



EDC COB <edc.cob@edcgov.us>

Fwd: Re: Exhilarated and Concerned (with Attachments)

4 messages

JAMES SWEENEY <jamesweeney@comcast.net>
Reply-To: JAMES SWEENEY <jamesweeney@comcast.net>
To: edc.cob@edcgov.us

Sun, Jul 21, 2019 at 4:49 PM

LATE DISTRIBUTION

DATE 7/22/2019

BOS 7/23/2019

Still learning

----- Original Message -----

From: JAMES SWEENEY <jamesweeney@comcast.net>
To: bosfive@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree <bosthree@edcgov.us>, bosfour@edcgov.us, jimmitrisin@edcgov.us
Cc: Donald Ashton <don.ashton@edcgov.us>, rafael martinez <rafael.martinez@edcgov.us>
Date: July 21, 2019 at 4:48 PM
Subject: Re: Exhilarated and Concerned (with Attachments)

On July 21, 2019 at 4:39 PM JAMES SWEENEY <jamesweeney@comcast.net> wrote:

To All Members of the Board of Supervisors of the County of El Dorado:

THANK YOU! You bet I was exhilarated when I read that you voted unanimously to NOT place on the ballot any consideration for diminishing the number of elected department heads. I believe that the voters support keeping the elected department heads currently in place. THANK YOU!

But I am concerned that item 22 of the BOS agenda for July 19,2019 may beg the question for the need to complete the connection of Missouri Flat from Highway 50 thru to Highway 49 and on to Pleasant Valley Road. Such connection will allow the 18,022 cars per day to bypass historic downtown Diamond Springs. This is not a decision to help attract future development; THIS IS A DECISION TO ALLOW DISTRICT 2 RESIDENTS OF THE SOUTH COUNTY TO PASS THROUGH THE DIAMOND SPRINGS AREA WITHOUT THE UNBEARABLE CONGESTION.

The worst congestion is when schools are in session. Missouri Flat Road is the connection between at least five public elementary schools, three high schools, one college, and the County Office of Education; all of which have buses running in conflicting directions and parents driving their children to and fro.

The Board of Supervisors has historically worked together as a county wide team to plan for a long range transportation system. And once the long range plan was in place, past Boards continued to support the long range process. I must tell you that it was difficult for me to support the Silva Valley interchange as compared to the completion of the Missouri Flat Parkway; but, that was what was planned and best for the County. I not only supported it, I was a principal proponent in negotiations with Cal-Trans and the developers.

It is now time to support the completion of the Missouri Flat Parkway in a manner that was promised to the community through Measure J of the November 7, 2000 ballot. By the approval of that measure they approved the use of 85% of the property and sales taxes generated in the area for construction of roads in the area. that measure passed by an overwhelming 59 per cent!

THANK YOU FOR YOUR SUPPORT

Attached are five pages of information regarding Missouri Flat; the first three are wordy and pages 4-5 are sequential and brief.

When you read the attachments you will quickly see that Missouri Flat Road has suffer many setbacks while waiting its turn. And, i must tell you, that if the County had been able to fund its share to cover existing deficiencies, Missouri flat would already have been completed.



Why & How MC&FP9-22-16.docx

22K

EDC COB <edc.cob@edcgov.us>
To: JAMES SWEENEY <jamessweeney@comcast.net>

Mon, Jul 22, 2019 at 7:49 AM

Hey Jack - You reference item 22 for the July 19 meeting, do you mean the July 23 meeting? Please let me know
.Thanks, Kim

MC&FP

MISSOURI FLAT MASTER CIRCULATION & FUNDING PLAN

By

James R. "Jack" Sweeney

October 30, 2016

Please do not confuse these expanded document with the October 9, 2016 document prepared just for a meeting October 10, 2016.

The Missouri Flat Master Circulation & Funding Plan (MC&FP) was created to provide the County with a funding mechanism to offset the cost of existing circulation deficiencies in the area and, at the same time, provide an economic incentive to bring commercial growth to the area; such commercial growth would provide increased values in property and sales taxes to fund the County's share of the costs. Without the incentive of the MC&FP the generators of the increased sales and property taxes that have located in the area would not have been allowed to build and would not have been afforded the roadways that bring an expanded clientele to their doorsteps. In addition to approved projects, any additional project within the MC&FP area is required to join the CFD and agree to the conditions required by the MC&FP.

The approved Development Agreements and the forced subscription of any additional projects has created, and per the agreements, is a binding contract between the County and the subscribing developments.

Contract between parties See section E of the Development Agreements.

The last paragraph thereof is as follows: *"A central purpose of this Development Agreement is to provide the mechanism whereby County and Developer agree to the implementation of the MC&FP and create the binding obligations necessary to allow it to move forward. In particular, in consideration of the County's agreement to devote a certain portion of the incremental tax revenues for these purposes, Developer agrees to assist in securing such financing by agreeing to the formation of a Community Facilities District and to the authorization of a special tax in conformance with the terms of this Development Agreement and the MC&FP.*

In 1983 the landowners in the vicinity of the Missouri Flat interchange on Highway 50 attempted annexation to the City of Placerville in an effort to be able to develop their property. That effort was soundly defeated by the residents of the area due to concern over the loss of tax income to the area.

In or about 1988 the County was receiving many inquiries regarding the potential for commercial development in the area. The answer was always the same, no development until the interchange and the adjacent circulation can be approved. However, the circulation system

in the area was already deficient. Since the County had no way to fund its fair share for existing traffic there would be too big of a burden for new development to fund. To avoid further overburdening the system, the County placed a series of development moratoriums on the area.

On December 15, 1998 the Board of Supervisors at Item # 80 approved the EIR for the MC&FP along with the El Dorado Villages (Safeway) and Sundance Plaza (now Crossings) projects.

A follow up to this item was at the BOS December 5, 2000 item # 60 (see legistar 12-0643) the direction is outlined in a letter from Matt Boyer, Director of Transportation. That letter is dated 11-22-2000 and is found at 12-0643 1G. A great summary of the purpose of the MC&FP is in the BACKGROUND section on page 2 and financing is found in the KEY ELEMENTS section on page 4.

To resolve all of this, it was determined that a district should be formed to allow the County to use 85% of the County General fund one cent of the sales tax and 85% of the property taxes generated by the new development within the district boundaries.

That district was formed by resolutions 074-2002 & 075-2002 adopted March 19, 2002.

Currently, the share of property taxes and sales taxes being set aside for roadway improvements is nearly one million dollars annually. As an aside, that means that another one and a quarter million is being generated for law enforcement.

The funding stream was approved by the voters as Measure J at the November 7, 2000 election. The measure garnered 38,236 votes out of 65,008, 59%. Measure E would be an Ex Post Facto law in this case! And, it only received 31,406 votes, 52%.

Measure J stated: *"Shall the County be authorized to use that portion of its sales tax revenues generated by new development to pay for building road capacity improvements to offset impacts to traffic generated by non-residential development as allowed under Policy 3.2.2.5 of Measure Y, enacted by the voters on November 3, 1998?"*

Measure E provided the following:

TC-Xa 4: County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Non-county tax sources of revenue, such as federal and state grants, may be used to fund road projects. Exceptions are allowed if county voters first give their approval.

Discussion/Analysis: The first and third sentences of this Measure E Policy were part of original Measure Y in 1998. They were deleted by voters in the 2008 Measure Y amendments. Measure E added the Policy back and added the second sentence which clarified that the use of federal and state grants is allowed "to fund road projects".

The 2016 Measure E **DID NOT** call for the rescission of 2000 Measure J nor the MCFP! Measure E **ALLOWS** for exceptions when approved by the voters! The voters approved the method of MC&FP by Measure J in 2000!

No change was made to the MC&FP funding process by Measure E!!

Further, there are a number of Development Agreements within the MC&FP area! Besides the projects mentioned, each new project within the MC&FP area is required to consent to the inclusion of their project within the Funding District. This makes their lands available to be bonded if the sales taxes are not sufficient to the needs of the District. But, it also is an agreement that developers rely on that the circulation improvements will be constructed. So, both the County and the Developers within the MC&FP are bound to certain obligations.

Respectfully,

James R. Sweeney

Missouri Flat History 10-30-16 Jack Sweeney

1940 County Population 13,000

1945 Pumped gas for Perk's for a candy bar

1960 County Population 29,000

1980 County Population 86,000

1983 Big community meeting at Firehouse to discuss City of Placerville annexing and doing shopping center

1985 Sweeney as BOS dist 3 Supervisor

June 1988 began Missouri Flat Specific Plan effort after adopting Ordinances limiting Commercial Development

August 1989 Contract approved to do the new general plan

February 1990 Specific Plan and draft EIR were prepared (for info see Sundance EIR Pg 5)

October 1990 stopped work on Specific Plan in deference to the General Plan which was purported to be "a few months" from approval

1990 County Population 126,000

January 1993 Nielsen as BOS 3 Supervisor

January 1996 Board approved the General Plan

1996 & 1998 Again adopted Ordinances (4417,4420, & 4446) limiting commercial on Mo Flat until traffic resolution

Nov 3,1998 Measure Y yes 32,847 No 20968

BEGIN MC&FP

December 15,1998 Item # 80 Board approved the Master Circulation & Funding Plan (MCFP) and, at the same meeting, approved the Development Agreement for the Sundance Project which is now the Crossings. The DA is valid for twenty years.

2000 County Population 156,000

Mat 9, 2000 #53 Direct preparation of measure for November 2000 ballot re use of taxes for road deficiencies countywide

November 7, 2000 Measure J approved by voters countywide

December 5, 2000 #60 Move forward with MC&FP and CFD. A great explanation of all of this is in Matt Boyer's letter of 11-22-2000 which is conveniently attached to legistar # 12-0643 1G!
Item #43 5-22-12

January 2002 Borelli as BOS 3 Supervisor

July 17, 2001 item # 65 letter from Lou Green containing MC&FP Writ findings

March 19, 2002 Item 70 adopt Res 074-2002 & 075-2002 establishing CFD

August 2003 Sweeney as BOS 3 Supervisor

2006-2008 Economic downturn

Nov 7, 2007 Measure J approved allowing use of sales tax for Missouri Flat Roads
For 38236 58.7% No 26872 41.2 %

Aug 28, 2008 Ribbon Cutting for Phase 1-A

When complete Mo Flat Interchange Phase 1-A Interchange? How funded?

2010 County Population 185,000

May 24, 2011 #39 (11-0448)

November 27, 2012 Ribbon Cutting Mo Flat Interchange Phase 1-B completion
How funded?

Measure E 6-7-16 registered voters 109479 voted 62215 56.8%
for 30340 52.15% No 27836 47.85%



EDC COB <edc.cob@edcgov.us>

Missouri Flat Funding

2 messages

JAMES SWEENEY <jamesweeney@comcast.net>

Mon, Jul 22, 2019 at 12:45 PM

Reply-To: JAMES SWEENEY <jamesweeney@comcast.net>

To: bosfive@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree <bosthree@edcgov.us>, bosfour@edcgov.us, edc.cob@edcgov.us

Cc: Donald Ashton <don.ashton@edcgov.us>, rafael martinez <rafael.martinez@edcgov.us>

All members of the Board of Supervisors:

Since my earlier message, I have been informed that the concern (or excuse) is with regards to the use of "Casino money" for a portion of the funding for the Missouri Flat missing link.

The Tribal Mitigation fund is the result of settlement of the County lawsuit against the tribe placing a Casino in the County. It is MITIGATION for traffic impacts caused by the use of the Casino.

Originally the money was to be used to widen Highway 50 West of the Casino. However, some of us found a way to get that built with money from State funding sources. About the same time that happened, Gov Brown said we had to work with the Tribe to reduce the amount they were paying to the County. We did an agreement to return part of the funds to assist with the operation of a medical facility on their campus. In return for that we agreed that the traffic mitigation funds would be used in places within the sphere of influence of the casino as shown on the map included with the revised agreement. That means that the Missouri Flat missing link is obviously qualified as a recipient of those funds.

While the Tribal Road Mitigation funds were intended to MITIGATE traffic from the Casino, they were not intended to otherwise supplant previous road funding by the County; they were intended to make improvements to lessen the Casino traffic impacts. Certainly a portion of the 18,000 trips per day moving to and from the South County through Diamond Springs are impacts of the Casino.

Please, move forward on helping close the missing link.

Jack Sweeney

EDC COB <edc.cob@edcgov.us>
To: JAMES SWEENEY <jamessweeney@comcast.net>

Mon, Jul 22, 2019 at 12:50 PM

Thank you. Appropriate public comment provided for upcoming agenda items will be added to the corresponding file.

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