



RESOLUTION NO.

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. 2014-1 (CARSON CREEK)

WHEREAS, this Board of Supervisors of the County of El Dorado has adopted a resolution entitled “A Resolution of Formation of Community Facilities District No. 2014-1 (Carson Creek)” (the “Resolution of Formation”), ordering the formation of the County’s Community Facilities District No. 2014-1 (Carson Creek) (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 Determining the Necessity to Incur Bonded Indebtedness” (the “Resolution Determining Necessity”), determining the necessity to incur bonded indebtedness in the maximum aggregate principal amount of \$50,000,000 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 January 27, 2015 and the results thereof canvassed at the meeting of this Board on January 27, 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 1340 of the California Elections Code. This Board hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of Section 1340 are applicable to this special election.

4. **Ballot.** As authorized by Section 53353.5 of the Act, the three propositions described in section 1 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit "A" and by this reference incorporated herein and the form of ballot is hereby approved. The Clerk of the Board is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit "A," to be delivered to each of the qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. 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 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. **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 ____ day of _____, 20__, by the following vote of said Board:

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

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chair, Board of Supervisors

EXHIBIT A

Community Facilities District No. 2014-1 (Carson Creek) County of El Dorado, California

OFFICIAL BALLOT SPECIAL TAX ELECTION

This ballot is for a special, landowner election for the County of El Dorado, Community Facilities District No. 2014-1 (Carson Creek). You must return this ballot in the enclosed postage paid envelope to the office of the Clerk of the Board of the County of **no later than the hour of 10:00 a.m. on Tuesday, January 27, 2015, either by mail or in person.** The Clerk of the Board's office is located at 333 Fair Lane, Placerville, California 95667.

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

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

BALLOT MEASURE: Shall the County of El Dorado incur an indebtedness and issue bonds in the maximum aggregate principal amount of not to exceed \$50,000,000 with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of Community Facilities District No. 2014-1 (Carson Creek) (the "CFD"), the proceeds of which bonds will be used to acquire and/or construct certain facilities and pay for the costs of issuing the bonds and related expenses; shall a special tax payable solely from lands within the CFD be levied annually, commencing in the County's fiscal year 2015-16 upon lands within the CFD to pay for the principal and interest upon such bonds, to pay the costs of the County in administering the CFD, and to pay for the costs of acquiring and/or constructing certain facilities; and shall the annual appropriations limit of the CFD be established in the amount of \$50,000,000?

YES: _____

NO: _____

By execution in the space provided below, you also indicate your waiver of (i) the time limit pertaining to the conduct of the election, (ii) any requirement for analysis and arguments with respect to the ballot measure, and (iii) any irregularity in the proceedings that may be claimed as a result of the this vote or the application of such waivers.

Lennar Homes of California, Inc, a
California corporation

APN(s): 117-510-01 to -11
Total Acreage: 271.772
Number of votes: 272

By: _____
Larry Gualco, Vice President