

#26

**Kim Dawson**

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**From:** Alan Torreano <alantorreano@sbcglobal.net>  
**Sent:** Sunday, October 8, 2023 4:14 PM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl;  
BOS-District III; Joe H. Harn  
**Subject:** Public Comment: Agenda Item 23-1811 Resolution 156-2023 Authorizing the Issuance  
and Sale of Special Tax Bonds  
**Attachments:** Heritage.pdf

**Alan Torreano:** [alantorreano@sbcglobal.net](mailto:alantorreano@sbcglobal.net)

**Public Comment: Agenda Item 23-1811 Resolution 156-2023 Authorizing the Issuance and Sale of Special Tax Bonds To: BOS-Clerk of the Board <edc.cob@edcgov.us>, George Turnboo <bostwo@edcgov.us>, BOS-District IV <Bosfour@edcgov.us>, bosfive@edcgov.us, John Hidahl <john.hidahl@edcgov.us>, bosthree@edcgov.us, Joe Harn <joe.harn@edcgov.us>**

I write in opposition to Resolution 156-2023 to authorize the sale of a \$7 million bond to reimburse Lennar Homes and increase the debt service born on the backs of the senior citizen homeowners of the age-restricted community of Heritage Village. I stand in opposition for the following reasons:

1. The proposed bond would substantially **increase special tax rates for senior citizen homeowners, many of whom are on fixed income**. CFD-2014 identifies a three-tier Maximum Tax rate predicated on front-facing lot sizes. The lowest Mello-Roos rate for FY 2023-2024 is \$1,436.80. With the added debt service associated with the proposed bond, Joe Harn estimates the next year's increase to \$1,779.73 next fiscal year. This is a 23.69% increase or an added \$342.83. Seniors with larger lot sizes will experience a proportionately higher dollar increase. Subsequent increases will top at 2%presumably for the next three decades.

2. I fear that **errors and omissions** exist in the offering documentation that expose the EDC to litigation from bondholder representatives and predatory legal firms or parties. I urge the withdrawal of the Resolution until the items of concern are resolved. The version of the Preliminary Official Statement includes the following sections or topics that require disclosure or prior resolution:

a. **LITIGATION AND PARK IMPACT FEE REIMBURSEMENT:** The active litigation Concerned Residents EDH HeritageVillage v EDHCSD (Case No. 22CV0640) could impact the proper reimbursement for park impact fees, CarsonCreek Park and related improvements. The Court's remedies might include orders involving the disposition of tangible assets that would have been paid from bond proceeds. In addition to existing litigation, the EDC PlanningDepartment is on record declaring that specific Carson Creek Heritage Park improvements, particularly sports court lights, do not conform and require a Conditional Use Permit. **QUESTION:** Is EDC exposed for issuing bonds for the expressed purpose of funding impact fees for disputed assets, especially in light of existing litigation and administrative uncertainty?

b. **CARSON CREEK SPECIFIC PLAN INCONSISTENCIES:** The CFD 2014-1 formation documents assume the funded infrastructure improvement is consistent with the EDC General and Carson Creek Specific Plan. The litigation, as mentioned above, alleges the violation of the Carson Creek Specific Plan and Lennar's conditions of approval. For example, regarding the reimbursement of park impact fees, the CCSP requires the construction of 7-acre neighborhood parks and 30-acre community public parks. In September 2021, the EDHCSD Board voted to delete the 30-acre park unilaterally from its master plan. Payment of park impact fees should be predicated, at least partly, on fulfilling the 1998 CCSP parks requirements. Lennar is also obligated under conditions of approval to use its best efforts on the park's development. So long as Lennar or EDHCSD fails to address these CCSP obligations, the use of bond proceeds to reimburse park and open space-related improvements is in question.

c. **ENVIRONMENTAL DISCLOSURE ERROR:** There is an error on Page 47 regarding endangered and special status species. The statement "Lennar indicates that no special status plants and animals were found." This statement contradicts the findings written by HELIX Environmental and commissioned by Lennar. The report clearly identifies the observation of such species in or near the Carson Creek Preserve. The new and significant findings should trigger a new CEQA EIR and nullify previous negative declarations. EDC Planning has copies of the HELIX report but has not taken action to date. The disposition of CEQA issues is material and must be disclosed.

d. **WETLANDS REIMBURSEMENT:** The bond issue would reimburse Lennar for wetland mitigation. The Offering document indicates that all U.S. Corps of Engineers matters have been resolved. In fact, wetlands mitigation agreements are incomplete. Approval of the Carson Creek Preserve Long-Term Plan remains an open issue.Reimbursement from bond proceeds for wetland mitigation might be deemed inappropriate until the execution of an agreement involving the U.S. Corps of Engineers, California Department of Fish and Wildlife, Golden StateLand Conservancy, and Heritage Master Homeowners Association.

e. TRAILS REIMBURSEMENT: The use of proceeds for public trails is also a matter of dispute. The draft Carson Creek Preserve Long-term plan specifies the trail's width and distance from the wetlands and fire breaks. Those conditions have not been met.

f. BALLOT INITIATIVE: Page 54 notes the potential impacts of ballot initiatives. It should be pointed out that the EDHCSD LLAD #39 was subject to two successful ballot initiatives, and a third is underway by CFD 2014-1 homeowners. The Offering document does not mention these ballot initiatives for the continued operations of an asset funded by bond reimbursements. The Offering document only references Measure E. It seems appropriate to disclose all initiatives involving CFD 2014-1 homeowners

g. VOTER APPROVAL: The required vote to approve the formation of CFD 2014-1 by the required 2/3 vote (solely by Lennar) is not disputed. However, the registered vote population of over 1,500 has significantly increased since the last bond issuance in 2018. A legal opinion would seem appropriate on whether issuing bonds resulting in increased debt and tax assessments should be subject to registered voters' approval.

3. The use of funds remains unclear. Several line items have been identified, like park impact fees and EID impact fees. A full accounting of the use of funds should be made easily available before approving this bond issue.

4. "Pay as you go" provisions appear misaligned. Two previous bond issues in 2016 and w0q8 have been disclosed. Suddenly, in 2023, a requirement for an additional \$7 million emerged.

5. The EDC Bond Advisory Committee voted to move the current \$7 million bond issue forward, conditional on a written agreement from Lennar Homes that it will waive the claims for subsequent bond issues. The said agreement should be disclosed before consideration of approval.

6. CFD 2014-1 homeowners received disclosure of the 2016 and 2018 bond issues. However, the disclosure of the subsequent rights by Lennar to propose additional bonds is questionable. Lennar could request an additional \$10 million of bond funding beyond the \$7 million bond issuance under consideration today.

7. While I am unaware of any contemplated legal action, the potential for litigation from citizen groups due to this bond issuance exists.

The current proposal reflects the belief of EDC staff that a 1998 agreement to provide developer support of public CCSP improvement must be honored. Neither the County staff nor the developer involved *in this original memorandum are currently involved parties. In contrast, the impacted parties are the current senior citizens owning 930 homes as their primary residence. At the same time, other parties greatly benefit from the reimbursement of bond proceeds despite questionable performance and fulfillment of obligations. The El Dorado Hills Community Services District receives park impact fees, although it defiantly rejects its CCSP parks obligations. Lennar also recoups expenses when public benefit fulfillment, such as code compliant trails and public parks, and the Carson Creek Preserve wetland agreement remain open. EDHCSD and Lennar should not be rewarded on the backs of seniors.*

I take no pleasure in opposing the bond issuance. I recognize the hard work and dedication that has gone into the preparation of the proposal. I want to acknowledge the cooperation and transparency of EDC Auditor and Controller Joe Harn and the Bond Advisory Committee. I believe they are honorable and committed professionals. Respectfully submitted,

Alan Torreano, property owner. 7020 La Cumbre Drive, El Dorado Hills, CA 95672

## Kim Dawson

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**From:** Shannon Morton <shannonmorton906@gmail.com>  
**Sent:** Monday, October 9, 2023 11:08 AM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl;  
BOS-District III; Joe H. Harn  
**Subject:** Mello Roos Taxation

Board of Supervisors,

Our names are Dave and Shannon Morton. We live in the Heritage community just south of Hwy 50 in El Dorado Hills.

It has come to our attention that there is a vote before the Supervisors to increase our Mello Roos taxes by 24% with additional 2% increases over the next 30 years.

This is completely unacceptable as it penalizes those citizens who are most vulnerable and unable to keep up with the rising costs we face . This approach to layering on additional expenses to the valued residents of Heritage is unprofessional and lacks the transparency that we would expect from our County Leadership. This tax is extremely unfair to us and our community and we do not support this.

I look to you as our supervisors to support us in this effort and hope that you will stand tall to **vote this down** and put this issue behind us.

Sincerely, on behalf of ourselves and the residents of Heritage.

Dave and Shannon Morton

**Kim Dawson**

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**From:** Dorinda Barney <konabarndor@yahoo.com>  
**Sent:** Monday, October 9, 2023 10:51 AM  
**To:** BOS-Clerk of the Board  
**Subject:** Mello Roos

Dear Supervisors

We are retired and living in Heritage Development and are very concerned with your proposed increase for Mello Roos.

Please take into consideration that as retired folks, our income is limited and with increases with all cost of living in the last few years, another increase on our taxes are making it difficult to continue living in El Dorado County, let alone California.

When we purchased our home in 2017, we were aware of the Mello Roos costs, but not informed that they could increase 24% in one year.

Please reconsider this vote.

Respectfully,

Charles and Dorinda Barney  
1020 Calle Real Lane  
EDH

## Kim Dawson

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**From:** Marsha Chavez <marsha.steve@icloud.com>  
**Sent:** Sunday, October 8, 2023 10:23 PM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl;  
BOS-District III; Joe H. Harn  
**Subject:** Bond issue

I have just been made aware that discussion and voting will occur tomorrow on a \$7 million bond that will significantly increase the Mello Roos for residents in Heritage, a 55+ community. My husband and I are senior citizens who are on fixed incomes. Please understand that this large increase would have a significant negative effect on us as well as many other residents in our community. As we understand it, there are many issues that need additional consideration. Please keep this in mind before moving forward. Also, I was under the impression that new bond issues had to come before a vote of registered voters. Is this not the case in El Dorado Hills?

Steve and Marsha Chavez  
8911 Cerro Vista Drive  
El Dorado Hills, CA 95762

Sent from my iPhone

## Kim Dawson

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**From:** Debra Scott <scott1ddl@sbcglobal.net>  
**Sent:** Sunday, October 8, 2023 4:22 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Tuesday 10/10/2023 Agenda Item: County of El Dorado - File #: 23-1811

To the EDH County Board of Supervisors:

As a home owner and resident of Heritage Senior Community, I am writing to oppose the **PROPOSED MELLO-ROOS BONDS THAT WILL RESULT IN A 24% INCREASE IN THE MELLO-ROOS SPECIAL TAX PAID BY RESIDENTS OF HERITAGE**. I am requesting the proposal be denied or tabled for a later meeting after the **FULL DETAILS OF EXPENSES BEING REIMBURSED** to Lennar have been identified and disclosed for public review and discourse.

I am baffled by the Lennar proposal. We are paying Mello-Roos taxes. Lennar has not communicated to Heritage residents the need or reasons for additional funds. In the past 5 years I have lived here, Lennar has completed the trail and the perimeter of the complex as in the original plan when I purchased my home and installed required barbed wire fencing, but I see no other visible signs of improvements. If Lennar's proposal is to recuperate some of the costs for the Heritage Public Park, then the request is premature as there is currently litigation regarding the assessment fees of the park. Lennar installed stadium lights and other features in the park without pulling permits and are useless in a dawn to dusk park; the residents of Heritage should not have to pay for their costly mistakes. Over the past 5 years, the Heritage community has doubled in size and is near completion, a second Lennar development is currently being constructed next door, and the trails and park are utilized by many people from outside the Heritage community of senior citizens. **WHY ARE HERITAGE SENIOR RESIDENTS FOOTING THIS BOND? WHAT IS THIS MONEY FOR?**

A detailed accounting of Lennar's expenditures is required for any good faith proposal of future fee increases or bond requests.

Sincerely,  
Debra Scott  
6706 Tortola Ln  
El Dorado Hills, CA 95762

## Kim Dawson

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**From:** steed@pacbell.net  
**Sent:** Sunday, October 8, 2023 1:45 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Comments to Supervisors re: 10/10/23 Agenda Item 23-1811

Wendy Thomas, Chair, District III  
John Hidahl, First Vice Chair, District I  
George Turnboo, Second Vice Chair, District II  
Lori Parlin, District IV  
Brooke Laine, District V

I am requesting either the outright REJECTION of the Resolution 156-2023 authorizing the Issuance and Sale of Special Tax Bonds, or TABELING the action until FULL PUBLIC DISCLOSURE OF ALL related expenses for which Lennar is requesting reimbursement, and ADEQUATE TIME AFFORDED FOR PUBLIC REVIEW AND DISCOURSE to determine whether mitigating factors justify such reimbursement at this time.

Under normal circumstances, this resolution would be a routine action by the Board, but much of the development of the Heritage Community and facilities within CFD 2014-1 have been anything but ordinary.

There is pending litigation regarding the construction of the Heritage Park, financed by Park Impact Fees. This legal complaint seeks compliance with El Dorado County Zoning and Building codes and the Carson Creek Specific Plan which were violated by Lennar as contractor and the EDH CSD as Heritage Park Owner. El Dorado County had a role in these violations as the Planning Department failed in its duty to review and enforce county ordinances. Reimbursement of ANY related construction expenses would be premature until litigation and all subsequent mitigation is resolved.

The creation of the Carson Creek Preserve and approval of the Long-Term Management Plan for the Preserve is critical to the protection of the Carson Creek watershed including the species of plants and animals identified in the Draft Management plan in Section 4.1.3 Endangered and Threatened Species. Statements attributed to Lennar in the Official Preliminary Statement conflict these findings in the Long-Term Plan developed by Helix Environmental Planning, Inc. on behalf of Lennar Homes of California. Further, the construction of the public trail fails to adhere to specifications identified in Section 9.5.2 and Attachment L in that there is significant variation to the width of the trail at critical points creating significant safety hazards for both pedestrians and cyclists. Additionally, current construction of Carson Creek Specific Plan Village 11 includes uncomplete grading and construction of extensions to the public trail system immediately adjacent to the Carson Creek Preserve with support facilities extending into and/or spanning Preserve lands. It would be improper to reimburse Lennar for ANY expenses relating to the creation of the Carson Creek Preserve until all construction and related issues are completed, and final approval of the Carson Creek Long-Term Management Plan is granted by the regulatory agencies.

Lastly, the voters of the EDH CSD Landscaping and Lighting Assessment District #39 qualified two initiatives to repeal the Special Assessments and refund all previously levied assessments. The EDH CSD Board inexplicably failed to either implement or place the initiative on the ballot in violation of State Elections laws. The second was placed on the ballot, but the EDH CSD improperly changed the wording of the initiative language approved by EDC Counsel to limit the effect to a two period for which refunds had already been issued. Nonetheless, this passed with over 92% of voters in favor of repeal. A third initiative is being pursued by the voters with qualifying petitions submitted for verification by the Registrar of Voters. These actions, taken by a community of senior citizens outraged by the actions of local government, are material facts that would have



long-term effects on the condition and value of facilities in the Community Facility District 2014-1 and require disclosure to the bond purchasers that will undoubtedly impact the sale of the bonds.

It is for these reasons that the proposed resolution 156-2023 should be either immediately rejected, or tabled until such time as these issues can be resolved and revisions made accordingly to the Preliminary Official Statement..

Sincerely,

George Steed  
3027 Las Palmas Dr  
El Dorado Hills CA 95762

## Kim Dawson

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**From:** Robert Williams <bobw1800@gmail.com>  
**Sent:** Sunday, October 8, 2023 9:35 AM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl; BOS-District III; Joe H. Harn  
**Subject:** Public Comment: Agenda Item 23-1811 Resolution 156-2023 Authorizing the Issuance and Sale of Special Tax Bonds

I write in opposition to Resolution 156-2023 to authorize the sale of a \$7 million bond to reimburse Lennar Homes and increase the debt service born on the backs of the senior citizen homeowners of the age-restricted community of Heritage Village. I stand in opposition for the following reasons:

1. The proposed bond would substantially **increase special tax rates for senior citizen homeowners, many of whom are on fixed income**. CFD-2014 identifies a three-tier Maximum Tax rate predicated on front-facing lot sizes. The lowest Mello-Roos rate for FY 2023-2024 is \$1,436.80. With the added debt service associated with the proposed bond, Joe Harn estimates the next year's increase to \$1,779.73 next fiscal year. This is a 23.69% increase or an added \$342.83. Seniors with larger lot sizes will experience a proportionately higher dollar increase. Subsequent increases will top at 2% presumably for the next three decades.
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- d. WETLANDS REIMBURSEMENT: The bond issue would reimburse Lennar for wetland mitigation. The Offering document indicates that all U.S. Corps of Engineers matters have been resolved. In fact, wetlands mitigation agreements are incomplete. Approval of the Carson Creek Preserve Long-Term Plan remains an open issue. Reimbursement from bond proceeds for wetland mitigation might be deemed inappropriate until the execution of an agreement involving the U.S. Corps of Engineers, California Department of Fish and Wildlife, Golden State Land Conservancy, and Heritage Master Homeowners Association.
  - e. TRAILS REIMBURSEMENT: The use of proceeds for public trails is also a matter of dispute. The draft Carson Creek Preserve Long-term plan specifies the trail's width and distance from the wetlands and fire breaks. Those conditions have not been met.
  - f. BALLOT INITIATIVE: Page 54 notes the potential impacts of ballot initiatives. It should be pointed out that the EDHCSD LLAD #39 was subject to two successful ballot initiatives, and a third is underway by CFD 2014-1 homeowners. The Offering document does not mention these ballot initiatives for the continued operations of an asset funded by bond reimbursements. The Offering document only references Measure E. It seems appropriate to disclose all initiatives involving CFD 2014-1 homeowners
  - g. VOTER APPROVAL: The required vote to approve the formation of CFD 2014-1 by the required 2/3 vote (solely by Lennar) is not disputed. However, the registered vote population of over 1,500 has significantly increased since the last bond issuance in 2018. A legal opinion would seem appropriate on whether issuing bonds resulting in increased debt and tax assessments should be subject to registered voters' approval.
3. The use of funds remains unclear. Several line items have been identified, like park impact fees and EID impact fees. A full accounting of the use of funds should be made easily available before approving this bond issue.
  4. "Pay as you go" provisions appear misaligned. Two previous bond issues in 2016 and w0q8 have been disclosed. Suddenly, in 2023, a requirement for an additional \$7 million emerged.
  5. The EDC Bond Advisory Committee voted to move the current \$7 million bond issue forward, conditional on a written agreement from Lennar Homes that it will waive the claims for subsequent bond issues. The said agreement should be disclosed before consideration of approval.
  6. CFD 2014-1 homeowners received disclosure of the 2016 and 2018 bond issues. However, the disclosure of the subsequent rights by Lennar to propose additional bonds is questionable. Lennar could request an additional \$10 million of bond funding beyond the \$7 million bond issuance under consideration today.
  7. While I am unaware of any contemplated legal action, the potential for litigation from citizen groups due to this bond issuance exists.

The current proposal reflects the belief of EDC staff that a 1998 agreement to provide developer support of public CCSP improvement must be honored. Neither the County staff nor the developer involved *in this original memorandum are currently involved parties. In contrast, the impacted parties are the current senior citizens* owning 930 homes as their primary residence. At the same time, other parties greatly benefit from the reimbursement of bond proceeds despite questionable performance and fulfillment of obligations. *The El Dorado Hills Community Services District receives park impact fees, although it defiantly rejects its CCSP parks obligations. Lennar also recoups expenses when public benefit fulfillment, such as code compliant trails and public parks, and the Carson Creek Preserve wetland agreement remain open.* **EDHCSD and Lennar should not be rewarded on the backs of seniors.**

I take no pleasure in opposing the bond issuance. I recognize the hard work and dedication that has gone into the preparation of the proposal. I want to acknowledge the cooperation and transparency of EDC Auditor and Controller Joe Harn and the Bond Advisory Committee. I believe they are honorable and committed professionals.

Respectfully submitted,

George Robert (Bob) Williams, CFD 2014-1 property owner  
6512 Primavera Lane, El Dorado Hills, CA 95672

## Kim Dawson

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**From:** Frank and Sandy Fantino <fantino48@outlook.com>  
**Sent:** Monday, October 9, 2023 11:38 AM  
**To:** BOS-District I  
**Cc:** BOS-Clerk of the Board  
**Subject:** Heritage Park - Mello Roos

### [John Hidahl - District I Supervisor for County of El Dorado](#)

It has come to our attention that there is a vote before the Supervisors tomorrow to increase our Mello Roos taxes to pay for the Heritage Park. We live in the Heritage Community that is a 55+ Community. We have in our community all of the amenities that are in the park. We don't understand why we should be paying for a park that our community does not use. This is completely unacceptable as it penalizes those citizens who are living on a fixed income and have no intentions of using a park that attempts to duplicate what we already have. Please stand with us and say no to any increases that effect only our Heritage Community and is not spread evenly across the entire county.

Thanks,

Frank & Sandra Fantino  
421 La Paz Court  
El Dorado Hills, CA. 95762

Sent from [Mail](#) for Windows

## Kim Dawson

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**From:** Colleen Todd <ctodd2011@hotmail.com>  
**Sent:** Monday, October 9, 2023 12:00 PM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl;  
BOS-District III; Joe H. Harn  
**Subject:** Agenda item 23-1811 resolution 156-2023  
**Attachments:** Public Comment\_ Agenda Item 23-1811 Resolution 156-2023 Bond-1.pdf

Please see letter attached. I am appalled that this could possibly pass. My husband and I are opposed to this action.

Sent from my iPhone  
Colleen Todd and Rich Todd  
916-719-8653  
Ctodd2011@hotmail.com

*Give thanks to the Lord, for he is good; his love endures forever.*  
– 1 Chronicles 16:34

## Public Comment: Agenda Item 23-1811 Resolution 156-2023 Authorizing the Issuance and Sale of Special Tax Bonds

1 message

Robert Williams <bobw1800@gmail.com>

Sun, Oct 8, 2023 at 9:35 AM

To: BOS-Clerk of the Board <edc.cob@edcgov.us>, George Turnbo <bostwo@edcgov.us>, BOS-District IV <Bosfour@edcgov.us>, bosfive@edcgov.us, John Hidahl <john.hidahl@edcgov.us>, bosthree@edcgov.us, Joe Harn <joe.harn@edcgov.us>

I write in opposition to Resolution 156-2023 to authorize the sale of a \$7 million bond to reimburse Lennar Homes and increase the debt service born on the backs of the senior citizen homeowners of the age-restricted community of Heritage Village. I stand in opposition for the following reasons:

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The current proposal reflects the belief of EDC staff that a 1998 agreement to provide developer support of public CCSP improvement must be honored. Neither the County staff nor the developer involved *in this original memorandum are currently involved parties. In contrast, the impacted parties are the current senior citizens* owning 930 homes as their primary residence. At the same time, other parties greatly benefit from the reimbursement of bond proceeds despite questionable performance and fulfillment of obligations. *The El Dorado Hills Community Services District receives park impact fees, although it defiantly rejects its CCSP parks obligations. Lennar also recoups expenses when public benefit fulfillment, such as code compliant trails and public parks, and the Carson Creek Preserve wetland agreement remain open. EDHCSD and Lennar should not be rewarded on the backs of seniors.*

I take no pleasure in opposing the bond issuance. I recognize the hard work and dedication that has gone into the preparation of the proposal. I want to acknowledge the cooperation and transparency of EDC Auditor and Controller Joe Harn and the Bond Advisory Committee. I believe they are honorable and committed professionals.

Respectfully submitted,

George Robert (Bob) Williams, CFD 2014-1 property owner  
6512 Primavera Lane, El Dorado Hills, CA 95672





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File #: 23-1811   Version: 1

Type: Agenda Item   Status: Department Matters

File created: 9/20/2023   In control: [Board of Supervisors](#)

On agenda: 10/10/2023   Final action:

Title: Auditor-Controller recommending the Board adopt and authorize the Chair to sign "Resolution 156-2023 Authorizing the Issuance and Sale of Special Tax Bonds and Approving and Authorizing Forms of a Supplement to Fiscal Agent Agreement, Preliminary Official Statement and Bond Purchase Agreement and Authorizing Additional Actions in Connection Therewith for Community Facilities District No. 2014-1 (Carson Creek)." FUNDING: Community Facilities District Special Taxes.

Attachments: [1. A - CFD 2014-1 Bond Sale ltr signed](#), [2. B - Reso Issue Bonds Carson Creek](#), [3. C - SuppNo2FiscalAg Carson Creek 4890-4860-0182 v1](#), [4. D - Preliminary Official Statement](#), [5. D Revised - Preliminary Official Statement](#), [6. E - Bond Purchase Agreement](#), [7. Reso Issue Bonds - Review Route Sheet approved](#), [8. Reso Issue Bonds - Updated Review Route Sheet Approved](#)

[History \(0\)](#)   [Text](#)

#### Title

Auditor-Controller recommending the Board adopt and authorize the Chair to sign "Resolution **156-2023** Authorizing the Issuance and Sale of Special Tax Bonds and Approving and Authorizing Forms of a Supplement to Fiscal Agent Agreement, Preliminary Official Statement and Bond Purchase Agreement and Authorizing Additional Actions in Connection Therewith for Community Facilities District No. 2014-1 (Carson Creek)."

**FUNDING:** Community Facilities District Special Taxes.

#### Body

#### **DISCUSSION / BACKGROUND**

The Board of Supervisors will recall that the developer of Carson Creek (Lennar) previously submitted an application to the County to form a Community Facilities District for the Carson Creek project. In accordance with the County's Development Agreement for the Carson Creek Specific Plan Public Facilities Financing Plan, the County is required to assist the Developer in obtaining community facilities district or assessment district financing for infrastructure needed for the Carson Creek subdivision. The purpose of the CFD is to fund the construction of certain major infrastructure improvements, and to pay certain impact fees associated with projects of this nature. The CFD is authorized to issue total indebtedness in an amount not to exceed \$50,000,000 to finance the authorized improvements and fees.

In connection with the request, on January 27, 2015, the Board, by resolution, formed its Community Facilities District No. 2014-1 (Carson Creek) (the "CFD"). At the same meeting, the Board held a public hearing and conducted a special election in which unanimous approval was given to the levy of a special tax of the CFD and the issuance of bonds for the CFD.



In 2016, the Board approved the issuance of a first series of bonds for the CFD, which were issued on September 15, 2016 in the amount of \$12,850,000. In 2018, the Board approved the issuance of a second series of bonds for the CFD, which were issued on February 22, 2018 in the amount of \$20,000,000. Today's resolution seeks approval of a third and final "new money" series of special tax bonds for the CFD in an amount not to exceed \$7,000,000 and approve the form of certain documents and matters related thereto, including a supplement to the Fiscal Agent Agreement, which is the document that sets forth the terms and conditions for the issuance and payment of bonds for the CFD. The Resolution here also approves the Preliminary Official Statement and Bond Purchase Agreement. The Bond Purchase Agreement contemplates sale of the Bonds to Stifel, Nicolaus & Company, Incorporated, as underwriter, and the Preliminary Official Statement, which includes a continuing disclosure obligation of the County related to the CFD (similar to an obligation already in place for the 2016 bonds and 2018 bonds), is the offering document used by the underwriter to market the bonds. Issuance of this third series of bonds continues the bonding plan originally put in place for the CFD back in 2015. The developer has agreed not to request an additional series of "new money" bonds for the CFD, although "refunding" bonds may be issued in the future to generate debt service savings for the CFD taxpayers.

On September 14, 2023, the County's Assessment and Community Facilities District Screening Committee met and voted to recommend your Board issue these bonds. The Screening Committee's recommendation was contingent on this being the last bond sale for CFD 2014-1 and the 2023 bond sizing exclude any estimated revenues from a planned assisted living facility.

Members of the Board of Supervisors should note that special tax bonds issued for the CFD are not an obligation of the County of El Dorado. The sole source of revenue to pay debt service on the Bonds comes from the special tax levied within the CFD. Approval of the issuance of the bonds is recommended.

#### **ALTERNATIVES**

N/A

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

#### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

#### **FINANCIAL IMPACT**

No impact to the County General Fund.

In accordance with Government Code Section 5852.1, the following information has been obtained and disclosed: (i) the estimated true interest cost of the Bonds (being the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Bonds) is 5.45%, (ii) the estimated finance charge of the Bonds (being the sum of all fees and charges paid to third parties) is \$315,550, (iii) the estimated proceeds of the Bonds expected to be received, net of proceeds for finance charges in (ii) above to paid from the principal amount of the Bonds and any reserves or capitalized interest paid or funded with Bonds is \$5,220,932, and (iv) the estimated total payment amount of the Bonds (being the sum of debt service plus finance to be paid to final maturity, plus any financing costs not paid from proceeds of the Bonds) is \$12,968,400. This information is based on good-faith estimates provided by the County's underwriter for the Bonds.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Board Clerk's Office will forward a fully executed Resolution to the Auditor-Controller.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Joe Harn

## Kim Dawson

---

**From:** Charlene Kammerer <cmeecho@hotmail.com>  
**Sent:** Monday, October 9, 2023 11:45 AM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl; Joe H. Harn  
**Subject:** Resolution 156-2023 authoring the issuance and sale of special tax bonds

I write in opposition to this Resolution 156-2023

I am on fixed income and will have to leave this area. Nothing is fair in this to our senior citizens

Here are my reasons.

Please understand this is just too much Mine would be \$418 a year. Inflation is killing us quickly

I write in opposition to Resolution 156-2023 to authorize the sale of a \$7 million bond to reimburse Lennar Homes and increase the debt service born on the backs of the senior citizen homeowners of the age-restricted community of Heritage Village. I stand in opposition for the following reasons: 1. The proposed bond would substantially increase special tax rates for senior citizen homeowners, many of whom are on fixed income. CFD-2014 identifies a three-tier Maximum Tax rate predicated on front-facing lot sizes. The lowest MelloRoos rate for FY 2023-2024 is \$1,436.80. With the added debt service associated with the proposed bond, Joe Harn estimates the next year's increase to \$1,779.73 next fiscal year. This is a 23.69% increase or an added \$342.83. Seniors with larger lot sizes will experience a proportionately higher dollar increase. Subsequent increases will top at 2% presumably for the next three decades. 2. I fear that errors and omissions exist in the offering documentation that expose the EDC to litigation from bondholder representatives and predatory legal firms or parties. I urge the withdrawal of the Resolution until the items of concern are resolved. The version of the Preliminary Official Statement includes the following sections or topics that require disclosure or prior resolution: a. LITIGATION AND PARK IMPACT FEE REIMBURSEMENT: The active litigation Concerned Residents EDH Heritage Village v EDHCSO (Case No. 22CV0640) could impact the proper reimbursement for park impact fees, Carson Creek Park and related improvements. The Court's remedies might include orders involving the disposition of tangible assets that would have been paid from bond proceeds. In addition to existing litigation, the EDC Planning Department is on record declaring that specific Carson Creek Heritage Park improvements, particularly sports court lights, do not conform and require a Conditional Use Permit. QUESTION: Is EDC exposed for issuing bonds for the expressed purpose of funding impact fees for disputed assets, especially in light of existing litigation and administrative uncertainty? b. CARSON CREEK SPECIFIC PLAN INCONSISTENCIES: The CFD 2014-1 formation documents assume the funded infrastructure improvement is consistent with the EDC General and Carson Creek Specific Plan. The litigation, as mentioned above, alleges the violation of the Carson Creek Specific Plan and Lennar's conditions of approval. For example, regarding the reimbursement of park impact fees, the CCSP requires the construction of 7-acre neighborhood parks and 30-acre community public parks. In September 2021, the EDHCSO Board voted to delete the 30-acre park unilaterally from its master plan.

Payment of park impact fees should be predicated, at least partly, on fulfilling the 1998 CCSP parks requirements. Lennar is also obligated under conditions of approval to use its best efforts on the park's development. So long as Lennar or EDHCS D fails to address these CCSP obligations, the use of bond proceeds to reimburse park and open space-related improvements is in question. c. ENVIRONMENTAL DISCLOSURE ERROR: There is an error on Page 47 regarding endangered and special status species. The statement "Lenna indicates that no special status plants and animals were found." This statement contradicts the findings written by HELIX Environmental and commissioned by Lennar. The report clearly identifies the observation of such species in or near the Carson Creek Preserve. The new and significant findings should trigger a new CEQA EIR and nullify previous negative declarations. EDC Planning has copies of the HELIX report but has not taken action to date. The disposition of CEQA issues is material and must be disclosed. d. WETLANDS REIMBURSEMENT: The bond issue would reimburse Lennar for wetland mitigation. The Offering document indicates that all U.S. Corps of Engineers matters have been resolved. In fact, wetlands mitigation agreements are incomplete. Approval of the Carson Creek Preserve Long-Term Plan remains an open issue. Reimbursement from bond proceeds for wetland mitigation might be deemed inappropriate until the execution of an agreement involving the U.S. Corps of Engineers, California Department of Fish and Wildlife, Golden State Land Conservancy, and Heritage Master Homeowners Association. e. TRAILS REIMBURSEMENT: The use of proceeds for public trails is also a matter of dispute. The draft Carson Creek Preserve Long-term plan specifies the trail's width and distance from the wetlands and fire breaks. Those conditions have not been met. f. BALLOT INITIATIVE: Page 54 notes the potential impacts of ballot initiatives. It should be pointed out that the EDHCS D LLAD #39 was subject to two successful ballot initiatives, and a third is underway by CFD 2014-1 homeowners. The Offering document does not mention these ballot initiatives for the continued operations of an asset funded by bond reimbursements. The Offering document only references Measure E. It seems appropriate to disclose all initiatives involving CFD 2014-1 homeowners g. VOTER APPROVAL: The required vote to approve the formation of CFD 2014-1 by the required 2/3 vote (solely by Lennar) is not disputed. However, the registered vote population of over 1,500 has significantly increased since the last bond issuance in 2018. A legal opinion would seem appropriate on whether issuing bonds resulting in increased debt and tax assessments should be subject to registered voters' approval. 3. The use of funds remains unclear. Several line items have been identified, like park impact fees and EID impact fees. A full accounting of the use of funds should be made easily available before approving this bond issue. 4. "Pay as you go" provisions appear misaligned. Two previous bond issues in 2016 and w0q8 have been disclosed. Suddenly, in 2023, a requirement for an additional \$7 million emerged. 5. The EDC Bond Advisory Committee voted to move the current \$7 million bond issue forward, conditional on a written agreement from Lennar Homes that it will waive the claims for subsequent bond issues. The said agreement should be disclosed before consideration of approval. 6. CFD 2014-1 homeowners received disclosure of the 2016 and 2018 bond issues. However, the disclosure of the subsequent rights by Lennar to propose additional bonds is questionable. Lennar could request an additional \$10 million of bond funding beyond the \$7 million bond issuance under consideration today. 7. While I am unaware of any contemplated legal action, the potential for litigation from citizen groups due to this bond issuance exists. The current proposal reflects the belief of EDC staff that a 1998 agreement to provide developer support of public CCSP improvement must be honored.

Neither the County staff nor the developer involved in this original memorandum are currently involved parties. In contrast, the impacted parties are the current senior citizens owning 930 homes as their primary residence. At the same time, other parties greatly benefit from the reimbursement of bond proceeds despite questionable performance and fulfillment of obligations. The El Dorado Hills Community Services District receives park impact fees, although it defiantly rejects its CCSP parks obligations. Lennar also recoups expenses when public benefit fulfillment, such as code compliant trails and public parks, and the Carson Creek Preserve wetland agreement remain open. EDHCSD and Lennar should not be rewarded on the backs of seniors. I take no pleasure in opposing the bond issuance. I recognize the hard work and dedication that has gone into the preparation of the proposal. I want to acknowledge the cooperation and transparency of EDC Auditor and Controller Joe Harn and the Bond Advisory Committee. I believe they are honorable and committed professionals.

Respectfully submitted by  
Charlene Kammerer, Home owner in Heritage at Lennar  
Please understand this is TOO MUCH



**County of El Dorado**  
OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE  
PLACERVILLE, CALIFORNIA 95667  
Phone: (530) 621-5487 FAX: (530) 295-2535

**JOE HARN**  
Auditor-Controller

**TSUNG-KUEI HSU**  
Assistant Auditor-Controller

September 22, 2023

El Dorado County  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

**RE: El Dorado County Community Facilities District No. 2014-1 (Carson Creek)**

Dear Board Members:

**Recommendation:**

The Auditor-Controller recommends the Board adopt "Resolution Authorizing the Issuance and Sale of Special Tax Bonds and Approving and Authorizing Forms of a Supplement to Fiscal Agent Agreement, Preliminary Official Statement and Bond Purchase Agreement and Authorizing Additional Actions in Connection Therewith for Community Facilities District No. 2014-1 (Carson Creek)."

**Reasons for Recommendation:**

The Board of Supervisors will recall that the developer of Carson Creek (Lennar) previously submitted an application to the County to form a Community Facilities District for the Carson Creek project. In accordance with the County's Development Agreement for the Carson Creek Specific Plan Public Facilities Financing Plan, the County is required to assist the Developer in obtaining community facilities district or assessment district financing for infrastructure needed for the Carson Creek subdivision. The purpose of the CFD is to fund the construction of certain major infrastructure improvements, and to pay certain impact fees associated with projects of this nature. The CFD is authorized to issue total indebtedness in an amount not to exceed \$50,000,000 to finance the authorized improvements and fees.

In connection with the request, on January 27, 2015, the Board, by resolution, formed its Community Facilities District No. 2014-1 (Carson Creek) (the "CFD"). At the same meeting, the Board held a public hearing and conducted a special election in which unanimous approval was given to the levy of a special tax of the CFD and the issuance of bonds for the CFD.

In 2016, the Board approved the issuance of a first series of bonds for the CFD, which were issued on September 15, 2016 in the amount of \$12,850,000. In 2018, the Board approved the issuance of a second series of bonds for the CFD, which were issued on February 22, 2018 in the amount of \$20,000,000. Today's resolution seeks approval of a third and final "new money" series of special tax bonds for the CFD in an amount not to exceed \$7,000,000 and approve the form of certain documents and matters related thereto, including a supplement to the Fiscal



Agent Agreement, which is the document that sets forth the terms and conditions for the issuance and payment of bonds for the CFD. The Resolution here also approves the Preliminary Official Statement and Bond Purchase Agreement. The Bond Purchase Agreement contemplates sale of the Bonds to Stifel, Nicolaus & Company, Incorporated, as underwriter, and the Preliminary Official Statement, which includes a continuing disclosure obligation of the County related to the CFD (similar to an obligation already in place for the 2016 bonds and 2018 bonds), is the offering document used by the underwriter to market the bonds. Issuance of this third series of bonds continues the bonding plan originally put in place for the CFD back in 2015. The developer has agreed not to request an additional series of "new money" bonds for the CFD, although "refunding" bonds may be issued in the future to generate debt service savings for the CFD taxpayers.

On September 14, 2023, the County's Assessment and Community Facilities District Screening Committee met and voted to recommend your Board issue these bonds. The Screening Committee's recommendation was contingent on this being the last bond sale for CFD 2014-1 and the 2023 bond sizing leveraging the tax capacity of the current and planned homes, excluding any estimated revenues from a planned assisted living facility.

Members of the Board of Supervisors should note that special tax bonds issued for the CFD are not an obligation of the County of El Dorado. The sole source of revenue to pay debt service on the Bonds comes from the special tax levied within the CFD.

**Fiscal Impact:**

No impact to the County General Fund.

In accordance with Government Code Section 5852.1, the following information has been obtained and disclosed: (i) the estimated true interest cost of the Bonds (being the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Bonds) is 5.45%, (ii) the estimated finance charge of the Bonds (being the sum of all fees and charges paid to third parties) is \$315,550, (iii) the estimated proceeds of the Bonds expected to be received, net of proceeds for finance charges in (ii) above to paid from the principal amount of the Bonds and any reserves or capitalized interest paid or funded with Bonds is \$5,220,932, and (iv) the estimated total payment amount of the Bonds (being the sum of debt service plus finance to be paid to final maturity, plus any financing costs not paid from proceeds of the Bonds) is \$12,968,400. This information is based on good-faith estimates provided by the County's underwriter for the Bonds.

**Action to be Taken Following Approval:**

Following Board approval:

1. Board Clerk's Office will forward a fully executed Resolution to the Auditor-Controller.

Sincerely,



Joe Harn  
Auditor-Controller

## Kim Dawson

---

**From:** BOS-District I  
**Sent:** Monday, October 9, 2023 12:28 PM  
**To:** BOS-Clerk of the Board  
**Subject:** FW: Vote NO on the MelloRoos increase

Cindy Munt  
Assistant to Supervisor John Hidahl, District 1 Board of Supervisors, County of El Dorado  
Phone: (530) 621-5650  
[Link to Facebook page](#)  
[Link to Nextdoor](#)  
[Link to Supervisor Hidahl's webpage](#)

-----Original Message-----

**From:** Karen Murray <z3toofun@yahoo.com>  
**Sent:** Monday, October 9, 2023 9:52 AM  
**To:** BOS-District I <bosone@edcgov.us>  
**Subject:** Vote NO on the MelloRoos increase

Your job is to lead and make decisions for the good of the people in this county. If you pass this tax increase you are only taking care of the under 55 population. I have no one that I know in this county who will be using this park, including me, but everyone in the county except Heritage Lennar over 55 residents can use it for free. Sounds like discrimination and elder abuse to me. Vote NO on this tax increase.

Karen Murray  
1079 Pacifico Lane  
El Dorado Hills



**Kim Dawson**

---

**From:** Denise McQuiston <kgm@pacbell.net>  
**Sent:** Monday, October 9, 2023 12:26 PM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl;  
BOS-District III; Joe H. Harn  
**Cc:** Kevin McQuiston  
**Subject:** Opposition of Resolution 156-2023 Authorizing the Issuance and Sale of Special Tax  
Bonds - Agenda Item 23-1811 Public Comment

We are writing to vehemently oppose the above referenced special tax bond sale, due to lack of disclosure and circumvention of thorough democratic process, resulting in unfair financial impact to senior citizen tax payers.

Respectfully,

Kevin & Denise McQuiston  
7197 Sagunto Place  
El Dorado Hills

**Kim Dawson**

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**From:** Janis Orner <ornerjanis1@gmail.com>  
**Sent:** Monday, October 9, 2023 12:14 PM  
**To:** BOS-Clerk of the Board; BOS-District I; BOS-District II; BOS-District III; BOS-District IV; BOS-District V  
**Subject:** Public Comment: Agenda Item 23-1811 Resolution 156-2023 Authorizing the Issuance and Sale of Special Tax Bonds

I write in opposition to Resolution 156-2023 to authorize sale of a \$7 million bond to reimburse Lennar Homes and increase the debt service born on the backs of the senior citizen homeowners of the age-restricted community of Heritage Village. I stand in opposition for the following reasons:

1. The proposed bond would substantially increase special tax rates for senior citizen homeowners, many of whom are on fixed income. CFD-2014 identifies a three-tier Maximum Tax rate predicated on front-facing lot sizes. The lowest Mello Roos rate for FY 2023-2024 is \$1,436.80. With the added debt service associated with the proposed bond, Joe Harn estimates the next year's increase to \$1,779.73 next fiscal year. This is a 23.69% increase or an added \$342.83. Seniors with larger lot sizes will experience a proportionately higher dollar increase. Subsequent increases will top at 2% presumably for the next three decades.

2. I fear that errors and omissions exist in the offering documentation that expose the EDC to litigation from bondholder representatives and predatory legal firms or parties. I urge the withdrawal of the Resolution until the items of concern are resolved. The version of the Preliminary Official Statement includes the following sections or topics that require disclosure or prior resolution:

a. LITIGATION AND PARK IMPACT FEE REIMBURSEMENT: The active litigation Concerned Residents EDH Heritage Village v

EDHCSD (Case No. 22CV0640) could impact the proper reimbursement for park impact fees, Carson Creek Park and related improvements. The Court's remedies might include orders involving the disposition of tangible assets that would have been paid from bond proceeds. In addition to existing litigation, the EDC Planning Department is on record declaring that specific Carson Creek Heritage Park improvements, particularly sports court lights, do not conform and require a Conditional Use Permit. QUESTION: Is EDC exposed for issuing bonds for the expressed purpose of funding impact fees for disputed assets, especially in light of existing litigation and administrative uncertainty?

b. CARSON CREEK SPECIFIC PLAN INCONSISTENCIES: The CFD 2014-1 formation documents assume the funded infrastructure improvement is consistent with the EDC General and Carson Creek Specific Plan. The litigation, as mentioned above, alleges the violation of the Carson Creek Specific Plan and Lennar's conditions of approval. For example, regarding the reimbursement of park impact fees, the CCSP requires the construction of 7-acre neighborhood parks and 30-acre community public parks. In September 2021, the EDHCSD Board voted to delete the 30-acre park unilaterally from its master plan. Payment of park impact fees should be predicated, at least partly, on fulfilling the 1998 CCSP parks requirements. Lennar is also obligated under conditions of approval to use its best efforts on the park's development. So long as Lennar or EDHCSD fails to address these CCSP obligations, the use of bond proceeds to reimburse park and open space-related improvements is in question.

c. ENVIRONMENTAL DISCLOSURE ERROR: There is an error on Page 47 regarding endangered and special status species. The statement "Lennar indicates that no special status plants and animals were found." This statement contradicts the findings written by HELIX Environmental and commissioned by Lennar. The report

clearly identifies the observation of such species in or near the Carson Creek Preserve. The new and significant findings should trigger a new CEQA EIR and nullify previous negative declarations. EDC Planning has copies of the HELIX report but has not taken action to date. The disposition of CEQA issues is material and must be disclosed.

d. WETLANDS REIMBURSEMENT: The bond issue would reimburse Lennar for wetland mitigation. The Offering document indicates that all U.S. Corps of Engineers matters have been resolved. In fact, wetlands mitigation agreements are incomplete. Approval of the Carson Creek Preserve Long-Term Plan remains an open issue. Reimbursement from bond proceeds for wetland mitigation might be deemed inappropriate until the execution of an agreement involving the U.S. Corps of Engineers, California Department of Fish and Wildlife, Golden State Land Conservancy, and Heritage Master Homeowners Association.

e. TRAILS REIMBURSEMENT: The use of proceeds for public trails is also a matter of dispute. The draft Carson Creek Preserve Long-term plan specifies the trail's width and distance from the wetlands and fire breaks. Those conditions have not been met.

f. BALLOT INITIATIVE: Page 54 notes the potential impacts of ballot initiatives. It should be pointed out that the EDHCSD LLAD #39 was subject to two successful ballot initiatives, and a third is underway by CFD 2014-1 homeowners. The Offering document does not mention these ballot initiatives for the continued operations of an asset funded by bond reimbursements. The Offering document only references Measure E. It seems appropriate to disclose all initiatives involving CFD 2014-1 homeowners

g. VOTER APPROVAL: The required vote to approve the formation of CFD 2014-1 by the required 2/3 vote (solely by Lennar) is not disputed. However, the registered vote population of over 1,500 has significantly increased since the last bond issuance in 2018. A legal opinion would seem appropriate on whether issuing bonds resulting in increased debt and tax assessments should be subject to registered voters' approval. 3. The use of funds remains unclear. Several line items have been identified, like park impact fees and EID impact fees. A full accounting of the use of funds should be made easily available before approving this bond issue. 4. "Pay as you go" provisions appear misaligned. Two previous bond issues in 2016 and w0q8 have been disclosed. Suddenly, in 2023, a requirement for an additional \$7 million emerged. 5. The EDC Bond Advisory Committee voted to move the current \$7 million bond issue forward, conditional on a written agreement from Lennar Homes that it will waive the claims for subsequent bond issues. The said agreement should be disclosed before consideration of approval. 6. CFD 2014-1 homeowners received disclosure of the 2016 and 2018 bond issues. However, the disclosure of the subsequent rights by Lennar to propose additional bonds is questionable. Lennar could request an additional \$10 million of bond funding beyond the \$7 million bond issuance under consideration today. 7. While I am unaware of any contemplated legal action, the potential for litigation from citizen groups due to this bond issuance exists. The current proposal reflects the belief of EDC staff that a 1998 agreement to provide developer support for public CCSP improvement must be honored. Neither the County staff nor the developer involved in this original memorandum are currently involved parties. In contrast, the impacted parties are the current senior citizens owning 930 homes as their primary residence. At the same time, other parties greatly benefit from the reimbursement of bond proceeds despite questionable performance and fulfillment of obligations. The El Dorado Hills Community Services District receives park impact fees, although it

defiantly rejects its CCSP parks obligations. Lennar also recoups expenses when public benefit fulfillment, such as code compliant trails and public parks, and the Carson Creek Preserve wetland agreement remain open. EDHCSD and Lennar should not be rewarded on the backs of seniors. I take no pleasure in opposing the bond issuance. I recognize the hard work and dedication that has gone into the preparation of the proposal. I want to acknowledge the cooperation and transparency of EDC Auditor and Controller Joe Harn and the Bond Advisory Committee. I believe they are honorable and committed professionals.

Submitted by:

Janis Orner - 3064 Madrid Drive, El Dorado Hills, CA 95762

## Kim Dawson

---

**From:** Arlene Becker <arlenelou@comcast.net>  
**Sent:** Monday, October 9, 2023 12:12 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Mello Roos Tax Increase

To the Board of Supervisors,

I am a single senior living in the Heritage 55+ community, and I am appalled that there is even a thought of raising our Mello Roos taxes by 24%, and 2% per year thereafter! Our Mello Roos taxes are high enough as it is, as we are paying heavy fees for PUBLIC spaces, such as the park, walking path and wetlands. My property taxes on this little lot are over \$9,000 per year!! You are targeting vulnerable senior citizens, and this is unacceptable, especially when big companies like Lennar and CSD are profiting from us. And why just us? Why not the rest of El Dorado County?

Please do the right thing and not burden us with higher taxes that most of us can't afford.

Sincerely,  
Arlene Becker  
7070 Pismo Drive  
El Dorado Hills, CA

Sent from my iPad

## Kim Dawson

---

**From:** Esther Beckman <w2w9505@gmail.com>  
**Sent:** Monday, October 9, 2023 1:56 PM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl; BOS-District III; Joe H. Harn  
**Subject:** -Public Comment: Agenda item - Resolution - Authorizing the issuance and sale of Special Tax Bond

I draft this email to voice my opposition to 156-2023 to authorize the sale of a 7-million-dollar bond to reimburse Lennar Homes and increase the Mello-Roos rate for FY2023-2024 to the senior homeowners of the Heritage Community of El Dorado Hills. This bond reimbursement comes with truly little notice to those affected senior homeowners and many whom are on fixed incomes such as me and mother (who also resides in her own home at Heritage).

The CFD-2014 identified a 3-tier maximum tax rate predicated on front facing lot sizes. The lowest Mello-Roos for FY2023-2024 is \$1,436.80 which is an astronomical amount for any senior regardless of being on a fixed income. It is my understanding that the increase will not be limited to 2023-2024's tax year as it will increase 2% each year thereafter.

This type of decisions was not disclosed to us when we decided to purchase our home with a Mella-Roos that was manageable rate when we purchased our property in June of 2016. The Resolution would impose close to a 24% increase to homeowners would cause many homeowners to reconsider living in El Dorado Hills but specifically Heritage because neighboring residents to not pay a Mella-Roos but they still benefit from all the amenities the funds bring to the El Dorado Hills community.

I urge the suspension of the Resolution because it imposes a huge financial burden to seniors owning homes at Heritage in El Dorado Hills.

--

Respectfully,

Esther Beckman  
5088 Sycamore Canyon Dr  
El Dorado Hills, Ca. 95762



## **Kim Dawson**

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**From:** Carol Danforth <cmldanforth@gmail.com>  
**Sent:** Monday, October 9, 2023 3:16 PM  
**To:** BOS-Clerk of the Board  
**Subject:** EDC BoS Meeting 10/10/20923 - Agenda Item 26. 23-1811

I am requesting either the outright REJECTION of the Resolution 156-2023 authorizing the Issuance and Sale of Special Tax Bonds, or TABELING the action until FULL PUBLIC DISCLOSURE OF ALL related expenses for which Lennar is requesting reimbursement, and ADEQUATE TIME AFFORDED FOR PUBLIC REVIEW AND DISCOURSE to determine whether mitigating factors justify such reimbursement at this time.

Under normal circumstances, this resolution would be a routine action by the Board, but much of the development of the Heritage Community and facilities within CFD 2014-1 have been anything but ordinary.

There is pending litigation regarding the construction of the Heritage Park, financed by Park Impact Fees. This legal complaint seeks compliance with El Dorado County Zoning and Building codes and the Carson Creek Specific Plan which were violated by Lennar as contractor and the EDH CSD as Heritage Park Owner. El Dorado County had a role in these violations as the Planning Department failed in its duty to review and enforce county ordinances. Reimbursement of ANY related construction expenses would be premature until litigation and all subsequent mitigation is resolved.

The creation of the Carson Creek Preserve and approval of the Long-Term Management Plan for the Preserve is critical to the protection of the Carson Creek watershed including the species of plants and animals identified in the Draft Management plan in Section 4.1.3 Endangered and Threatened Species. Statements attributed to Lennar in the Official Preliminary Statement conflict these findings in the Long-Term Plan developed by Helix Environmental Planning, Inc. on behalf of Lennar Homes of California. Further, the construction of the public trail fails to adhere to specifications identified in Section 9.5.2 and Attachment L in that there is significant variation to the width of the trail at critical points creating significant safety hazards for both pedestrians and cyclists. Additionally, current construction of Carson Creek Specific Plan Village 11 includes uncomplete grading and construction of extensions to the public trail system immediately adjacent to the Carson Creek Preserve with support facilities extending into and/or spanning Preserve lands. It would be improper to reimburse Lennar for ANY expenses relating to the creation of the Carson Creek Preserve until all construction and related issues are completed, and final approval of the Carson Creek Long-Term Management Plan is granted by the regulatory agencies.

Lastly, the voters of the EDH CSD Landscaping and Lighting Assessment District #39 qualified two initiatives to repeal the Special Assessments and refund all previously levied assessments. The EDH CSD Board inexplicably failed to either implement or place the initiative on the ballot in violation of State Elections laws. The second was placed on the ballot, but the EDH CSD improperly changed the wording of the initiative language approved by EDC Counsel to limit the effect to a two period for which refunds had already been issued. Nonetheless, this passed with over 92% of voters in favor of repeal. A third initiative is being pursued by the voters with qualifying petitions submitted for verification by the Registrar of Voters. These actions, taken by a community of senior citizens outraged by the actions of local government, are material facts that would have long-term effects on the condition and value of facilities in the Community Facility District 2014-1 and require disclosure to the bond purchasers that will undoubtedly impact the sale of the bands.

It is for these reasons that the proposed resolution 156-2023 should be either immediately rejected, or tabled until such time as these issues can be resolved and revisions made accordingly to the Preliminary Official Statement..

Sincerely,

#16

**Kim Dawson**

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**From:** Karen Wilson <karen@stewart-wilson.com>  
**Sent:** Monday, October 9, 2023 10:31 AM  
**To:** BOS-Clerk of the Board  
**Subject:** Mello Roos Tax Increase

**Importance:** Low

Clerk of the Board and Board of Supervisors

My husband and I would like to have you vote no on Resolution 156 2023, Agenda item 23-1811. The increase in taxes is very high for seniors on fixed income. Also, to the point is that it appears as if not all of the public would be paying their fair share of this tax for the uses it is intended for. Please consider our "no" vote.

Stew & Karen Wilson  
472 Campo Court  
El dorado Hills

Sent from [Mail](#) for Windows

## Kim Dawson

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**From:** Anne Herner <anneanddon16@gmail.com>  
**Sent:** Monday, October 9, 2023 9:51 AM  
**To:** BOS-Clerk of the Board  
**Subject:** Agenda item 23-1811, Resolution 156-2033 for October 10, 2023

We are in opposition to approval of this agenda item by the EDC Board of Supervisors. Refer to letter from Robert Williams of Heritage neighborhood. We agree with his opposition and his letter expresses our sentiments better than we ever could.

Sincerely,  
Anne and Donald Herner  
Heritage, El Dorado Hills  
7046 Pismo Drive

Sent from my iPad

## Kim Dawson

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**From:** Tori Loba <gentorkvl@comcast.net>  
**Sent:** Monday, October 9, 2023 9:22 AM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District IV; BOS-District V; John Hidahl; BOS-District III; Joe H. Harn  
**Subject:** Resolution 156-2023

I am writing yet again on another issue where common sense and bias are not being being applied, specifically to Resolution 156-2023 to authorize the sale of a \$7 million bond to reimburse Lennar Homes and increase the debt responsibility to the mostly fixed income of the senior citizen homeowners of the age-restricted community of Heritage Village.

I am opposed for the following reasons:

1. The proposed bond would substantially increase special tax rates for senior citizen homeowners, many of whom are on fixed income. CFD-2014 identifies a three-tier Maximum Tax rate predicated on front-facing lot sizes. The lowest MelloRoos rate for FY 2023-2024 is \$1,436.80. With the added debt service associated with the proposed bond, Joe Harn estimates the next year's increase to \$1,779.73 next fiscal year. This is a 23.69% increase or an added \$342.83. Seniors with larger lot sizes will experience a proportionately higher dollar increase. Subsequent increases will top at 2% presumably for the next three decades, which statistically exceeds the life expectancy of many.
2. I fear that errors and omissions exist in the offering documentation that expose the EDC to litigation from bondholder representatives and predatory legal firms or parties. I urge the withdrawal of the Resolution until the items of concern are resolved. The version of the Preliminary Official Statement includes the following sections or topics that require disclosure or prior resolution:
  - a. LITIGATION AND PARK IMPACT FEE REIMBURSEMENT: The active litigation Concerned Residents EDH Heritage Village v EDHCSD (Case No. 22CV0640) could impact the proper reimbursement for park impact fees, Carson Creek Park and related improvements. The Court's remedies might include orders involving the disposition of tangible assets that would have been paid from bond proceeds. In addition to existing litigation, the EDC Planning Department is on record declaring that specific Carson Creek Heritage Park improvements, particularly sports court lights, do not conform and require a Conditional Use Permit. QUESTION: Is EDC exposed for issuing bonds for the expressed purpose of funding impact fees for disputed assets, especially in light of existing litigation and administrative uncertainty?

b. CARSON CREEK SPECIFIC PLAN INCONSISTENCIES: The CFD 2014-1 formation documents assume the funded infrastructure improvement is consistent with the EDC General and Carson Creek Specific Plan. The litigation, as mentioned above, alleges the violation of the Carson Creek Specific Plan and Lennar's conditions of approval. For example, regarding the reimbursement of park impact fees, the CCSP requires the construction of 7-acre neighborhood parks and 30-acre community public parks. In September 2021, the EDHCSD Board voted to delete the 30-acre park unilaterally from its master plan. Payment of park impact fees should be predicated, at least partly, on fulfilling the 1998 CCSP parks requirements. Lennar is also obligated under conditions of approval to use its best efforts on the park's development. So long as Lennar or EDHCSD fails to address these CCSP obligations, the use of bond proceeds to reimburse park and open space-related improvements is in question.

c. ENVIRONMENTAL DISCLOSURE ERROR: There is an error on Page 47 regarding endangered and special status species. The statement "Lenna indicates that no special status plants and animals were found." This statement contradicts the findings written by HELIX Environmental and commissioned by Lennar. The report clearly identifies the observation of such species in or near the Carson Creek Preserve. The new and significant findings should trigger a new CEQA EIR and nullify previous negative declarations. EDC Planning has copies of the HELIX report but has not taken action to date. The disposition of CEQA issues is material and must be disclosed.

d. WETLANDS REIMBURSEMENT: The bond issue would reimburse Lennar for wetland mitigation. The Offering document indicates that all U.S. Corps of Engineers matters have been resolved. In fact, wetlands mitigation agreements are incomplete. Approval of the Carson Creek Preserve Long-Term Plan remains an open issue. Reimbursement from bond proceeds for wetland mitigation might be deemed inappropriate until the execution of an agreement involving the U.S. Corps of Engineers, California Department of Fish and Wildlife, Golden State Land Conservancy, and Heritage Master Homeowners Association.

e. TRAILS REIMBURSEMENT: The use of proceeds for public trails is also a matter of dispute. The draft Carson Creek Preserve Long-term plan specifies the trail's width and distance from the wetlands and fire breaks. Those conditions have not been met.

f. BALLOT INITIATIVE: Page 54 notes the potential impacts of ballot initiatives. It should be pointed out that the EDHCSD LLAD #39 was subject to two successful ballot initiatives, and a third is underway by CFD 2014-1 homeowners. The Offering document does not mention these ballot initiatives for the continued operations of an asset funded by bond reimbursements. The Offering document only references Measure E. It seems

appropriate

to disclose all initiatives involving CFD 2014-1 homeowners

g. VOTER APPROVAL: The required vote to approve the formation of CFD 2014-1 by the required 2/3 vote

(solely by Lennar) is not disputed. However, the registered vote population of over 1,500 has significantly

increased since the last bond issuance in 2018. A legal opinion would seem appropriate on whether issuing bonds

resulting in increased debt and tax assessments should be subject to registered voters' approval.

3. The use of funds remains unclear. Several line items have been identified, like park impact fees and EID impact fees. A

full accounting of the use of funds should be made easily available before approving this bond issue.

4. "Pay as you go" provisions appear misaligned. Two previous bond issues in 2016 and w0q8 have been disclosed.

Suddenly, in 2023, a requirement for an additional \$7 million emerged.

5. The EDC Bond Advisory Committee voted to move the current \$7 million bond issue forward, conditional on a written

agreement from Lennar Homes that it will waive the claims for subsequent bond issues. The said agreement should be

disclosed before consideration of approval.

6. CFD 2014-1 homeowners received disclosure of the 2016 and 2018 bond issues. However, the disclosure of the

subsequent rights by Lennar to propose additional bonds is questionable. Lennar could request an additional \$10 million

of bond funding beyond the \$7 million bond issuance under consideration today.

7. While I am unaware of any contemplated legal action, the potential for litigation from citizen groups due to this

bond issuance exists.

The current proposal reflects the belief of EDC staff that a 1998 agreement to provide developer support of public CCSP

improvement must be honored. Neither the County staff nor the developer involved in this original memorandum are currently

involved parties. The impacted parties are the current residents owning 930 homes as their primary residence. At

the same time, other parties greatly benefit from the reimbursement of bond proceeds despite questionable performance and

fulfillment of obligations. The El Dorado Hills Community Services District receives park impact fees, although it defiantly rejects its

CCSP parks obligations. Lennar also recoups expenses when public benefit fulfillment, such as code compliant trails and public

parks, and the Carson Creek Preserve wetland agreement remain open. EDHCSD and Lennar should not be rewarded on the

backs of seniors.

Please know I appreciate and recognize the hard work and dedication that has gone into the preparation of

the proposal and acknowledge the cooperation and transparency of EDC Auditor and Controller Joe Harn and the Bond

Advisory Committee.

Please do the right thing related to this and do not allow it to proceed.

Thank you,  
Tori Loba  
462 Campo Court  
El Dorado Hills, CA 95762