

BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION NO. 009-2024

A RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO TO FORM A COMMUNITY FACILITIES DISTRICT, DESIGNATE AN INITIAL IMPROVEMENT AREA THEREIN, AND ESTABLISH A FUTURE ANNEXATION AREA, AND LEVY A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CARSON CREEK HERITAGE VILLAGE 11) TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN PUBLIC FACILITIES IN AND FOR SUCH COMMUNITY FACILITIES DISTRICT

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code, this Board of Supervisors (the "Board") of the County of El Dorado (the "County") is authorized to establish a community facilities district and to act as the legislative body for such community facilities district; and

WHEREAS, the Act provides that for purposes of financing of, or contributing to the financing of, all or a portion of public facilities to be financed by the community facilities district, the Board may designate a portion or portions of the district as one or more improvement areas and that after the designation of an improvement area, all proceedings for purposes of a bond election and for the purpose of levying special taxes for payment of the bonds, or for any other change pursuant to Article 3 (commencing with Section 53330), shall apply only to such improvement area for those specified facilities; and

WHEREAS, this Board, having received indications of interest on behalf of the owners of the land proposed to be included in a proposed community facilities district, desires to proceed with the establishment of a community facilities district, all in order to finance costs of County public capital facilities, which may include facilities funded through development impact fees, especially within a developing area in the County locally referred to as "Carson Creek Heritage Village 11"; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. **Authority.** It is proposed to establish a community facilities district, to designate Improvement Area No. 1 therein, and to identify future annexation area to provide that certain territory within the County may be annexed thereto in the future upon the unanimous approval of the owner of each parcel or parcels to be annexed, all within the County of El Dorado, under the terms of the Act to finance costs of County public capital facilities, which may include the payment of impact fees to be used for public capital facilities, and especially facilities necessary or incidental to new development in the County within an area known as "Carson Creek Heritage Village 11."

2. **Name of CFD.** The name proposed for the community facilities district is the "County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11)" (including designated Improvement Areas, the "CFD"). Pursuant to Section 53350 of the Act, all of the territory to be initially included in the CFD (as shown on the map described in Section 3 hereof) is hereby designated as "Improvement Area No. 1 of the County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11)" ("Improvement Area No. 1").

The name proposed for the territory proposed to be annexed into the CFD in the future is "County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11) (Future Annexation Area)" ("Future Annexation Area").

3. **Boundaries Described.** The proposed boundaries of the CFD are as shown on the Map of Proposed Boundary of a proposed community facilities district to be known as Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11), El Dorado County, California, on file with the Clerk of the Board, which this Board approves as the map describing the extent of the territory included in the proposed community facilities district, Improvement Area No. 1 and the Future Annexation Area. This Board finds that the map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code. This Board directs the Clerk of the Board to certify the adoption of this resolution on the face of the map, and to file a copy of the map in the office of the Clerk of the Board in accordance with Section 3111 of the California Streets and Highways Code and within 15 days of the date of adoption of this resolution but in no event later than 15 days prior to the public hearing provided for herein, transmit the map to the County Recorder for recording in the Book of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of El Dorado County.

Parcels within the Future Annexation Area shall be annexed to the CFD only with the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

All or any portions of territory that annexes into the CFD from the Future Annexation Area or otherwise may be annexed into a separate improvement area (each, a "Future Improvement Area") then in existence or to be formed at the time of such annexation and no additional hearings or procedures are required by the Board. The designation of a parcel or parcels as a Future Improvement Area shall be specified and approved by the Unanimous Approval executed and delivered to the County by the owner of each parcel or parcels to be annexed, at the time that the parcel or parcels are annexed to the CFD. After the designation of a parcel or parcels as an improvement area, all proceedings for approval of an appropriations limit, the rate and method of apportionment and manner of collection of special taxes, and the authorization to incur bonded indebtedness for such improvement area may differ from other areas of the CFD, all as set forth in the Unanimous Approval, and shall apply only to the parcel or parcels within such improvement area.

5. **Special Tax.** Except to the extent that funds are otherwise available, the County will levy a special tax (the "Special Tax") for a period not to extend beyond fiscal year 2069-70 to pay directly for the Facilities and/or pay the principal and interest on bonds of the County issued to finance the Facilities. The Special Tax will be secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be annually levied within the CFD, and collected in the same manner as ordinary ad valorem property taxes, however, this Board reserves the right, under Section 53340, to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the County, including, but not limited to, direct billing by the County to the property owners and supplemental billing. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within Improvement Area No. 1 in sufficient detail to allow each landowner within the proposed Improvement Area No. 1 to estimate the maximum amount such owner will have to

pay, are described in Exhibit A attached hereto and hereby incorporated herein (the "Rate and Method").

The Special Tax shall not be levied in Improvement Area No. 1 after the fiscal year identified in the Rate and Method, except that a Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years. Under no circumstances may the Special Tax levied against any parcel in Improvement Area No. 1 used for private residential purposes be increased in any fiscal year as a consequence of delinquency or default in payment of the Special Tax levied on another parcel or parcels within Improvement Area No. 1 by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults, in contravention of the Act, including Section 53321(d) of the Act.

The proposed rate and method of apportionment of the Special Tax among the parcels of real property within a Future Improvement Area, in sufficient detail to allow each landowner within such Future Improvement Area to estimate the maximum amount such owner will have to pay, shall be set forth in the applicable Unanimous Approval. The Special Tax shall not be levied in a Future Improvement Area after the fiscal year identified in the rate and method for such Future Improvement Area, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years. Under no circumstances shall the special tax levied against any parcel in a Future Improvement Area for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within such Future Improvement Area by more than 10 percent.

For Future Improvement Areas, a different rate and method may be adopted than the Rate and Method adopted for Improvement Area No. 1 if the annexed territory is designated as a separate zone or improvement area. No supplements to the Rate and Method for any of the Future Improvement Areas and no new rate and method will cause the maximum tax rate in the then-existing territory of the CFD (including Improvement Area No. 1) to increase. The designation as an improvement area of any territory annexing to the CFD, the maximum amount of bonded indebtedness and other debt for such improvement area, the facilities to be financed, the rate and method of apportionment of special tax for such improvement area and the appropriations limit for such improvement area shall be identified and approved in the Unanimous Approval executed by the applicable property owner(s) in connection with each annexation to the CFD from the Future Annexation Area. The annexation and related matters described in the Unanimous Approval shall be implemented and completed without the need Board approval as long as the following conditions are met:

- (i) The rate and method of apportionment of special tax for the new improvement area is prepared by a special tax consultant retained by the County.
- (ii) The rate and method of apportionment of special tax for the new improvement area substantially complies with the County's local goals and policies concerning the use of the Act.
- (iii) The rate and method of apportionment of special tax for the new improvement area includes a mechanism that protects against revenue loss as a result of land use changes.

- (iv) The Special Tax proposed to pay for the Facilities to be supplied within the territory annexed will be equal to the Special Taxes levied to pay for the same Facilities in previously-existing areas of the CFD and Improvement Area No. 1, except that (a) a higher Special Tax may be levied on territory annexing into the CFD to pay for the same Facilities to compensate for the interest and principal previously paid from Special Taxes in the original area of the CFD and Improvement Area No. 1, less any depreciation allocable to the financed Facilities, and (b) a higher Special Tax may be levied on territory annexing into the CFD to pay for new or additional Facilities, with or without bond financing.

This Board hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to *ad valorem* property taxes and schools financed by a community facilities district) are inapplicable to the proposed CFD and Improvement Area No. 1.

6. **Facilities.** The type of public facilities and incidental costs proposed to be financed in whole or in part by the CFD, Improvement Area No. 1 and any Future Improvement Areas and pursuant to the Act shall consist of those items listed as facilities on Exhibit B hereto and hereby incorporated herein (the "Facilities"). The Board hereby determines that the Facilities are necessary to meet increased demands placed upon local agencies as the result of development occurring within the CFD, Improvement Area No. 1, and any Future Improvement Areas. The Board hereby finds and determines that the public interest will not be served by allowing the property owners in the CFD to enter into a contract in accordance with Section 53329.5(a) of the Act. Notwithstanding the foregoing, the Board, on behalf of CFD, may enter into one or more contracts directly with any of the property owners with respect to the construction and/or acquisition of the any portion of the Facilities.

Section 53316.2 of the Act provides that a community facilities district may finance facilities to be owned or operated by a public agency other than the agency that created the district, or services to be provided by a public agency other than the agency that created the district, or any combination, only pursuant to a joint community facilities agreement or a joint exercise of powers agreement adopted pursuant to that section. The County Auditor-Controller is hereby authorized and directed to enter into joint community facilities agreements with any entity that will own or operate any of the Facilities, as may be necessary to comply with the provisions of Section 53316.2(a) and (b) of the Act. The Board hereby declares that such joint agreements will be beneficial to residents in the area of the CFD.

6. **Exempt Property.** Except as may otherwise be provided by law or by the Rate and Method, all lands owned by any public entity, including the United States, the State of California and the County, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this Board will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not exempt in order to yield the required debt service payments and other annual expenses of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

7. **Election.** The levy of the Special Tax shall be subject to the approval of the qualified electors of Improvement Area No. 1 at a special election as authorized under the Act.

The proposed voting procedure shall be by mailed, electronic transmission or hand-delivered ballot among the landowners in the proposed Improvement Area No. 1, with each owner having one vote for each acre or portion of an acre such owner owns in Improvement Area No. 1. The levy of the Special Tax on parcels within the Future Annexation Area and annexed to the CFD shall be subject to the approval of the qualified elector by execution of the Unanimous Approval, and a special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed to the CFD, without any requirement for further public hearings or additional proceedings.

8. **Secpial Tax Bonds.** In order to finance the costs of the Facilities it is necessary to incur bonded indebtedness on behalf of the CFD and it is the intention of this Board, acting as the legislative body for the CFD, to cause bonds of the County to be issued for the CFD pursuant to the Act to finance in whole or in part the construction and/or acquisition of the Facilities. This Board reserves to itself the right and authority to allow any interested owner of property in the CFD, subject to the provisions of Section 53344.1 of the California Government Code and such requirements as it may otherwise impose, and any applicable prepayment penalties as prescribed in the indenture or fiscal agent agreement for any bonds of the County for the CFD, to tender to the Auditor-Controller of the County in full payment or part payment of any installment of special taxes or the

9. **CFD Report.** The Auditor-Controller of the County, as the officer having charge and control of the Facilities in and for the CFD, Improvement Area No. 1 and the Future Annexation Area, or the designee of such official, is hereby directed to cause and direct a study of said proposed CFD and the Facilities and to cause to be prepared for filing at the public hearing the report required by Section 53321.5 of the Act (the "CFD Report") presenting at least the following:

(a) A description of the Facilities by type which will be required to adequately meet the needs of the CFD, Improvement Area No. 1, and the Future Annexation Area.

(b) An estimate of the fair and reasonable cost of the Facilities including the cost of acquisition of lands, rights-of-way and easements, any physical facilities required in conjunction therewith and incidental expenses in connection therewith, including the costs of the proposed bond financing and all other related costs as provided in Section 53345.3 of the Act.

The CFD Report shall be made a part of the record of the public hearing specified below.

10. **Acquisition of Facilities.** Pursuant to Section 53314.9 of the Act, at any time either before or after the formation of the CFD, the legislative body may accept advances of funds or work in kind from any source, including, but not limited to, private persons or entities, and may provide, for the use of those funds or that work in kind for any authorized purpose, under all of the following conditions: (a) the proposal to repay the funds or the value or cost of the work in kind, whichever is less, is provided by resolution pursuant to Section 53325.1; (b) any proposed Special Taxes are approved by the qualified electors of the CFD pursuant to the Act; and (c) any work in kind accepted pursuant to Section 53314.9 of the Act is performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority of a local public agency. This Board finds that the County may accept advances of funds or work in kind if necessary, and may enter into an agreement (an "Acquisition Agreement") for the construction of discrete portions or phases of the Facilities,

with the person or entity advancing the work in-kind, to reimburse the person or entity for the value, or cost, whichever is less, of the work in-kind or Facilities, as determined by the County, with or without interest, under the conditions specified in the Act and the Acquisition Agreement.

11. **Public Hearing.** The Board hereby sets February 27, 2024 at 10:00 AM at the Board of Supervisors Placerville Office located at 330 Fair Lane, Placerville, California 95667, as the time and place when and where this Board, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and the designation of Improvement Area No. 1 and the Future Annexation Area, and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD, the designation of Improvement Area No. 1, the establishment of the Future Annexation Area and the levy of the Special Tax and the issuance of bonds. At the hearing, testimony concerning the CFD or the furnishing of the particular types of public facilities will be heard and protests will be considered from registered voters residing within the CFD and persons owning real property within the CFD. Written protests by the owners of a majority of the land which would be subject to special taxation within the proposed the CFD will require the suspension of proceedings for at least one year. Written protests must be filed with the Clerk of the Board at or before the time fixed for the hearing. If such protests are directed only against certain elements of the proposed improvements or proposed special tax, and if such protests constitute a majority protest, only those elements shall be deleted from the proceedings.

12. **Notice of Hearing.** The Clerk of the Board is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD. The publication shall be completed at least seven days before the date of the public hearing specified above. The notice shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof as set forth in Exhibit C hereby specifically approved.

13. **Effective.** This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado, State of California, at a regular meeting of said Board held on the 9th day of January, 2024, by the following vote of said Board:

AYES: 5 Board Members: Thomas, Hidahl, Turnboo, Parlin, Laine

NOES: 0 Board Members: None

ABSENT: 0 Board Members: None

ABSTAINING: 0 Board Members: None

Wendy Thomas

Chair of the Board of Supervisors
Wendy Thomas

Attest:

Kim Dawson

Clerk of the Board of Supervisors

By: Kyra Schaffley

Deputy Clerk

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: 1/9/24

ATTEST: Kim Dawson, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By: Kyra Schaffley

Deputy Clerk

Attach: Exhibit A – Rate and Method of Apportionment of Special Tax

Exhibit B – List of Facilities Rate and Method of Apportionment of Special Tax

Exhibit C – Notice of Public Hearing

EXHIBIT A

RATE AND METHOD OF APPORTIONMENT

EXHIBIT B

County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11)

LIST OF AUTHORIZED FACILITIES

Authorized facilities that may be funded through County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11) include the following public improvements:

Roadway and Transportation Improvements

On-site and off-site facilities required to meet the needs of development within the Community Facilities District. Eligible improvements include, but are not limited to: Acquisition of land and easements; design; project management; clearing, grubbing, and demolition; grading, soil import/export; paving (including slurry seal), and decorative/enhanced pavement concrete and/or pavers; bridge crossings and culverts; joint trenches, underground utilities and undergrounding of existing utilities; dry utilities and appurtenances; curbs, gutters, sidewalks, bike trails (including onsite and off-site); enhanced fencing, and access ramps; street lights; intersections, signalization, and traffic signal control systems; bus turnouts; signs and striping; erosion control; median and parkway landscaping and irrigation; entry monumentation; bus shelters, Bus Rapid Transit improvements including transfer stations and regional public transit improvements; masonry walls; traffic control and agency fees; and other improvements related thereto where required.

Potable Water System Improvements

On-site and off-site facilities required to meet the storage and conveyance needs of development within the Community Facilities District. Eligible improvements include, but are not limited to: Acquisition of land and easements; design; project management; water lines, transmission mains, valves, trenching, backfill, storage reservoirs and all necessary appurtenances thereto where required.

Drainage System Improvements

On-site and off-site facilities required to meet the storage and conveyance needs of development within the Community Facilities District. Eligible improvements include, but are not limited to: Acquisition of land and easements; design; project management; mains, pipelines and appurtenances; outfalls and water quality measures; temporary drainage facilities; detention/retention basins and drainage pretreatment facilities; drainage ways/channels; pump stations; landscaping and irrigation; access roads, gates, and fencing; striping and signage; and other improvements related thereto where required.

Wastewater System Improvements

On-site and off-site facilities required to meet the storage and conveyance needs of development within the Community Facilities District. Eligible improvements include, but are not limited to: Acquisition of land and easements; design; project management; pipelines and all appurtenances thereto; manholes; tie-in to existing main line; force mains; lift stations; odor-control facilities; sewer treatment plant improvements; and other improvements related thereto where required.

Park, Trails, Landscaping and Open Space Improvements

On-site and off-site facilities required to meet the needs of development within the Community Facilities District; eligible improvements include, but are not limited to: acquisition of land and easements; design; project management; grading; turf and irrigation; trees and shrubs; sidewalks pathways and trails; masonry sound walls; entry monumentation and signage; other related hard and soft-scape improvements along roadways and adjacent to or within parks, open space, drainage channels and detention basins; bike trails, bike/pedestrian bridges; storm drain crossings; wetland mitigation, tree mitigation, off-site hawk mitigation, and/or agricultural mitigation; endowment payments for open space management; landscaping and irrigation, access gates and fencing and related open space improvements.

Development Impact Fees

Authorized fees including impact fees levied by the County or any other eligible public agency at the time of the issuance of a building permit, final map or improvement plans as required for the development of the property.

Other Public Improvements

Other Public Improvements. Any and all other public improvements authorized under the Mello-Roos Community Facilities Act of 1982 and otherwise necessary to meet the needs of development within the Community Facilities District.

Incidental Expenses

In addition to the above facilities, other incidental expenses as authorized by the Mello-Roos Community Facilities Act of 1982, including, but not limited to, the cost of planning and designing the facilities (including the cost of environmental evaluation, remediation and mitigation); engineering and surveying; construction staking; utility relocation and demolition costs incidental to the construction of the public facilities; costs of project/construction management; costs (including the costs of legal services) associated with the formation of the Community Facilities District and the issuance of bonds, determination of the amount of taxes, collection of taxes; payment of taxes; or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and any other expenses incidental to the construction, completion, and inspection of the facilities and related expenses associated with any of the foregoing.

EXHIBIT C

**NOTICE OF PUBLIC HEARING ON PROPOSED
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(CARSON CREEK HERITAGE VILLAGE 11)
COUNTY OF EL DORADO, CALIFORNIA**

The County of El Dorado is considering the formation of a community facilities district (the "CFD"), designation of an improvement area and future annexation area therein under the authority of the Mello-Roos Community Facilities District Act of 1982, as amended, and the issuance of bonds on behalf of the CFD secured by special taxes, to fund certain public facilities related to new development within the County of El Dorado, and to incur bonded indebtedness of the CFD.

This notice contains a brief summary of the proposal, but you are referred to the Board of Supervisor's Resolution of Intention to Form a Community Facilities District and Levy a Special Tax (No. 009-2024 adopted January 8, 2024) for details of the proposals.

The proposal is to subject the property within the CFD to a special tax which will be used to pay for facilities of benefit to land within the CFD, including paying principal and interest on bonds issued to build facilities, and will expire when the bonds are retired and all eligible facilities are financed. The proceeds of the bonds will be used to pay for the facilities and other expenses set forth in the resolution referred to in the preceding paragraph. A map showing the land proposed to be included in the CFD is on file with the Clerk of the Board of Supervisors.

The proposal also includes authority to issue up to \$35,000,000 in bonds to be repaid by the special tax. Neither the County of El Dorado nor any person outside the CFD has any liability for the special tax or the bonds. The security for the bonds is limited to the property subject to the special tax within the CFD.

In order to confer the authority upon the Board of Supervisors of El Dorado County to levy the special tax and to issue the bonds, a public hearing must be held on the proposal, then the Board of Supervisors will decide whether to form the CFD, and finally the qualified electors within the CFD must approve the proposal by a two-thirds vote. The land within the proposed CFD is uninhabited and the qualified electors are, pursuant to law, the owners of property within the CFD.

This is the notice of the public hearing. The public hearing will be held during the meeting of the Board of Supervisors on February 6, 2024 at 10:00 AM at the Board of Supervisors Placerville Office located at 330 Fair Lane, Placerville, California 95667.

At the hearing, the testimony of all interested persons or potential special taxpayers for or against the formation of the proposed community facilities district, the authorization to levy the special tax, and the authorization to issue the bonds will be heard. If written protests against the proposed CFD are delivered to the Clerk of the Board at or before the time set for the hearing by either registered voters residing within, or the owners of property within, the

proposed CFD, they will be counted toward a possible majority protest. Such protests by a majority of the registered voters residing within the CFD or by the owners of a majority of the land area within CFD which is or will be subject to the special tax, if not withdrawn prior to the close of the hearing so as to reduce the value of the protests to less than a majority, will require the proposed CFD to be eliminated from immediate consideration, and prevent its being included in a subsequent proceedings for at least one year.

If the Board of Supervisors, after the public hearing, determines that a majority protest under Section 53324 of the Government Code was not made at the hearing, the Board of Supervisors may conduct an election by mailed ballot to levy a special tax.

Questions should be directed to the undersigned, telephone (530) 621-5490.

Dated: 1/9/, 2024

/s/ Kim Dawson
Clerk of the Board of Supervisors