

FULL TEXT OF MEASURE A
Southern Inyo Healthcare District

EXHIBIT A
RESOLUTION 05-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHERN INYO HEALTHCARE DISTRICT, COUNTY OF INYO, STATE OF CALIFORNIA IMPOSING THE "SAVE SOUTHERN INYO HOSPITAL PARCEL TAX" SUBJECT TO VOTER APPROVAL

WHEREAS, the Board of Directors of the Southern Inyo Healthcare District ("District") has engaged in a variety of efforts seeking to generate funds for its medical programs,

AND WHEREAS, such efforts included working with the Inyo County Task Force in looking at all viable options, sharing in local funds, instituting cost-cutting measures, broadening programs to increase use of the clinic and laboratories, and successfully campaigning for tobacco settlement revenues,

AND WHEREAS, such efforts have not generated sufficient revenues to support the District,

AND WHEREAS, the District's Board of Directors finds and determines that it is necessary to impose a special tax ("tax") in the nature of a parcel tax upon real property located within the District,

AND WHEREAS, the proceeds of such tax would be used solely for the following specific purposes: funding standby emergency services, funding laboratory equipment and laboratory services, funding x-ray equipment and x-ray services, funding physical therapy equipment and physical therapy services, funding physician recruitment, and funding operation, maintenance, repair and replacement of the hospital plant and grounds, but shall in no case be used to pay wages of employees,

AND WHEREAS, Section 4 of Article XIII A of the California Constitution, and Government Code Sections 50075 et. seq., Sections 53720 et. seq., and Section 53730.01 authorize a hospital district, after due notice and public hearing, to impose a special tax for specific purposes upon approval by a two-thirds (2/3) vote of the qualified electors of such district who vote on the measure,

AND WHEREAS, the District finds that it has duly noticed and conducted a public hearing and has given all other notices as required by law,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Imposition of Special Tax. There is hereby imposed upon all real property, including possessory interests, located within the political boundaries of the Southern Inyo Healthcare District ("District") a special tax in the nature of a parcel tax. This resolution shall be known as Southern Inyo Healthcare District Measure: "Save Southern Inyo Hospital Parcel Tax." The tax imposed hereby shall be known as the "Save Southern Inyo Hospital Parcel Tax."

2. Rate of Tax. The tax imposed hereby is imposed at the following rates:

A. Upon every parcel of unimproved or improved real property for which the Inyo County Assessor has assigned an assessor's parcel number: Fifty Dollars (\$50.00).

B. Upon every such parcel which is improved with one (1) or more dwelling units: The additional sum of One Hundred Dollars (\$100.00) per dwelling unit.

C. Upon every such parcel upon which is located a commercial business, or which parcel is used for conducting a commercial business, or upon which is located commercial improvements, the additional sum of Five Hundred Dollars (\$500.00).

D. Parcels which fall within both categories 2 (B) and 2 (C) above shall pay the rate set forth in 2 (A) and 2 (C) only.

E. Fences, corrals, wells, pumps and pump houses, towers, and storage sheds not exceeding four hundred square feet of footprint shall not alone constitute commercial improvements.

3. Definitions. The following definitions apply:

A. "Parcel" means a parcel or assessment of real property located within the District which has been assigned an assessor's parcel or assessment number by the Inyo County Assessor.

B. "Dwelling Unit" means a single family residence, a mobilehome, a condominium, an apartment unit, or other place of residence or abode designed for one or more persons to reside or be domiciled for more than thirty (30) consecutive days and whether or not occupied. "Dwelling Unit" shall not include motel or hotel units, where the units are rented to any renter for thirty (30) consecutive days or less.

C. "Commercial Business" means every business, trade, profession, calling, occupation, vocation, exhibition, show and enterprise of any and every kind.

D. "Commercial Improvement" means any structure, as defined in Section 301 of the Uniform Building Code, which is actually used in the conduct of a commercial business.

E. All other definitions shall be otherwise set forth in California law pertaining to real property taxation.

4. Specific Purposes of Tax. The proceeds of the tax imposed by this Resolution shall be used only for the following specific purposes: funding standby emergency services, funding laboratory equipment and laboratory services, funding x-ray equipment and x-ray services, funding physical therapy equipment and physical therapy services, funding physician recruitment, and funding operation, maintenance, repair and replacement of the hospital plant and grounds. In no case shall the proceeds of the tax imposed by this Resolution be used to pay salaries or wages of employees. This statement of specific purposes is made pursuant to the requirements of Government Code Section 50075.1(a) and (b).

5. Creation of Tax Account. There is hereby created a "Special Tax Account" for the District. All proceeds of the tax imposed by this Resolution shall be deposited into such "Special Tax Account". The "Special Tax Account" is created pursuant to the requirements of Government Code Section 50075.1 (c).

6. Annual Report. The Chief Fiscal Officer of the District shall file a report with the District's Board of Directors no later than January 1, 2007 and at least once a year thereafter. The annual report shall contain both of the following:

- i. The amount of funds collected and expended.
- ii. The status of any project required to be funded as identified in Government Code Section 50075.1 (a).

This requirement of annual report is made pursuant to the requirements of Government Code Section 50075.1 (d) and Section 50075.3.

7. Commencement of Imposition of Tax. The tax imposed hereunder shall be imposed annually commencing on January 1, 2006 and continuing on the first day of each and every calendar year thereafter.

8. Lien Date. The tax imposed pursuant to this Resolution shall constitute a lien on all real property to which such tax applies. The lien shall be first imposed on January 1, 2006 and again annually on the first day of each and every year thereafter.

9. Collection of Tax and Delivery of Information to Inyo County. The District hereby requests that Inyo County collect the tax imposed by this Resolution in the same manner and at the same times as said Inyo County collects Inyo County property taxes. This request is made pursuant to Government Code Section 53730.1 and Section 50077 (b). Inyo County shall have the right to deduct its reasonable costs incurred for its services before remittal of the balance to the District.

Annually not later than June 15 of each year, the District shall deliver to the Inyo County Auditor-Controller all information that the County requires to collect the tax for the District on the unsecured property tax roll. Annually not later than July 1 of each year, the District shall deliver to the Inyo County Auditor-Controller all information that the County requires to collect the tax for the District on the secured property tax roll.

10. No Intention to Reduce Other Revenue. The collection of this special tax is not intended to decrease or offset any increase in local, state or federal revenues that are available to the District or which might become available to the District in the future.

11. Severability. If any section, sub-section, clause or provision of this Resolution is for any reason held to be invalid or unenforceable, such holding shall not affect the validity or enforceability of any other part of this Resolution.

12. Voter Approval Required. This Resolution shall only be effective if it is approved by a two-thirds (2/3) vote of the qualified electors of the District who vote on the measure.

13. Creation of Board of Tax Appeals. There is hereby created a Board of Tax Appeals within the District. The Board of Directors of the District shall serve as the Board of Tax Appeals for all purposes.

14. Tax Appeals. Each person or entity upon whom a tax is imposed by this Resolution shall have a right to appeal the imposition of the tax and/or the amount of the tax. An appeal is taken by the taxpayer by mailing or delivering a written notice of appeal to the District within thirty (30) days of the date that the tax bill for the tax being appealed is mailed to the taxpayer. The notice of appeal must state the reason why the tax should not be imposed or why the tax should not be imposed in that amount. Appeals are timely made if the District receives the notice of appeal within such thirty (30) day period if the notice of appeal is delivered, and are timely made if the notice of appeal is post-marked by the United States Postal Service within such thirty (30) day period if the notice of appeal is mailed.

Within sixty (60) days of receipt of a notice of appeal, the Board of Tax Appeals shall set the matter down for an open and public appeal hearing. The Board of Tax Appeals shall give the appellant at least thirty (30) days prior written notice of such hearing. The Board of Tax Appeals shall tender its decision within fifteen (15) days of the conclusion of the hearing. The decision of the Board of Tax Appeals shall be final.

If as a result of the appeal the tax is reduced, the District shall refund any over-payment after both installments have been paid to the County and not prior to May 1 of each fiscal year. If as a result of the appeal the tax is increased, the tax payer shall pay to the District such increased tax within thirty (30) days.

If filing of an appeal is not ground for failure to timely pay the tax imposed.

Notices of appeal must be in writing, and must be delivered to the District business office or mailed to: Southern Inyo Healthcare District, P.O. Box 1009, Lone Pine, California 93545.

Duly adopted this 28th day of July, 2005 by the Board of Directors of the Southern Inyo Healthcare District by the following vote:

Ayes: 4

Noes: 0

Absent: 1

s/ RICHARD GERING, President, Board of Directors
Southern Inyo Healthcare District

IMPARTIAL ANALYSIS BY COUNTY COUNSEL MEASURE A

Southern Inyo Healthcare District

You are being asked to consider approving a special tax upon real property within the Southern Inyo Healthcare District (hereinafter "District"). As indicated in the measure, the money received from this tax will be used for funding standby emergency services, laboratory equipment and services, x-ray equipment and services, physical therapy equipment and services, physician recruitment, and operation, maintenance, and repair at the Southern Inyo Hospital.

If this measure is approved, a parcel of land within the District which has a County Assessor's parcel number, would be taxed annually beginning January 1, 2006 at the rate of fifty dollars (\$50.00) per parcel, whether the parcel is improved or not. Any parcel improved with one or more dwelling units would be taxed an additional one hundred dollars (\$100.00) annually per dwelling unit. Any parcel upon which a commercial business is located or operated, or upon which commercial improvements are located, would be taxed an additional five hundred dollars (\$500.00) annually. Dwelling units are defined as a single family residence, mobilehome, condominium, apartment unit, or other places of residence designed for persons to reside for more than thirty (30) consecutive days. Dwelling units do not include motel or hotel units rented for thirty (30) consecutive days or less. Fences, corrals, wells, pumps and pump houses, towers, and storage sheds not exceeding four hundred square feet, do not constitute commercial

improvements. Parcels upon which a dwelling unit and a commercial business or commercial improvement are located, would not be taxed for the dwelling unit or units. Thus, a vacant parcel not being used for commercial business purposes, would be taxed fifty dollars (\$50.00) annually; a parcel upon which a single dwelling unit is located would be taxed one hundred fifty dollars (\$150.00) annually; and a parcel upon which a commercial business or business improvements were located, with or without a dwelling unit, would be taxed five hundred fifty dollars (\$550.00) annually.

Owners of taxable possessory interests in tax exempt property within the District would be taxed at the same special tax rate as if they were the owners of the parcel.

The special tax would be collected in the same manner and at the same time as Inyo County collects property taxes.

The money received from this special tax can only be used by the District for the purposes set forth in the measure. For purposes of accountability, the proceeds of this special tax would be placed into a special account and reported upon annually.

This measure will pass only if it is approved by two-thirds (2/3) of the voters voting upon this measure in this election.

A "Yes" vote is a vote to approve the special tax for the purposes specified.

A "No" vote is a vote disapproving the special tax for these purposes.

s/ Paul N. Bruce, County Counsel

ARGUMENT IN FAVOR OF MEASURE A

Southern Inyo Health Care District is the front line of care for District residents as well as the tourists who help support our economy. Not only does it provide 24-hour emergency care but also it cares for our sick and elderly in its skilled nursing facility and rural health clinic. It is one of the community's largest employers and for years has been a vital component of our economic well being. Its existence is being threatened by the increase in costs of delivering care, the growing number of uninsured citizens and the declining reimbursements for providing care. Without the hospital the following would be the result:

1. All emergencies would have to travel either 60 miles to Bishop or 80 miles to Ridgecrest far outside the "golden" hour that medical research has shown to be critical to survival of many heart attacks or strokes. Lives would be lost.
2. A study by California State University determined should the hospital close the immediate loss to the District would be fifteen million (\$15,000,000) in direct Revenue and twenty four million (\$24,000,000) in indirect costs. Our community including the school district, would be far poorer.
3. Families would have to relocate their loved ones in the skilled nursing facility to a distant location, making daily visits difficult if not impossible.
4. People may move from Lone Pine to be closer to a hospital, affecting property values and the ability to attract vital new business to the area.
5. The volunteer ambulance service would be unable to provide the emergency service required.

All of our citizens deserve quality health care, but many are either uninsured or elderly and in declining health. We must all pull together and make a commitment to ensure the survival of this valuable, life saving community asset. Save our hospital! Your life may depend on it.

s/ Andrew (Drew) Wickman
Educator

s/ Dean R. Vander Wall
Pharmacist

s/ Donald L. Christenson
Medical Doctor

s/ Bruce S. Ivey
Businessman

s/ Dan Dickman
Businessman

NO ARGUMENT AGAINST THIS MEASURE
WAS SUBMITTED