



RESOLUTION NO. 179-2015

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. 2015-1 (EAST RIDGE)

WHEREAS, this Board of Supervisors of the County of El Dorado has adopted a resolution entitled "A Resolution of the Board of Supervisors of the County of El Dorado of Formation of Community Facilities District No. 2015-1 (East Ridge)" (the "Resolution of Formation"), ordering the formation of the County's Community Facilities District No. 2015-1 (East Ridge) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") and

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. 2015-1 (East Ridge)" (the "Resolution Determining Necessity"), determining the necessity to incur bonded indebtedness in the maximum aggregate principal amount of \$40 million upon the security of the special tax to be levied within the CFD pursuant to the Act; and

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 October 20, 2015 and the results thereof canvassed at the meeting of this Board on October 20, 2015. 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 ballot pursuant to Section 4000 of the California Elections Code. This Board hereby finds that paragraphs (a), (c)(1) and (c)(2) of Section 4000 of the California Elections Code are applicable to this special election. The Board hereby finds that Section 4108 of the California Elections Code is 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; Election Official.** 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 appointed as the election official to conduct the election, and 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. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot was enclosed with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board of the election.

5. **Waivers.** This Board hereby 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 are for the protection of the qualified electors of the CFD. 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 any requirement for notice, analysis and arguments in connection with the election. 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, and have thereby been fully protected in these proceedings. This Board also finds and determines that the Clerk of the Board, as the election official, 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.** Under Section 50075.1 of the Act, the following accountability provisions shall apply to the special taxes: (a) the construction and/or acquisition of the Facilities and the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the specific single purpose; (b) the proceeds shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual audit and report of the CFD pursuant to Section 50075.3 of the Act.

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

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 20th day of October, 2015, by the following vote of said Board:

Attest:
James S. Mitrison
Clerk of the Board of Supervisors

Ayes: Frentzen,Ranalli,Novasel,Mikulaco,Veerkamp
Noes: None
Absent: None

By: 
Deputy Clerk


Chair, Board of Supervisors
Brian K. Veerkamp