

OCT 22 2019

BY BM DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION NO. 2020 - 02**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO MOUNTAINS COMMUNITY HOSPITAL DISTRICT CALLING AN ELECTION ON MARCH 3, 2020, FOR SUBMITTING TO THE VOTERS OF THE DISTRICT A BALLOT MEASURE TO APPROVE A SPECIAL TAX ON REAL PROPERTY WITHIN THE DISTRICT; AND REQUESTING CONSOLIDATION OF ELECTIONS**

**WHEREAS**, the San Bernardino Mountains Community Hospital District ("*District*") was formed for the purposes of operating a hospital ("*Hospital*"), maintaining availability of emergency services, and providing services to help promote the health of the residents of the District; and

**WHEREAS**, the District's income from all sources, including current taxes and fees generated from patient care services, is inadequate for operating and maintaining the Hospital while maintaining appropriate levels of service for the local community; and

**WHEREAS**, many residents of the District have expressed a strong desire to keep the hospital open and operating; and

**WHEREAS**, sufficient revenue cannot be raised through fees generated from patient care services because of the need to provide services to indigent patients, cut backs from third party payors (including Medicare, Medi-Cal, insurance plans, health maintenance organizations, and similar payors), and other reasons; and

**WHEREAS**, in accordance with Government Code sections 50075 *et seq.*, 53720 *et seq.*, and 61121, Elections Code sections 9342 and 10403, and other applicable law, the District may levy a special tax on all parcels of real property in the District, subject to the approval of two-thirds of the votes cast by voters voting upon the proposition; and

**WHEREAS**, the Board of Directors of the District ("*Board of Directors*") finds that the proposed special tax is necessary in order to keep the Hospital open and ensure the ongoing and long-term fiscal integrity of the District while continuing to provide the appropriate levels of services for the local community; and

**WHEREAS**, the County of San Bernardino will conduct its portion of a Statewide Election on March 3, 2020, in territory that is in part the same as the District; and

**WHEREAS**, the Board of Directors desires to conduct an election on March 3, 2020, for the purpose of levying a special tax within the District, to request consolidation with any and all other elections to be held in the same territory on that same date, and to assist the County of San Bernardino in every way possible to assure consolidation;

**NOW, THEREFORE, BE IT RESOLVED:**

1. The foregoing recitals are true and correct and are adopted as the findings of the Board of Directors.
2. The election shall be held on and, pursuant to Elections Code section 10400 *et seq.*, consolidated with the election to be conducted on March 3, 2020, to submit to the voters a measure which

will, if affirmatively approved by no less than two-thirds of votes cast by voters in the District voting upon the measure, levy a special tax used solely for the purpose of maintaining availability of hospital services and maintaining appropriate levels of medical services to help promote the health of the residents of the District.

3. The election shall be conducted subject to and in conformity with all applicable constitutional and statutory voting requirements.

4. The Measure to be submitted to the voters shall be as follows:

<p>Measure “ _____ ”</p> <p>To maintain and provide health and medical services, shall an ordinance be adopted to continue, in perpetuity, the present parcel tax on real property located within the boundaries of the San Bernardino Mountains Community Hospital District, in the amount of:</p> <ul style="list-style-type: none"> <li>• \$40 per unimproved parcel;</li> <li>• \$80 per residential parcel;</li> <li>• \$200 per commercial parcel;</li> </ul> <p>with annual adjustments, commencing January 1, 2021, pursuant to the Consumer Price Index for All Urban Consumers, Riverside-San Bernardino-Ontario (December 2017 = 100), not to exceed 3% per calendar year?</p>	YES	
	NO	

5. Ordinance \_\_\_\_\_, attached to this resolution as *Exhibit A* and incorporated herein by this reference, shall be printed on the voter pamphlet, and shall go into effect only if approved by two-thirds of the qualified voters voting in an election to be held on March 3, 2020, and shall become effective the day following the election date of March 3, 2020, upon certification of the election results evidencing approval by no less than two-thirds of the participating qualified voters, and approved by the Board of Directors. The special tax shall be levied against all taxable real property within the District beginning with calendar year 2021. If approved by the voters, the special tax shall continue in perpetuity, with annual adjustments as prescribed in Ordinance \_\_\_\_\_, until repealed or modified by the Board of Directors or by the voters.

6. Proceeds of the special tax imposed by Ordinance \_\_\_\_\_ shall be placed in the District’s General Fund.

7. The ballots to be used at the election shall be in form and content as required by law.

8. Pursuant to the requirements of Elections Code section 10403, the San Bernardino Board of Supervisors is hereby requested to consolidate the District Election with the Statewide Election on

March 3, 2020, for the purpose of submitting the above-described ballot measure to the voters of the District. The San Bernardino Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

9. Funds in an amount sufficient to pay for the costs of the election called by this Resolution are hereby appropriated, and the District shall reimburse the County of San Bernardino for services rendered in connection with the election upon presentation of a properly approved bill. The District shall further assist the County of San Bernardino, as needed, to prepare for and conduct the election.

10. The Secretary of the District is directed to ensure a true copy of this Resolution be promptly delivered to the San Bernardino County Board of Supervisors, the San Bernardino County Registrar of Voters and to take such other actions necessary in preparing for and conducting the consolidated election.

**ADOPTED this 17th day of October 2019.**



Kieth Burkart  
President of the Board of Directors of  
San Bernardino Mountains  
Community Hospital District

**ATTEST:**



Cheryl Moxley  
Secretary of the Board of Directors of  
San Bernardino Mountains  
Community Hospital District

**CERTIFICATION**

I, Cheryl Moxley, Secretary of the Board of Directors of the San Bernardino Mountains Community Hospital District, hereby certify that the foregoing is a full, true and correct copy of the Resolution 2020 – 02 adopted by the Board of Directors of the San Bernardino Mountains Community Hospital District at the Board Meeting held on October 17, 2019, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

  
Cheryl Moxley  
Secretary of the Board of Directors of  
San Bernardino Mountains Community Hospital District

**ORDINANCE 2020 - 01**

**AN ORDINANCE OF THE SAN BERNARDINO MOUNTAINS COMMUNITY HOSPITAL DISTRICT TO AUTHORIZE THE LEVY OF A SPECIAL TAX TO FINANCE HEALTH AND MEDICAL SERVICES**

**THE PEOPLE OF THE SAN BERNARDINO MOUNTAINS COMMUNITY HOSPITAL DISTRICT DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1** Authority, Purpose and Intent.

Pursuant to the authority of Health and Safety Code sections 13911 and 13913, and other applicable law, there is hereby levied and assessed a special tax by the San Bernardino Mountains Community Hospital District on all parcels of real property in the San Bernardino Mountains Community Hospital District for each calendar year. It is the sole purpose and intent of this ordinance to impose a special tax for health and medical services.

**Section 2** Special Tax Imposed.

A special tax for the purpose specified in Section 4 of this ordinance shall be imposed on all parcels of real property within the San Bernardino Mountains Community Hospital District for each calendar year, commencing January 1, 2021. The initial (first year) amount of the special tax for each calendar year shall be \$40.00 per parcel for each unimproved parcel, \$80.00 per parcel for each parcel containing a single family residence or multiple dwelling units, and \$200.00 per parcel for each parcel developed for commercial purposes. Beginning with calendar year 2021, and for each calendar year thereafter, the amount of the special tax shall increase (but not decrease) by the percentage by which the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers, Riverside-San Bernardino-Ontario (December 2017 = 100), or any successor to that index, increased in the twelve months prior to November of the calendar year immediately preceding the calendar year for which the adjustment is made; provided, however, that the annual increase for any calendar year shall not exceed three percent (3%) over the immediately preceding calendar year.

For the purposes of this ordinance, the term “parcel” shall mean a parcel of real property having a separate assessor’s parcel number as shown on the last equalized assessment roll of San Bernardino County.

**Section 3** Special Fund, Use of Tax Proceeds.

The proceeds of the special tax imposed by this ordinance shall be placed in the District’s General Fund to be used solely for the purpose of maintaining availability of hospital services and maintaining appropriate levels of services to help promote the health of the residents of the District.

**Section 4** Collection.

The special tax imposed by this ordinance shall be collected in the same manner, on the same dates, and shall be subject to the same penalties and interest as other charges and taxes fixed and collected by the County of San Bernardino on behalf of the San Bernardino Mountains Community Hospital District. Said special tax, together with all penalties and interest thereon, shall constitute a lien upon the parcel 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 San Bernardino Mountains Community Hospital District by the persons who own the parcel on the date the tax is due.

**Section 5** Amendment.

The Board of Directors of the San Bernardino Mountains Community Hospital District shall be empowered to amend this ordinance by an affirmative vote of at least a majority of its members to carry out the general purposes of this ordinance, to conform the provisions of this ordinance to applicable state law, to modify the methods of collection, or to assign the duties of public officials under this ordinance.

In no event shall the Board of Directors of the San Bernardino Mountains Community Hospital District amend this ordinance to increase the maximum amount of the special tax established in Section 2 of this ordinance, unless approved by two-thirds of the voters voting thereon.

**Section 6** Exemptions.

The special tax shall not be imposed upon any parcel that is exempt from the special tax pursuant to any provision of the Constitution, California state law, or any paramount law. The Board of Directors of the San Bernardino Mountains Community Hospital District by resolution may adopt exemptions to the special tax imposed by this ordinance.

**Section 7** Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The Board of Directors of the San Bernardino Mountains Community Hospital District, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

**Section 8** Effective Date.

This ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at an election to be held on March 3, 2020.

**Section 9** Attestation.

The President is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

**I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the San Bernardino Mountains Community Hospital District voting on the 3rd day of March, 2020.**

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Kieth Burkart  
President of the Board of Directors of  
San Bernardino Mountains  
Community Hospital District

**ATTEST:**

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Cheryl Moxley  
Secretary of the Board of Directors of  
San Bernardino Mountains  
Community Hospital District