

BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION NO. 085-2024

A RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO TO FORM A COMMUNITY FACILITIES DISTRICT AND LEVY A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2024-2 (HERITAGE AT CARSON CREEK VILLAGE 11 SERVICES) TO FINANCE PUBLIC SERVICES IN AND FOR SUCH COMMUNITY FACILITIES DISTRICT

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (the "Act"), the County Board of Supervisors (the "Board") of the County of El Dorado (the "County") is authorized to establish a community facilities district and to act as its legislative body; and

WHEREAS, this Board, having received a request from the owners of the area of developing land proposed to be included in the proposed community facilities district within the County, now desires to proceed with the establishment of such community facilities district to finance costs of certain public services required to meet the demands of new development of such land; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. **Authority.** This Board proposes to conduct proceedings to establish a community facilities district pursuant to the Act.

2. **Name of CFD.** The name proposed for the community facilities district is "County of El Dorado Community Facilities District No. 2024-2 (Heritage at Carson Creek Village 11 Services)" (the "CFD").

The name proposed for the territory proposed to be annexed into the CFD in the future is "County of El Dorado Community Facilities District No. 2024-2 (Heritage at Carson Creek Village 11 Services) (Future Annexation Area)" (the "Future Annexation Area").

3. **Boundaries Described.** The proposed boundaries of the CFD and Future Annexation Area are as shown on the Map of Proposed Boundary of a proposed community facilities district to be known as Community Facilities District No. 2024-2 (Heritage at Carson Creek Village 11 Services), El Dorado County, California, on file with the Clerk of the Board, which this Board approves as the map describing the extent of the territory included in the proposed CFD and Future Annexation Area. This Board finds that the map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code. This Board directs the Clerk of the Board to certify the adoption of this resolution on the face of the map, and to file a copy of the map in the office of the Clerk of the Board in accordance with Section 3111 of the California Streets and Highways Code and within 15 days of the date of adoption of this resolution but in no event later than 15 days prior to the public hearing provided for herein, transmit the map to the County Recorder for recording in the Book of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of El Dorado County.

4. Services. The type of services proposed to be financed in part by the and Future Annexation Area and pursuant to the Act shall consist of those listed in Exhibit A hereto and hereby incorporated herein (the "Services"). The Board hereby determines that the Services are necessary to meet increased demands for such services placed upon local agencies as the result of development occurring within the area of the and Future Annexation Area.

The Services are in addition to those provided in the territory of the CFD and the Future Annexation Area as of the date hereof and will not supplant services already available within the territory of the CFD and the Future Annexation Area as of the date hereof. The County intends to provide the Services on an equal basis in the original territory of the CFD and, when it has been annexed to the CFD, the area within the Future Annexation Area.

5. Special Tax. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as this Board or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached hereto and hereby incorporated herein (the "Rate and Method"). This Board hereby finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the proposed CFD.

As required by section 53339.3(d) of the Act, the Board hereby determines that the special tax proposed to pay for Services to be supplied within the Future Annexation Area shall be equal to any special tax levied to pay for the same Services in the existing CFD, except that a higher or lower tax may be levied within the Future Annexation Area to the extent that the actual cost of providing the Services in the Future Annexation Area is higher or lower than the cost of providing those Services in the existing CFD. In so finding, the Board does not intend to limit its ability to levy a special tax within the Future Annexation Area to provide new or additional services beyond those supplied within the existing CFD.

6. Exempt Property. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the CFD, all lands owned by any public entity, including the United States, the State of California and/or the County, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax to be made to cover the costs and expenses of the Services and the CFD. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this Board will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the CFD which is not exempt in order to yield the annual expenses of the CFD, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

7. Election and Unanimous Approval. The levy of the Special Tax in the CFD shall be subject to the approval of the qualified electors of the CFD at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the proposed CFD, with each owner having one vote for each acre or portion of an acre such owner owns in the CFD.

A special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

8. CFD Report. The Auditor-Controller of the County, as the officer having charge and control of the Services in and for the CFD, or the designee of such official, is hereby directed to cause and direct a study of said proposed CFD and the Services and to cause to be prepared for filing at the public hearing the report required by Section 53321.5 of the Act (the "CFD Report") presenting at least the following:

(a) A description of the Services that will be required to adequately meet the needs of the CFD.

(b) An estimate of the fair and reasonable cost of the Services and incidental expenses in connection therewith, and all other related costs.

The CFD Report shall be made a part of the record of the public hearing specified below.

9. Public Hearing. The Board hereby sets June 25, 2024 at 10:30 AM, or as soon thereafter as the matter can be heard, at the Board of Supervisors Placerville Office located at 330 Fair Lane, Placerville, California 95667, as the time and place when and where this Board, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the levy of the Special Tax.

10. Notice of Hearing. The Clerk of the Board is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD. The publication shall be completed at least seven days before the date of the public hearing specified above. Such mailing shall be completed not less than 15 days before the date of the public hearing. The notice shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof substantially as set forth in Exhibit C hereby specifically approved.

11. Effective Date. This resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado, State of California, at a regular meeting of said Board held on the 21st day of May, 2024, by the following vote of said Board:

AYES:	<u>5</u>	Board Members:	<u>Thomas, Hidahl, Turnboo, Parlin, Laine</u>
NOES:	<u>0</u>	Board Members:	_____
ABSENT:	<u>0</u>	Board Members:	_____
ABSTAINING:	<u>0</u>	Board Members:	_____

Wendy Thomas
Chair, Wendy Thomas, Board of Supervisors

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: Kim Schaffner
Deputy Clerk

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

DATE: 5/21/24

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

By: Kim Schaffner
Deputy Clerk

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

EXHIBIT A

COMMUNITY FACILITIES DISTRICT NO. 2024-2 (HERITAGE AT CARSON CREEK VILLAGE 11 SERVICES) COUNTY OF EL DORADO, CALIFORNIA

DESCRIPTION OF SERVICES

The services to be funded, in whole or in part, by the community facilities district (the "District") include all direct and incidental costs related to providing for any services permitted under the Act including, without limitation, ambulance service, attributable to development within the boundaries of the District.

The services also include administrative expenses related to the District including but not limited to the direct and indirect expenses incurred by the County in carrying out its duties with respect to the District (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of El Dorado related to the District or the collection of special taxes, an allocable share of the salaries of the County staff directly related thereto and a proportionate amount of the County's general administrative overhead related thereto, any amounts paid by the County from its general fund with respect to the District or the services authorized to be financed by the District, and expenses incurred by the County in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the County in any way related to the District.

Incidental expenses that may be funded by the District include, in addition to the administrative expenses identified above, the payment or reimbursement to the County (or to property owners in the District) all costs actually incurred in connection with the establishment and administration of the District.

EXHIBIT B

**COMMUNITY FACILITIES DISTRICT NO. 2024-2
(HERITAGE AT CARSON CREEK VILLAGE 11 SERVICES)
COUNTY OF EL DORADO, CALIFORNIA**

RATE AND METHOD OF APPORTIONMENT

EXHIBIT C

NOTICE OF PUBLIC HEARING ON PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2024-2 (HERITAGE AT CARSON CREEK VILLAGE 11 SERVICES) COUNTY OF EL DORADO, CALIFORNIA

The County of El Dorado is considering the formation of a community facilities district (the "CFD") and future annexation area under the authority of the Mello-Roos Community Facilities District Act of 1982, as amended, to fund certain public services related to new development within the County of El Dorado, and to incur bonded indebtedness of the CFD.

This notice contains a brief summary of the proposal, but you are referred to the Board of Supervisor's Resolution of Intention to Form a Community Facilities District and Levy a Special Tax (No. 085-2024, adopted May 21, 2024) for details of the proposals.

The proposal is to subject the property within the CFD to a special tax which will be used to pay for a portion of public services of benefit to land within the CFD. A map showing the land proposed to be included in the CFD and land which may be annexed in the future is on file with the Clerk of the Board of Supervisors.

In order to confer the authority upon the Board of Supervisors of El Dorado County to levy the special tax, a public hearing must be held on the proposal, then the Board of Supervisors will decide whether to form the CFD and future annexation area, and finally the qualified electors within the CFD must approve the proposal by a two-thirds vote. The land within the proposed initial boundary of the CFD is uninhabited and the qualified electors are, pursuant to law, the owners of property within the CFD.

This is the notice of the public hearing. The public hearing will be held during the meeting of the Board of Supervisors on June 25, 2024 at 10:30 AM, or as soon thereafter as the matter can be heard, at the Board of Supervisors Placerville Office located at 330 Fair Lane, Placerville, California 95667.

At the hearing, the testimony of all interested persons or potential special taxpayers for or against the formation of the proposed community facilities district and the authorization to levy the special tax will be heard. If written protests against the proposed CFD are delivered to the Clerk of the Board at or before the time set for the hearing by either registered voters residing within, or the owners of property within, the proposed CFD, they will be counted toward a possible majority protest. Such protests by a majority of the registered voters residing within the CFD or by the owners of a majority of the land area within CFD which is or will be subject to the special tax, if not withdrawn prior to the close of the hearing so as to reduce the value of the protests to less than a majority, will require the proposed CFD to be eliminated from immediate consideration, and prevent its being included in a subsequent proceedings for at least one year.

If the Board of Supervisors, after the public hearing, determines that a majority protest under Section 53324 of the Government Code was not made at the hearing, the Board of Supervisors may conduct an election by mailed ballot to levy a special tax.

Questions should be directed to the undersigned, telephone (530) 621-5490.

Dated: May 21, 2024

/s/ Kim Dawson

Clerk of the Board of Supervisors