

YOLO FIRE PROTECTION DISTRICT
RESOLUTION NO. 97- 3

(A Resolution Authorizing and Levying an Assessment for Fire Suppression Services
for 1997-98 and Each Year Following)

The Board of Fire Commissioners of the Yolo Fire Protection District makes the following recitals:

1. Basic Policy. This District has heretofore conducted proceeding under the statutes authorizing fire suppression assessments, Government Code Section 50078 and following, and desires to bring its assessments for fire suppression services into conformity with the provisions of Article XIID of the California Constitution for the Fiscal Year 1997-98 and each year following.

2. Engineer's Report: Article XIID. On March 19, 1997, this Board received for filing a written Engineer's Report supporting the proposed assessments prepared by a registered professional engineer certified by the State of California which pursuant to Article XIID, Section 4 of the Constitution contains all of the following:

A. identifies and describes all parcels which have a special benefit conferred on them and on which the assessment will be imposed,

B. determines the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the fire suppression service to be provided,

C. determines that no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel,

D. determines that the only benefits assessed are special and that general benefits have been separated from the special benefits conferred on each parcel,

E. determines that no parcel owned by any agency, the State of California or the United States but not identified and described above, receives any special benefit from the proposed assessment, and

3. Engineer's Report: Government Code Section 50078. In addition the written Engineer's Report, pursuant to Government Code Sections 50078.2 and 50078.4, contains all of the following:

A. A description of each lot or parcel of property proposed to be subject to a fire suppression assessment,

- B. The amount of the assessment for each lot or parcel for the initial fiscal year,
- C. The maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year,
- D. The duration of the assessment,
- E. The basis of the assessment,
- F. The schedule of the assessment,
- G. A description specifying the requirements for written and oral protests and the thresholds necessary for requiring a vote on, or abandonment of, the proposed assessment pursuant to Government Code Section 50078.12

4. Resolution of Intention. Based on the Engineer's Report on MARCH 19, 1997, this Board adopted its Resolution of Intention which,

A. set a public information meeting pursuant to Government Code Section 54954.6 to be held at 7:30 p.m. on April 22, 1997 at the Board Chambers of this Board to present information respecting the proposed fire suppression assessment,

B. set a public hearing and protest hearing pursuant to Government Code Sections 50078.6 through 50078.10 and Section 54954.6 and Article XIID, Section 4 of the Constitution, and

C. directed the Clerk to give a notice of the filing of the report and the time and place of the public information meeting and public hearing and protest hearings set by it by publication and to each property owner whose property would be subject to the assessment at least 45 days before the date set for the public hearings and specified the contents of the notice, all in the manner required by law.

5. Notice. The Clerk of this Board gave notice in the manner directed by this Board and as required by law.

6. Public Information Meeting. At the time and place set forth in the notice, this Board conducted the public information meeting in the manner provided by law.

7. Public Protest Hearing. At the time and place set forth in the notice, this Board conducted the public hearings and protest hearings in the manner required by law and heard and considered all objections and protests to the report referred to in the notice, heard and determined all protests as provided in Government Code Section 50078.12, and tabulated all ballots.

8. Protest Failed. Protests were not made by the holders of property interests proposed to be assessed who would be subject to pay more than 10% of the total amount of revenue expected from the assessment, upon the conclusion of the hearing, the ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment, weighting the ballots according to the proportional financial obligation of the affected property.

9. Model Ordinance. This resolution substantially conforms to the model ordinance which the State Fire Marshal is authorized to adopt pursuant to Health and Safety Code Section 13111.

10. Finding. It is in the interest of the District, its inhabitants, and its property owners to levy the assessment as proposed.

NOW, THEREFORE, BE IT RESOLVED ORDERED AND FOUND by the Board of Fire Commissioners of the Yolo Fire Protection District as follows:

1. Findings. Each of the foregoing recitals is true and correct.
2. Authorization. This Resolution and the benefit assessment authorized herein is adopted pursuant to the fire suppression statutes found in Government Code Section 50078 and following and Article XIII D, Section 4 of the Constitution.
3. Purpose of the Assessment. The express purpose for which this benefit assessment is levied is to establish and maintain a stable source of supplementary funds to obtain, furnish, operate and maintain fire suppression equipment and services, or for the purpose of paying the salaries and benefits of firefighting personnel, or both, whether or not fire suppression services are actually used.
4. Current Funding. Fire services in this District are being funded by a combination of property tax revenues and an existing fire suppression assessment levied under the same statutory authority in the same authorized amounts as adopted herein.
5. Determination of Necessity. The level of fire suppression services which can be provided by existing revenue sources is determined to be reasonably adequate to meet existing needs; however, it is necessary to bring the existing fire suppression assessment, which is essential to maintain the existing level of service, into conformity with Article XIII D, Section 4 of the Constitution.
6. Limitation upon Expending Assessment Proceeds. Any funds collected from the benefit assessment authorized by this Resolution shall be expended only for such fire suppression services to benefit the District. Any unexpended funds raised by the assessment remaining at the end of the fiscal year shall be carried over for the same purpose in the next fiscal year.
7. Levy. A benefit assessment to raise revenue to fund fire suppression services is hereby levied upon real property within the District, excepting any areas of State Responsibility.

8. Assessment Rate. For the fiscal year 1997-98 and each year thereafter the rate of assessment is as follows:

A. The assessment schedule is as follows:

<i>Any Residence</i>	<i>\$ 35.00 per residence</i>
<i>Outbuildings</i>	<i>\$ 15.00/\$15.00 maximum</i>
<i>Labor Camp</i>	<i>\$ 50.00/camp</i>
<i>Acreage-Irrigated</i>	<i>\$.45 per acre</i> <i>(min. \$5.00)</i>
<i>Acreage-Dry</i>	<i>\$.15 per acre</i> <i>(min. \$5.00)</i>
<i>Gas Wells</i>	<i>\$100.00 per well</i>
<i>Small Business & Commercial</i>	<i>\$ 50.00</i> <i>(Up to 5,000 S.F. Covered Space</i> <i>and/or Enclosed Fenced Areas</i> <i>with Equipment Storage)</i>
<i>Large Business & Commercial</i>	<i>\$150.00</i> <i>(greater than 5,000 S.F.</i> <i>Covered Space)</i>

B. The lien date shall be that prescribed by law.

C. The foregoing schedules and rates are based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

9. Collection. The collection of the assessment determined and levied by this Resolution shall be by the County of Yolo on behalf of the District in the same manner, and subject to the same penalties, as other fees, charges, and taxes fixed and collected by or on behalf of the District. The County may deduct its reasonable costs incurred for that service before transmitting the balance to the District's treasury.

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PASSED AND ADOPTED by the Board of Fire Commissioners of the Yolo Fire Protection District this 26th day of June, 1997, by the following vote:

AYES: 3

NOES: 0

ABSTAIN: 0

ABSENT: 0

George B. Weiss Jr
CHAIRMAN, BOARD OF FIRE COMMISSIONERS
YOLO FIRE PROTECTION DISTRICT

ATTEST:

Joseph Muller
SECRETARY
YOLO FIRE PROTECTION DISTRICT
(SEAL)

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