

OLIVEHURST PUBLIC UTILITY DISTRICT
AMENDED RESOLUTION 2277

RESOLUTION OF THE OF THE BOARD OF DIRECTORS OF THE OLIVEHURST PUBLIC UTILITY DISTRICT, CALLING FOR AN ELECTION TO BE CONSOLIDATED WITH THE ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4TH, 2014, ON A MEASURE AUTHORIZING IMPOSITION OF A SPECIAL TAX, TO FUND THE CONTINUATION OF FOUR FULL TIME EQUIVALENT FIREFIGHTER/EMTS, INTERNS, AND SUPPORT VOLUNTEER FIREFIGHTERS WHICH IS THE LEVEL OF SERVICE PROVIDED FOR THE LAST YEAR, TO CONTINUE CURRENT FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, AND TO FUND THE PURCHASE OF RELATED EQUIPMENT AND TRAINING THAT ARE NECESSARY FOR CONTINUED EMERGENCY RESPONSES 24 HOURS A DAY, SEVEN DAYS A WEEK.

WHEREAS, there are currently four paid full time Firefighter/EMTs, three interns, a full-time Fire Chief, an Intermittent/Seasonal Fire Clerk, and 25 volunteers servicing the Olivehurst Public Utility District Fire Department; and

WHEREAS, the salaries of the four paid full time Firefighter/EMTs for the past year were funded by a Staffing for Adequate Fire and Emergency Response (SAFER) FEMA Grant that ends on February 27th 2015; and

WHEREAS, the amount of revenue available to the district is inadequate to meet the cost of retaining any of the paid full-time Firefighter/EMTs; and

WHEREAS, before the award of the SAFER Grant last year, the Olivehurst Public Utility District Fire Department did not respond to all 911 calls due to no available volunteers, response times were significantly longer, less personnel responded per emergency, and responders had less training; and

WHEREAS, after award of the SAFER Grant one (1) year ago, the Olivehurst Public Utility District Fire Department responded to every one of the approximately 1450 local 911 calls. During this period response times improved significantly, training requirements were met, and certified Firefighter/EMTs were always on duty; and

WHEREAS, a special tax of \$120.00 per parcel would provide a stable source of supplementary revenue to assist in meeting such costs and would replace the SAFER Grant funding; and

WHEREAS, Article XIII C of the California Constitution, Section 13911 of the California Health and Safety Code, and Article 3.5 (commencing with section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code authorize the Board of Directors of the Olivehurst Public Utility District (hereinafter called "Board"), following notice and hearing, to propose the adoption of such a special tax and to submit the proposition to the voters of the District; and

WHEREAS, the Board desires the securing of a special tax to fund Firefighter EMTs, interns, training and equipment relating to fire protection, emergency medical response; and

WHEREAS, state law requires that such measures be submitted to the voters of the District for their approval, and authorizes the Board to call an election for that purpose and to request consolidation of the election with any other election held on the same date in territory that is the same or in part the same; and

WHEREAS, if the special tax is approved by voters of the District and is subsequently collected by the County on behalf of the District, District desires to eliminate or otherwise reduce to zero other existing assessments, taxes or charges for fire and emergency medical service costs levied against parcels in the California Heartlands and River Glen subdivisions; and

NOW THEREFORE, The Board of Directors of the Olivehurst Public Utility District hereby resolves and orders as follows:

1. The Board finds and declares that the amount of revenue available to the District from property taxes is inadequate to meet the cost of providing authorized services, including funding for personnel and related equipment necessary for continued emergency responses. Such equipment includes, but is not necessarily limited to, protective clothing and equipment for Firefighters/EMTs, interns, communications equipment, and rescue and medical equipment.
2. The Board finds and declares that securing a special tax is necessary to fund and secure the four full time equivalent Firefighter EMTs, interns, support Volunteer Firefighters, and the other above described items.
3. The Board finds and declares that Article XIII A, Section 4, and Article XIII C, Section 2 of the California Constitution, Health and Safety Code Section 13911, and Government Code Section 50075 authorizes the Board, following notice and hearing, to propose the adoption of a special tax and to submit the measure to the voters of the District.
4. The Board finds and declares that the District has complied with all laws requiring notice of the actions contained herein, and has held a public hearing as required by law.
5. The Board determines that a measure authorizing the securing of a special tax having a rate of \$120.00 annually per parcel for an unlimited duration, shall not be effective unless it is approved by two-thirds of the votes cast by the voters of the District who vote upon the measure to approve the resolution.
6. The Board hereby calls for an election on Tuesday, November 4th, 2014 and directs that the foregoing proposition shall be submitted to voters of the District at the election in the following manner:
 - a. There shall be included on the ballot to be marked by the voters of the District, in addition to any other matters required by law, ballot language in the following form: ***Shall an annual special tax of \$120.00 per parcel be levied by the Olivehurst Public Utility District, as described in Olivehurst Public Utility District Resolution 2277, to continue to fund the four full-time equivalent Firefighters/EMTs, interns, Volunteer Firefighters, training, and equipment***

necessary to provide essential fire and medical emergency services, twenty four hours a day, seven days a week.

- b. The ballot to be used at the election shall be both as to form and matter contained therein such as may be required by law. On the ballot, in addition to any other printed matter required by law, opposite the measure to be voted upon and to their right, the words "yes" and "no" shall be printed on separate lines with voting squares.
 - c. The Board of Supervisors of Yuba County is hereby requested to authorize and direct the Election Official to provide all necessary election services.
 - d. The Yuba County Election Official is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary to properly and lawfully conduct the election and to canvas the results of said election.
 - e. Ballots must be received by the Elections Official no later than 8:00 P.M. on November 4th 2014.
 - f. Arguments for and against the Measure may be, and other analyses provided for by law shall be submitted in accordance with law. It is hereby requested that the election be consolidated with any other election held on the same date in territory that is the same or in part the same.
7. The Clerk of the Board is directed to forward a certified copy of this Resolution to the Yuba County Board of Supervisors and to the Yuba County Elections Official.
 8. For the purpose of this Resolution, the following words and phrases shall have the meaning respectively ascribed to them as defined below. The definition of a word or phrase applies to any of that word's or phrase's variants. **Parcel of real property** shall be defined as a separate parcel of real property having a separate assessor's parcel number as shown on the secured tax rolls of the County of Yuba, or an assessment of structural property on the unsecured tax rolls of the County of Yuba.
 9. The District hereby agrees to reimburse the Yuba County Election Official upon presentation of a bill to the District.
 10. The special tax shall be collected in the same manner and subjected to the same penalty as other charges and taxes collected by or on behalf of the District by the County of Yuba. The Yuba County Tax Collector may deduct reasonable administrative costs, allowed by law, incurred in collecting the special tax and deposit the amount deducted in the Yuba County General Fund. The District shall retain the right to collect said special tax by direct billing to each parcel owner.
 11. The District authorizes and requests the County Election Official to provide and furnish any and all official notices, ballots, and printed materials needed to conduct the election. The District will provide information required by law in order for the County Election Official to conduct the election.
 12. If the special tax is approved and collected, the District will file a notice with the Yuba County Auditor Controller rescinding its authority and requesting the County discontinue collecting the Fire Suppression Assessment from the California Heartlands Subdivision on behalf of the District.
 13. If the special tax is approved and collected, the District will work with Yuba staff in the County Public Works and Auditor-Controller's offices to request a partial reduction in the CSA-66 Zone of Benefit B assessment for all parcels in the River Glen Subdivision

(TSTM 2001-592) - with such reduction being equal to the "fire protection" portion of the CSA-66 Zone of Benefit B assessment.

14. The proceeds of the parcel fee shall be applied only for the purposes specified herein.
15. A special account shall be created by the District into which the proceeds of the special tax shall be deposited.
16. The chief Financial officer of the District shall file an annual report with the Board of Directors pursuant to Government Code 50075.3 that describes the amount of the proceeds collected and expended along with the status of any project required or authorized to be funded with the proceeds, if any.
17. The proceeds of the parcel fee shall be applied only to the specified purposes of the parcel fee that is to fund four full time equivalent firefighter/EMTs 24 hours a day, interns, and support Volunteer Firefighters who are necessary to provide essential fire and medical emergency services and to fund related training and equipment.

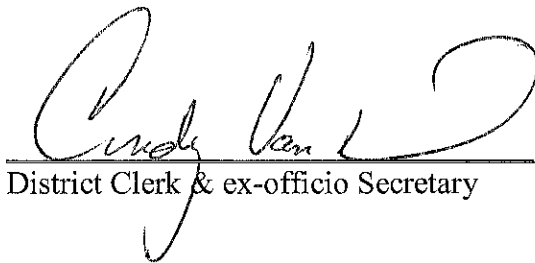
PASSED AND ADOPTED THIS 30TH DAY OF JUNE 2014.

OLIVEHURST PUBLIC UTILITY DISTRICT



President, Board of Directors

ATTEST:



District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



Sean D. De Burgh, COTA COLE, LLP
Attorneys for Olivehurst Public Utility District

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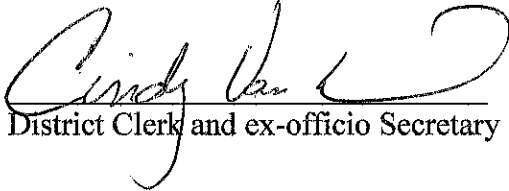
I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 30th day of June 2014, by the following vote:

AYES, AND IN FAVOR THEREOF : Director Burbank, Floe, and
Bradford.

NOES : None.

ABSTAIN : None.

ABSENT : Director Carpenter and
Dougherty.


District Clerk and ex-officio Secretary