

RESOLUTION NUMBER BFPD 2019-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BURNEY FIRE PROTECTION DISTRICT, COUNTY OF SHASTA, STATE OF CALIFORNIA, REQUESTING CONSOLIDATION OF ELECTION AND ORDERING OF SUCH ELECTION TO BE HELD IN THE BURNEY FIRE PROTECTION DISTRICT ON MARCH 3, 2020 AND THE NOTICE TO REGISTRAR OF VOTERS OF MEASURES SUBMITTED TO QUALIFIED VOTERS.

WHEREAS, the Board of Directors of the Burney Fire Protection District desires to continue to provide residents ambulance and fire service through the use of transport ambulances and fire suppression apparatus, fire stations, fire and emergency medical equipment, necessary personal protective equipment and gear which had previously been funded from annual taxes, grants, and fees for service;

WHEREAS, due to increased costs the taxes, grants, and fees no longer adequately provide the sufficient revenue necessary to maintain, repair or replace these items without decreasing service levels;

WHEREAS, Article XIII A, Section 4 and Article XIII C, Section 2 of the California Constitution, Section 13911 of the California Health and Safety Code and Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code authorize this Board to propose the adoption of a special tax and to submit the proposition to the voters of the District; and

WHEREAS, this Board desires to seek voter approval for the imposition of a special tax to fund the costs associated with sustaining the current level of emergency medical care and transportation, and fire suppression services, exercising the authorized rights and powers of the District;

NOW, THEREFORE, the Board of Directors of the Burney Fire Protection District hereby resolves, finds and declares as follows:

1. **CONSOLIDATION OF ELECTION:** It is determined by this Board to request of Shasta County Supervisors that they instruct the Shasta County Registrar of Voters that a consolidation of election be called for the purpose of submitting to the qualified voters of the Burney Fire Protection District, the question of adoption of a special tax for Fire Protection and Emergency Medical Services. This election shall be consolidated with the March 3, 2020 Primary Election in Shasta County and with any other applicable election conducted on the same day.
2. **CALL OF ELECTION:** The Board of Directors hereby calls an election at which the question of the proposed special tax shall be submitted to the registered voters within the Burney Fire Protection District in Shasta County. The Board directs that the election be held on March 3, 2020 pursuant to Elections Code Section 10418, with the ballot prepared by the Registrar of Voters of the County of Shasta (the Election Official). The exact form of said question is set

forth in Section #6 below. Said election shall be held and conducted in conformity with the uniform District Election Law (Election Code Section 10402 et seq.) The ballot to be used at the election shall be both as to form and matter contained therein such as may be required by law.

3. ORDERING ELECTION: The Board of Directors of the Burney Fire Protection District hereby requests to order the election and permit the Shasta County Elections Division to provide all necessary election services to the election precincts, polling places, and voting booths, and to canvass the results of said election and render services relating to the proceedings of said election.
4. FUNDING THE ELECTION: The Burney Fire Protection District agrees to reimburse Shasta County in full for all services herein requested and performed on behalf of the District by the County Elections Official upon presentation of a bill to the District.
5. SUBMISSION OF THE SPECIAL TAX TO THE VOTERS. The Board hereby calls for the question contained within Section #6 of this Resolution to be placed on the ballot of the March 3, 2020 Primary Election for the purpose of obtaining a 2/3 majority approval of the voters voting in this election for a special tax measure. If approved by the voters, the special tax shall continue until repealed by the Board of Directors or by the voters. The amount of the special tax cannot be increased without voter approval. The duration of the special tax is unlimited.
6. The foregoing provision shall be submitted to the registered voters of the Burney Fire Protection District as follows:

Shall the measure adding a special tax to replace, maintain and operate the Burney Fire Protection District facilities, vehicles, and equipment, to continue rapid response to Emergency Medical and fire calls be imposed and remain in effect without increase until ended by voters at a rate of \$29.00 per unimproved property, \$46.00 per one and two family residential property, \$104.00 per commercial property, and \$304.00 per industrial property, raising approximately \$103,372.00 annually, be adopted?

7. TWO-THIRDS VOTE REQUIRED: Pursuant to state law, the special tax shall not be implemented unless it is approved by two-thirds of the votes cast by the voters of the Burney Fire Protection District voting upon the measure at this Election.
8. COLLECTION OF THE SPECIAL TAX: The special tax shall be collected in the same manner and subject to the same penalty as other charges and taxes collected by or on behalf of the Burney Fire Protection District by the County of Shasta. The Shasta County Tax Collector may deduct reasonable administrative costs incurred in collecting the special tax and deposit the amounts deducted in the Shasta County General Fund.

9. SUBMISSION TO SHASTA COUNTY: This ballot measure language and Resolution must be received by the Elections Official as provided by the law; therefore, the Secretary of the Burney Fire Protection District is directed to forward certified copies of this resolution to the Shasta County Board of Supervisors and County Elections Official.
10. ALLOCATION OF PROCEEDS: The proceeds of the special tax shall be applied only for the specific purposes described below:
- a. Purchase, sustain and maintain station, vehicles, and equipment which are part of the transport ambulance and fire suppression programs in existence within the service of the Burney Fire Protection District.
 - b. Funds collected by this special tax shall be placed in a separate account to become part of the budget created by the District. The Fire Chief shall file an annual report with the Burney Fire Protection District Board of Directors pursuant to Government Code Section 50075.3 that describes the amounts of proceeds collected along with the status of any project or program required or authorized to be funded with the proceeds, if any.
 - c. Funds collected and not expended within any given year will be set aside for future purchases, sustaining and maintaining station, vehicles, and equipment as set forth above, and as such create longevity of the Burney Fire Protection District's ambulance service and fire suppression program, and shall not be used for any other purpose.
 - d. Under no circumstances shall the Board collect/expend the tax for any purpose other than as described within this document.
11. For the purposes of this Resolution, the following words and phrases shall have the meanings respectively ascribed to them as defined below. The definition of a word or phrase applies to any of that word's or phrase's variants.

Property shall mean any separate parcel of real property having a separate Assessor's parcel number as shown on the secured tax rolls of the County of Shasta, or an assessment of a structural property on the unsecured tax rolls of the County of Shasta, or an assessment made by the State Board of Equalization.

Property Definition the special tax shall only be imposed on property based on one of the following definitions under this Resolution; no single property shall receive a double assessment. If a property has characteristics that meet multiple definitions, the property in question shall be defined at the higher level.

Unimproved Property any property, regardless of the surfacing, that is a vacant lot, vacant agricultural land, vacant forest land, or vacant land with naturally occurring vegetation upon

which there are no structures or buildings, or with non-commercial/industrial structures or buildings that are equal to or less than \$10,000.00 total value on the current assessment rolls.

Private/Residential Property shall be any non-commercial/industrial property upon which there is one or more building or structures, regardless of their current condition, containing up to two dwelling units, or private non-commercial/industrial property with structures or buildings that exceed \$10,000.00 total value on the current assessment rolls.

Dwelling Unit any building or structure or portion thereof that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, to be occupied for living purposes.

Commercial Property shall be any property upon which there is a building or structure, regardless of the current condition, that can conduct business activities intended to generate income. This includes residential properties with capacity greater than two dwelling units.

Industrial Property shall be any property zoned for industrial use or upon which there is a building, structure, or other improvement, regardless of the current condition, intended to be used in the mass production, manufacturing, or creation of a product or commodity, and properties with or without improvements that house high capacity storage of materials used in the production, manufacturing, or creation process.

12. SEVERABILITY: If any section, subsection, sentence or clause or provision of this resolution is for any reason held unconstitutional, invalid or unlawful, such decision shall not affect the validity of the remaining portion of this resolution and the people of the Burney Fire Protection District hereby declare so to that effect.
13. APPEALS: Any property owner who is assessed a special tax provided for herein may appeal any determination by the District concerning the nature of the use of the property by filing a notice of appeal with the Fire District Business office. Any such appeal shall be filed by December 1 of the calendar year for which the tax is levied. The appeal shall be filed on the form provided by the District and shall contain a statement by the property owner as to the nature and basis for the appeal in accordance with the District's appeal procedure.
14. PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 860 ET SEQ.: Pursuant to the provisions of Government Code Section 50077.5 and judicial action or proceeding to attack, review, set aside, void, or annul this resolution and/or the approval of the subject special tax shall be commenced, if at all, within 60 days of the date of the adoption hereof.

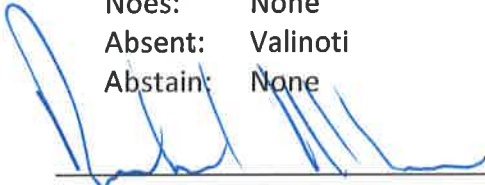
PASSED AND ADOPTED by the Board of Directors of the Burney Fire Protection District at a regular meeting of the Directors duly called and held on this 19th day of November 2019.

Ayes: Moore, Sweet, Caldwell

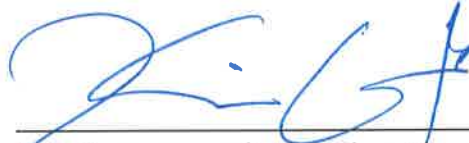
Noes: None

Absent: Valinoti

Abstain: None



Robert Moore, Board Chair



Attest: Karissa Gibson, Administrative Assistant