

**RESOLUTION NO. 2023-09**

RESOLUTION OF THE BOARD OF DIRECTORS OF THE BURNEY FIRE PROTECTION DISTRICT, CALIFORNIA, CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF ANNEXATION NO. 23-1 OF BURNEY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2006-1, PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 23-1 TO FINANCE CERTAIN SERVICES, AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT

**WHEREAS**, pursuant to Section 53339.7 of the California Government Code the Board of Directors (“**Board of Directors**”) of the Burney Fire Protection District (“**BFPD**”) has adopted the resolution authorizing the annexation of territory to the Burney Fire Protection District Community Facilities District No. 2006-1 (“**CFD No. 2006-1**”); and

**WHEREAS**, by that resolution, the Board of Directors called a special election on the propositions to be submitted to the voters of the territory proposed to be annexed to CFD No. 2006-1 (“**Annexation No. 23-1**”) with respect to the levy of special taxes therein for the financing of fire suppression services, emergency medical services, and fire prevention activities, and other services as defined within CFD No. 2006-1; and

**WHEREAS**, pursuant to Section 53326 of the California Government Code, it is necessary that the Board of Directors submit to the voters of Annexation No. 23-1 the annual levy of special taxes on taxable property within Annexation No. 23-1; and

**WHEREAS**, pursuant to Section 53325.7 of the California Government Code, the Board of Directors may also submit to the voters of Annexation No. 23-1 a proposition for the establishment of an appropriations limit for Annexation No. 23-1; and

**WHEREAS**, twelve (12) or more registered voters have not resided within the territory of Annexation No. 23-1 for each of the ninety (90) days preceding August 22, 2023;

**NOW, THEREFORE, IT IS HEREBY RESOLVED DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE BURNEY FIRE PROTECTION DISTRICT:**

**SECTION 1** Findings. The Board of Directors finds that: (i) the foregoing recitals are true and correct; (ii) 12 persons have not been registered to vote within the territory to be annexed to CFD No. 2006-1 for each of the 90 days preceding the close of the public hearing on August 22, 2023; (iii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the territory to be annexed to CFD No. 2006-1, whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within Annexation No. 23-1 which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) the owners of all of the land in Annexation No. 23-1

by written consent: (a) waived the time limits set forth in Section 53326 of the California Government Code for holding the election called by this resolution and the election on the propositions; (b) consented to the holding of the election on August 22, 2023; (c) waived notice and mailed notice of the time and date of the election; (d) waived an impartial analysis by the BFPD Attorney of the ballot propositions pursuant to Section 9280 of the California Elections Code and arguments and rebuttals pursuant to Sections 9281 to 9287, inclusive, and 9295 of that Code, and mailing of a statement pursuant to Section 9401 of that Code; and (e) waived a synopsis of the measures to be included in the official ballot for said elections pursuant to Section 12111 of that Code; and (v) the Board Secretary has consented to the holding of the election on August 22, 2023.

**SECTION 2 Call of Election.** The Board of Directors hereby calls and schedules an election for August 22, 2023, on the proposition of the annual levy of special taxes on taxable property within Annexation No. 23-1 to finance fire suppression services, emergency medical services, and fire prevention activities, and other services as defined within CFD No. 2006-1 and Annexation No. 23-1, and on the proposition of the establishment of an appropriations limit for Annexation No. 23-1.

**SECTION 3 Propositions.** The propositions to be submitted to the voters of Annexation No. 23-1 at such special election shall be as follows:

**Proposition A:** Shall a special tax be levied annually on taxable property within the territory to be annexed into the Burney Fire Protection District Community Facilities District No. 2006-1, County of Shasta, State of California (“Annexation No. 23-1”), and collected so long as the special tax is needed to pay for fire suppression services, emergency medical services, and fire prevention activities and services therein, and to pay expenses incidental thereto and to the levy and collection of the special taxes at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit A to the Resolution of Intention to Annex Territory adopted by the Board of Directors of the Burney Fire Protection District on July 18, 2023.

**Proposition B:** Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Annexation No. 23-1 in the amount of \$270,000?

**SECTION 4 Conduct of Election.** Except as otherwise provided in Section 5 hereof, the consolidated special election shall be conducted by the Board Secretary in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.

**SECTION 5 Election Procedures.** The procedures to be followed in conducting the special election on (i) the proposition with respect to the levy of special taxes on taxable property within Annexation No. 23-1 to pay for fire suppression services, emergency medical services, and fire prevention activities, and other services, and (ii) the proposition with respect to the

establishment of an appropriations limit for Annexation No. 23-1 in the amount of \$270,000 shall be as follows:

- (a) Pursuant to Section 53326 of the California Government Code, ballots for the Special Election shall be distributed to the qualified electors by the Board Secretary by mail or by personal service.
- (b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections, and in particular Division 4 (commencing with Section 4000) of that Code with respect to elections conducted by mail, the Board Secretary, or designated official, shall mail or deliver to each qualified elector an official ballot in the appropriate form attached hereto as Exhibit A, and shall also mail or deliver to all such qualified electors a ballot pamphlet and/or instructions to voter, and a return identification envelope addressed to the Board Secretary for the return of voted official ballots.
- (c) The official ballot to be mailed or delivered by the Board Secretary to each landowner/voter shall have printed or typed thereon the name of the landowner/voter and the number of votes to be voted by the landowner/voter.
- (d) The return identification envelope mailed or delivered by the Board Secretary to each landowner/voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of the declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Board Secretary.
- (e) The ballot pamphlet and/or instructions to voter was delivered by the Board Secretary to the landowner/voters and informed them that the official ballot(s) shall be returned to the Board Secretary properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 3:00 p.m. on the August 22, 2023; provided that if all qualified electors have voted, the election may be closed with the concurrence of the Board Secretary.
- (f) Upon receipt of the return identification envelope(s), which are returned prior to the voting deadline on the date of the election, the Board Secretary shall canvass the votes cast in the election and shall file a statement with the Board as to the results of such canvass and the election on each proposition set forth in the official ballot(s).

The foregoing Resolution was passed and adopted by the Board of Directors of the Burney Fire Protection District on August 22, 2023, by the following vote:

AYES: Valinoti, Bartell, I. May, VanCleave

NOES: None

ABSENT: Grant

ABSTAIN: None

  
\_\_\_\_\_  
Roger Valinoti, Board Chair  
Burney Fire Protection District

Attest:

  
\_\_\_\_\_  
Kathy Newton, Administrative Assistant  
Burney Fire Protection District

**EXHIBIT A  
OFFICIAL BALLOT**

(INSERT BALLOT(S))



**OFFICIAL BALLOT  
SPECIAL ELECTION**

**BURNEY FIRE PROTECTION DISTRICT  
COMMUNITY FACILITIES DISTRICT NO. 2006-1  
ANNEXATION NO. 23-1**

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the District Secretary of the Burney Fire Protection District. The District Secretary must receive your ballot no later than 3:30 p.m. on AUGUST 22, 2023, either by mail or in person. The District Secretary's office is located at 37072 Main Street, Burney, California, 96013.

To vote, mark a cross (X) in the voting square next to the word "YES" or next to the word "NO". All distinguishing marks otherwise made are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the District Secretary of the Burney Fire Protection District and obtain another ballot.

<p><b>PROPOSITION A:</b> Shall a special tax be levied annually on taxable property within the territory to be annexed into the Burney Fire Protection District Community Facilities District No. 2006-1, County of Shasta, State of California ("Annexation No. 23-1"), and collected so long as the special tax is needed to pay for fire suppression services, emergency medical services, and fire prevention activities and services, and to pay expenses incidental thereto and to the levy and collection of the special taxes at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit A to the Resolution of Intention to Annex Territory adopted by the Board of Directors of the Burney Fire Protection District on July 18, 2023?</p>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
<p><b>PROPOSITION B:</b> Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Annexation No. 23-1 in the amount of \$270,000?</p>	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

APN(s): 028-100-020-000  
Property Owner: **Burney Commons LP, a California limited partnership**

Number of votes: **6.0**

By: Burney Commons LP, a California limited partnership

By: Burney Commons, LLC, a California limited liability corporation  
It's Administrative General Partner

By: \_\_\_\_\_  
Daniel Knott, Manager