





**MAINTENANCE DIVISION:**  
2441 Headington Road  
Placerville CA 95667  
Phone: (530) 642-4909  
Fax: (530) 642-9238

**RICHARD W. SHEPARD, P.E.**  
Director of Transportation

Internet Web Site:  
<http://co.el-dorado.ca.us/dot>

**MAIN OFFICE:**  
2850 Fairlane Court  
Placerville CA 95667  
Phone: (530) 621-5900  
Fax: (530) 626-0387



October 30, 2006

Board of Supervisors  
330 Fair Lane  
Placerville, California 95667

**Title:** Hawk View Road and Drainage Zone of Benefit #98613 within County Service Area #9 – Ratify Election Results and Set Special Tax.

**Meeting Date:** November 14, 2006

**District/Supervisor:** District I, Supervisor Dupray

Dear Members of the Board:

**Recommendations:**

The Department of Transportation recommends that the Board of Supervisors adopt and authorize the Chair to sign the attached Resolution:

1. ratifying the results of the mailed ballot landowner election held on November 3, 2006 to consider a measure to establish a special tax for the Hawk View Road and Drainage Zone of Benefit #98613 within County Service Area #9; and
2. setting the annual special tax upon each parcel of real property within the boundaries of the zone in an amount not to exceed \$381.00 commencing fiscal year 2007/2008, with annual adjustments tied to the Engineering News Report Construction Index.

**Reasons for Recommendations:**

A condition of approval was placed on the Hawk View tentative subdivision map TM 00-1371 to form a county service area zone of benefit to provide a funding mechanism for the ongoing maintenance and eventual replacement of the roads and related drainage infrastructure within the subdivision. Your Board formed the Hawk View Road and Drainage Zone of Benefit #98613 on October 3, 2006 by Resolution 306-2006. The Engineer's Report prepared and submitted with the zone formation application resulted in a recommended first year annual special tax of \$381.00 per parcel.

California State law requires approval by two-thirds vote of qualified electors to establish a special tax; however the Elections Department has determined that there are no registered voters within the boundaries of the aforementioned zone. County Counsel opined that a landowner election would satisfy the voting requirement.

On October 3, 2006 your Board approved and adopted Resolution 305-2006 calling for a mailed ballot landowner election for Hawk View Road and Drainage Zone of Benefit #98613. The mailed ballot election was subsequently held on November 3, 2006. The ballots have been received and certified by the Director of Transportation. This measure has been approved.

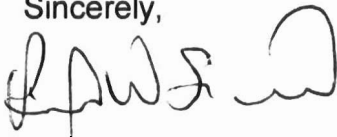
**Fiscal Impact:**

Any staff time associated with ratifying the election results or setting of the special tax will be paid from the first year's receipts. Staff time will be minimal.

**Action to be Taken Following Approval:**

1. The Clerk of the Board will have the Resolution signed by the Chair, and will provide two certified copies of the Resolution to the Department of Transportation.
2. The Department of Transportation will provide the Auditor/Controller's office with a copy of the Resolution.

Sincerely,



Richard W. Shepard, P. E.  
Director of Transportation

RWS: esz  
Attachment

Resolution to Ratify Election & Set Special Tax

# CONTRACT ROUTING SHEET

**PROCESSING DEPARTMENT:**

Department: Transportation Name: Hawk View Zone of Benefit #88673  
 Dept. Contact: Elizabeth Zangari Ratify Election, Set Special Tax  
 Phone: x4954 Address: \_\_\_\_\_  
 Department Head \_\_\_\_\_  
 Signature: T. Prudhel 10-04-06 Phone: \_\_\_\_\_  
 Tim Prudhel  
 Contract Services Officer

EL DORADO COUNTY COUNSEL  
 2006-10-04 PM 3:09  
*Personal Delivered*

**CONTRACTING DEPARTMENT:** Transportation

Compliance with Human Resources requirements? Yes: N/A No: \_\_\_\_\_  
 Compliance verified by: N/A - Resolution

**COUNTY COUNSEL:** (must approve all contracts and MOUs)

Approved:  Disapproved: \_\_\_\_\_ Date: 10/6/06 By: D. Linneman  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

\* ONE MISC CORRECTION IN BOARD LETTER.

*Made correction in City 10/11/06*

ASSIGNMENT

10/04/2006  
 10/02/10/07  
 ATTORNEY  
 DEPT. INDEXING

**Please Return Directly to DOT.**

Index Code: <u>Special Districts - No Charge</u>	User Code: _____
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**RISK MANAGEMENT:** (All contracts and MOUs except boilerplate grant funding agreements)

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

**Risk Management Review Not Required**

**OTHER APPROVAL** (Specify department(s) participating or directly affected by this contract).

Department(s): \_\_\_\_\_  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_



## **RESOLUTION NO.**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**RATIFYING ELECTION RESULTS AND SETTING A SPECIAL TAX FOR THE HAWK VIEW ROAD AND DRAINAGE ZONE OF BENEFIT #98613 WITHIN COUNTY SERVICE AREA #9.**

**WHEREAS**, the Board of Supervisors of the County of El Dorado has formed County Service Area #9 pursuant to Title 3, Division 2, Part 2, Chapter 2.2 of the California Government Code; and

**WHEREAS**, on October 3, 2006, this Board formed Hawk View Road and Drainage Zone of Benefit #98613 by Resolution 306-2006 for the purpose of providing road and drainage facility maintenance and improvement services; and

**WHEREAS**, California Government Code §25210.6a expressly authorizes a zone within a county service area to levy a special tax; and

**WHEREAS**, on October 3, 2006 this Board set a mailed ballot landowner election to consider a measure to establish a special tax for the purpose of providing road and drainage facility maintenance, repair and improvement services for Hawk View Road and Drainage Zone of Benefit #98613 by Resolution 305-2006; and

**WHEREAS**, on November 3, 2006 the Department of Transportation properly submitted that measure to the landowners within the boundaries of the Hawk View Road and Drainage Zone of Benefit #98613; and

**WHEREAS**, the ballots have been received and counted, and the Director of Transportation hereby certifies that two-thirds of the qualified voters in the election have approved the measure;

**NOW, THEREFORE, BE IT RESOLVED** the Board of Supervisors determines as follows:

1. The results of the election for the measure to consider a special tax for the Hawk View Road and Drainage Zone of Benefit #98613 within County Service Area #9 are hereby ratified.
2. A first year annual special tax in an amount of \$381.00 shall be levied upon each parcel of real property within the boundaries of the Zone, and shall take effect commencing with fiscal year 2007/2008, with annual adjustments tied to the Engineering News Report Construction Index.

RESOLUTION NO. \_\_\_\_\_

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3. The services to be provided are extended County services as defined in California Government Code Section 25210.4a.
4. The special tax shall appear as a separate item on the tax bill of each affected parcel and shall be collected at the same time and manner as county ad valorem taxes are collected as set forth in the applicable provisions of the Revenue and Taxation Code, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county property taxes shall be applicable to each tax.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by the following vote of said Board:

**Attest:**  
Cindy Keck  
Clerk of the Board of Supervisors

**Ayes:**  
**Noes:**  
**Absent:**

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chairman, Board of Supervisors

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

**DATE:** \_\_\_\_\_

**Attest:** CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: \_\_\_\_\_

**CERTIFICATE OF OFFICIAL TABULATION OF SPECIAL TAX BALLOT  
COUNTY SERVICE AREA #9  
HAWK VIEW ROAD AND DRAINAGE ZONE OF BENEFIT #98613  
FOR ROAD AND DRAINAGE FACILITY  
MAINTENANCE AND IMPROVEMENT SERVICES**

I, Richard W. Shepard, P.E., Director of the El Dorado County Department of Transportation, do hereby certify that I did tabulate the ballot returns in the special mailed ballot landowner election called by the Board of Supervisors in its Resolution 305-2006 and held on November 3, 2006. The ballots were tabulated in accordance with the provisions and procedures for conducting a mailed ballot to establish a special tax for County Service Area #9 Hawk View Road and Drainage Zone of Benefit #98613. I certify the results to be as follows:

<u>1</u>	Record Property Owners
<u>1</u>	Ballots mailed
<u>1</u>	Ballots cast
<u>0</u>	Total votes cast in opposition
<u>1</u>	Total votes cast in favor

This ballot measure did receive the required two-thirds majority of votes cast; therefore, the measure did pass.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 6 th day of November, 2006.



A handwritten signature in black ink, appearing to read "Richard W. Shepard", is written over a horizontal line.

Richard W. Shepard, P.E., Director  
El Dorado County Department of Transportation

APN: 115-040-01-100

Western Pacific Housing, Inc.  
1210 Central Blvd.  
Brentwood CA 94523

**SPECIAL TAX BALLOT MEASURE**

**COUNTY SERVICE AREA #9  
HAWK VIEW ROAD & DRAINAGE ZONE OF BENEFIT #98613  
COUNTY OF EL DORADO, STATE OF CALIFORNIA**

“Shall an annual special tax in an amount of \$381.00 on each parcel of real property be levied within Hawk View Zone of Benefit commencing fiscal year 2007/2008, with annual adjustments tied to the Engineering News Report Construction Index, to be used only for road and drainage facility improvement and maintenance services?”

YES



NO

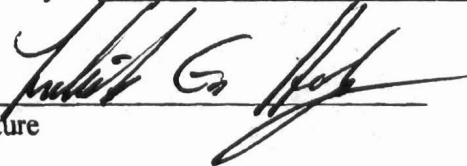


**Certification**

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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on October 27, 2006 in the County of El Dorado, State of California.

Signature



Print Name

FREDERICK G. HALL

Print Title

VP / ASST. SECRETARY

**Return to: Attn: Michele Smith  
El Dorado County Department of Transportation  
2441 Headington Road  
Placerville CA 95667**



**CERTIFICATE OF ASSISTANT SECRETARY**

The undersigned hereby certifies as follows:

1. He is a duly elected, qualified and acting Assistant Secretary of D.R. Horton, Inc. - Sacramento, a California corporation (the "Company"), is familiar with the facts herein certified and is duly authorized to certify the same.


2. The following is a true, correct and complete copy of resolutions related to the subject matter as adopted by the Consent of Sole Director of the Company dated May 22, 2006 (the "Resolutions"). The Resolutions have not been amended, rescinded or modified and remain in full force and effect as of the date hereof.

**Election of Vice President and Assistant Secretary**

**RESOLVED**, that Frederick G. Holz is hereby elected to the office of Vice President and Assistant Secretary of the Company (the "Vice President") in the Sacramento Division (the "Division") to serve until the next annual meeting of directors of the Company and until his successor is duly elected and qualified or until his earlier death, resignation or removal.

**RESOLVED FURTHER**, that the Vice President is hereby authorized, in the Division and in the name and on behalf of the Entities, to execute and deliver (i) signage contracts, consulting agreements, contracts with general contractors and subcontractors, construction contracts, documents or instruments, and (ii) when signing with the Division President or another Assistant Secretary: maps, plats, contracts, agreements and other documents and instruments for the subdivision, development and/or improvement of real property.

**IN WITNESS WHEREOF**, the undersigned has set his hand on the 6<sup>th</sup> day of June, 2006.



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Thomas B. Montano,  
Assistant Secretary

## **BALLOT INSTRUCTIONS**

COUNTY SERVICE AREA #9  
HAWK VIEW ROAD AND DRAINAGE ZONE OF BENEFIT #98613  
COUNTY OF EL DORADO, STATE OF CALIFORNIA

These ballots are for the use of Western Pacific Housing, Inc. landowner owning the land within County Service Area #9, Hawk View Road and Drainage Zone of Benefit #98613, County of El Dorado, State of California.

According to the provisions of County Service Area law and Resolution Number 305-2006 of the El Dorado County Board of Supervisors, the above-named landowner is entitled to cast one vote for each parcel of property on behalf of that parcel in its entirety.

In order to be counted, the enclosed ballots must be completed and received by the El Dorado County Department of Transportation at 2441 Headington Road in Placerville, California reception area on or before 3:00 p.m., November 3, 2006. POSTMARKS ARE NOT ACCEPTABLE:

**MAILING ADDRESS:**

**DEPARTMENT OF TRANSPORTATION**  
ATTN: Michele Smith  
2441 Headington Road  
Placerville, CA 95667

**HAND DELIVER TO:**

**DEPARTMENT OF TRANSPORTATION**  
2441 Headington Road  
Placerville, California  
Attn: Michele Smith

- ◆ Please review and consider the ballot measure;
- ◆ Follow the instructions and complete the ballots;
- ◆ Complete the *certification* section;
- ◆ Return the ballots by mail or in person at the address noted above.

Please call Michele Smith at (530)642-4937 or Elizabeth Zangari at (530)642-4954 if you have any questions.