

RESOLUTION NO. 2013-7887
**A RESOLUTION AUTHORIZING THE COUNTY CLERK
 TO CONDUCT AN ALL MAILED BALLOT ELECTION
 WITHIN THE BOUNDARIES OF THE CLIO PUBLIC UTILITIES DISTRICT
 AND CONSOLIDATE THE ELECTION WITH THE
 NOVEMBER 5, 2013 UNIFORM DISTRICT ELECTION**

WHEREAS, on June 25, 2013, the Board of Directors of the Clio Public Utility District has requested by Resolution # 6-25-13, hereto attached as Exhibit "A", that the Plumas County Board of Supervisors authorise the Plumas County Clerk to conduct an all mailed ballot election, and consolidate the election with the November 5, 2013 Uniform District Election on November 5, 2013, for the purpose of placing a special parcel tax to provide funding necessary for emergency services consisting of fire protection services and basic life support provided by the Graeagle Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, County of Plumas, as follows:

1. The Plumas County Clerk is authorized to conduct an all mailed ballot election within the boundaries of the Clio Public Utility District, consolidating said election with the November 5, 2013 Uniform District Election (UDEL), for the purpose of obtaining voter approval by a two-thirds majority vote of the following measure:

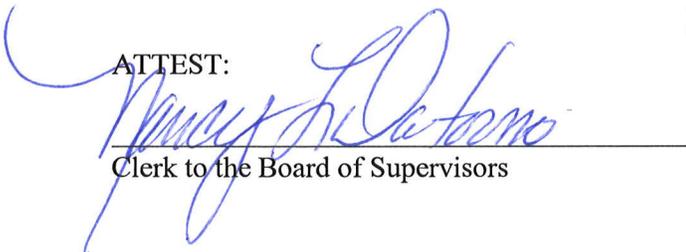
MEASURE: ADOPTING A SPECIAL PARCEL TAX FOR CLIO PUBLIC UTILITY DISTRICT FIRE PROTECTION SERVICES	
Shall the ordinance of the Clio Public Utility District adopting a special parcel tax of \$95.24 per parcel, commencing January 1, 2014, be adopted to provide funding necessary for emergency services consisting of fire protection services and basic life support provided by the Graeagle Fire Protection District?	YES
	NO

2. NOW, THEREFORE, BE IT RESOLVED by the Plumas County Board of Supervisors as follows:

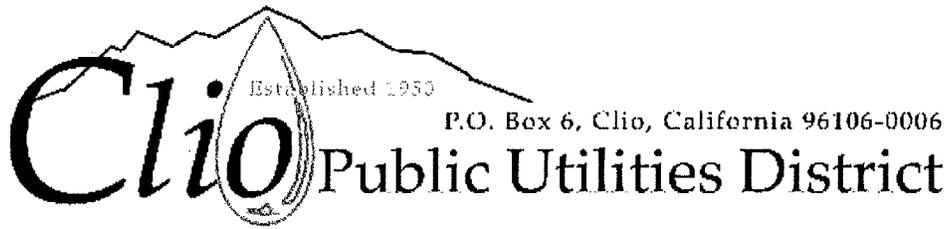
The Plumas County Clerk, Registrar of Voters is authorized to conduct an all mailed ballot election within the boundaries of the Clio Public Utility District, including preparation and publication of all legal notices, preparation of official ballots, canvassing the returns and taking all other necessary steps required under state and local law in conducting an election. The Plumas County Clerk, Registrar of Voters is authorized to recover expenses for any election service performed, by deposit, advance payment, or reimbursement.

The forgoing resolution was adopted at a regular meeting of the Plumas County Board of Supervisors held on July 09, 2013, by the following vote:

AYES: Supervisors THRALL, GOSS, SIMPSON, KENNEDY, SWOFFORD
 NOES: Supervisors NONE
 ABSENT: Supervisors NONE

ATTEST:

 Clerk to the Board of Supervisors


 Chair of the Board of Supervisors



RESOLUTION 6-25-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CLIO PUBLIC UTILITY DISTRICT ORDERING A SPECIAL ALL-MAILED BALLOT ELECTION FOR VOTER APPROVAL TO ENACT A SPECIAL PARCEL TAX TO FUND FIRE PROTECTION PROGRAMS AND SERVICES OF THE DISTRICT

WHEREAS, the Clio Public Utility District (“District”) wishes to provide first class fire protection services, by contract or otherwise, to protect the public health, safety and welfare; and,

WHEREAS, future funding for the District from property taxes and other sources is projected to be inadequate to provide the level of services that the District’s residents desire and expect; and,

WHEREAS, the District’s Board of Directors (“Board”) proposes to adopt a special parcel tax at the rate of \$ 95.24 per parcel of taxable property within the District for the purposes set forth in this Resolution and the ordinance to be submitted to the voters (the “Ballot Ordinance”), attached as Exhibit “A” and incorporated by this reference; and

WHEREAS, pursuant to California Constitution article XIII A, section 4, article XIII C, section 2(d), and article XIII D, section 3(a)(2), Government Code section 50075, *et seq.*, and Public Utilities Code section 16641.5, a public utility district is authorized to submit to the qualified voters of the District a ballot measure proposing the adoption of a special parcel tax for specified purposes and to levy the special parcel tax following approval by at least two-thirds of the qualified voters voting upon the proposition; and

WHEREAS, pursuant to Elections Code sections 4000 *et seq.* and section 4108, the Board has the authority to order an election and place propositions on the ballot to be considered at a regular or special election of the District, and such election may be conducted as an all-mailed ballot special election; and

WHEREAS, pursuant to Elections Code sections 10400 *et seq.*, the District may request the County of Plumas (“County”) to consolidate and conduct the election for the special parcel tax with any other elections to be held in the District on November 5, 2013; and

WHEREAS, the District must request a consolidated election by resolution and such resolution must include the language of the ballot measure or measures and the ordinance to be submitted to the voters to be set forth in such resolution; and

WHEREAS, the ballot proposition and the terms of approval, and collection and use of the special parcel tax are described and provided for in this resolution and the Ballot Ordinance to be considered by the qualified voters and in accordance with all applicable laws; and

Exhibit A

WHEREAS, in the judgment of this Board, following a public hearing and comment, it is advisable to request that the County consolidate the election on the special parcel tax with any with any and all elections to be held within the boundaries of the District to be held on November 5, 2013, conduct the all-mailed ballot election, and submit to the voters of the District the question of whether the District shall levy a special parcel tax within the District for the purpose of providing revenue to the District; and

WHEREAS, the Board has determined to submit to the voters on November 5, 2013, a ballot measure to adopt a new special parcel tax at the rate of \$95.24 for all parcels of taxable property within the District commencing January 1, 2014; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Clio Public Utility District as follows:

Section 1. Recitals. This Board finds and determines that the foregoing recitals are true and correct, are incorporated by this reference and made an operative part of this Resolution.

Section 2. Ordering and Giving Notice of Election. The Board orders and gives notice of a special all-mailed ballot election to be held on November 5, 2013, in the District, County of Plumas, California. The District Secretary or designee is authorized, instructed and directed to give further or additional notice of the election, as necessary, in the time, form and manner as required by law.

Section 3. Purpose of the Election. Pursuant to California Constitution article XIII A, section 4, Government Code sections 50077 and 53722 *et seq.*, and Public Utilities Code section 16641.5, the purpose of the election is to submit to the qualified voters of the District the Ballot Ordinance attached to this Resolution and the ballot measure as set forth in Section 4.

Section 4. Ballot Measure. The Board, pursuant to its right and authority, does order that the ballot measure shall be presented and printed upon the ballot submitted to the qualified voters of the District in the manner and form set forth in this Section 5. On the ballot to be submitted to the qualified voters at the special all-mailed ballot election to be held on November 5, 2013, in addition to any other matters required by law, there shall be printed substantially the following:

<u>MEASURE: ADOPTING A SPECIAL PARCEL TAX FOR CLIO PUBLIC UTILITY DISTRICT FIRE PROTECTION SERVICES</u>	
Shall the ordinance of the Clio Public Utility District adopting a special parcel tax of \$ 95.24 per parcel, commencing January 1, 2014, be adopted to provide funding necessary for emergency services consisting of fire protection services and basic life support provided by the Graeagle Fire Protection District?	YES
	NO

Section 5. Specific Purposes. The specific purposes of the special parcel tax are to pay for fire protection services arranged for under contract by the District, including, but not limited to, the costs of:

- (a) providing or contracting for fire protection and emergency medical (“EMS”) programs and services;

- (b) obtaining, furnishing, operating, and maintaining fire protection and EMS facilities and equipment;
- (c) paying the salaries, benefits, and all other necessary and related expenses for fire protection and EMS services as deemed necessary by the Board or as required by law, regulation or contractual obligation of the District; and
- (d) any incidental expenses incurred in the administration of the tax, including, but not limited to, the costs of the election, and the costs of collection.

Pursuant to Government Code Section 50075.1, the proceeds of the special parcel tax shall be used only for the specific purposes identified in this Resolution.

Section 6. Accountability Measures. Pursuant to Government Code section 50075.3, if the special parcel tax is approved by the qualified voters of the District, for so long as any proceeds of the special parcel tax remain unexpended, the District's chief fiscal officer shall cause a report to be prepared by an independent auditor and to be filed with the Board no later than December 31 of each year, commencing December 31, 2014, stating (1) the amount of special parcel tax revenues collected and expended in such year; and (2) the status of any project and description of any services or programs funded from proceeds of the special parcel tax. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as the fiscal officer shall determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board.

Section 7. Annual Report. If the special parcel tax for fire protection services is approved by the qualified voters of the District, the District shall annually adopt a written report which shall contain a description of each parcel of taxable property subject to the special parcel tax, the amount of the special parcel tax for each parcel for each fiscal year, and the basis and schedule for the special parcel tax authorized pursuant to the Ballot Ordinance approved by the qualified voters of the District. Subject to the provisions of Government Code section 53087.4, as used in this Resolution, the term "parcel" means any parcel of land which lies wholly or partially within the boundaries of the District, for which the Assessor of the County of Plumas has assigned an assessor's parcel number. As used this Resolution, "taxable property" shall be defined as any unit of real property in the District which receives a separate tax bill for *ad valorem* property taxes from the Treasurer-Tax Collector of Plumas County.

Section 8. Computation and Collection of Special Parcel Tax. If the special parcel tax is approved by the qualified voters of the District, the District Chairperson or his/her authorized designee or employee is authorized and directed each fiscal year, commencing with the fiscal year 2014-2015, to determine the special parcel tax amount to be levied for the next ensuing fiscal year for each parcel of taxable real property within the District, in the manner and as provided in accordance with Ballot Ordinance and the authorizations set forth in the Ballot Ordinance. The special parcel tax shall be collected on behalf of the District by the County of Plumas in the same manner and subject to the same penalties as, or with, other charges and taxes fixed and collected by the District, or by the County on behalf of the District. The District Chairperson is authorized and directed to provide all necessary information to the Treasurer-Tax Collector of Plumas County to effect proper billing and collection of the special parcel tax, so that the installments of the tax shall be included on the secured property tax roll of Plumas County. Unless otherwise required by the Board, no Board action shall be required to authorize the annual collection of the special parcel tax. Taxpayers seeking a refund of the special parcel tax shall follow the procedures applicable to property tax refunds pursuant to the Revenue and Taxation Code.

Section 9. Exemptions. All property which is otherwise exempt from or on which are levied no *ad valorem* property taxes in any year shall be exempt from the special parcel tax in such year. The Plumas County Assessor's determination of exemption or relief for any reason of any parcel from taxation shall be final and binding for the purposes of the special parcel tax. Taxpayers wishing to challenge the County Assessor's determination must do so under the procedures for correcting a misclassification of property pursuant to section 4876.5 of the Revenue and Taxation Code or other applicable procedures.

Section 10. Interest and Penalties. If the special parcel tax is approved by the qualified voters of the District, the special parcel tax shall be collected in the same manner as ordinary *ad valorem* taxes are collected; provided, however, that the Board may authorize other appropriate methods of collection of the special parcel tax by appropriate resolution(s). The special parcel tax shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency, as provided for *ad valorem* taxes.

Section 11. Tax Account. Pursuant to Government Code section 50075.1, if the ballot measure authorizing the District's special parcel tax for fire protection services is approved by the qualified voters of the District, the proceeds of the special parcel tax shall be deposited in a special account, to be created and maintained by the District.

Section 12. No Decrease or Offset. The levy and collection of the special parcel tax is not intended to decrease or offset any increase in local, state or federal government funding sources that would otherwise be available to the District at any time during which the special tax may be levied. In the event that the levy and collection does have such an effect, the District shall reduce the special tax levy to the extent of any such decrease or offset.

Section 13. Mailed Ballot Election. Pursuant to Elections Code section 4000 *et seq.*, the Ballot Ordinance attached to this Resolution and ballot measures set forth in Section 4 shall be submitted to the voters of the District at a special all-mailed ballot election to be held on November 5, 2013.

Section 14. Specifications of Election Order. This Resolution shall stand as the specifications of the election order to the Plumas County Clerk-Recorder to order a special all-mailed ballot election within the boundaries of the District on November 5, 2013. The Board requests that the District election be consolidated with any and all elections to be held within the boundaries of the District on November 5, 2013.

Section 15. Conduct of the Election. Pursuant to Elections Code section 10002, the Board of Supervisors of the County is requested to instruct and permit the Plumas County Clerk-Recorder to render all services to the District as needed relating to the special all-mailed ballot election on the ballot measures, and the District agrees to reimburse the County in full for the services performed, upon presentation of a bill to the District. The Board of Supervisors of the County is authorized to canvass the returns of that election with respect to the votes cast in the District and certify the results to the Board. The District recognizes that additional costs will be incurred by the County by reason of this special all-mailed ballot election and agrees to reimburse the County for all costs. The Board requests that the Plumas County Clerk-Recorder to take all actions that are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing elections returns and certifying the results of the election to the Board. The Board agrees to reimburse the County in full for any services performed by the Clerk-Recorder for the District upon presentation of an appropriate invoice to the District.

Section 16. Delivery of Resolution. The Secretary of the Board is authorized and directed to deliver a copy of this Resolution to the Plumas County Clerk-Recorder not later than June 28, 2013. The Plumas County Clerk-Recorder is requested to post or publish any further or additional notice as required by law.

Section 17. Arguments and Analysis. The Plumas County Clerk-Recorder will fix and determine a reasonable date prior to the election after which no arguments for or against the ballot measures may be submitted to him or her for printing and distribution to the voters. Notice of the date fixed will be published pursuant to applicable law. No argument may exceed 300 words. Pursuant to Elections Code section 9313, the District Secretary shall transmit a copy of the ballot measures and Ballot Ordinance to the Plumas County Counsel to prepare an impartial analysis of the ballot measures, not to exceed five hundred words, showing the effect of the measures on existing law and the operation of the ballot measures. The Board shall timely designate a party to timely prepare and file with the Plumas County Clerk-Recorder a ballot argument in favor of the proposition contained in Section 4, within the time established by the Plumas County Clerk-Recorder and in accordance with all laws applicable to such process.

Section 18. Severability. If the ballot measure authorizing the District's special parcel tax for fire protection services is approved by the qualified voters of the District, the special parcel tax shall not apply to any person, entity, or property as to whom or which it is beyond the power of the District to impose the tax herein provided. If for any reason any provision of this Resolution, the Ballot Ordinance, or the application of either document is found to be invalid, or if the special parcel tax is found inapplicable to any particular parcel within the District by a Court of competent jurisdiction, the balance of this Resolution, the Ballot Ordinance and the application of the special parcel tax to the remaining parcels within the District shall not be affected and, to this end, the provisions of this Resolution and the Ballot Ordinance are severable.

Section 19. Successors. To the fullest extent permitted by law, the Ballot Ordinance, if approved by the qualified voters of the District, and its special tax authorization and authority shall be binding upon any successors in interest to the District or any successors in interest to the District's fire protection and prevention functions, including EMS service functions.

Section 20. Effective Date of Special Tax. Pursuant to California Constitution article XIII C section (2)(d) and Government Code section 53724, if two-thirds of the qualified voters voting in the election on the Proposition to adopt the Ballot Ordinance authorizing the special parcel tax for education programs and services vote in favor of the adoption of such Proposition, the provisions regarding the proposed special parcel tax as set forth in the Ballot Ordinance shall be deemed valid and binding. The proposed special parcel tax as set forth in the Ballot Ordinance shall be considered as adopted upon the date that the vote is declared by the County Board of Supervisors, and shall go into effect January 1, 2014.

Section 21. Notice. A public hearing was held on June 25, 2013, the notice of which was mailed to registered voters of the district on June 14, 2013.

Section 22. Resolution. This Resolution shall take effect immediately upon its adoption.

Section 23. Necessary Acts. The District Chairperson or designee, is authorized and directed to execute any other document and to perform all acts necessary to place the measure on the ballot,

including making any changes to the text of the measure described in this Resolution, or to the abbreviated form of the measure, or to the text of this Resolution, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

The foregoing Resolution was adopted by the Board of Directors of the Clio Public Utility District on June 25, 2013.

AYES:	<u>4</u>
NAYS:	<u>0</u>
ABSTENTIONS:	<u>0</u>
ABSENCES:	<u>1</u>

APPROVED:

Robert K. Raymond

ATTEST:

Jennifer A. Lacy

SECRETARY

GRAEAGLE FIRE PROTECTION DISTRICT

John Sciborski, Chairman
P.O. Box 64
7620 Highway 89
Graeagle, CA 96103
530-836-1340
Fax 530-836-2645
gfpd@psln.com



July 3, 2013

Kathy Williams
Plumas County Clerk Recorder
520 Main Street, Room 102
Quincy CA 95971

Dear Ms. Williams,

This letter confirms that the Graeagle Fire Protection District is working with the Clio Public Utilities District (PUD) to finalize an Emergency Services Agreement with the Clio PUD, contingent upon passage of the Clio PUD's upcoming ballot measure.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Sciborski". The signature is written in black ink and is positioned above the printed name.

John Sciborski,
Chairman