

RESOLUTION NO. 2009.07

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DIAMOND SPRINGS/EL DORADO FIRE PROTECTION DISTRICT DECLARING THE RESULTS OF THE SPECIAL ELECTIONS FOR DIAMOND SPRINGS/EL DORADO FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2006-01, ANNEXATION NO. 2, COUNTY OF EL DORADO, STATE OF CALIFORNIA, ON THE PROPOSITIONS WITH RESPECT TO (i) THE ANNUAL LEVY OF SPECIAL TAXES, (ii) THE LEVYING OF A SPECIAL TAX WITHIN ANNEXATION NO. 2 AND AUTHORIZING THE RECORDATION OF THE AMENDED NOTICE OF SPECIAL TAX LIEN

WHEREAS, the Board of Directors (the "Board of Directors") of the Diamond Springs/El Dorado Fire Protection District (the "District") has previously undertaken proceedings to annex certain property into an existing community facilities district 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 of the Government Code of the State of California (the "Act"). This community services district has been designated as Diamond Springs/El Dorado Fire Protection District Community Facilities District No. 2006-01 (the "CFD") and the proposed territory to be annexed to the CFD has been designated as Annexation No. 2 (the "Annexation; and

WHEREAS, on May 27, 2009, the Board of Directors also adopted a resolution calling a special election (the "Election Resolution") for submitting to the voters of the Annexation the proposition with respect to 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; and

WHEREAS, the Board of Directors has received a statement from the Secretary of the Board of Directors (the "Secretary of the Board"), who pursuant to the Election Resolution was authorized to conduct the special elections and act as the election official therefor, with respect to the canvass of the ballots returned in and the results of the special elections, certifying that more than two-thirds of the votes cast upon each proposition submitted to the voters in the special elections were cast in favor of approving each such proposition;

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

Section 1. Findings. The Board of Directors finds that: (i) there was one person registered to vote within the boundaries of the Annexation at the time of the close of the protest hearing on May 27, 2009, and pursuant to Section 53326 of the California Government Code ("Section 53326") the vote in the special elections was, therefore, to be by the landowners owning land within the Annexation, with each landowner having one vote for each acre or portion of an acre of land that he or she owned within the Annexation which would have been subject to the special tax if levied at the time of the special elections; (ii) pursuant to Section 53326 and the Election Resolution, the Secretary of the Board distributed the ballots for the special elections to the property owners of all of the land included within the boundaries of the Annexation (collectively the "Property Owners") by first class mail with return postage prepaid;

(iii) the Property Owner waived the time limits for holding the special elections and the election dates specified in Section 53326, and consented to the calling and holding of the special elections on May 27, 2009; (iv) the special elections have been properly conducted in accordance with all statutory requirements and the provisions of the Election Resolution; (v) pursuant to Section 53326, the Property Owners, who are the owner at the close of the protest hearing, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexation; (vi) the ballot was returned to the Secretary of the Board prior to 7:00 p.m. on May 27, 2009, by the Property Owner; (vii) the ballots returned to the Secretary of the Board by the Property Owner voted all votes to which it was entitled in favor of all propositions set forth therein; (viii) more than two-thirds of the votes cast in the special elections on each such proposition were cast in favor thereof, and pursuant to Sections 53328 and 53329 of the California Government Code, all such propositions carried; (ix) the District may annually levy special taxes on taxable property within the Annexation in amounts sufficient to finance 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.

Section 2. Declaration of Results. All votes voted in the special elections on the propositions with respect to 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 were voted in favor thereof, and all such propositions carried.

Section 3. Effect of Elections. The effect of the results of the special elections, as specified in Section 2 hereof, is that the Board of Directors, as the legislative body of the Annexation, is authorized to have the District annually levy special taxes on taxable property within the Annexation in an amount sufficient to finance fire suppression services, emergency medical services, and fire prevention activities within the Annexation, at the special tax rates and pursuant to the methodology for determining and apportioning such special taxes which are set forth in Exhibit "B" to the Resolution of Intention adopted by the Board of Directors on March 12, 2008.

Section 4. Amendment to Notice of Special Tax Lien. The Secretary of the Board shall record an amended notice of special tax lien pursuant to Section 53328.3 of the California Government Code and Section 3114.5 of the California Streets and Highways Code.

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 27th day of May, 2009.

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

Robert Larsen, Sr., Chairman of the
Board of Directors

Attest:

Secretary of the Board of
Directors