

RESOLUTION NO. ____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
OF FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CARSON CREEK
HERITAGE VILLAGE 11)**

WHEREAS, on January 9, 2024, this Board adopted a resolution entitled “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” (the “Resolution of Intention”), stating its intention to form Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11) (the “CFD”) of the County, designate the initial CFD boundary as Improvement Area No. 1 thereof (the “Improvement Area No. 1”), and establish a future annexation area designated “Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11) (Future Annexation Area)” (the “Future Annexation Area”), all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”);

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD, Improvement Area No. 1 and the Future Annexation Area, and stating the facilities to be provided, the intention to issue bonds to finance the cost of providing such facilities, and the rate and method of apportionment of the special tax to be levied within Improvement Area No. 1 of the CFD to pay the principal and interest on bonds proposed to be issued with respect to the CFD, is on file with the Clerk of the Board and the provisions thereof are incorporated herein by this reference as if fully set forth herein;

WHEREAS, on this date, this Board held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD, the designation of Improvement Area No. 1, and the designation of the Future Annexation Area;

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the designation of Improvement Area No. 1, and the designation of the Future Annexation Area, the facilities to be provided therein and the levy of said special tax were heard and a full and fair hearing was held;

WHEREAS, at the hearing evidence was presented to this Board on said matters before it, including a report caused to be prepared by the Auditor-Controller (the “Report”) as to the facilities to be provided through the CFD, the designation of Improvement Area No. 1, and the designation of the Future Annexation Area, and the estimated costs thereof, a copy of which is on file with the Clerk of the Board, and this Board at the conclusion of said hearing is fully advised in the premises;

WHEREAS, written protests with respect to the proposed establishment of the CFD, the designation of Improvement Area No. 1 and the Future Annexation Area, the furnishing of specified types of facilities and services and the rate and method of apportionment of the special taxes have not been filed with the Clerk of the Board by one-half or more of registered

voters residing within the territory of the CFD or property owners of one-half or more of the area of land within the CFD and not exempt from the proposed special tax;

WHEREAS, written protests against the proposed establishment of the Future Annexation Area and future annexation of parcels therein to the CFD have not been filed with the Clerk of the Board by (i) 50% of more of the registered voters, or six registered voters, whichever is more, residing in the proposed boundaries of the CFD, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the Future Annexation Area, or (iii) owners of one-half or more of the area of land in the proposed CFD, or (iv) owners of one-half or more of the area of land in the Future Annexation Area; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the facilities has not been eliminated by protest by one-half or more of the registered voters residing within the territory of the CFD or the owners of one-half or more of the area of land within the CFD and not exempt from the special tax.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. **Recitals Correct.** The foregoing recitals are true and correct.
2. **No Majority Protest.** The establishment of the CFD, the designation of Improvement Area No. 1, the furnishing of specified types of facilities and services and the rate and method of apportionment of the special taxes within Improvement Area No. 1 of the CFD have not been precluded by majority protest pursuant to Section 53324 of the Act; and the establishment of the Future Annexation Area and the furnishing of specified types of facilities therein and the establishment of the Future Annexation Area have not been precluded by majority protest pursuant to Section 53339.6 of the Act.
3. **Prior Proceedings Valid.** All prior proceedings taken by this Board in connection with the establishment of the CFD, the designation of Improvement Area No. 1, the designation of the Future Annexation Area, and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the Act.
4. **Name of CFD.** The community facilities district designated "County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11)" is hereby established pursuant to the Act and "County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11) (Future Annexation Area)" is hereby established as a Future Annexation Area to the CFD pursuant to the Act.

Within the CFD an area to be known as "Improvement Area No. 1 of the County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11)" is hereby designated in accordance with Section 53350 of the Act.

5. **Future Annexations.** Territory annexed to the CFD from the Future Annexation Area may be annexed into Improvement Area No. 1, may be annexed into an improvement area (herein, an "Improvement Area") subsequently designated, or may be annexed into a newly-designated Improvement Area (each, a "Future Improvement Area").

Parcels within the Future Annexation Area may be annexed 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 to the CFD as authorized by Section 53329.6 of the Act, without any requirement for further public hearings or additional proceedings.

The designation of a parcel or parcels as a Future Improvement Area shall be specified and approved by the Unanimous Approval at the time that the parcel or parcels are annexed to the CFD. Upon designation of a parcel or parcels as a Future Improvement Area, the establishment of an appropriations limit, the rate and method of apportionment and manner of collection of special taxes, and the authorization to incur bonded indebtedness 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 Future Improvement Area, all without any requirement for further public hearings or additional proceedings. The designation as an improvement area of any territory annexing to the CFD, 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 property owners in connection with their annexation to the CFD.

6. **Boundaries of CFD.** The boundaries of the CFD, Improvement Area No. 1 and the Future Annexation Area, as set forth in the map of the CFD heretofore recorded in the El Dorado County Recorder's Office on January 23, 2024 as Document Number 2024-00001662 of Maps of Assessment and Community Facilities Districts, are hereby approved, are incorporated herein by reference and shall be the boundaries of the CFD, Improvement Area No. 1 and the Future Annexation Area, respectively.

7. **Description of Facilities.** The type of public facilities proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as facilities, including impact fees to pay for facilities, in Exhibit A hereto and by this reference incorporated herein (the "Facilities"). The financing of the costs of Facilities may include, without limitation, the payment of principal of and interest on bonds together with all direct, indirect periodic, and/or other related costs (including, without limitation, costs of administering the CFD, levying the Special Tax and administering the bonds, and establishing and replenishing reserve funds).

Upon designation of a parcel or parcels as within a new Future Improvement Area, the Facilities financed by such area may include facilities which differ from other areas of the CFD as set forth in the Unanimous Approval, and shall be financed only by the parcel or parcels within such Future Improvement Area, without any requirement for further public hearings or additional proceedings. Bonds may be issued secured by special taxes of any single Improvement Area or any combination of Improvement Areas.

8. **Special Tax.**

a. Except to the extent that funds are otherwise available to pay for the Facilities, to pay the principal and interest on bonds and other debt (as defined in the Act) of the CFD issued for any Improvement Area, to the repayment of funds advanced by the County for the CFD or any Improvement Area and including the repayment under any agreement (which shall not constitute a debt or liability of the County) of advances of funds or reimbursement for the lesser of the value or cost of work in-kind provided by any person for any Improvement Area, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property is intended to be levied annually and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as may be prescribed by this Board.

b. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within Improvement Area No. 1 of the CFD, in

sufficient detail to allow each landowner within Improvement Area No. 1 of the CFD to estimate the maximum amount such owner will have to pay, is attached hereto as Exhibit B and is hereby incorporated herein (the "Rate and Method").

c. The Special Tax shall be levied in the amount and for the duration set forth in the applicable Rate and Method. The Special Tax to finance the Facilities to be levied on any parcel used for private residential purposes in any Improvement Area shall not be levied beyond the period of time permitted 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 shall the Special Tax levied against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within Improvement Area No. 1 of the CFD by more than 10 percent, in contravention of the Act, including Section 53321(d) of the Act.

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 for 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) As required by Section 53339.3(d) of the Act, the Board hereby determines that the Special Tax proposed to pay for one or more Facilities to be supplied within the Future Annexation Area will be equal to the Special Taxes levied to pay for the same Facilities in previously-existing areas of the CFD, except that (i) a higher Special Tax may be levied within any Improvement Area to pay for the same Facilities to compensate for the interest and principal previously paid from Special Taxes in any other Improvement Area, less any depreciation allocable to the financed Facilities and (ii) a higher Special Tax may be levied within any Improvement Area established from the Future Annexation Area to pay for new or additional Facilities, or the increased cost thereof, with or without bond financing.

No supplements or amendments to the Rate and Method established in connection with the annexation of territory to an Improvement Area shall cause the maximum tax rate in the then-existing territory of the CFD to increase.

9. **Increased Demands.** It is hereby found and determined that the Facilities are necessary to meet increased demands placed upon local agencies as the result of development occurring in the CFD.

10. **Responsible Official.** The Auditor-Controller of the County of El Dorado, 333 Fair Lane, Placerville, CA 95667, is the officer of the County who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to the Act.

11. **Tax Lien.** Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of California, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the County ceases.

Upon annexation into the CFD by Unanimous Approval, the Clerk of the Board shall record an amended notice of special tax lien pursuant to Section 3117.5 of the Streets & Highways Code, or a new notice of special tax lien pursuant to Section 3114.5, as appropriate.

12. **Appropriations Limit.** In accordance with the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$20,000,000, and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act.

Upon designation of any territory annexing to the CFD as an improvement area, the appropriations limit for such improvement area shall be identified and approved in the Unanimous Approval executed by property owners in connection with the annexation to the CFD.

13. **Election.** Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election. The time, place and conditions of the election shall be as specified by a separate resolution of this Board.

14. **Effective Date.** This resolution shall take effect upon its adoption.

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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 ____ day of _____, 2024, by the following vote of said Board:

AYES: _____ Board Members: _____

NOES: ___ Board Members:_____

ABSENT: ___ Board Members:_____

ABSTAINING:___ Board Members:_____

Chair of the Board of Supervisors

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN
THIS OFFICE.

DATE: _____

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

By: _____
Deputy Clerk

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

EXHIBIT A

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

LIST OF 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 B

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

RATE AND METHOD OF APPORTIONMENT