

Resolution # 05-2022

RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOULDER CREEK RECREATION
& PARK DISTRICT CALLING FOR A MAIL BALLOT ELECTION FOR VOTER APPROVAL OF
A PARCEL TAX

WHEREAS, for over 60 years BCRPD has served as Boulder Creek 's independent parks and recreation agency, which contributes to the quality of our community by providing quality parks and recreation facilities and programs for local children, youth, adults, families and seniors; and WHEREAS, the increase in use of our facilities and programs over the past 60 years, and the growth of our community and District have impacted BCRPD's ability to maintain existing parks and recreational programs; and in the future funding capital improvements;

And WHEREAS, this may force the closure of some programs or local parks and recreation facilities; and WHEREAS, stable local funding is needed to maintain the infrastructure of our local parks and recreation facilities, and to protect critical services for children, youth and seniors in Boulder Creek.

WHEREAS, voter approval of local funding will provide stable and predictable funding to directly support local parks and recreation facilities and services; and WHEREAS, if passed, a local measure would provide funds to: Keep our parks and recreation facilities open, clean and safe; maintain after-school and weekend programs for children, families and teens; and assist the District in years of capital improvement projects to update our infrastructure;

WHEREAS, if passed, a local measure would provide funds to:

- Keep our parks and recreation facilities open, clean and safe
 - Generate green energy solutions for our facilities and parks
 - Update ADA accessibility at our facilities and parks
 - Add outdoor public restrooms to Junction Park
 - Add current updates needed to our downtown facility i.e. new roof, electric, solar, generator
 - Set up facilities to accommodate emergency/ safe gathering space for our community

WHEREAS, all revenue from a local funding measure must stay in Boulder Creek Recreation & Park District to support park and recreation programs and capital improvement projects; WHEREAS, mandatory fiscal accountability provisions will ensure that all funds are spent to support parks and recreation facilities and programs in Boulder Creek and that none of the funds would go toward administration costs, or salary increases, pensions, or benefits;

WHEREAS, this local funding measure is intended to provide temporary relief to minimize park closures and deep cuts to recreation programs, the measure will automatically expire in (30) years and cannot be extended without the approval of local voters; and

WHEREAS, the purpose of the election is for the voters of BCRPD to vote on a local funding ballot measure. As required by California Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Exhibit B. A notice of public hearing and information is attached hereto as Exhibit C. The full text of the local funding measure is attached here to as Exhibit A.

NOW THEREFORE, BOULDER CREEK RECREATION AND PARK DISTRICT BOARD OF DIRECTORS HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS: Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Order of Election; Authority. This Resolution stands as the order to the BCRPD Voters (the "County Registrar") to call and conduct an all mail election within BCRPD's boundaries on November 8, 2022 and submit to BCRPD's voters the question of whether to adopt the local funding measure proposed herein. The authority for the specifications of this election order is contained in, Section 50079 of the California Government Code, and sections 4000 and 4108 of the California Elections Code. The Board requests that this election be conducted as a mail ballot election as permitted by California Elections Code sections 4000 and 4108.

Section 3. Specifications of Ballot Measure. The purpose of the election is for the voters of BCRPD to vote on a local funding ballot measure, a full copy of which is attached hereto as Exhibit A. As required by California Elections Code section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Exhibit B.

Section 4. Transmittal of Resolution. The Secretary of the Board is hereby authorized and directed to certify to the adoption of this Resolution and to transmit or deliver a copy hereof so certified to the County Registrar of Voters, and to file copies hereof so certified with the Santa Cruz County Board of Supervisors (the "Board of Supervisors").

Section 5. Election Services. Pursuant to Section 5787 et seq. of the Public Resources code, the County Registrar is hereby requested to take all steps incident to the preparation for and the holding of the election as an all mail election in accordance with law and these specifications. The Board requests that the County Registrar deliver a copy of all published notices to the Secretary of this Board pursuant to Section 12113 of the Elections Code. The Board of Supervisors is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code. BCRPD will reimburse the County of Santa Cruz for the cost of election services as required by law.

Section 6. Collection of Taxes. Subject to two-thirds approval of the voters voting on this local funding measure, the qualified special tax that is the subject of this Resolution will be levied in the amount and in accordance with the procedures set forth in Exhibit A for 30 years beginning

as of July 1, 2023, against all parcels of taxable real property located wholly or partly within the BCRPD boundaries. Said qualified special tax will be collected by the Santa Cruz Tax Collector at the same time as and along with, all other taxes and assessments on the County's property tax bills. The qualified special tax will be subject to the same penalties as general ad valorem taxes collected by said Tax Collector. The tax and penalty will bear interest at the same rate as the rate for unpaid ad valorem property taxes until paid.

Section 7. Accountability Measures. If this local funding measure is approved by the voters, then the members of the Board, the General Manager of BCRPD, and the other officers of BCRPD are hereby requested and directed, individually and collectively, to provide accountability measures pursuant to Government Code Section 50075.1 that include, but are not limited to, all of the following: (a) A statement indicating the specific purposes of the qualified special tax; (b) a requirement that the proceeds be applied only to the specific purposes identified pursuant to subsection (a); (c) the creation of an account into which the proceeds must be deposited; and (d) an annual report pursuant to Section 50075.3 of the Government Code, as provided in Section 10 hereof. Section 8. Annual Report. If this local funding measure is approved by the voters, then pursuant to Section 50075.3 of the Government Code, the Board directs the chief fiscal officer of BCRPD to file a report with the Board no later than July 1, 2023 and at least once a year thereafter. The annual report must contain both of the following: (a) The amount of funds collected and expended; and (b) the status of any project required or authorized to be funded as identified in Exhibit A hereof.

Section 9. Changes to Resolution or Measure. BCRPD's General Manager, and their designees, are hereby authorized and directed to make any changes to the text of the local funding measure described in this Resolution, or to the abbreviated form of the measure, or to the text of this Resolution, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

Section 10. Additional Actions. The members of the Board, the BCRPD General Manager, and other BCRPD officers are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitation, to prepare and submit for inclusion in the voter information pamphlet an argument in favor of passage of the local funding ballot measure. All actions heretofore taken by BCRPD's officers and agents that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

Section 11. Severability. The Board hereby declares, and the voters by approving this local funding measure concur, that every section and part of this measure has independent value, and the Board and the voters would have adopted each provision hereof regardless of every other provision hereof. Upon approval of this measure by the voters, should any part of the measure or tax rates be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts of the measure or tax rates will remain in full force and effect to the fullest extent allowed by law.

PASSED AND ADOPTED

by the Boulder Creek Recreation & Park District Board of Directors at its meeting on August 3, 2022 by the following vote:

AYES:

NOES:

ABSENT/NOT VOTING:

Secretary, I do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Directors of the Boulder Creek Recreation & Park District at its meeting of August 3, 2022, which Resolution is on file in the office of this District.

EXHIBIT A

FULL TEXT OF LOCAL FUNDING MEASURE For BOULDER CREEK RECREATION & PARK DISTRICT CAPITAL IMPROVEMENT MEASURE PURPOSE

Keeping our parks open and our community safe are keys to making Boulder Creek a safe and great place to live. As a Special District agency BCRPD focuses on providing quality programs that support children, youth, families and seniors.

Budget cuts may force limited use of our facilities and parks and/or elimination of certain Services/ Programs; BCRPD has carefully managed a limited budget for over 60 years to ensure that all programs operate efficiently. Recent years of growth and use of our facilities has been positive and exciting for BCRPD, but the District has little to no Capital Improvement budget to assist in continuing to support this growth. These budget challenges can start to impact our current and future services.

Without additional revenue, BCRPD may be forced to:

- Close many local parks, playgrounds, recreation facilities and restrooms
- Reduce or eliminate after school and weekend programs
- Reduce or eliminate programs that help seniors on fixed incomes interact with others, stay active and remain independent
- Leave damage and graffiti on parks and playgrounds unrepaired
- Suspend maintenance, care and administration of some parks
- Reduce garbage pickups at parks and recreation facilities

If approved, this locally controlled measure would provide funding of \$25 per parcel for 30 years that would bring approximately \$4.9 million to our local community over the next thirty years. None of the funds could be taken away by the County or the State or be spent on administrators or salary increases. Every year, BCRPD would develop an annual spending plan so the community can provide their input.

PROCEDURES Subject to two-thirds approval of the voters, this local funding measure and its parcel tax will become effective as of July 1, 2023. The tax will be levied at the rate of \$25 per parcel of taxable real property per year for 30 years. The tax will be collected by the Santa Cruz County Tax Collector (the “Tax Collector”) at the same time as and along with, and will be subject to the same penalties as general ad valorem taxes collected by said Tax Collector. The tax and penalty will bear interest at the same rate as the rate for unpaid ad valorem property taxes until paid. Any tax levied will become a lien upon the properties against which taxes are assessed and collectible as herein provided. With respect to all general property tax matters within its jurisdiction, the Santa Cruz County Tax Assessor or other appropriate County tax official (the “County”) will make all final determinations of tax exemption or relief for any reason, and that decision will be final and binding. With respect to matters specific to the levy of the special tax, including the Senior Citizen Exemption and the treatment of certain contiguous parcels as allowed below, the decisions of BCRPD will be final and binding. The procedures described herein, and any additional procedures established by the Board of Directors, will be the exclusive claims procedure for claimants seeking an exemption, refund, reduction, or recomputation of the special tax. Whether any particular claim is to be resolved by BCRPD or by the County will be determined by BCRPD, in coordination with the County as necessary. The Board of Directors may adopt such additional or supplemental procedures as it deems necessary or convenient for the administration of the special tax.

EXHIBIT B

LOCAL FUND MEASURE FOR

BOULDER CREEK RECREATION AND PARKS DISTRICT

Boulder Creek Recreation and Parks District Capital Improvement Measure

To improve and build large capital and infrastructure projects, improve safety and enhance our aged buildings and parks, build new public and ADA accessible restrooms, replace ailing infrastructure of our Downtown and Bear Creek Facilities, and develop alternative “green” energy to power our public spaces, and utilize locally controlled funding with independent oversight, shall BCRPD Capital Improvement Measure levy \$25 per parcel/equivalent dwelling unit annually for 30 years?

Tax – YES

Tax - NO

EXHIBIT C

BOULDER CREEK RECREATION AND PARK DISTRICT NOTICE OF PUBLIC HEARING

Please take notice that on Wednesday August 3, 2022, at 7PM on zoom, the BCRPD Board of Directors will conduct a public hearing. The board will consider adopting a resolution to establish a qualified special tax to be submitted for voter approval on November 8, 2022, in an amount not to exceed \$25 per year, per parcel or equivalent dwelling unit (estimated total collection of \$4.9 million for 30 years or \$166,000 per year).

