

MEASURE SUBMITTED TO THE VOTERS

DISTRICT

**BOLINAS FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2003-1
SPECIAL TAX ELECTION
MEASURE F**

F In order to build a new, earthquake-resistant, code-compliant firehouse with ambulance bay, shall the Bolinas Fire Protection District, for its Community Facilities District No. 2003-1 (Fire Station Project), levy a special tax of \$98 per developed parcel and \$35 per undeveloped parcel each year for 40 years to repay bonds used to finance the firehouse, issue special tax bonds and fix an appropriations limit of not more than \$2,000,000?

**BOLINAS FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2003-1
SPECIAL TAX ELECTION
FULL TEXT OF RESOLUTION NO. 130
MEASURE F**

**RESOLUTION NO. 130
A RESOLUTION OF FORMATION OF COMMUNITY FACILITIES
DISTRICT**

**BOLINAS FIRE PROTECTION DISTRICT
Community Facilities District No. 2003-1
(Fire Station Project)**

RESOLVED, by the Board of Directors (the "Board") of the Bolinas Fire Protection District (the "District"), County of Marin, State of California that:

WHEREAS, on October 20, 2003, this Board adopted a resolution entitled "A Resolution of Intention to Establish a Community Facilities District" (the "Resolution of Intention"), stating its intention to form the Bolinas Fire Protection District, Community Facilities District No. 2003-1 (Fire Station Project) (the "CFD"), of the District pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act");

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the facilities to be provided, the cost of providing such facilities, and the rate and method of apportionment of the special tax to be levied within the CFD to pay the principal and interest on bonds proposed to be issued with respect to the CFD, is on file with the District Secretary and the provisions thereof are incorporated herein by this reference as if fully set forth herein;

WHEREAS, the facilities stated in the Resolution of Intention are as set forth in Exhibit A attached hereto and hereby made a part hereof;

WHEREAS, on this date, this Board held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD;

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the facilities to be provided therein and the levy of such special tax were heard and a full and fair hearing was held;

WHEREAS, at the hearing evidence was presented to this Board on such matters before it, including a Community Facilities District report (the "Report") as to the facilities to be provided through the CFD

and the costs thereof, a copy of which is on file with the District Secretary, and this Board at the conclusion of said hearing is fully advised in the premises;

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of facilities and the rate and method of apportionment of the special taxes have not been filed with the District Secretary by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the proposed special tax;

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed facilities to be provided therein, as set forth in Exhibit B hereto, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. **Recitals Correct.** The foregoing recitals are true and correct.

2. **No Majority Protest.** The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to section 53324 of the Act.

3. **Prior Proceedings Valid.** All prior proceedings taken by this Board in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the Act.

4. **Name of CFD.** The community facilities district designated "Community Services District, Community Facilities District No. 2003-1 (Fire Station Project)" of the District is hereby established pursuant to the Act.

5. **Boundaries of CFD.** The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Marin County Recorder's Office on November 14, 2003, as Document No. 2003138615 in Maps of Assessment and Community Facilities Districts, are hereby approved, are incorporated herein by reference and shall be the boundaries of the CFD.

6. **Description of Facilities.** The type of public facilities proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as facilities in Exhibit A hereto and by this reference incorporated herein (the "Facilities").

7. **Special Tax.**

a. Except to the extent that funds are otherwise available to the CFD to pay for the Facilities and/or the principal and interest as it becomes due on bonds of the CFD issued to finance the Facilities, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by the reordination of a continuing lien against all non-exempt real property in the CFD, is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as may be prescribed by this Board.

b. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are shown in Exhibit B attached hereto and hereby incorporated herein.

c. In the case of any Special Tax to pay for the Facilities and to be levied against any parcel used for private residential purposes: (i) the maximum special tax shall be specified as a dollar amount which shall be calculated and thereby established not later than the date on which the parcel is first subject to the tax because of its use for private residential purposes and which amount shall not be increased over time over two percent per year; (ii) the tax year after which no further Special Tax subject to this sentence shall be levied or collected shall be as set forth in

(Full Text of Measure F Continued)

Exhibit B hereto; and (iii) under no circumstances will the Special Tax levied against any parcel subject to this sentence be increased as a consequence of delinquency or default by the owner of any other parcel within the CFD by more than ten percent. For the purposes hereof, a parcel is used for "private residential purposes" not later than the date on which an occupancy permit for private residential use is issued.

8. **Responsible Official.** The Secretary of the District, Bolinas Fire Protection District, 100 Mesa Road, Bolinas, California, 94924; telephone number (415) 868-1566, is the officer of the District who will be responsible for causing the preparation annually of a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to the Act.

9. **Tax Lien.** Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of California, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the District ceases.

10. **Appropriations Limit.** In accordance with the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$2,000,000 and such appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act.

11. **Election.** Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Board.

12. **Effective.** This resolution shall take effect upon its adoption.

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Bolinas Fire Protection District, County of Marin, State of California, on this 24th day of November 2003, by the following vote to wit:

AYES: 4
NOES: 0
ABSENT: 1

s/ Anne Sands
President of the Board

ATTEST:

s/ Molly Brown
Secretary

EXHIBIT A

**BOLINAS FIRE PROTECTION DISTRICT
Community Facilities District No. 2003-1
(Fire Station Project)**

DESCRIPTION OF FACILITIES TO BE FINANCED BY THE CFD

The Facilities shown below are to be financed by the above-designated community facilities district (the "CFD") of the Bolinas Fire Protection District (the "District"). The Facilities shall include the attributable costs of engineering, design, planning and coordination, together with the expenses related to the establishment of the CFD including costs of preparing the special tax formula, recordings, filings and District administrative and County election costs and the costs of the District's consultants in the proceedings for such establishment, the costs of the issuance and sale of any special tax bonds, including underwriters' discount, appraisals, capitalized interest, bond counsel, special tax consultant, bond and all other expenses incidental thereto. The Facilities to be acquired and/or constructed shall be constructed pursuant to plans and specifications approved by the District and the officials thereof, including the District's Fire Chief.

The Facilities shall consist of a four-bay fire station of approximately 7,400 square feet, including dormitories, kitchen, meeting and office spaces, related site work, utility connections, driveways, parking, landscaping and lighting.

EXHIBIT B

**BOLINAS FIRE PROTECTION DISTRICT
Community Facilities District No. 2003-1
(Fire Station Project)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in Community Facilities District No. 2003-1 [herein "CFD No. 2003-1"] shall be levied and collected according to the tax liability determined by the Board of Directors of the Bolinas Fire Protection District, through the application of the appropriate amount or rate for Taxable Property, as described below. All Taxable Property in CFD No. 2003-1 shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the District in carrying out its duties with respect to CFD No. 2003-1 and the Bonds, including, but not limited to, the levying and collection of the Special Tax, the fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or the County Treasurer's Office, costs related to property owner inquiries regarding the Special Tax, and all other costs and expenses of the District in any way related to the establishment or administration of CFD No. 2003-1.

"Administrator" shall mean the person or firm designated by the District to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax.

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“Assessor’s Parcel” or **“Parcel”** means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the County Assessor of the County of Marin designating parcels by Assessor’s Parcel number.

“Board” means the Board of Directors of the Bolinas Fire Protection District.

“Bonds” means any bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by the District for CFD No. 2003-1 under the Act.

“County Use Code” means the numerical code assigned by the Marin County Assessor’s Office to identify the land use on an Assessor’s Parcel.

“District” means the Bolinas Fire Protection District.

“District Parcel” means the geographic area identified in fiscal year 2003-04 by Assessor’s Parcel number 193-02016.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Improved Parcels” means, in any Fiscal Year, all Assessor’s Parcels in the CFD that are designated in that Fiscal Year, or have been designated in prior Fiscal Years, by the following County Use Codes: 11, 12, 14, 21, 31, 33, 35, 41, 51 or other such successor County Use Codes that may replace these codes. The Administrator may also categorize an Unmarked Parcel as an Improved Parcel if the Parcel is determined to be used for a residential, commercial, industrial, or agricultural use similar to other Parcels being taxed as Improved Parcels.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Proportionately” means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Taxable Property.

“Special Tax” means a special tax levied in any Fiscal Year that will be used to pay the Special Tax Requirement, as defined below.

“Special Tax Requirement” means the amount necessary in any Fiscal Year (i) to pay principal and interest on Bonds, (ii) to create or replenish reserve funds established for Bonds, (iii) to cure any delinquencies in the payment of principal or interest on Bonds which occurred in the prior Fiscal Year or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, (iv) to pay Administrative Expenses, and (v) to pay construction expenses to be funded directly from Special Tax proceeds, as applicable.

“Taxable Property” means, collectively, the District Parcel, all Improved Parcels, and all Unimproved Parcels within the boundaries of CFD No. 2003-1.

“Unimproved Parcels” means, in any Fiscal Year, all Assessor’s Parcels in the CFD that have not, in prior Fiscal Years, been designated as Improved Parcels and are, in the current Fiscal Year designated by the following County Use Codes: 10, 20, 30, 32, 34, 36, 37, 40, 50 or other such successor County Use Codes that may replace these codes. The Administrator may also categorize an

Unmarked Parcel as an Unimproved Parcel if the Parcel is determined to be vacant but zoned for a residential, commercial, industrial, or agricultural use.

“Unmarked Parcel” means an Assessor’s Parcel that has not been assigned a County Use Code by the County Assessor’s Office.

B. DATA FOR ANNUAL ADMINISTRATION OF SPECIAL TAX

On or about July 1 of each Fiscal Year, the Administrator shall (i) obtain the current Assessor’s tax roll for the area within the CFD, (ii) identify the current Assessor’s Parcel numbers for Taxable Property within the CFD, (iii) confirm the current Assessor’s Parcel number for the District Parcel, (iv) determine the land use on any Unmarked Parcels, and (v) and categorize each Parcel of Taxable Property (other than the District Parcel) as an Improved Parcel or Unimproved Parcel.

C. MAXIMUM SPECIAL TAX

The following maximum rates shall apply to all Parcels of Taxable Property within CFD No. 2003-1 for each Fiscal Year in which the Special Tax is collected:

<u>Type of Parcel</u>	<u>Maximum Special Tax</u>
District Parcel	\$10,000 per year
Improved Parcel	\$ 98 per year
Unimproved Parcel	\$ 35 per year

At no time shall a subdivision, reconfiguration or consolidation of Parcels in the CFD result in a reduction in the total Maximum Special Taxes that can be collected within the CFD, with the following exception: if, prior to Bonds being issued for the CFD, the District is able to determine that County approval has been received for an owner to merge multiple Parcels into one, the Maximum Special Tax shall be assigned to the property as if such merger already has taken place. Once Bonds have been issued that are secured by the Special Tax, the Maximum Special Tax applicable to a Parcel shall not be reduced in future Fiscal Years regardless of changes in the land use on, or configuration of, the Parcel. Notwithstanding the foregoing, the actual Special Tax levied on a Parcel in any Fiscal Year may be less than the Maximum Special Tax if a lower Special Tax is calculated pursuant to Section E below.

D. MANNER OF COLLECTION AND DURATION OF SPECIAL TAX

The Special Taxes for CFD No. 2003-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below and provided further that the District may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner, and may collect delinquent Special Taxes through foreclosure or other available methods.

The Special Tax shall be levied and collected until principal and interest on Bonds have been repaid and authorized facilities to be constructed directly from Special Taxes proceeds have been completed. However, in no event shall Special Taxes be levied after Fiscal Year 2045-2046. Under no circumstances may the Special Tax on one Parcel be increased by more than ten percent (10%) as a consequence of delinquency or default in payment of the Special Tax levied on another Parcel or Parcels.

E. METHOD OF LEVY OF THE SPECIAL TAX

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Special Tax Requirement to be collected in that Fiscal Year. A Special Tax shall then be levied

MEASURE F CONTINUED ON NEXT PAGE

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Proportionately on each Parcel of Taxable Property in the CFD up to 100% of the Maximum Special Tax for each Parcel until the amount levied equals the Special Tax Requirement for that Fiscal Year.

F. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section F:

“Future Facilities Cost” means the Public Facilities Requirement (as defined below) minus public facility costs funded by Previously Issued Bonds (as defined below), interest earnings on the construction fund actually earned prior to the date of prepayment, Special Taxes, and/or any other source of funding.

“Outstanding Bonds” means all Previously Issued Bonds which remain outstanding, with the following exception: if a Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding, that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of **“Outstanding Bonds”** for purposes of the prepayment formula.

“Previously Issued Bonds” means all Bonds that have been issued by CFD No. 2003-1 prior to the date of prepayment.

“Public Facilities Requirement” means either \$1,800,000 in 2004 dollars, which shall increase by three percent (3%) on January 1, 2005, and on each January 1 thereafter, or such lower number as shall be determined by the Board as sufficient to fund public facilities to be provided by CFD No. 2003-1 under the authorized bonding program for CFD No. 2003-1.

The Special Tax obligation applicable to an Assessor’s Parcel in CFD No. 2003-1 may be prepaid and the obligation of the Assessor’s Parcel to pay the Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. An owner of an Assessor’s Parcel intending to prepay the Special Tax obligation shall provide the District with written notice of intent to prepay. Within 30 days of receipt of such written notice, the District shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 75 days prior to any interest payment date for Bonds to be redeemed with the proceeds of such prepaid Special Taxes.

The Prepayment Amount shall be calculated as follows (capitalized terms as defined below):

Bonds Redemption Amount	
plus: Future Facilities Amount	
plus: Redemption Premium	
plus: Defeasance Requirement	
plus: Administrative Fees and Expenses	
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1.** *Whether the Parcel making the prepayment is an Improved Parcel or an Unimproved Parcel*, use \$98 as the Maximum Special Tax for purposes of this Step 1 with the following exception: if the District Parcel is making the prepayment, use \$10,000 for purposes of this Step 1.
- Step 2.** Divide the Maximum Special Tax from Step 1 by the Maximum Special Tax revenues that could be collected in that Fiscal Year from property in the entire CFD.

- Step 3.** Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the **“Bond Redemption Amount”**).
- Step 4.** Compute the current Future Facilities Costs.
- Step 5.** Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Future Facilities Costs to be prepaid (the **“Future Facilities Amount”**).
- Step 6.** Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (the **“Redemption Premium”**).
- Step 7.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest payment date after the prepayment has been received, Steps 7, 8 and 9 of this prepayment formula will not apply.
- Step 8.** Compute the amount of interest the District reasonably expects to derive from the reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9.** Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (the **“Defeasance Requirement”**).
- Step 10.** The administration fees and expenses of CFD No. 2003-1 are as calculated by the District and include the costs of computing the prepayment, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the **“Administrative Fees and Expenses”**).
- Step 11.** The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10 (the **“Prepayment Amount”**).

A partial prepayment may be made in an amount equal to any percentage of full prepayment desired by the party making a partial prepayment. The Maximum Special Tax that can be levied on a Parcel after a partial prepayment is made is equal to the Maximum Special Tax that could have been levied prior to the prepayment, reduced by the percentage of the full prepayment that the partial prepayment represents, all as determined by or at the direction of the Administrator.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The District reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the District’s discretion. Interpretations may be made by the District by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment.

**IMPARTIAL ANALYSIS BY COUNTY COUNSEL
MEASURE F**

If this measure is approved by a two-thirds (2/3) vote, the Bolinas Fire Protection District, Community Facilities District No. 2003-1, will be authorized to levy a special tax of \$98.00 per developed parcel and \$35.00 per undeveloped parcel for each year for 40 years. The proceeds of the special tax would be used to repay the cost of bonds issued for its Fire Station Project. The measure would also authorize the issuance of the special tax bonds, and fix an annual appropriations limit of not more than \$2,000,000.

December 12, 2003

PATRICK K. FAULKNER
County Counsel

ARGUMENT IN FAVOR OF MEASURE F

Here's why we need a new Firehouse:

The 1970 Firehouse does not meet structural building codes. Recent engineering reports state it could collapse in an earthquake of 6.5 or greater. ***The Firehouse must remain functional in a disaster. A retrofit would be very costly and not address community needs.***

Bolinas residents are nearly 10 years older than the national average; medical emergencies now account for more than 50% of Fire District calls. Our aging population means more emergencies requiring rapid life support. To best serve Bolinas, we need paramedic ambulance service.

Does the new Firehouse mean Bolinas will have an ambulance?

The new Firehouse will provide an ambulance bay for Rescue 97, the coastal summer ambulance, and for future year-round "24/7" paramedic service. Requirements for ambulance service include sleeping quarters for paramedics and rooms for equipment and supplies. The new Firehouse is the necessary first step towards County funding for paramedic service.

Why is the Clinic involved?

Unless the Bolinas Family Practice moves to a code-compliant facility by 2006, CHA (non-profit Coastal Health Alliance) will lose federal funding and close the Bolinas Clinic. Locating the Clinic next to the Firehouse is the most cost-effective and sensible solution. With emergency and medical facilities adjacent to where helicopters land, lives will be saved.

Does the Firehouse Parcel Tax fund the Clinic?

NO! THIS PARCEL TAX IS FOR FIREHOUSE CONSTRUCTION ONLY. CHA will secure separate funding to build the new Clinic next to the Firehouse. CHA is helping to fund Firehouse construction by prepaying a long-term lease to the Fire District for use of the property. CHA pays for the building, but the Fire District will own it. No Firehouse = No Clinic.

YES on F : \$8.17 per month to ensure the safety and self-sufficiency of Bolinas now--and into the future.

s/ Peter Smith, President
Bolinas Volunteer Firefighters Association

s/ Joan Bertsch
BCPUD Director

s/ Roger P. Kovach, President
Bolinas-Stinson Whitecaps

s/ Meg Simonds
Bolinas-Stinson School Board Member

s/ Don Deane
Downtown Business Owner

**NO ARGUMENT AGAINST THIS MEASURE
WAS SUBMITTED**

END OF MEASURE F