

RESOLUTION NO. 09-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ARBUCKLE-COLLEGE CITY FIRE PROTECTION DISTRICT
PROVIDING FOR THE ADOPTION OF A SPECIAL FIRE
SERVICES TAX**

WHEREAS, Health and Safety Code section 13911 and Government Code sections 50075, 50076 and 50077 authorize the adoption of this Resolution and the imposition of special taxes of the Arbuckle-College City Fire Protection District ("District"); and,

WHEREAS, the District currently faces fiscal difficulties stemming from the increase in the cost of providing fire protection, suppression and emergency medical services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ARBUCKLE-COLLEGE CITY FIRE PROTECTION DISTRICT:

Section 1. That a measure be placed on the ballot for a special election, or an election by mail, if appropriate, to be held on May 5, 2009, for the purpose of submitting to voters residing within the boundaries of the District the issue of whether the District may enact a special tax due to shortfalls in District funding in the face of increased demands for specified fire services; and,

Section 2. That the District Board of Directors, pursuant to its right and authority, does order following question to be submitted to the applicable voters as an initiative measure on May 5, 2009.

**ARBUCKLE-COLLEGE CITY FIRE PROTECTION
DISTRICT - MEASURE "D"**

To maintain public safety, and provide sufficient levels of fire protection and emergency response, shall the Arbuckle-College City Fire Protection District establish an annual special fire services parcel tax of \$79.19 per parcel to fund the Fire District's current operational funding needs?

_____ **Yes**
_____ **No**

Section 3. Authorization for Tax. This Resolution and the special tax provided for herein is authorized pursuant to the provisions of sections 50075, 50076 and 50077 of the Government Code and section 13911 of the Health and Safety Code.

Section 4. Determination of Public Interest and Necessity. That if in any fiscal year commencing with July 1, 2009, the District Board of Directors shall determine that the cost of providing fire protection and prevention services in the District will be too great to be paid out

of the ordinary revenues and income to be received by the District for such services, because of the restraints imposed by Article XIII A of the California Constitution, it may levy a special tax for such fiscal year on each parcel of real property within the District, in the manner provided herein. This special tax shall be in addition to the District annual tax rate allowed by applicable law. The appropriations limit of the District shall be increased by an amount equal to the amount collected by the levy of said special tax for each year in which it is imposed.

Section 5. Maximum Rate and Method of Assessment. The District Board of Directors shall determine the total amount to be raised by this tax and shall apportion it among all parcels of real property within the District not exempted by law as follows: the tax per parcel is \$79.19 with the total amount of \$212,000.00 applied to 2,677 parcels.

Section 6. Automatic Cost-of-Living Increase. That on July 1, 2009 and every year thereafter, the maximum amount of the special tax authorized herein shall be increased by a percentage equal to the increase in the Consumer Price Index for all Urban Consumers San Francisco-Oakland-San Jose Area, published by the U. S. Department of Labor, Bureau of Labor Statistics, over the same four (4) year period.

Section 7. Tax Lien and Inclusion in District Taxes. That prior to levying a special tax under this Resolution in any fiscal year, the District Board of Directors shall adopt a resolution finding the amount of special tax to be raised as set forth under the provisions of Section 5 of this Resolution. Any tax levied under this Resolution shall become a lien upon the properties against which it is assessed.

Section 8. Collection. That the special tax authorized under this Resolution shall be collected by the Tax Collector of Colusa County in the same manner and subject to the same penalties as other charges and taxes collected by Colusa County on behalf of the District.

Section 9. Repeals, etc. That this Resolution or any provision thereof may only be amended or repealed by approval of two-thirds of the voters voting on the proposition at an initiative or referendum election.

Section 10. Severability. That if any section, subsection, sentence, clause or phrase of this Resolution, or the application thereof to any person or circumstance, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Resolution or the application of such provision to other persons or circumstances. The Board of Directors hereby declares that it would have passed this Resolution or any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared to be unconstitutional.

Section 11. Ballots. That the ballots to be used at the election shall be in form and content as required by law.

Section 12. Election Procedures. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding special district elections, including an election by mail.

Section 13. Election Notice. That notice of the time and place of holding the election is given and the District Secretary is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner as required by law.

Section 14. Write-in Votes. That write-in votes shall be counted at the Colusa County Registrar's Office, or such other site as may be designated by applicable law.

Section 15. Required Votes. That this Resolution shall be adopted if approved by two-thirds of the voters authorized to vote at said special election.

Section 16. Effective Date and Publication. That this Resolution shall take effect and be in full force on the date of its passage, and before the expiration of fifteen (15) days after its passage it shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Board of Directors of the Arbuckle-College City Fire Protection District at a special meeting of said Board, held on the 29th day of January, 2009, by the following roll call vote:

AYES: Lohman, Manhart, Burgess, Ornbaum

NOES:

ABSENT: Doherty

ABSTAIN:

Dated: January 29, 2009

/s/ Robin Lohman,
Chairman, Board of Directors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

/s/ William D. Ross, District Counsel