

EL DORADO COUNTY BOARD OF SUPERVISORS**AGENDA ITEM TRANSMITTAL****Meeting of February 24, 2009**

AGENDA TITLE: Report of Special Tax Delinquencies for Community Facilities District 2005-1; Resolution Authorizing Foreclosure Proceedings

DEPARTMENT: Auditor-Controller**DEPT SIGNOFF:****CAO USE ONLY:****CONTACT:** Joe Harn**DATE:** 2/4/2009**PHONE:** 5456**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:****RECOMMENDATION:**

1. The Auditor-Controller recommends the Board of Supervisors receive and file the attached Report of Special Tax Delinquencies for Community District No. 2005-1 (CFD 2005-1 Blackstone).
2. The Auditor-Controller recommends the Board of Supervisors adopt the attached Resolution authorizing judicial foreclosure of delinquent special tax installments pursuant to the CFD 2005-1 Bond Indenture.

CAO RECOMMENDATIONS:

Financial impact? () Yes (X) No

Funding Source: () Gen Fund () Other

BUDGET SUMMARY:

Other:

Total Est. Cost _____

CAO Office Use Only:**Funding**

4/5's Vote Required () Yes () No

Budgeted _____

Change in Policy () Yes () No

New Funding _____

New Personnel () Yes () No

Savings _____

CONCURRENCES:

Other _____

Risk Management

Total Funding _____

County Counsel

Change in Net County Cost _____

Other

Explain*BOARD ACTIONS:****Vote:** Unanimous _____ **Or****Ayes:****Noes:****Abstentions:****Absent:**

Rev. 04/05

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors

Date: _____

Attest: *Suzanne Allen de Sanchez*
Clerk of the Board of Supervisors

By: _____



County of El Dorado
OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE
PLACERVILLE, CALIFORNIA 95667-4193
Phone: (530) 621-5487 Fax: (530) 295-2535

JOE HARN, CPA
Auditor-Controller

BOB TOSCANO
Assistant Auditor-Controller

February 6, 2009

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

**Subject: Report of Special Tax Delinquencies for Community Facilities
District 2005-1; Resolution authorizing foreclosure proceedings.**

Dear Board Members:

Recommendation

- 1. The Auditor-Controller recommends the Board of Supervisors receive and file the attached Report of Special Tax Delinquencies for Community Facilities District No. 2005-1 (CFD 2005-1 Blackstone).**
- 2. The Auditor-Controller recommends the Board of Supervisors adopt the attached Resolution authorizing judicial foreclosure of delinquent special tax installments pursuant to the CFD 2005-1 Bond Indenture.**

Reasons for Recommendation:

The Bond Indenture for CFD 2005-1 requires the Auditor-Controller to provide the Board of Supervisors with a list of Special Tax delinquencies. Attached is such list as of January 9, 2009.

The Bond Indenture for CFD 2005-1 requires the County to foreclose on parcels after \$1,000 of delinquent tax. There are currently five (5) parcels for CFD 2005-1 that, as of the date of this letter, require the initiation of foreclosure proceedings. Attached is the Resolution authorizing the judicial foreclosure of these delinquent special taxes. The County is currently under contract with Calfee & Konwinski as counsel to foreclosure on liens of unpaid special taxes. Upon approval of the attached Resolution, these matters of foreclosure may be referred to counsel to begin foreclosure proceedings.

Board of Supervisors
Subject: Report of Special Tax Delinquencies
Page Two
February 6, 2009

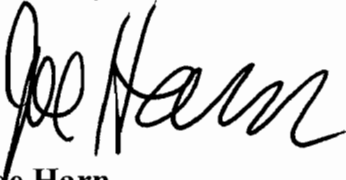
Fiscal Impact:

No impact. Adequate funds are budgeted in the CFDs and foreclosure costs should be reimbursed from foreclosure proceeds.

Action to be Taken Following Approval:

- 1. The Board Clerk will file the attached Report of Special Tax Delinquencies for CFD 2005-1.**
- 2. The Board of Supervisors will adopt Resolution of the County of El Dorado ordering judicial foreclosure of delinquent special assessment installments pursuant to the CFD 2005-1 Bond Indenture.**

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Harn", written in a cursive style.

**Joe Harn
Auditor-Controller**

Enclosures



RESOLUTION No. ____
OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF EL DORADO

RESOLUTION ORDERING JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL TAXES
PURSUANT TO THE COMMUNITY FACILITIES DISTRICT NO. 2005-1 MELLO ROOS BONDS
INDENTURE ("Indenture") AND ORDERING THAT THE TAX COLLECTOR BE CREDITED
FROM COLLECTING THOSE SPECIAL TAXES.

WHEREAS, El Dorado County ("County") has conducted, or in the future may conduct, proceedings from time to time resulting in the issuance and sale of bonds pursuant to the Mello-Roos Community Facilities Act of 1982, as amended; and

WHEREAS, pursuant to the California Government Code, County has duly and regularly issued and recorded the unpaid special tax, which special tax and each installment thereof and interest and penalties thereon constitute liens against the lots and parcels of land against which they are made, until the same are paid; and

WHEREAS, certain special tax and installments have not been paid when due, and certain installments of those special tax may not be paid in the future; and

WHEREAS, the Board of Supervisors is authorized, under the provisions of the Indenture, to order the same to be collected by an action brought in the Superior Court to foreclose the lien of those special taxes; and

WHEREAS, under the provisions of the bond Indenture for CFD 2005-1, when such foreclosure action is ordered, the County Tax Collector is to be credited upon the assessment roll then in her hands with the amount charged against her on account of the special taxes to be sued on and to be relieved of further duty with regard thereto.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of El Dorado that the County hereby orders that the delinquent special taxes listed on Exhibit "A" attached hereto and incorporated herein, and all future installments of those special taxes which are not paid when due, be collected by action brought in the Superior Court of El Dorado County to foreclose the liens thereof;

NOW THEREFORE BE IT FURTHER RESOLVED that the County Auditor-Controller, in cooperation and in conjunction with special counsel, is authorized and directed to transmit a certified copy of this resolution to the County Treasurer/Tax Collector with a letter that shall state:

A. The Board of Supervisors has ordered that the delinquent special tax installments be collected by action brought in the Superior Court of El Dorado County to foreclose the liens thereof;

B. Pursuant to the Bond Indenture for CFD 2005-1, the El Dorado County Tax Collector is to be credited upon the tax roll then in hand with the amounts charged against the Tax Collector on account of the special taxes to be sued upon and is to be relieved of further duty in regard thereto; and

C. All inquiries regarding payment of the delinquent special tax shall be forwarded to the special counsel of the County.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2009, by the following vote of said Board:

Ayes:

ATTEST

SUZANNE ALLEN DE SANCHEZ
Clerk of the Board of Supervisors

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: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By _____
Deputy Clerk

Resolution No.

EXHIBIT A

Assessment District Name: Community Facilities District 2005-1 (Blackstone Mello Roos)

Assessment Parcel No.	Tax year of Delinquency:	Delinquent Tax Amount:	Penalties:	TOTAL DUE:
118-140-31-100	2008 (1 st installment)	\$21,561.86	\$2,156.18	\$23,718.04
118-160-06-100	2008 (1 st installment)	\$20,732.56	\$2,073.25	\$22,805.81
118-160-25-100	2008 (1 st installment)	\$48,928.85	\$4,892.88	\$53,821.73
118-160-11-100	2008 (1 st installment)	\$39,806.52	\$3,980.65	\$43,787.17
118-160-18-100	2008 (1 st installment)	\$13,268.84	\$1,326.88	\$14,595.72
			Totals:	\$158,728.47