_\_\_\_\_, California.

\_\_\_\_\_  
Signature of Circulator

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JULIAN-CUYAMACA FIRE PROTECTION DISTRICT BENEFIT FEE**