

RESOLUTION 031-2024

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

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

WHEREAS, on February 27, 2024, this Board adopted a resolution entitled "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)" (the "Resolution of Formation") 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 ("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, this Board of Supervisors of the County of El Dorado has also adopted a resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DETERMINING NECESSITY TO INCUR BONDED INDEBTEDNESS IN AND FOR COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CARSON CREEK HERITAGE VILLAGE 11)" (the "Resolution Determining Necessity"), determining the necessity to incur bonded indebtedness in the maximum aggregate principal amount of \$35,000,000 upon the security of the special tax to be levied within the CFD pursuant to the Act, initially allocated as follows: (i) for Improvement Area No. 1, \$20,000,000 and (ii) for the portion of the CFD that is not in Improvement Area No. 1, \$15,000,000, pursuant to the Act;

WHEREAS, pursuant to the provisions of the Resolution of Formation and the Resolution Determining Necessity, the propositions of the levy of the special tax, the establishment of the appropriations limit and the incurring of the bonded indebtedness shall be submitted to the qualified electors of the CFD as required by the provisions of the Act;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. **Issues Submitted.** Pursuant to Sections 53326, 53351 and 53325.7 of the Act, the issues of the levy of the special tax, the incurring of bonded indebtedness and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below.

2. **Qualified Electors.** This Board hereby finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the 90 days preceding the close of the public hearings heretofore conducted and concluded by this Board for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Board finds that, for these proceedings, the qualified electors are the landowners within the CFD and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the CFD as of the close of the public hearings.

3. **Conduct of Election.** This Board hereby calls a special election to consider the measures described in section 1 above, which election shall be held on February 27, 2024 and the results thereof canvassed at the meeting of this Board on such date. The Clerk of the Board is hereby designated as the official to conduct the election and to receive all ballots until 10:00 a.m. on the election date. It is hereby acknowledged that the Clerk of the Board has on file the Resolution of Formation, a certified map of the boundaries of the CFD, and a sufficient description to allow the Clerk of the Board to determine the electors of the CFD. Pursuant to Section 53327 of the Act, the election shall be conducted by messenger or mail-delivered (including email) ballot pursuant to Section 4000 of the California Elections Code. This Board hereby finds that paragraphs (a), (b), (c) (1) and (c)(2) of Section 4000 are applicable to this special election, and Section 4108 of the California Elections Code are applicable to this special election, except that Sections 53326 and 53327 of the Act shall govern for purposes of determining the date of the election.

4. **Ballot.** As authorized by Section 53353.5 of the Act, the three propositions described in section 1 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit "A" and by this reference incorporated herein and the form of ballot is hereby approved. The Clerk of the Board is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit "A," to be delivered to each of the qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains.

5. **Waivers.** This Board further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election and other election requirements are for the protection of the qualified electors of the CFD and further finds that the landowners within Improvement Area No. 1 have requested the formation of the CFD, the special tax and bonded indebtedness. There is on file with the Clerk of the Board a written waiver executed by all of the qualified electors of the CFD allowing for a shortening of the time for the special election to expedite the process of formation of the CFD and waiving all other matters required by the California Elections Code pertaining to the election, including any requirement for notice, analysis and arguments in connection with the election, ballot wording limits and other election formalities. Accordingly, this Board finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments, ballot content and other matters, and have thereby been fully protected in these proceedings. This Board also finds and determines that the Clerk of the Board has concurred in the shortened time for the election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act

6. **Accountability.** The Board hereby finds that the proposed debt issuance constitutes a "local bond measure" within the meaning of Sections 53410, et seq. of the California Government Code. As a result, the bond measure shall include the propositions set forth above and the following: (a) the specific purpose of the bonds shall be as set forth in the propositions; (b) any proceeds received from the sale of any bonds shall be applied only to the purposes set forth in the propositions; (c) the proceeds of any bonds shall be deposited into special accounts to be created therefor as part of the issuance of the bonds; and (d) the Authority shall cause a report to be prepared annually under Section 53411 of the Government Code.

7. **Effective Date.** This Resolution shall take effect upon its adoption.

* * * * *

AYES:	<u>3</u>	Board Members:	<u>Thomas, Hidaahl, Laine</u>
NOES:	<u>1</u>	Board Members:	<u>Turnboo</u>
ABSENT:	<u>1</u>	Board Members:	<u>Parlin</u>
ABSTAINING:	<u> </u>	Board Members:	<u> </u>


Vice- Chair of the Board of Su
John Hidahl

By:

Clerk of the Board of Supervisors
By: Kyra Schaffgale
Deputy Clerk

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

DATE: 2/27/24

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

By:

By: Kyra Schaubley
Deputy Clerk

EXHIBIT A

COUNTY OF EL DORADO
Community Facilities District No. 2024-1
(Carson Creek Heritage Village 11)

OFFICIAL BALLOT
SPECIAL TAX ELECTION

This ballot is for a special, landowner election for the County of El Dorado, Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11). You must return this ballot in the enclosed postage paid envelope to the office of the Clerk of the Board of the County of no later than the hour of 10:00 a.m. on Tuesday, February 27, 2024, either by mail or in person. The Clerk of the Board's office is located at 333 Fair Lane, Placerville, California 95667.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO." All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the Clerk of the Board and obtain another.

Shall the measure pursuant to which (i) County of El Dorado shall incur indebtedness and issue bonds up to \$35,000,000 on behalf of the County of El Dorado Community Facilities District No. 2024-1 (Carson Creek Heritage Village 11) ("CFD"), to acquire and/or construct facilities and pay for the costs of issuing the bonds and related expenses as set forth in the list of authorized facilities for the CFD attached hereto; (ii) a special tax shall be levied at rates of \$2,907 to \$3,883/residential unit (with other property taxed at other rates), subject to annual escalation, through Fiscal Year 2069-70, raising \$742,607 in Fiscal Year 2024-25 (assuming full build-out of the CFD), to pay for the principal and interest upon such bonds, to pay the costs of the County in administering the CFD, and to pay for the costs of acquiring and/or constructing said facilities in accordance with the rate and method of apportionment of special taxes for the CFD attached hereto; and (iii) the annual appropriations limit of the CFD shall initially be \$20,000,000, subject to escalation, **be adopted?**

YES

NO

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner. By execution below, you also acknowledge your informed and knowledgeable waiver of certain election formalities set forth in the written waiver submitted to the County, including your waiver of (i) the time limit pertaining to the conduct of the election, (ii) any requirement for analysis and arguments with respect to the ballot measure, (iv) limitations on

the number of words and content of the ballot measure, and (iii) any irregularity in the proceedings that may be claimed as a result of the application of such waivers.

APN(s): _____

Lennar Homes of California, LLC

Total Acreage: _____

Number of votes: _____

By: _____

Name: _____

Title: _____

Attach to actual ballot to be signed:

Exhibit A to Ballot – Rate and Method of Apportionment of Special Tax

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

EXHIBIT A TO BALLOT

RATE AND METHOD OF APPORTIONMENT

EXHIBIT B TO BALLOT

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.