

THIS ORDINANCE WAS NOT USED, AS IT WAS NOT APPROVED BY VOTERS IN THE NOVEMBER 2004 SPECIAL ELECTION.

PROPOSED ORDINANCE NUMBER 1141

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS ENACTING A SPECIAL TAX FOR POLICE AND FIRE PROTECTION SERVICES

WHEREAS, the City Council of the City of Perris (the “Council”) recognizes that it is necessary and desirable that the City of Perris (the “City”) levy a special tax within the City to provide funding for police and fire protection services; and

WHEREAS, the special tax shall be designated as the “Public Safety Special Tax” (the “Special Tax”); and

WHEREAS, the Council deems it necessary and essential to submit the question of the Special Tax to qualified voters within the City at a special election to be held on November 2, 2004 and consolidated with the Statewide election to be held on that date; and

WHEREAS, pursuant to Government Code Section 50077, the Council has heretofore held a public hearing on the question of the Special Tax following notice of such public hearing; and

WHEREAS, pursuant to Government Code Sections 50075 *et. seq.* and California Constitution Sections XIII A and XIII C, the Council may impose the Special Tax upon adoption and approval of the Ordinance by a minimum two-thirds (2/3) vote of the Council and a two-thirds (2/3) vote of the electorate of the City voting in the election; and

WHEREAS, pursuant to the authority of California Government Code Section 53970, *et. seq.*, the City is authorized to levy special taxes by ordinance for the provision of fire and police protection services as described in such ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Election. A special election has been called and shall be held in the City on the 2nd day of November, 2004, for the purpose of submitting to the voters of the City the question of the Special Tax to be levied by the City in the amounts and for the purposes hereinafter set forth. Such special election shall be consolidated with the Statewide general election to be held on November 2, 2004.

Section 2. Annual Tax. Commencing with the Fiscal Year 2004-2005, an annual special tax to raise revenue to support police and fire protection services within the City of Perris is hereby imposed upon each “Eligible Property” within the City. “Eligible Property” within the City shall mean any parcel of property or improved real property, including, but not limited to, any commercial and industrial property, any single family residential unit, multifamily residential unit, condominium units, and on vacant or agricultural land or any other unit of real property subject to the California Subdivided Lands Act (Business and Professions Code Sections 11000, *et. seq.*) to which fire and police protection services are made available.

Section 3. Purpose. The purpose of this Special Tax is to raise revenue only for the purposes of obtaining, providing, operating, maintaining and expanding fire and police protection services, facilities and equipment, for paying the salaries and benefits to fire protection and police personnel, and for such other necessary fire and police protection services expenses of the City as such services shall be made available throughout the entire City. The proceeds from the Special Tax shall be used only for the purposes identified in this Section.

Section 4. Special Account. Upon the effective date of this Special Tax, the City’s Finance Director is hereby directed to create a separate account into which all revenue raised by the Special Tax shall be placed. The City's Finance Director shall file a report with the City Council no later than June 30 of each year, commencing June 30, 2005, and at least once a year thereafter which shall contain both of the following: (i) the amount of funds collected and expended under this Ordinance; and (ii) the status of any project required or authorized to be funded to carry out the purposes set forth in this Ordinance.

Section 5. Amount of Tax. For the initial Fiscal Year, July 1, 2004 through June 30, 2005 (the “Base Year”), the Special Tax shall be levied upon Eligible Property in the following amounts, herein called the “Base Year Amount”:

<u>Eligible Property</u>	<u>Base Year Amount</u>
Residential Units (single (1) and double (2) family dwellings)	\$49.00 per unit
Residential Units (three (3) or more living units)	\$37.00 per unit
Stores and Offices	\$79.00 per store or office
Industry and Utility	\$387.00 per parcel
Storage in Structures	\$1,738.00 per parcel
Unimproved/Agricultural/Vacant Property	\$11.00 per parcel
Hotels/Public Assembly/Educational/Institutional	\$3,543.00 per parcel

For the Fiscal Year July 1, 2005 through June 30, 2006, the maximum annual amount of the Special Tax for each category of property shall be determined by multiplying the Base Year Amount by an inflation factor of two percent (2.0%). In each succeeding year, the maximum amount of the fire protection services for each category of property shall be determined by multiplying the preceding fiscal year’s maximum special tax by an inflation factor of two percent (2%).

The Council shall establish the amount of the Special Tax annually by Resolution each fiscal year in amounts not to exceed the maximum amounts specified herein. In no case shall the amount of the Special Tax to be levied in any fiscal year exceed the maximum amount authorized herein without an approval of the voters.

Section 6. Exemptions. The Special Tax shall not be imposed upon a federal or state governmental agency, any local public agency, or any parcel of property which is exempt from ad valorem taxes under any other applicable law.

Section 7. Credits for CFD 2001-3 (North Perris Public Safety). Eligible Property located within CFD 2001-3 (North Perris Public Safety) (“CFD 2003-1”) and subject to the special tax within CFD 2003-1 (the “CFD Tax”) shall be entitled during each fiscal year, to receive credit toward its CFD Tax in the amount of the Special Tax authorized herein for such year; provided, however, that such property owner has paid the Special Tax for such fiscal year.

Section 8. Method of Collection. The City of Perris hereby directs the Treasurer and Tax Collector of the County of Riverside to collect the Special Tax authorized

herein for the initial Fiscal Year 2004-2005 and for subsequent fiscal years, on the same tax roll at the same time and in the same manner, and subject to the same penalties as the property taxes fixed and collected by the County of Riverside (the "County") on behalf of the City of Perris. The County may deduct its reasonable costs incurred for such services before remittal to the City.

The Special Tax, together with all penalties and interest thereon, shall constitute a lien upon each parcel of Eligible Property upon which it is levied until it has been paid, and said Special Tax, together with all penalties and interest thereon, shall, until paid, constitute a personal obligation to the City by the person(s) who own the parcel of property on the date said Special Tax is due.

Section 9. Unexpended Revenue. Any surplus moneys raised by the City from the Special Tax may in the discretion of the Council be (i) used in the succeeding year for the purposes stated in this Ordinance; or (ii) used for lowering the succeeding year's levy of the Special Tax by the amount of the Surplus or a portion thereof; or (iii) returned in a proportionate amount to owners of the Eligible Property at the time such Special Tax was paid. In no event shall such Surplus moneys be used by the City for any purposes other than those specified in Section 3 hereof.

Section 10. Effective Date. The special election to approve the Special Tax shall take place on November 2, 2004. The Special Tax shall become effective upon passage of this Ordinance by a minimum two-thirds (2/3) vote of the Council and a two-thirds (2/3) vote of the electorate of the City voting in the election as certified by this Council and the City Clerk.

Section 11. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this chapter or part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

ADOPTED, SIGNED and APPROVED this ____ day of _____, 2004.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance 1141, introduced at a regular meeting of the City Council of the City of Perris held on the 27th day of July, 2004, was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the ____day of _____, 2004, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk, Margaret Rey