

BEFORE THE BOARD OF COMMISSIONERS
OF THE ESPARTO FIRE PROTECTION DISTRICT

RESOLUTION NO. 23-003

A RESOLUTION APPROVING ENGINEER'S REPORT,
CONFIRMING DIAGRAM AND ASSESSMENT,
AND ORDERING LEVY OF THE ESPARTO FIRE PROTECTION DISTRICT,
FIRE PROTECTION AND EMERGENCY RESPONSE
SERVICES ASSESSMENT FOR FISCAL YEAR 2023-24

WHEREAS, the Esparto Fire Protection District (the "District") Board of Commissioners (the "Board") on May 11, 2023, ordered the initiation of the proceedings for the formation of an assessment to be known as the Fire Protection and Emergency Response Services Assessment (the "Assessment"), for the purpose of financing the cost of improved fire suppression (also referred to as fire protection) services, as further described herein, for all the properties within the boundaries of the District as specified in the Engineer's Report prepared by the Assessment Engineer, SCI Consulting Group; and

WHEREAS, said Board adopted Resolution No. 23-002 on May 11, 2023, a Resolution Initiating Proceedings, Providing Intention to Levy Assessments, Preliminarily Approving the Engineer's Report, and Providing for Notice of a Public Hearing and the Mailing of Assessment Ballots for the Esparto Fire Protection District, Fire Protection and Emergency Response Services Assessment within the boundaries of the District for the proposed Fire Protection and Emergency Response Services Assessment. The annual assessment rates for various types of real property within the proposed assessment, the total number of parcels to be assessed, and the total amount of annual assessment revenue is contained within the Engineer's Report; and

WHEREAS, said Board, with the adoption of Resolution No. 23-002 further approved and filed an Engineer's Report, which includes: (1) a description of the increased fire protection and emergency response services to be funded with assessment proceeds; (2) an estimate of the annual cost of this service level increase including positions for additional personnel, equipment replacement and apparatus replacement described in the Engineer's Report; (3) a description of the assessable parcels of land within the District and proposed to be subject to the new assessment; (4) a description of the proportionate special and general benefits conferred on property by the proposed assessment; (5) a diagram and boundary map for the Assessment, and (6) a specification of the amount to be assessed upon various types of assessable land within the Assessment to fund the cost of improved fire protection and emergency response services. The Engineer's Report is incorporated herein by this reference; and

WHEREAS, said Board also adopted Resolution No. 23-001 on May 11, 2023 a Resolution Adopting Proposition 218 Assessment Ballot Proceedings Procedures and its requirements; and

WHEREAS, said Board has provided a 45-day written mailed notice and ballot to each record owner of assessable parcels of real property located within the boundaries of the proposed Fire Protection and Emergency Response Services Assessment, as set forth on the Assessment Diagram and Boundary Map, of a public hearing which was held at a regular meeting of the Board of Commissioners on July 13, 2023, at 6:00 p.m. at the Esparto Fire Protection District, 16960 Yolo Avenue, Esparto CA 95627 on the issue of whether the Fire Protection and Emergency Response Services Assessment should be formed and assessments levied and collected as proposed in the Engineer's Report for fiscal year 2023-24 and for subsequent fiscal years; and

WHEREAS, the form of written mailed public notice of the public meeting contained the following information: (a) the total amount of assessments proposed to be levied within the Assessment for fiscal year 2023-24; (b) the assessment chargeable to each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the assessment; (e) the basis upon which the amount of the proposed assessment was calculated; (f) the date, time and place of the public hearing as specified in this resolution; and (g) a summary of the voting procedures and the effect of a majority protest. The form of the written mailed public notice also included an Assessment ballot by which each property owner could express their support or opposition to the proposed assessment. The ballot indicated that it must be returned before the conclusion of the public input portion of the public hearing that began on July 13, 2023 in order to be valid and counted, and that all assessment ballots received by the Board Secretary (the "Tabulator"), would be tabulated by Board Secretary; and

WHEREAS, pursuant to the provisions of California Constitution Article XIII-D, an opportunity for protest has been afforded, and the assessment ballots mailed to owners of assessable real property within the proposed boundaries of the Esparto Fire Protection District, Fire Protection and Emergency Response Services Assessment, have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel.

WHEREAS, during the public hearing written protests and verbal protests were received, which the Board noted and has considered along with the other information received during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE ESPARTO PROTECTION DISTRICT AS FOLLOWS:

Section 1: The above recitals are true and correct.

Section 2: The canvass of the assessment ballots submitted by property owners is complete and certified by the Board Secretary, the Tabulator, and the votes cast are as follows:

Total Number of Valid Ballots Processed: _____
Total Assessment Amount of Valid Ballots: _____

Total Assessment Amount of "Yes" Votes Processed: _____
Total Percentage of "Yes" Ballots, Weighted by Assessment: _____

Total Assessment Amount of "No" Votes Processed: _____
Total Percentage of "No" Ballots, Weighted by Assessment: _____

Total Assessment Amount of "Invalid" Ballots Processed: _____

Section 3: _____ assessment ballots were returned and received prior to the close of the public hearing that began on July 13, 2023. This represents a _____ ballot return rate on the 1,163 ballots mailed. Of the assessment ballots returned, _____ assessment ballots were declared invalid, in that they were either not marked with a "Yes" or "No", were marked with both a "Yes" and a "No", were not signed, or the property ownership and barcode information was illegible.

Section 4: As determined by ballots cast, as weighted according to the amount of assessment for each parcel, _____% of the property owners cast ballots in support of the Fire Protection and Emergency Response Services Assessment. Since a majority protest, as defined by Article XIID of the California Constitution, did not exist, this Board thereby acquired jurisdiction to order the levy of assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

Section 5: The Final Engineer's Report for the Fire Protection and Emergency Response Services Assessment, together with the diagram and boundary map of the Assessment contained therein, and the proposed assessment roll for fiscal year 2023-24 are hereby confirmed and approved; and

Section 6: That based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, the Board expressly finds and determines that: (a) each of the several assessed lots and parcels of land within the Assessment will be specially benefited by the Services and Improvements (as described in the Engineer's Report) in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property with the Assessment from the Services to be financed with assessment proceeds; and

Section 7: That the Fire Protection and Emergency Response Services Assessment is hereby formed, and assessments consistent with the Engineer's Report are hereby levied, pursuant to Section 13914 of the California Health & Safety Code and Title 5, Division 1, Part 1, Article 3.6 of the California Government Code, "Fire Suppression Assessments", beginning with Section 50078; and

Section 8: That assessments for fiscal year 2023-24 shall be levied at the rate of ONE HUNDRED FORTY ONE DOLLARS AND THIRTY FIVE CENTS (\$141.35) per single family equivalent benefit unit as specified in the Engineer’s Report for fiscal year 2023-24 and set forth in the following table.

Property Type	Proposed Rate	Unit
Single Family	\$141.35	each
Multi-Family	\$58.65	res unit
Commercial/Industrial	\$1,050.97	acre
Office	\$277.06	acre
Storage	\$772.06	acre
Parking Lot	\$25.88	each
Vacant	\$18.93	each
Agriculture	\$3.59	acre
Range Land & Open Space	\$0.21	acre

With estimated total annual assessment revenues as set forth in the Engineer’s Report; and

Section 9: That Fire Protection and Emergency Response Services to be financed with assessment proceeds described in the Engineer’s Report are hereby ordered; and

Section 10: That the assessments shall be levied annually.

Section 11: That the authorized maximum assessment to be levied each year for the Assessment shall only increase by a cost-of-living adjustment based on the annual change in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-Hayward, not to exceed 5% per year.

Section 12: Immediately upon the adoption of this resolution, but in no event later than August 10 following such adoption, the Board shall file a certified copy of the Diagram and Assessment and a certified copy of this resolution with the Yolo County Auditor (“County Auditor”). Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the Assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the District.

Section 13: The monies representing assessments collected shall be deposited in a separate fund established under the distinctive designation of the Fire Protection and Emergency Response Services Assessment. Funds collected from the Fire Protection and Emergency Response Services Assessment shall be expended only for the special benefit of parcels within the Fire Protection and Emergency Response Services Assessment.

Section 14: The Fire Protection and Emergency Response Services Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board of Esparto Fire Protection District by a determination from the Assessment Engineer that the Assessment should be revised to be consistent with the method of assessment established in the Engineer's Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

PASSED AND ADOPTED by the Board of Commissioners of the Esparto Fire Protection District, this 13th day of July 2023 by the following vote:

AYES:

NOES:

ABSENT:

Chair of the Board

ATTEST:

Secretary of the Board