

RESOLUTION NO. 2008-05

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DIAMOND SPRINGS/EL DORADO FIRE PROTECTION DISTRICT CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF DIAMOND SPRINGS/EL DORADO FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2006-01, ANNEXATION NO. 1, PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 1 TO FINANCE FIRE SUPPRESSION SERVICES, EMERGENCY MEDICAL SERVICES AND FIRE PREVENTION ACTIVITIES THEREIN

WHEREAS, pursuant to Section 53325.1 of the California Government Code the Board of Directors (the "Board of Directors") of the Diamond Springs/El Dorado Fire Protection District (the "District") has adopted the resolution of intention for the Diamond Springs/El Dorado Fire Protection District Community Facilities District No. 2006-01, Annexation No. 1, County of El Dorado, State of California (the "Annexation"), initiating proceedings for the annexation of territory into CFD No. 2006-01 and to set forth the boundaries thereof (the "Resolution of Intention"); and

WHEREAS, by that resolution, the Board of Directors called special elections on the propositions to be submitted to the voters of the Annexation with respect to the annexation of territory into CFD No. 2006-01 and the levy of special taxes therein for the financing of fire suppression services, emergency medical services, and fire prevention activities within the Annexation; and

WHEREAS, pursuant to Section 53326 of the California Government Code, it is necessary that the Board of Directors submit to the voters of the Annexation the annual levy of special taxes on taxable property within the Annexation; and

WHEREAS, the Secretary of the Board has advised the Board of Directors that she has received a statement from the Registrar of Voters of the County of El Dorado that no persons are registered to vote in the territory of the Annexation;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE DIAMOND SPRINGS/EL DORADO FIRE PROTECTION DISTRICT AS FOLLOWS:

SECTION 1. Findings. The Board of Directors finds that: (i) the foregoing recitals are true and correct; (ii) 12 persons have not been registered to vote within the territory of the Annexation for each of the 90 days preceding the close of the public hearing on April 23, 2008; (iii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the Annexation whose property would be subject to the special taxes if they were levied at the

time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within the Annexation which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) the owners of all of the land in the Annexation by written consent (a) waived the time limits set forth in Section 53326 of the California Government Code for holding the election called by this resolution and the election on the propositions, (b) consented to the holding of the election on April 23, 2008, (c) waived notice and mailed notice of the time and date of the election, (d) waived an impartial analysis by the District Counsel of the ballot propositions pursuant to Section 9280 of the California Elections Code and arguments and rebuttals pursuant to Sections 9281 to 9287, inclusive, and 9295 of that Code, and mailing of a statement pursuant to Section 9401 of that Code, and (e) waived a synopsis of the measures to be included in the official ballot for said elections pursuant to Section 12111 of that Code; and (v) the Secretary of the Board (the "Secretary of the Board") has consented to the holding of the election on April 23, 2008.

SECTION 2. Call of Election. The Board of Directors hereby calls and schedules a election for April 23, 2008, on the proposition of the annual levy of special taxes on taxable property within the Annexation to finance fire suppression services, emergency medical services, and fire prevention activities within the Annexation.

SECTION 3. Proposition.

The proposition to be submitted to the voters of the Annexation at such special election shall be as follows:

Proposition A: Shall special taxes be levied annually on taxable property within the Diamond Springs / El Dorado Fire Protection District Community Facilities District No. 2006-01, Annexation No. 1, County of El Dorado, State of California, so long as the special taxes are needed to pay for fire suppression services, emergency medical services, and fire prevention activities, at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "B", Rate and Method of Apportionment, to the Resolution of Intention adopted by the Board of Directors of the Diamond Springs / El Dorado Fire Protection District on March 12, 2008?

SECTION 4. Conduct of Election. Except as otherwise provided in Section 1 hereof, the consolidated special elections shall be conducted by the Secretary of the Board in accordance with the provisions of the California Elections Code governing mail ballot elections, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.

SECTION 5. Election Procedures. The procedures to be followed in conducting the consolidated special election on the proposition with respect to the levy of special taxes on taxable property within the Annexation to pay for fire suppression services, emergency medical services, and fire prevention activities within the Annexation according to the provisions of the Rate and Method of Apportionment for CFD No. 2006-01 shall be as follows:

(a) Pursuant to Section 53326 of the California Government Code, ballots for the Special Elections shall be distributed to the qualified electors by the Secretary of the Board by mail or by personal service.

(b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and in particular Division 4 (commencing with Section 4000) of that Code with respect to election conducted by mail, the Secretary of the Board, or designated official shall mail or deliver to each qualified elector an official ballot in the appropriate form attached hereto as Exhibit "A," and shall also mail or deliver to all such qualified electors instructions to voter, including a return identification envelope addressed to the Secretary of the Board for the return of voted official ballots.

(c) The official ballot to be mailed or delivered by the Secretary of the Board to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter.

(d) The return identification envelope mailed or delivered by the Secretary of the Board to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of the declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the Secretary of the Board.

(e) The information to voter form to be delivered by the Secretary of the Board to the landowner-voters shall inform them that the official ballots shall be returned to the Secretary of the Board properly voted as provided thereon and properly completed and signed in the sealed return identification envelope and thereon properly inserted by 6:00 p.m. on the 23th day of April 2008; provided that if all qualified electors have voted, the elections shall be closed with the concurrence of the Secretary of the Board.

(f) Upon receipt of the return identification envelopes, which are returned prior to the voting deadline on the date of the elections, the Secretary of the Board shall canvass the votes cast in the election, and shall file a statement with the Board of Directors as to the results of such canvass and the election on each proposition set forth in the official ballot.

APPROVED AS TO FORM BY:

William Ross, Esquire
District Counsel

PASSED AND ADOPTED by the Board of Directors of the Diamond Springs/El Dorado Fire Protection District at a special meeting thereof held on the ____ day of _____, 2008.

AYES: Board members: _____
NOES: Board members: _____
ABSENT: Board members: _____
ABSTAIN: Board members: _____

Jackye Phillips, Chairman of the Board of Directors

Attest:

Acting Secretary of the Board of Directors

OFFICIAL BALLOT
SPECIAL ELECTION
Diamond Springs / El Dorado Fire Protection District
Community Facilities District No. 2006-01, Annexation No. 1

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the Secretary of the Board of Directors of the Diamond Springs / El Dorado Fire Protection District no later than 5:00 p.m. on April 23, 2008, either by mail or in person, to 501 Main Street, Diamond Springs, California 95619; or no later than the close of the public input portion of the public hearing to be held beginning at 6:00 p.m. on April 23, 2008, in the Board Chambers, at Station 49, 501 Main Street, Diamond Springs, California 95619.

To vote, mark a cross (X) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the Secretary of the Board of Directors of the Diamond Springs / El Dorado Fire Protection District and obtain another.

PROPOSITION A: Shall special taxes be levied annually on taxable property within the Diamond Springs / El Dorado Fire Protection District Community Facilities District No. 2006-01, Annexation No. 1, County of El Dorado, State of California, so long as the special taxes are needed to pay for fire suppression services, emergency medical services, and fire prevention activities, at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "B", Rate and Method of Apportionment, to the Resolution of Intention adopted by the Board of Directors of the Diamond Springs / El Dorado Fire Protection District on March 12, 2008?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

Number of votes: ___

Property Owner: _____

By: _____