

RESOLUTION #2011-11-10B

RESOLUTION TO ENACT THE NEWCASTLE FIRE PROTECTION DISTRICT SPECIAL TAX ON ALL TAXABLE REAL PROPERTY FOR THE PURPOSE OF PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES INCLUDING FIRE PREVENTION AND SUPPRESSION, RESCUE AND OTHER SERVICES; AND TO CALL AN ELECTION THEREON.

WHEREAS, the Board of the Newcastle Fire Protection District (the "Board") has determined that it is in the best interests of the District's citizens to prevent significant cutbacks and to provide the appropriate level of fire protection and emergency services for the Newcastle community as well as to provide a safe, adequate fire station; that the cost to maintain such adequate levels of service is beyond the reach of the District absent this proposed special tax and that this tax is therefore necessary for public protection and public safety; and

WHEREAS, it is desirable that the special municipal election be conducted by the County of Placer Election Department and it is necessary for the District to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the Newcastle Fire Protection District; and

WHEREAS, pursuant to the provisions of California Health & Safety Code section Article 13911 and Government Code sections 50075-50077.5, the Board of Directors is authorized to adopt this resolution which shall, subject to the approval of the voters, impose a special tax, which shall be applied against all taxable real property within the District; and

WHEREAS, the Board has also determined that it is in the best interest of the community to seek voter approval, which will require approval by two-thirds of the voters voting thereon, for the proposed special tax in order to be able to maintain appropriate fire protection and emergency medical response facilities, equipment and services; and

WHEREAS, the Board of Directors has determined that it is necessary and appropriate to submit a proposal to the voters in the District for the adoption of a special tax; and

WHEREAS, if approved by the voters, the special tax will be used solely for the purpose of providing fire protection and emergency medical response facilities, equipment and services within the District, including construction of a new fire station; and

WHEREAS, all district elections shall be called, held and

conducted in all respects as nearly as is practicable in conformity with the Uniform District Election Law (Election Code 10500 et seq.). Section 10517 of which provides that the County Elections Official shall conduct such elections and Section 10518 of which allows the County Elections Officer to authorize an appropriate officer of the district to perform the functions of the elections official.

WHEREAS, Section 9280 of the Elections Code authorizes the filing of an impartial analysis and Sections 9282 et seq. of said code authorize the filing of written arguments for or against any ballot proposition and rebuttal arguments.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE NEWCASTLE FIRE PROTECTION DISTRICT AS FOLLOWS:

Section 1 There is hereby enacted within the Newcastle Fire Protection District (the "District"), a special tax to be assessed against all taxable real property within the District. The full text of the proposed ballot measure is attached as Exhibit A and incorporated herein.

If approved by the voters, the special tax shall continue until repealed by the Board of Directors or by the voters.

Section 2. That the Placer County 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 all mail ballot special municipal election for the Newcastle Fire Protection District on March 6, 2012.

Section 3. That the County Election Department is authorized to canvass the returns of the special municipal election.

Section 4. That District shall reimburse the County for services performed when the work is completed and upon presentation to the District of a properly approved bill.

Section 6 The special tax shall be deemed established and shall be in effect as of the day following the election, upon certification of the election results evidencing approval by at least two-thirds of the registered voters voting thereon by the Board of Directors of the District. The increase in the District's appropriations limit shall be deemed effective beginning in the 2012-13 fiscal year.

The special tax shall be levied against all taxable real property within the District beginning with the 2012-13 fiscal year.

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**MEASURE B RESOLUTION
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Section 7 The special tax shall be used solely for the purpose of providing fire protection, both prevention and suppression, and emergency medical response facilities, equipment and services within the District, for any responses outside of the District under automatic/mutual aid agreements with other fire suppression or emergency service agencies, for the construction and maintenance of a new fire station, and for any incidental expenses related to the collection of the tax.

In accordance with Government Code Section 50075.3, District's Fire Chief, as the chief fiscal officer of the District, shall file a report with the District Board of Directors no later than January 1 of each year. The annual report shall contain both of the following: (a) the amount of funds collected and expended; (b) the status of any project required or authorized to be funded with the proceeds of the special tax in accordance with this Section.

Section 8 There may be an annual adjustment in the special tax rate based upon changes in the San Francisco Bay Area Consumer Price Index (CPI) or 3% WHICHEVER IS LESS. The District will consider changes using data provided by the United States Bureau of Labor Statistics, U. S. Cities averages for the preceding calendar year (or, if discontinued, a comparable index). Under no circumstances can the cost of living adjustment be put in place without the proposed adjustment of the tax rate being placed on the agenda of the NFPD Board of Director's regular meeting with an opportunity for public input and discussion.

Section 9 Unless otherwise ordered pursuant to a resolution adopted by the Board, the special property taxes shall annually be collected on the County of Placer property tax bill in the same manner and subject to the same penalty as the county property taxes are collected. The District Board shall annually take such steps as are necessary to have the special tax collected through the property tax bill and shall coordinate with the County Auditor and Tax Collector in this regard. The County shall be entitled to deduct its reasonable costs incurred in collecting the special tax before the balance of the tax is remitted to the District.

Upon receipt of the special taxes the District shall cause same to be deposited in a special tax account or such other account established by the District which allows the District to properly account for the special taxes in compliance with the provisions of Government Code Section 50075.3.

Section 10 Any property owner who is assessed a special tax as provided for herein may appeal any determination by the District concerning the nature of the use of the property or the calculation of the amount of the

tax by filing a notice of appeal with the District offices. Any such appeal shall be filed by December 1st 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.

Section 11. That the District Secretary is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this resolution.

Section 12 Pursuant to the provisions of Government Code Section 50077.5 any judicial action or proceeding to attack, review, set aside, void or annul this resolution and/or the approval of the subject special tax and/or increase in the appropriations limitation pertaining to the special tax shall be commenced, if at all, within 60 days of the date of the adoption hereof.

Adopted on this 10th day of November, 2011 by the following roll call vote of the Board of Directors of the Newcastle Fire Protection District.

Chairman Stearns	Yay
Vice-Chairman Lewis	Yay
Secretary Calkins	Yay
Director Orsolini	Yay
Director Poore	Yay

Attest:	
Clerk to the Board	Board Chairperson
Patrice Metz	Robert W. Stearns

EXHIBIT A

TEXT OF THE BALLOT MEASURE

The question submitted to the voters shall read substantially as follows:

To provide local fire protection and rapid emergency response services for the Newcastle Fire Protection District, to replace the old, condemned fire station with a cost-effective, safe building, to maintain rapid response times to emergencies, and to keep property insurance rates manageable, shall an annual special tax be authorized with all revenue staying in our community for local fire protection and prevention services and to construct a new fire station?

The special tax shall be assessed against real property based upon the size of the property and in the amounts of: \$146.46 per taxable parcel. Parcels with structures in excess of 3,000 square feet will be assessed an additional \$0.05 per square foot for the structure area greater than 3,000 square feet. The special tax shall not become effective unless approved by two-thirds of the registered voters of the District voting thereon.