

RESOLUTION NO. 2022-08

RESOLUTION OF THE BOARD OR DIRECTORS OF THE BURNEY FIRE PROTECTION DISTRICT, COUNTY OF SHASTA, STATE OF CALIFORNIA, DECLARING THE RESULTS OF VOTES CAST ON BALLOT MEASURE B AT THE SPECIAL DISTRICT ELECTION HELD ON NOVEMBER 8, 2022

WHEREAS, the Board of Directors of the Burney Fire Protection District (the "Board of Directors") called a Special Election to be held on November 8, 2022, for the purpose of submitting a ballot measure, Ballot Measure B, to the voters of the District; and

WHEREAS, the Special Election was consolidated with the Statewide Election and conducted by the County of Shasta on November 8, 2022.

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. For Ballot Measure B, Burney Fire Protection District Rescue, Emergency Medical Care and Ambulance, Hazardous Material Emergency Response and Fire Protection Measure, submitted to the voters, the total number of votes as of November 30, 2022, was:

<u>Local Ballot Measure B</u>	<u>Votes</u> :
Yes	812
No	485

SECTION 3. Certified Statement of Election Results. A copy of the Certified Statement of Election Results from the Shasta County Registrar of Voters containing the number of votes given to Ballot Measure B, is set forth in Exhibit A to this resolution, which is hereby incorporated by reference as though fully set forth herein.

SECTION 4. Declaration. Ballot Measure B, attached hereto as Exhibit B is hereby declared not approved.

Passed, Approved, and Adopted by the Board of Directors of the Burney Fire Protection District this 20th day of December 2022.

AYES: Bartell, Grant, May, Valinoti

NOES: None

ABSENT: _____

ABSTAIN: _____

By:



Board Chair
Burney Fire Protection District

ATTEST:



Board Secretary

EXHIBIT A
CERTIFIED STATEMENT OF ELECTION RESULTS

[See attached]



SHASTA COUNTY

Cathy Darling Allen, County Clerk / Registrar of Voters

County Clerk / Elections Department / www.elections.co.shasta.ca.us
1643 Market St., Redding, CA 96001 / PO Box 990880, Redding, CA 96099-0880
Phone: 530-225-5730 / FAX: 530-225-5454 / CA Relay Service: 711 or 800-735-2922

December 1, 2022

Burney Fire Protection District
37072 Main St
Burney, CA 96013

Dear Special District,

Enclosed for your records are the certified results for Special Districts, which took place at the November 8, 2022 General Election.

You will be receiving a statement for services later this year or early next year after all the costs have been received.

Should you have any questions please contact me at (530)225-5376.

Sincerely,

A handwritten signature in cursive script that reads "Mary".

Mary Paul
Agency Staff Services Analyst
mpaul@co.shasta.ca.us

Enclosures

**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS OF THE
RESULTS OF THE CANVASS
OF THE NOVEMBER 8, 2022, GENERAL ELECTION**

STATE OF CALIFORNIA
COUNTY OF SHASTA } ss.

I, Cathy Darling Allen, County Clerk/Registrar of Voters of County of Shasta, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 8, 2022, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 30th day of November, 2022, at the County of Shasta



Cathy Darling Allen
County Clerk/Registrar of Voters
County of Shasta
State of California

1 Measure B - Burney Fire Parcel Tax						
		Registered Voters	Voters Cast	Turnout (%)	1 Yes	1 No
0391210 Burney	Election Day	2102	225	10.70 %	130	86
0391210 Burney	Vote by Mail	2102	1110	52.81 %	680	399
0391210 Burney	All Mail	2102	0	0.00 %		
0391210 Burney	Early Vote	2102	3	0.14 %	2	
0391210 Burney	Total	2102	1338	63.65 %	812	485
Electionwide	Election Day	2102	225	10.70 %	130	86
Electionwide	Vote by Mail	2102	1110	52.81 %	680	399
Electionwide	All Mail	2102	0	0.00 %		
Electionwide	Early Vote	2102	3	0.14 %	2	
Electionwide	Total	2102	1338	63.65 %	812	485
Total - Election Day		2102	225	10.70 %	130	86
Total - Vote by Mail		2102	1110	52.81 %	680	399
Total - All Mail		2102	0	0.00 %		
Total - Early Vote		2102	3	0.14 %	2	
Contest Total		2102	1338	63.65 %	812	485

EXHIBIT B
BALLOT MEASURE B

[See attached]



Local Ballot Measure: B

B

Burney Fire Protection District Rescue, Emergency Medical Care and Ambulance, Hazardous Material Emergency Response and Fire Protection Services Measure

Ballot question

To maintain and improve rescue, emergency medical care and ambulance, hazardous material emergency response, and fire protection services, shall an ordinance be adopted authorizing an ongoing annual parcel tax on all nonexempt parcels within the District, based on land use, including a maximum rate of \$75 per single-family home, raising approximately \$237,994 annually, with audits and expenditure reports?

What your vote means

YES	NO
A "Yes" vote is to authorize the imposition of the special parcel tax.	A "No" vote opposes the imposition of the special parcel tax.

For and against Measure B

FOR
Roger Valinoti, Board Chair, Burney Fire Protection District Karen Van Cleave, Concerned Citizen
AGAINST

The text of the measure can be found in this guide and also online at <https://www.elections.co.shasta.ca.us/general-election-november-8-2022/>.



Local Ballot Measure: B

Arguments and replies are the opinions of the authors and have not been checked for accuracy by any official agency. We print them exactly as submitted, including errors.

Argument for Measure B

The cost to provide fire protection and emergency medical response has continued to increase, outpacing available revenues. The fire districts current operating revenues are not sufficient to sustain the fire district in meeting the demands for service, possibly necessitating closure of the department/district.

In order to protect public safety and ensure that fire protection and emergency medical response is preserved in the community, the Burney Fire Protection District proposes to assess an annual special tax that shall be used for providing fire and EMS (ambulance) services to the communities of Burney and Johnson Park.

The estimated \$237,994 of annual revenue from this special tax will be used to provide funding for the District to use in performing essential fire suppression, prevention, and emergency services (ambulance), including acquiring, operating and maintaining fire suppression equipment, payment of personnel costs, training, and operational costs, and funding capital improvements.

Pursuant to Government Code Section 50075.1 the proceeds of the special tax shall be used only to fund essential operations, firefighter training, and capital expenditures to improve fire and emergency services with all money staying local, and subject to independent annual audits. The fire district is a full service provider for emergency services. The district provides personnel and equipment for:

- Fire suppression
- Emergency medical response (ambulance)
- Inspections for residential and commercial occupancies
- Disaster response
- Confined space rescues
- Hazardous material responses
- New construction inspections
- Plan review
- Wildland response
- Urban Search and Rescue

Please support and continue our fire service heritage *since 1939*. The District Board of Directors knows how important Measure B is to our community, and unanimously urges you to vote YES.

/s/ Roger Valinoti
Burney Fire Protection, District Board of Directors

/s/ Karin Van Cleave
Concerned Citizen



Local Ballot Measure: B

Impartial Analysis of Measure B

This analysis of the special tax measure for the Burney Fire Protection District ("District"), Measure B, is prepared and submitted to the voters by the Board of Directors of the District in accordance with Elections Code sections 9313 *et seq.* The electors who will be entitled to vote on the measure are those qualified electors who reside within the boundaries of the District. The measure would authorize the District to levy a special parcel tax on real property within the District, as more fully described in Measure B to maintain and improve the current level of rescue, emergency medical care and ambulance, hazardous material emergency response, and fire protection services, including providing the necessary personnel, the construction, acquisition, maintenance and replacement of necessary facilities, apparatus, equipment, gear, and vehicles, and any related reserves within the service area of the District.

The amount of the proposed special tax varies depending upon the type of use of the property. The special tax would be set annually by the District's Board of Directors in an amount not to exceed the amounts below and would continue indefinitely unless a later ordinance, approved by two-thirds of the voters of the District, repeals the special tax or establishes a termination date of the authority to collect the special tax. The annual special tax rate would not exceed \$30.00 per vacant/unimproved parcels; \$75.00 per single-family residential parcels; \$192.00 per rural-residential/improved parcels; \$309.00 per multi-family residential parcels (2-4 units); \$388 per multi-family residential parcels (5-9 units); \$465 per multi-family residential parcels (10+ units); \$546 per commercial parcel; and \$910 per industrial parcel; \$910 per retail parcel (10,000+ square feet); and \$90 per mobile home site as those types of parcels are defined in Measure B. The amount of the special tax cannot be increased without voter approval.

The proposed special tax would be approved if two-thirds of the qualified electors voting on Measure B vote for approval. If approved, the proposed special tax would become effective on November 8, 2022, following certification of the election results and would be levied against all taxable real property beginning with the 2023-2024 fiscal year.

The special parcel tax shall be collected in the same manner, on the same dates, and shall be subject to the same penalties and interest as other charges and taxes fixed and collected by Shasta County on behalf of the District.

Pursuant to Government Code sections 50075.1 and 50075.3, proceeds from the special tax are subject to statutory accountability measures which include, but are not limited to, deposit to a separate account and an annual report by the local agency detailing the amount of the funds collected and expended.

A "yes" vote is to authorize the imposition of the special parcel tax.

A "no" vote opposes the imposition of the special parcel tax.

Rubin E. Cruse, Jr.
County Counsel

By: /s/ James R. Ross
Assistant County Counsel



Local Ballot Measure: B

Full Text of Measure B

ORDINANCE NO. BFPD 2022-01

AN ORDINANCE OF THE BURNEY FIRE PROTECTION DISTRICT TO AUTHORIZE THE LEVY OF A SPECIAL PARCEL TAX TO FINANCE RESCUE, EMERGENCY MEDICAL CARE AND AMBULANCE, HAZARDOUS MATERIAL EMERGENCY RESPONSE, AND FIRE PROTECTION SERVICES AND AUTHORIZING AN INCREASE IN THE APPROPRIATIONS LIMIT FOR THE BURNEY FIRE PROTECTION DISTRICT

THE PEOPLE OF THE BURNEY FIRE PROTECTION DISTRICT ORDAIN AS FOLLOWS:

Section 1. Authority, Purpose and Intent.

Pursuant to the authority of Sections 13911 and 13913 of the California Health and Safety Code, and other applicable law, there is hereby levied and assessed a special parcel tax by the Burney Fire Protection District ("District") on all nonexempt parcels of real property in the Burney Fire Protection District for each fiscal year. It is the sole purpose and intent of this Ordinance to impose a special parcel tax for the specific purpose of maintaining and improving the current level of rescue, emergency medical care and ambulance, hazardous material emergency response, and fire protection services, including providing the necessary personnel, the construction, acquisition, maintenance and replacement of necessary facilities, apparatus, equipment, gear, and vehicles, and any related reserves.

Section 2. Special Parcel Tax Imposed.

A special parcel tax for the purpose specified in Section 4 of this Ordinance shall be imposed on all nonexempt parcels of real property in the Burney Fire Protection District for each fiscal year (the period beginning July 1 and ending the following June 30), commencing with fiscal year 2023-24. The maximum amount of the special parcel tax for each fiscal year shall be based on the use of each parcel of taxable property in accordance with the schedule below:

	Parcel Use Category	Total Annual Charge
A.	Vacant/Unimproved:	\$30 per year
B.	Single-Family Residential:	\$75 per year
C.	Rural Residential/Improved:	\$192 per year
D.	Multi-Family Residential (2-4 units):	\$309 per year
E.	Multi-Family Residential (5-9 units);	\$388 per year
F.	Multi-Family Residential (10+ units):	\$465 per year
G.	Commercial:	\$546 per year
H.	Industrial:	\$910 per year
I.	Retail (10,000 + square feet):	\$910 per year
J.	Mobile Home Site:	\$90 per year

The records of the Shasta County Assessor as of January 1st of each year, or such other date established by the Fire Chief, shall be used to determine the land use category for each parcel for the calculation of the special parcel tax applicable to that parcel in the following fiscal year, with such corrections as deemed necessary.

For the purposes of this Ordinance, the following terms shall have the following meanings:

“Vacant/Unimproved” shall mean any vacant land or unimproved property.

“Single-Family Residential” shall mean a dwelling unit designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted).

“Rural Residential/Improved” shall mean low density residential or agricultural structures that generally rely upon onsite water systems (wells), requiring the use of trucked-in water for fire suppression.

“Multi-Family Residential (2-4 units)” shall mean 2 to 4 dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, duplexes and apartments.

“Multi-Family Residential (5-9 units)” shall mean 5 to 9 dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, apartments.

“Multi-Family Residential (10+ units)” shall mean ten or more dwelling units within a single building, or structures on a parcel. Types of multiple-unit dwellings include, but are not limited to, apartments.

“Commercial” shall mean commercial or institutional uses including but not limited to stores and retail businesses (less than 10,000 square feet), offices, restaurants and bars, service stations, auto repair, hotels, motels, day care facilities, professional business parks, and similar uses.

“Industrial” shall mean industrial uses including but not limited to manufacturing, packaging, shipping, recycling, industrial parks, wood products, energy production, and similar uses.

“Retail (10,000 + square feet)” shall mean a retail business that occupies 10,000 or more square feet.

“Mobile Home Site” shall mean an area of land within a mobile home park that is rented, or held out for rent, to accommodate a mobile home used for human habitation. A mobile home park is an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation. A mobile home is a structure designed for human habitation and for being moved on a street or highway, including, but not limited to, manufactured homes, motor homes, and recreational vehicles.

“Parcel” shall mean a parcel of real property having a separate assessor’s parcel number as shown on the last equalized assessment roll of the County of Shasta.

Section 3. Annual levy.

The Board of Directors of the District shall annually, by an affirmative vote of at least a majority of its members, establish the amount of the special parcel tax levy, in an amount that does not exceed the maximum amount specified in Section 2 of this Ordinance. The special parcel tax shall not be measured by the value of property.

Section 4. Special Fund, Use of Tax Proceeds.

The proceeds of the special parcel tax imposed by this Ordinance shall be placed in a special fund, which shall be created and designated the Burney Fire Protection District Parcel Tax Special Fund, and shall be applied only for the purpose of providing rescue, emergency medical care and ambulance, hazardous material emergency response, and fire protection services, including

providing the necessary personnel, the construction, acquisition, maintenance and replacement of necessary facilities, apparatus, equipment, gear, and vehicles, and any related reserves.

Section 5. Collection.

The special parcel tax imposed by this Ordinance shall be collected in the same manner, on the same dates, and shall be subject to the same penalties and interest as other charges and taxes fixed and collected by Shasta County on behalf of the District. The Shasta County Tax Collector may deduct reasonable administrative costs incurred in collecting the special parcel tax before remittal of the balance to the District. The special parcel tax, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and said special parcel tax, together with all penalties and interest thereon, shall, until paid, to the extent authorized by law, constitute a personal obligation to the District by the persons who own the parcel on the date the tax is due.

Section 6. Amendment and Implementation.

The Board of Directors of the District shall be empowered, by an affirmative vote of at least a majority of its members, to amend this Ordinance to carry out the general purposes of this Ordinance, to conform the provisions of this Ordinance to applicable state law or any paramount law, to modify the methods of collection, or to assign the duties of public officials under this Ordinance.

In no event shall the Board of Directors of the District amend this Ordinance to increase the maximum amount of the special parcel tax established in section 2 of this Ordinance, unless approved by two-thirds of the voters voting thereon.

The Board of Directors of the District, by resolution, may adopt procedures or definitions for the implementation or administration of the special parcel tax.

Section 7. Exemptions.

The special parcel tax shall not be imposed upon any parcel that is exempt from the special parcel tax pursuant to any provision of the United States Constitution, California Constitution, California State law, or any paramount law. The Board of Directors of the District, by resolution, may adopt additional exemptions to the special parcel tax imposed by this Ordinance.

Section 8. Appropriations Limit.

The appropriations limit of the District established under Article XIII B, Section 6 of the California Constitution shall be increased by the proceeds received from the special tax imposed by this Ordinance.

Section 9. Annual Report.

The District Fire Chief, as chief fiscal officer of the District, shall annually file with the Board of Directors of the District a report regarding the amount of special parcel tax revenues collected and expended and the status of any project required or authorized to be funded with the special parcel tax revenues, as required by California Government Code Section 50075.3, as such law may be amended from time to time.

Section 10. Independent Compliance Audit.

By no later than December 31 of each year, commencing on December 31, 2023, independent auditors shall review whether the tax revenues collected pursuant to this Ordinance are collected, managed and expended in accordance with the requirements of this Ordinance.

Section 11. Appeals.

The Board of Directors, by resolution, may establish an appeals process to address any errors in the amount of the special parcel tax assigned to a parcel.

Section 12. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this Ordinance are declared to be severable. The Board of Directors of the District, and the electorate by referendum, do hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 13. Effective Date.

This Ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at an election to be held on November 8, 2022.

Section 14. Duration of Special Parcel Tax.

The authority to levy the special parcel tax shall remain in effect unless a later ordinance is adopted and approved by two-thirds of the voters of District voting thereon that either repeals the special parcel tax or establishes a date that the authority to levy the special parcel tax shall terminate.

Section 15. Attestation.

The Chair of the Board of Directors of the District is hereby authorized to attest to the adoption of this Ordinance by the voters of the District by signing where indicated below.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED AND ADOPTED by the people of the Burney Fire Protection District voting on the 8th day of November, 2022.

By:

Board Chair
Burney Fire Protection District

ATTEST:

Administrative Assistant