

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

IN THE MATTER OF:

RESOLUTION DETERMINING TO SUBMIT)
QUESTION OF ANNEXING TERRITORY) RESOLUTION NO. 13-090
TO COMMUNITY FACILITIES DISTRICT)
NO. 2006-1 (FIRE PROTECTION SERVICES),)
COUNTY OF AMADOR, STATE OF)
CALIFORNIA, TO THE LANDOWNERS IN THE)
TERRITORY PROPOSED FOR ANNEXATION)
(ANNEXATION #8))

WHEREAS, the Board of Supervisors (the “Board”) of the County of Amador (the “County”) has conducted proceedings under the Mello-Roos Community Facilities Act of 1982 (the “Act”) to establish Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California (the “Community Facilities District”), to authorize the levy of special taxes (the “Special Taxes”) upon the land within the Community Facilities District, the proceeds of which are to be used to finance certain public fire protection services; and

WHEREAS, the Board, by Resolution No. 13 - 072 (the “Resolution of Intention to Annex Territory”) adopted by the Board on August 13, 2013 has determined that the public convenience and necessity require the annexation of the territory (the “Additional Territory”) described on the map entitled “Annexation Map No. 8 of Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California” (the “Annexation Map”) attached to the Resolution of Intention to Annex Territory, which Annexation Map was recorded on August 23, 2013, in Book 1 of Maps of Assessment and Community Facilities Districts of the County of Amador at Page 364 and Page 365, further designated as instrument number 2013-0007645, and has further determined that such annexation is advantageous to the Community Facilities District and the owners of the property within the Community Facilities District; and

WHEREAS, the Resolution of Intention to Annex Territory fixed Tuesday, the 24th day of September, 2013, at the hour of 10:30 o’clock a.m., or as soon thereafter as the Board could consider the matter, in the Board of Supervisors’ Chambers in the Amador County Administration Center at 810 Court Street, Jackson, California as the time and place for a public hearing to be held by the Board to consider the proposed annexation of the Additional Territory to the Community Facilities District and all other matters set forth in the Resolution of Intention to Annex Territory, and notice of the public hearing was duly given as provided in the Resolution of Intention to Annex Territory; and

WHEREAS, on September 24, 2013, the Board opened the public hearing at the time and place scheduled and at the public hearing all persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District and within the Additional Territory, were given an opportunity to appear and to be heard, and the testimony of all interested persons or taxpayers for or against the proposed annexation or any other matters set forth in the Resolution of Intention to Annex Territory was heard and considered, and the Board then closed the public hearing; and

WHEREAS, written protests against the annexation were not submitted by 50 percent of the registered voters, or by six registered voters (whichever is more) residing within the Community Facilities District, or by 50 percent of the registered voters or six registered voters (whichever is more) residing within the Additional Territory; nor were written protests against the annexation submitted by the owners of one-half of the area of land in the territory included in the Community Facilities District, nor by the owners of one-half of the area of land in the Additional Territory; and

WHEREAS, pursuant to Section 53339.7 of the Act, the proposition to annex the Additional Territory to the Community Facilities District and to subject the Additional Territory to the Special Taxes is to be submitted to the qualified electors of the Additional Territory; 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. Matter to be Submitted to Qualified Electors. Pursuant to Section 53339.7 and Sections 53318 *et seq.* of the Act, the proposition to annex the Additional Territory to the Community Facilities District and to subject the Additional Territory to the levy of the Special Taxes shall be submitted to the qualified electors of the Additional Territory at an election called therefor as provided below.

SECTION 3. Findings as to Fire Protection Services. The Board hereby finds and determines that the fire protection services to be financed by the Community Facilities District in the Additional Territory are in addition to those provided within the Additional Territory prior to this proposed annexation, and that the financed services will not supplant fire protection services currently available within the Additional Territory.

SECTION 4. Declaration of Landowner Vote. The Board accepts the Certificate re: Registered Voters heretofore filed in these proceedings and finds, in accordance therewith, that during the ninety days preceding the close of the public hearing there have been times when there were fewer than twelve registered voters residing within the Additional Territory. Accordingly, under Sections 53326(b) and 53339.7 of the Government Code, the qualified electors of the Additional Territory for the proposed special election shall be the owners of land within the Additional Territory.

SECTION 5. Specification of Landowner Qualified Electors. The Board accepts the Certificate re: Landowners heretofore filed in these proceedings and finds, in accordance therewith, that the owners of land within the Additional Territory are the Landowners set forth in the attachment to the Certificate re: Landowners and that the attachment correctly sets forth the amount of property owned by each Landowner and the number of votes to which each Landowner is entitled pursuant to Sections 53326(b) and 53339.7, being the number of acres owned rounded up to the next whole acre.

SECTION 6. Findings Regarding Form of Waiver of Election Requirements. The Board hereby approves the form of “Property Owner’s Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Conducting a Mailed-Ballot Election in Annexation Proceedings and Appointment of Representative to Act for Property Owner in Voting and Casting Ballot” (the “Waiver, Consent and Appointment”) by which the time limits and related requirements respecting preparation and distribution of election materials are waived, a copy of which is attached hereto as Exhibit B.1 and B.2. The Board hereby finds that the rights, procedures and time periods therein waived are solely for the protection of the qualified electors and may be waived by the qualified electors under Sections 53326(a), 53327(b) and 53339.7 of the Act and under other provisions of law dealing with waiver generally, and that the Waiver, Consent and Appointment constitutes a full and knowing waiver, by any qualified elector who has executed the form, of those rights, procedures and time periods.

SECTION 7. Findings Regarding Receipt of Election Waivers. The Board further finds and determines, based on a Certificate of Clerk re: Receipt of Property Owner Waiver and Consent Forms, provided this date by the Clerk, that each Landowner, or an authorized representative of each Landowner, has filed with the Clerk a properly executed Waiver, Consent and Appointment. The Board therefore is establishing the procedures and time periods for this special mailed-ballot election without regard to statutory schedules.

SECTION 8. Call of Election. Pursuant to Sections 53326 and 53339.7 of the Government Code, the Board hereby calls an election, to be held and conducted forthwith upon adoption of this Resolution, and sets September 24, 2013, as the election date. Pursuant to Sections 53326 and 53339.7 of the Government Code, the election shall be conducted by mailed ballot; provided that personal service of the respective ballots to authorized representatives of each Landowner is permitted under the terms of the Waiver, Consent and Appointment forms on file with the Clerk and shall therefore be permitted. The Clerk is directed to either mail or make personal service of the ballots, in the form of the attached Exhibit A, to each Landowner or, if one has been appointed pursuant to a Waiver, Consent and Appointment, to the Landowner’s authorized representative.

SECTION 9. Form of Ballot Measure. The proposition to be submitted to the qualified electors of the Additional Territory shall be as set forth in the form of special election ballot attached hereto as Exhibit A.

SECTION 10. Specifications of the Election Order. The Clerk is hereby designated as the official to conduct the special mailed-ballot election pursuant to the Act and California Elections Code Sections 307 and 320 and the following provisions:

(a) The special election shall be held and conducted, and the votes canvassed and the returns made, and the results determined, as provided herein; and in all particulars not prescribed by this Resolution the special election shall be held and conducted and the votes received and canvassed in the manner provided by law for the holding of special elections consistent with the Act.

(b) All Landowners within the Additional Territory as of the close of the Public Hearing shall be qualified to vote upon the proposition to be submitted at the special election.

(c) The special election shall be conducted as a mailed-ballot election, in accordance with the provisions of the Act and the proceedings of the Board, and there shall be no polling places for the special election. All ballots shall be delivered or mailed by the Clerk to the Landowners, and all voted ballots are required to be received by the Clerk not later than 12:00 noon on the day of the election in order to be counted. However, if at any time the Clerk determines that all votes have been cast, the Clerk shall immediately declare the election closed.

(d) Each voter desiring to vote in favor of the proposition to be submitted at the special election shall mark a cross (x) or similar mark in the box next to the word "YES" on the ballot to the right of the proposition; and each voter desiring to vote against the proposition shall mark a cross (x) or similar mark in the box next to the word "NO" on the ballot to the right of the proposition. The cross (x) or similar mark may be marked with either pen or pencil.

(e) The Clerk shall commence the canvass of the returns of the special election, and report the returns to the Board as soon as she may.

(f) The Board may thereupon declare the results of the special election, and shall cause to be spread upon its minutes a statement of the results of the special election as ascertained by the canvass.

SECTION 11. Two-Thirds Vote Required. Pursuant to Section 53339.8 of the Act, the above proposition shall become effective upon the affirmative vote of two-thirds or more of the votes cast upon the proposition.

SECTION 12. County Officers Authorized to Act to Effectuate this Resolution. The officers of the County are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution.

SECTION 13. 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 24th day of September 2013, by the following vote:

AYES: Richard M. Forster, Theodore F. Novelli, John Plasse,
Brian Oneto and Louis D. Boitano

NOES: None

ABSENT: None


Richard M. Forster, Chairman

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


Deputy

EXHIBIT A

**COMMUNITY FACILITIES DISTRICT NO. 2006-1
(FIRE PROTECTION SERVICES)
(ANNEXATION NO. 8)**

SPECIAL ELECTION BALLOT
FOR THE SPECIAL MAILED- BALLOT ELECTION OF September 24, 2013

This ballot is for the use of _____, a landowner within the territory proposed to be annexed to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California.

According to the provisions of the Community Facilities Act of 1982, and a resolution of the Board of Supervisors of the County of Amador, this landowner is entitled to cast _____ votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before 12:00 noon on Tuesday, September 24, 2013, to:

Jennifer Burns, Clerk of the Board of Supervisors
County of Amador
810 Court Street
Jackson, CA 95642

Mailing by that date will not be sufficient, as the ballot must be physically received by the Clerk of the Board of Supervisors of the County of Amador prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the Clerk of the Board of Supervisors of Amador County and obtain another.

BALLOT MEASURE

Shall the parcels of real property shown on "Annexation Map No. 8" of Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California" recorded in the Office of the Amador County Recorder on August 23, 2013 as instrument number 2013-0007645, be annexed to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California and become subject to its annual special tax to the same extent as all parcels of land already within Community Facilities District No. 2006-1?

YES:

NO:

Certification

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on September 24, 2013.

By _____
Authorized Representative

Print Name

EXHIBIT B.1

PROPERTY OWNER'S WAIVER AND CONSENT
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A MAILED-BALLOT ELECTION
IN ANNEXATION PROCEEDINGS

AND APPOINTMENT OF REPRESENTATIVE TO ACT FOR PROPERTY OWNER
IN VOTING AND CASTING BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2006-1
(FIRE PROTECTION SERVICES)
COUNTY OF AMADOR, STATE OF CALIFORNIA

I [We], _____

(print name[s])

(referred to in this document collectively as the "Undersigned") declare [check one]:

_____ **The Undersigned are ALL of the owners (hereinafter the "Owners")...**

OR

_____ **The Undersigned is the authorized representative of, and in executing this document is acting for, ALL of the Owners (and has attached hereto evidence of the Undersigned's authority to act for ALL of the Owners in this regard, which Owners are listed here:**

_____)...

of the real property listed below by Assessor's Parcel Number ("APN") or for which a legal description is attached, which is proposed to be annexed to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California (the "Community Facilities District "). The APN's are [if, instead, a legal description is attached, so indicate]:

This real property will be referred to hereinafter as "the Property."

The Undersigned understands that a special mailed-ballot, landowner election will be held to determine whether the Property will be annexed to the Community Facilities District, and further understands that if the Property is annexed, authority will be conferred on the Board of Supervisors of the County of Amador (the "Board") to levy an annual special tax on the Property to finance fire protection services as set forth in a resolution adopted by the Board on January 9, 2007 (Resolution No. 2007-11 -- the Resolution of Formation of the Community Facilities District).

The Undersigned, on behalf of the Owners, requests that the election be conducted at the earliest possible date. The Undersigned is the person legally entitled and authorized to execute this Waiver, Consent and Appointment with respect to the Property in connection with the landowner, mailed-ballot election on the annexation.

The Undersigned, on behalf of the Owners, hereby waives any and all minimum time periods relative to the election pursuant to Government Code Section 53326(a).

The Undersigned, on behalf of the Owners, hereby waives the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Government Code Section 53327(b).

The Undersigned, on behalf of the Owners, hereby waives the requirement to publish notice of the election under Government Code Section 53352.

The Undersigned, on behalf of the Owners, hereby waives the requirements regarding the time to mail ballots to the qualified electors under Elections Code Section 4101, and agrees that either mailed service or personal service of the ballot will be sufficient.

The Undersigned, on behalf of the Owners, hereby waives the requirements regarding identification envelopes for the return of mailed ballots contained in Government Code Section 53327.5.

The Undersigned, on behalf of the Owners, hereby waives any and all defects in notice or procedure in the conduct of the election, whether known or unknown (except the right to vote and to have the ballots fairly counted), and states that the election is being expedited, pursuant to this Waiver, Consent, and Appointment, at the particular instance and request of the Undersigned and of the Owners.

The Undersigned, on behalf of the Owners, hereby consents to the levy and collection of the special tax on the Property and hereby waives any and all rights to challenge

the inclusion of the Property in the Community Facilities District and any and all other proceedings related thereto.

Finally, the Undersigned, on behalf of the Owners, hereby authorizes Jim McCart, Chief of the Amador Fire Protection District and Terri Daly, Amador County Administrator, and their successors in office, or _____

_____ or any of them, to act in all respects for the Property and for the Owners in casting the votes and executing the ballot assigned to the Property [you may cross out the County names and authorize only a named individual or, if only the undersigned will execute the ballot, cross out the County names and indicate "the Undersigned."].

The Undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Waiver, Consent and Appointment is signed by each of the Undersigned on the date following each signature.

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

EXHIBIT B.2

PROPERTY OWNERS' **IRREVOCABLE** WAIVER AND CONSENT
ENCUMBERING PROPERTY AND BINDING FUTURE OWNERS
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A MAILED-BALLOT ELECTION
IN ANNEXATION PROCEEDINGS

AND APPOINTMENT OF REPRESENTATIVE TO ACT FOR PROPERTY OWNER
IN VOTING AND CASTING BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2006-1
(FIRE PROTECTION SERVICES)
COUNTY OF AMADOR, STATE OF CALIFORNIA

I [We], _____

(print name[s])

(referred to in this document collectively as the "Undersigned") declare [check one]:

_____ **The Undersigned are ALL of the owners (hereinafter the "Owners")...**

OR

_____ **The Undersigned is the authorized representative of, and in executing this document is acting for, ALL of the Owners (and has attached hereto evidence of the Undersigned's authority to act for ALL of the Owners in this regard, which Owners are listed here:**

_____)...

of the real property listed below by Assessor's Parcel Number ("APN") and for which a **legal description is attached**, which is proposed to be annexed to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California (the "Community Facilities District "). The APN's are:

_____.

This real property will be referred to hereinafter as "the Property."

The Undersigned understands that a special mailed-ballot, landowner election will be held to determine whether the Property will be annexed to the Community Facilities District, and further understands that if the Property is annexed, authority will be conferred on the Board of Supervisors of the County of Amador (the "Board") to levy an annual special tax on the Property to finance fire protection services as set forth in a resolution adopted by the Board on January 9, 2007 (Resolution No. 07-11 -- the Resolution of Formation of the Community Facilities District).

The Undersigned, on behalf of the Owners, represents that by the time of the public hearing on the annexation of the Property to the Community Facilities District, and by the time of the proposed mailed-ballot election, the Owners may have sold some or all of the Property to others. The Undersigned further represents, on behalf of the Owners, that this Waiver, Consent and Appointment is intended to bind the purchasers and future owners of the Property and to be as fully operative with respect to the Property as if the purchasers and future owners were the Owners of the Property, and were represented by the Undersigned at the time this Waiver, Consent and Appointment is executed by the Undersigned.

The Undersigned represents and promises that the Undersigned or the Owners will disclose the existence and effect of this Waiver, Consent and Appointment to all prospective purchasers of the Property, or any portion thereof, prior to entering into any agreement or contract to transfer the Property, or any portion thereof (or, if that has already occurred, prior to close of escrow); but the Undersigned acknowledges, on behalf of the Owners, that the effectiveness of this Waiver, Consent and Appointment, and its irrevocability, does not depend upon the Undersigned or the Owners doing so.

The Undersigned, on behalf of the Owners, acknowledges that certain County procedures with respect to the Property are being conducted and expedited by the County of Amador in reliance on this Waiver, Consent and Appointment being irrevocable, and that it is irrevocable.

The Undersigned, on behalf of the Owners, requests that the election be conducted at the earliest possible date. The Undersigned is the person legally entitled and authorized to execute this Waiver, Consent and Appointment with respect to the Property in connection with the landowner, mailed-ballot election on the annexation.

The Undersigned, on behalf of the Owners, hereby waives any and all minimum time periods relative to the election pursuant to Government Code Section 53326(a).

The Undersigned, on behalf of the Owners, hereby waives the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Government Code Section 53327(b).

The Undersigned, on behalf of the Owners, hereby waives the requirement to publish notice of the election under Government Code Section 53352.

The Undersigned, on behalf of the Owners, hereby waives the requirements regarding the time to mail ballots to the qualified electors under Elections Code Section 4101, and agrees that either mailed service or personal service of the ballot will be sufficient.

The Undersigned, on behalf of the Owners, hereby waives the requirements regarding identification envelopes for the return of mailed ballots contained in Government Code Section 53327.5.

The Undersigned, on behalf of the Owners, hereby waives any and all defects in notice or procedure in the conduct of the election, whether known or unknown (except the right to vote and to have the ballots fairly counted), and states that the election is being expedited, pursuant to this Waiver, Consent, and Appointment, at the particular instance and request of the Undersigned and of the Owners.

The Undersigned, on behalf of the Owners, hereby consents to the levy and collection of the special tax on the Property and hereby waives any and all rights to challenge the inclusion of the Property in the Community Facilities District and any and all other proceedings related thereto.

Finally, the Undersigned, on behalf of the Owners, hereby authorizes Jim McCart, Chief of the Amador Fire Protection District and Terri Daly, Amador County Administrator, and their successors in office, or any of them, to act in all respects for the Property and for the Owners in casting the votes and executing the ballot assigned to the Property.

This Waiver, Consent and Appointment shall be recorded as a burden on the title of the Property. Once a mailed-ballot election as referred to herein has been successfully conducted, the Notice of Special Tax Lien encumbering the Property recorded with the Amador County Recorder, and the applicable statute of limitations for any legal challenge to the validity

of the special tax on the Property has expired, this document shall be of no further force or effect, and shall no longer burden the title of the Property.

The Undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Waiver, Consent and Appointment is signed by each of the Undersigned on the date following each signature.

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____