

BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION OF INTENTION TO ANNEX
TERRITORY TO COMMUNITY FACILITIES
DISTRICT NO. 2006-1 (FIRE PROTECTION
SERVICES), COUNTY OF AMADOR, STATE
OF CALIFORNIA (ANNEXATION #11)

RESOLUTION NO. 18-119

WHEREAS, the Board of Supervisors (the "Board") of the County of Amador (the "County") conducted proceedings under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 (beginning with Section 53311) of the Government Code of the State of California (the "Act"), to form its Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California (the "Community Facilities District"), to authorize a special tax to finance certain public services, and to establish the appropriations limit for the Community Facilities District, all as set forth in the Board's Resolution No. 2007-11 (Resolution of Formation) adopted on January 9, 2007 (the "Resolution of Formation"); and

WHEREAS, pursuant to a special mailed-ballot election that same day, the Board was authorized to levy the special tax within the Community Facilities District; and

WHEREAS, the Boundary Map of the Community Facilities District was recorded on November 30, 2006 in the Book of Maps of Assessment and Community Facilities Districts maintained by the County Recorder of the County of Amador in Book 1 at Page 340; and

WHEREAS, the Board now intends to annex territory to the Community Facilities District; and

WHEREAS, there has been delivered to the Clerk of the Board a map entitled "Annexation Map No. 11 of Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California" (the "Annexation Map"), a reduced copy of which is attached hereto marked Exhibit A; and

WHEREAS, the land proposed to be annexed to the Community Facilities District (the "Annexation Area") is that land within the boundaries shown on the Annexation Map, a copy of which is available for inspection at the office of the Clerk of the Board; and

WHEREAS, the Board is fully advised in this matter;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Declaration of the Board. The Board hereby specifically finds and declares that the actions authorized hereby constitute and are with respect to public affairs of the County and that the statements, findings and determinations of the County set forth above and in the preambles of the documents approved herein are true and correct.

SECTION 2. The Board's Intention and Findings. The Board declares its intention to annex the Annexation Area to the Community Facilities District, and hereby determines that the public convenience and necessity require the annexation of the Annexation Area to the Community Facilities District, and hereby further determines that such annexation is advantageous to the residents of the County and the owners of the property within, and to the residents and future residents of, the Community Facilities District and the Annexation Area.

SECTION 3. No Change in Services. The Community Facilities District is not authorized to finance any facilities, and no change is proposed in this regard; and the fire protection services authorized to be financed by the Community Facilities District are not proposed to be changed by the proposed annexation, except that if the annexation is completed, the services will also be provided in the Annexation Area.

SECTION 4. Change in Rate and Method of Apportionment of the Special Tax. Alteration of the rate and method of apportionment of the special tax within the Community Facilities District is contemplated by these proceedings regarding the annexation of the Annexation Area, including the addition of a Seasonal Residential and Season Non-Residential category that will apply prospectively to properties that are not accessible in winter. Additionally, property owners will be allowed to exempt one parcel from annexation from an annexing parcel map, provided, however, if there is a residential unit on the property it will be deemed the parcel to be designated as the Remainder Parcel. No changes to the rate and method of apportionment if special tax will be made as it pertains to the existing area within the Community Facilities District.

SECTION 5. Provision of Services and Allocation of Special Tax Revenues. The use and allocation of the special tax revenues to provide the fire protection services within the Community Facilities District will be as provided in the joint community facilities agreements (Government Code Section 53316.2) between the County and the fire protection districts that will provide the fire protection services in the Annexation Area.

SECTION 6. Special Tax Lien. If the Annexation Area is annexed to the Community Facilities District, it shall be subject to a special tax from the time of its inclusion in the Community Facilities District as provided in the rate and method of apportionment contained in the Resolution of Formation; and the special tax will be secured by the recordation of a continuing lien against all non-exempt real property in the Annexation Area.

SECTION 7. Date, Time and Place of the Public Hearing. The Board hereby sets Tuesday, the 4th day of December, 2018, at the hour of 10:30 o'clock A.M., or as soon thereafter as the Board may consider the matter, in the Board of Supervisors' Chambers in the Amador County Administration Center at 810 Court Street, Jackson, California, as the date, time

and place for a public hearing to be held by the Board to consider the annexation of the Annexation Area to the Community Facilities District. At the public hearing, any persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District, and within the Annexation Area, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the annexation of the Annexation Area to the Community Facilities District will be heard and considered.

SECTION 8. Protest Procedure. All written protests against the annexation not presented in person by the protester at the public hearing must be filed with the Clerk of the Board prior to the time set for the hearing. If fifty (50) percent or more of the registered voters, or six (6) registered voters, whichever is more, residing within the existing Community Facilities District, or if fifty (50) percent or more of the registered voters or six (6) registered voters, whichever is more, residing within the Annexation Area, or if the owners of one-half (1/2) or more of the area of land in the territory included in the existing Community Facilities District, or if the owners of one-half (1/2) or more of the area of land in the Annexation Area file written protests against the proposed annexation of territory to the existing Community Facilities District, and protests are not withdrawn prior to the close of the public hearing so as to reduce the protests to less than a majority, these annexation proceedings shall be abandoned and no further proceedings shall be undertaken for a period of one (1) year from the date of the decision by the Board on the issues discussed at the public hearing.

SECTION 9. The Board's Discretion. At the conclusion of the public hearing, the Board may abandon the proceedings to annex the Annexation Area to the Community Facilities District or it may, after passing upon all protests, determine to proceed to call an election to submit to the qualified electors of the Annexation Area the question of annexing the Annexation Area to the Community Facilities District and authorizing the levy of the Community Facilities District special tax within the Annexation Area.

SECTION 10. Qualified Electors. If the Board determines at the conclusion of the public hearing to proceed with the annexation, it expects that the election required to accomplish the annexation will be by the landowners within the Annexation Area voting in accordance with the Act, as the Board is informed that during the 90 days prior to the date set for the hearing, there have been times when there were fewer than twelve (12) registered voters residing within the Annexation Area. The Board will require this information to be confirmed before ordering the election.

SECTION 11. Giving of Notice of the Public Hearing. Notice of the time and place of the public hearing shall be given by the Clerk in the following manner:

(a) A Notice of Public Hearing in the form required by the Act shall be published once in the *AMADOR LEDGER DISPATCH*, a newspaper of general circulation published in the area of the Community Facilities District, pursuant to Section 6061 of the Government Code of the State of California and shall be completed at least seven (7) days prior to the date set for the public hearing; and

(b) A Notice of Public Hearing in the form required by the Act shall be mailed, first class postage prepaid, to each owner of land, and to each registered voter

residing, within the Annexation Area (to property owners at their addresses as shown on the last equalized assessment roll, and to registered voters at their addresses as shown on the records of the Amador County Registrar of Voters, or in either case as otherwise known to the Clerk). The mailing shall be completed at least fifteen (15) days prior to the date set for the public hearing.

SECTION 12. Approval of Annexation Map. The Board hereby approves the Annexation Map, and finds that the map is in the form and contains the matters prescribed by Section 3110.5 of the California Streets and Highways Code.

SECTION 13. Recordation of Annexation Map. The Board hereby directs the Clerk to certify the adoption of this resolution on the face of the Annexation Map, and to forthwith file a copy of the Annexation Map with the County Recorder of Amador County for recordation in the Books of Maps of Assessment and Community Facilities Districts of the County of Amador pursuant to Section 3111 of the California Streets and Highways Code.

SECTION 14. Effective Date. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 23rd day of October 2018, by the following vote:

AYES: Lynn A. Morgan, Brian Oneto, Patrick Crew, Richard M. Forster,
Frank U. Axe

NOES: None

ABSENT: None


Lynn A. Morgan, Chair, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California


Deputy