

RESOLUTION NO. 2023-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BURNEY FIRE PROTECTION DISTRICT MAKING CERTAIN FINDINGS, CERTIFYING THE RESULTS OF AN ELECTION AND ADDING PROPERTY TO BURNEY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2006-1, ANNEXATION NO. 23-1

WHEREAS, the Board of Directors of the Burney Fire Protection District ("**Board of Directors**"), has previously formed a Community Facilities District pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California ("**Act**"). The existing Community Facilities District is designated "Burney Fire Protection District Community Facilities District No. 2006-1" ("**CFD No. 2006-1**"); and

WHEREAS, the Board of Directors initiated proceedings to annex certain territory to CFD No. 2006-1 designated as "Burney Fire Protection District Community Facilities District No. 2006-1, Annexation No. 23-1" ("**Annexation No. 23-1**"); and

WHEREAS, at this time the unanimous consent to the annexation of Annexation No. 23-1 has been received from the property owner or owners of such territory; and

WHEREAS, less than 12 registered voters have resided within the territory of Annexation No. 23-1 for each of the 90 days preceding August 22, 2023, and therefore, pursuant to the Act, the qualified electors of Annexation No. 23-1 shall be the "landowners" of Annexation No. 23-1 as such term is defined in Government Code Section 53317(f) and each such landowner who is the owner of record, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that she or he owns within Annexation No. 23-1; and

WHEREAS, the time limit specified by the Act for conducting an election to submit the levy of the special tax on the property within Annexation No. 23-1 to the qualified electors of Annexation No. 23-1 and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified electors of Annexation No. 23-1; and

WHEREAS, the Board adopted on August 22, 2023 a resolution entitled "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" ("**Resolution Calling Election**"), calling for a special election ("**Special Election**") of the qualified electors within Annexation No. 23-1; and

WHEREAS, pursuant to the terms of the Resolution Calling Election, which are by this reference incorporated herein, the Special Election was held on August 22, 2023, and the District Secretary has on file a Certificate of Election Official and Statement of Votes Cast

("Certificate"), a copy of which is attached as Exhibit A hereto and incorporated herein by this reference; and

WHEREAS, at this time the measures voted upon did receive the favorable two-thirds vote of the qualified electors, and the Board of Directors desires to declare the results of the Special Election; and

WHEREAS, a map showing the territory to be annexed and designated as "Burney Fire Protection District Community Facilities District No. 2006-1, Annexation No. 23-1" ("**Annexation Map**"), a copy of which is attached as Exhibit B hereto and incorporated herein by this reference, and a list of Assessor Parcel Numbers to be annexed and landowners, a copy of which is attached as Exhibit C hereto and incorporated herein by this reference, has been submitted to the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Burney Fire Protection District as follows:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Findings. This Board of Directors does hereby determine as follows:

- (a) The unanimous consent to the annexation of Annexation No. 23-1 to CFD No. 2006-1 has been given by all of the owners within Annexation No. 23-1 and such consent shall be kept on file in the office of the District Secretary.
- (b) Less than 12 registered voters have resided within the territory of Annexation No. 23-1 for each of the 90 days preceding August 22, 2023, and therefore, pursuant to the Act the qualified electors of Annexation No. 23-1 shall be the "landowners" of such Annexation No. 23-1 as such term is defined in Government Code Section 53317(f).
- (c) The qualified electors of Annexation No. 23-1 have unanimously voted in favor of the levy of a special tax within Annexation No. 23-1 upon its annexation to CFD No. 2006-1 and the establishment of an appropriations limit for Annexation No. 23-1.

SECTION 3. Annexed Area. The boundaries and parcels of territory within Annexation No. 23-1 and on which special taxes will be levied in order to pay for the costs and expenses of authorized public services are shown on the Annexation Map as submitted to and approved by this Board of Directors.

SECTION 4. Declaration of Annexation. The Board of Directors does hereby determine and declare that Annexation No. 23-1 is now added to and becomes a part of CFD No. 2006-1. The Board of Directors, acting as the legislative body of CFD No. 2006-1, is hereby empowered to levy the authorized special tax within Annexation No. 23-1.

SECTION 5. Notice. Upon adoption of this Resolution, notice shall be given as follows:

An Amendment to the Notice of Special Tax Lien (Notice of Annexation) shall be recorded in the Office of the County Recorder no later than 15 days after the date of adoption of this Resolution.

Passed, Approved, and Adopted by the Board of Directors of the Burney Fire Protection District this 22 day of August, 2023.

AYES: Valinoti, Bartell, I. May, Van Cleave

NOES: None

ABSENT: Grant

ABSTAIN: None


Roger Valinoti, Chair

Attest: Kathy Newton
Kathy Newton, Administrative Assistant

EXHIBIT A

CERTIFICATE OF ELECTION OFFICIAL AND STATEMENT OF VOTES CAST

CERTIFICATE OF ELECTION OFFICIAL AND STATEMENT OF VOTES CAST

STATE OF CALIFORNIA)
COUNTY OF SHASTA) ss.
BURNEY FIRE PROTECTION DISTRICT)

The undersigned, Election Official of the Burney Fire Protection District, County of Shasta, State of California, does hereby certify that pursuant to the provisions of Section 53326 of the California Government Code, I did canvass the returns of the votes cast at the

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

in the Burney Fire Protection District, held on August 22, 2023.

I further certify that this Statement of Votes Cast shows the whole number of votes cast in the area proposed to be annexed, Annexation No. 23-1 to Burney Fire Protection District Community Facilities District No. 2006-1 for or against the propositions are full, true and correct.

NUMBER OF ELIGIBLE VOTES: 6 (six)

VOTES CAST ON PROPOSITION A: YES 6

NO 0

VOTES CAST ON PROPOSITION B: YES 6

NO 0

WITNESS my hand this 22 day of August, 2023.

Kathy Newton
District Secretary
Burney Fire Protection District

**EXHIBIT B
BOUNDARY MAP**

{INSERT BOUNDARY MAP}

MAP OF PROPOSED BOUNDARIES OF
 BURNLEY FIRE PROTECTION DISTRICT
 COMMUNITY FACILITIES DISTRICT NO. 2006-1
 ANNEXATION NO. 23-1

COUNTY OF SHASTA
 STATE OF CALIFORNIA

SHEET 1 OF 1

FILED IN THE OFFICE OF THE BOARD SECRETARY OF THE BURNLEY FIRE PROTECTION DISTRICT THIS _____ DAY OF _____, 2023.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 23-1 TO THE BURNLEY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2006-1, BURNLEY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2006-1, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE BURNLEY FIRE PROTECTION DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE DAY OF _____, 2023, BY ITS RESOLUTION NO. _____.

BOARD SECRETARY
 BURNLEY FIRE PROTECTION DISTRICT

FILED THIS _____ DAY OF _____, 2023, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SHASTA, STATE OF CALIFORNIA.

COUNTY RECORDER
 COUNTY OF SHASTA
 STATE OF CALIFORNIA

REFERENCE IS MADE TO THE BOUNDARY MAP OF THE BURNLEY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2006-1, RECORDED WITH THE SHASTA COUNTY RECORDERS OFFICE ON NOVEMBER 1, 2006, IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 66 AND AS INSTRUMENT NO. 2006-0055373.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS MAP SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE SHASTA COUNTY ASSESSORS MAPS FOR THOSE PARCELS LISTED.

THE SHASTA COUNTY ASSESSORS MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	028-100-020-000



- Legend**
-  Proposed Annexation Boundary
 -  Map Reference No.

EXHIBIT C

ASSESSOR'S PARCEL NUMBERS AND OWNER NAMES

APN: 028-100-020-000

5.78 acres

Owner: Burney Commons LP, a California limited partnership