

MEASURE D – IMPARTIAL ANALYSIS

HUMBOLDT COUNTY COUNSEL

KNEELAND FIRE PROTECTION DISTRICT

SPECIAL TAX FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

Measure D is a special tax ordinance placed on the ballot by the Board of Directors of the Kneeland Fire Protection District (“the District”). As a “special tax,” Measure D must be approved by two-thirds of the voters voting in the election, and the funds raised may only be used for the specified purposes in the ordinance, which are stated in Sections 1.A and 1.B in the ordinance. These purposes include ongoing fire suppression activities, emergency medical care, “other services related to the protection of lives and property,” as well as the creation of a reserve fund to be built up over time, the allowed use of which is undefined.

While the ordinance does have a statement indicating the special purpose of the tax, it does not have an explicit requirement that the proceeds of the tax be applied only to that special purpose. This is a violation of Government Code Section 50075.1(b). Furthermore, the ordinance does not require the creation of a special account into which all the proceeds must be deposited. This is a violation of Government Code Section 50075.1(c).

Voters of the District previously approved two special taxes, one in 1990 and one in 2014. Measure D proposes to replace those taxes with a new tax. Therefore, if Measure D passes, there will be a single special tax for the District.

Measure D would impose a “parcel tax” on property within the District. A vacant parcel would receive an annual tax of \$100 per year; an improved parcel, \$180; vacant contiguous parcels under common ownership, \$220; commercial and industrial parcels, \$300; and multi-family parcels, \$250. There is a hardship waiver process which allows landowners with very low incomes to apply for an exemption.

The distinction between an “improved” parcel and a “commercial/industrial” parcel is unclear in the ordinance, as the definition of “improved” includes “a business” and “utility building,” whereas commercial/industrial is undefined. There is no indication at what size or intensity a business or a utility building becomes “commercial/industrial” rather than an “improvement.” “Multi-family” is also undefined, which could lead to disagreements about the proper tax for a home with an accessory dwelling unit. The ordinance provides that in determining the appropriate tax to apply to a parcel, the District will use the best available information, such as assessor parcel use codes, assessed value, building permits issued by the County and site information collected by the District. That framework leaves significant ambiguity and the potential for disagreements. There is a procedure to appeal or protest the District’s determination of the appropriate tax.

The tax would be subject to an annual inflation adjustment of up to three percent. The tax would be placed on the tax rolls and be collected by the Humboldt County Tax Collector in the same

manner as ad valorem property taxes, with the same penalties for delinquency. If approved by the voters, the tax will be imposed for the fiscal year beginning July 1, 2025, and annually thereafter with no defined end-date.