



CHICO AREA RECREATION AND PARK DISTRICT

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RESOLUTION 19-13

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHICO AREA RECREATION AND PARK DISTRICT CALLING AN ELECTION, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON MARCH 3, 2020

WHEREAS, the Chico Area Recreation and Park District (the "District") is a public agency of the State of California, formed in 1948 pursuant to section 5780 *et seq.* of the California Public Resources Code, to provide recreation opportunities to the greater Chico community in a coordinated and cost effective manner;

WHEREAS, the District provides quality recreational programs to people of all ages in the greater Chico area at the following facilities:

- CARD Community Center/Creekside Rose Garden
- Chico Creek Nature Center
- Dorothy F. Johnson Center
- Pleasant Valley Recreation Center
- Lakeside Pavilion
- Humboldt Avenue Skate Park

WHEREAS, the District also maintains the following community and neighborhood parks which include features like playgrounds, softball, baseball and soccer fields, basketball and tennis courts, and gentle walking trails:

- Community Park
- DeGarmo Park
- Hooker Oak Park
- Wildwood Park
- Baroni Park
- Hancock Park
- Oak Way Park
- Peterson Park
- Rotary Park
- Ceres Park
- Henshaw Park
- Sycamore Field

WHEREAS, the District also maintains pools;

WHEREAS, District buildings have become important places for the community to gather together for concerts, celebrations, meetings, dances, weddings, dinners, classes and community events that enhance our feeling of community;

WHEREAS, the District is committed to continuing to provide well maintained, safe, secure, high-quality infrastructure and recreation and park facilities;

WHEREAS, the District has been supported solely through revenue received from user fees, grants, donations and funding allocated from a share of local property taxes;

WHEREAS, the contributions the District receives from the County property tax have not kept up with inflation rates and current funding sources do not generate enough revenue to improve and maintain District facilities and build new facilities and capital improvement projects to enhance and preserve the local recreation and park resources;

WHEREAS, the following critical needs have been identified for parks and recreation facilities improvements:

- Increasing safety in parks by providing guards to patrol parks
- Repairing/updating aging recreation centers, playgrounds, sports fields, swimming pools, and facilities that promote active and healthy living and maintain recreational programs for seniors and youth
- Providing clean, safe parks and recreational programs for all Chico area residents
- Upgrading parks with lighting, security, parking, and other safety features
- Improving and maintaining park bathrooms
- Ensuring accessibility of parks and recreation for persons with disabilities
- Renovating/expanding parks, trails, and recreation areas, and completing parks under construction;

WHEREAS, the California Constitution and the California Government Code authorize the District, upon approval of 2/3rds of the electorate, to levy qualified special taxes on property in the District for the purpose of providing quality facilities and programs in the District and other lawful purposes of the District;

WHEREAS, in the judgment of the Board of Directors of the District it is advisable to request that the Butte County Registrar of Voters (the "Registrar") call an election and submit to the voters of the District whether the District shall levy a special taxes within the District for the purpose of providing local revenue for the District;

WHEREAS, pursuant to the California Public Resources Code and the California Elections Code such election may be completely or partially consolidated with any other election held on the same day and in the same territory or territory that is in part the same.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CHICO AREA RECREATION & PARK DISTRICT RESOLVES AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true.

Section 2. Authority. This Resolution is adopted pursuant to section 50075 et seq. of the California Government Code.

Section 3. Title. This Resolution may be cited as "CHICO AREA RECREATION & PARK DISTRICT SPECIAL PARCEL TAX RESOLUTION 2019."

Section 4. Proposal. It is proposed that a special parcel tax measure be submitted to the voters of the Chico Area Recreation & Park District. Such action is taken in accordance with section 50075 et seq. of the California Government Code and Article XIII (A) of the California Constitution.

Section 5. Purpose. The parcel tax revenues will be used to fund and/or finance capital improvements and to provide working capital for the operation of the District.

Section 6. Resolution Constitutes Order of Election. This resolution shall constitute an order of election to call an election within the boundaries of the District on March 3, 2020.

Section 7. Date and Purpose of Measure. Pursuant to the California Constitution and the California Government Code, an election shall be held within the boundaries of the District on Tuesday, March 3, 2020, for the purpose of voting on a measure (the "Measure") which will be presented to voters in substantially the form attached hereto as Exhibit A, containing the question of whether the District shall impose a special tax for the purposes stated therein. In addition, the full text of the Measure (the "Full Ballot Text") shall appear in the ballot pamphlet in substantially the form attached hereto as Exhibit B.

Section 8. No Exemptions from Special Tax. There shall be no exemptions to the levy of the special tax for senior citizens or otherwise.

Section 9. Collection of the Tax. Beginning July 1, 2020, the special tax shall be collected by the Butte County Tax Collector (the "County Tax Collector"), at the same time, in the same manner, and subject to the same penalties as *ad valorem* property taxes collected by the County Tax Collector. Unpaid special taxes shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid.

The special tax shall be levied on every Parcel of Taxable Real Property wholly or partially in the District. To the extent allowed by law "Parcel of Taxable Real Property" shall be defined as:

- Any unit of real property wholly or partially in the District that receives a separate tax bill for *ad valorem* property taxes from the County Tax Collector's Office.

- All property that is otherwise exempt from or upon which are levied no *ad valorem* property taxes in any year shall not be considered a Parcel of Taxable Real Property for purposes of the special tax in such year.

If any portion of this definition is deemed contrary to law, the Board declares, and the voters by approving the Measure concur, that every other section and part of this definition has independent value, and the Board and voters would have adopted each other section and part hereof regardless of every other section or part hereof. If all sections or parts of this definition are deemed contrary to law, "Parcel of Taxable Real Property" shall be defined as any real property wholly or partially in the District assigned an assessor's parcel number.

With respect to all general property tax matters within its jurisdiction, the County Tax Collector shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. With respect to matters specific to the levy of the special tax, the application of the definition of "Parcel of Taxable Real Property" to any parcel(s) or any other disputed matter specific to the application of the special tax, the decisions of the District shall be final and binding.

Section 10. Rate to be Charged as a Special Parcel Tax. There shall be levied on each Parcel of Taxable Real Property located within the District, as shown on the latest assessment roll prepared by the Butte County Assessor, a special parcel tax of \$85 (eighty-five dollars).

To account for the impact of inflation on the cost of delivering the programs and services supported by the special tax, the tax rate shall be increased annually to account for inflation pursuant to this provision. Each year, the qualified special tax rate shall be increased from the prior year's tax rate to account for inflation by the average of the reported periodic annual percentage changes in the Consumer Price Index-All Urban Consumers, Chico area over the prior twelve months, as of April of each year, as published by the U.S. Bureau of Labor Statistics. Any increase shall be rounded to the nearest dollar. In the event the Consumer Price Index-All Urban Consumers, Chico area is no longer published, the Board shall adopt a comparable index of general price levels as it shall determine.

Section 11. Resolution to County Officials. The Secretary of the Board is hereby directed to cause certified copies of this Resolution and order to be delivered not later than December 6, 2019, to the Registrar, and the Clerk of the Board of Supervisors of Butte County (the "Board of Supervisors").

Section 12. Conduct of Election.

(a) *Request to Registrar.* Pursuant to State law, the Registrar is requested to take all steps to hold the election on March 3, 2020, in accordance with law and these specifications. The election shall be conducted pursuant to the California Elections Code. The election may be consolidated with another election as specified below, if such consolidation is feasible and appropriate.

(b) *Voter Pamphlet.* The Registrar is hereby requested to reprint the Full Ballot Text in substantially the form attached hereto as Exhibit B in the voter information pamphlet to be distributed to voters pursuant to the California Elections Code. In the event the Full Ballot Text

will not be reprinted in the voter information pamphlet in its entirety, the Registrar is hereby requested to print, immediately below the impartial analysis of the Measure, in no less than 10-point boldface type, a legend substantially as follows:

The above statement is an impartial analysis of Measure_. If you desire a copy of the Measure, please call the Butte County Registrar of Voters at (530) 552-3400 and a copy will be mailed at no cost to you.”

(c) *Consolidation.* The Board of Supervisors is hereby requested to consolidate the election ordered hereby with any and all other elections as may be held on the same day in the same territory or in territory that is in part the same.

(d) *Canvass and Declaration of Results.* The Board of Supervisors is authorized to canvass the returns of the election and declare the result pursuant to the California Elections Code.

(e) *Notices.* The District requests that the Registrar deliver copies of all published notices to the Secretary of the Board pursuant to the California Elections Code.

(f) *Cost of Election.* The District will reimburse the Registrar and the County for costs associated with the election as required by law.

Section 13. Ballot Arguments. The Board Chair and/or the Board Chair’s designees are hereby authorized to prepare and file with the Registrar any ballot argument prepared in connection with the election, including a rebuttal argument, each within the time established by the Registrar, which shall be considered the official ballot arguments of the Board as sponsor of the Measure.

Section 14. Official Actions. The General Manager, the Board Chair, or their designees are hereby authorized to execute any other documents and to perform all acts necessary to place the Measure on the ballot, including making alterations to the Measure and Full Ballot Text stated in Exhibits A and B hereto, and to this Resolution to comply with requirements of law and election officials or which are, in the judgment of the General Manager, in the best interests of the District.

Section 16. Effective Date. This Resolution shall take effect from and after its adoption.

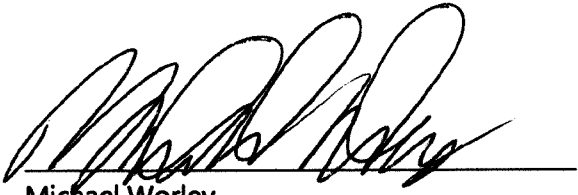
PASSED AND ADOPTED this 17th day of October, 2019, at a Regular Meeting of the Board of Directors by the following vote:

Ayes: Worley, Lando, Nickell, McGinnis, Donnan

Noes: None

Abstain: None

Absent: None



Michael Worley
Board Chair

ATTEST:



Ann Willmann
Secretary to the Board

EXHIBIT A

SUMMARY OF MEASURE

The Measure shall be summarized in the following form, and the Butte County Registrar of Voters is requested to cause this summary of the Measure to appear on the ballot:

To increase park safety, complete park construction/renovation, maintain clean, safe parks/recreational programs for Chico area residents, upgrade lighting, security, and other safety features, repair aging recreation centers, restrooms, playgrounds, fields/facilities that promote healthy living for seniors/youth, improve ADA accessibility, shall the Chico Area Recreation and Park District levy \$85 per parcel per year, subject to annual CPI adjustment, until ended by voters, raising approximately \$3,000,000 per year with oversight and used exclusively for local recreation/parks?