

CORDOVA RECREATION & PARK DISTRICT MEASURE S

S To enhance and improve the facilities and services being provided by the Cordova Recreation and Park District, and without any increase in the existing tax rate, shall the list of facilities and services that may be financed by Cordova Recreation and Park District Community Facilities District No. 04-01 (Sunridge) (the "CFD") be amended to include the acquisition and construction within the CFD of a water spray facility for children, a children's playground, public parks, parkways, open space and bike paths in open space areas, among other improvements?

IMPARTIAL ANALYSIS OF MEASURE S

Prepared by County Counsel

Measure S, if approved by the voters, would allow the Cordova Recreation and Park District Community Facilities District No. 04-01 (Sunridge) ("CFD") to change the services and facilities that can be financed by a special tax levied in the CFD. The special tax rate will not be increased and the CFD is not seeking authority to issue bonds.

Measure S lists the facilities and services that may be financed by the CFD if Measure S is passed. Passage of Measure S requires approval by two-thirds of the voters voting thereon.

FULL TEXT OF MEASURE S

RESOLUTION NUMBER 12/13-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORDOVA RECREATION AND PARK DISTRICT CALLING A SPECIAL ELECTION TO CHANGE THE PUBLIC SERVICES AND FACILITIES FINANCED BY CORDOVA RECREATION AND PARK DISTRICT COMMUNITY FACILITIES DISTRICT NO. 04-01 (SUNRIDGE) AND REQUESTING CONSOLIDATION OF SUCH ELECTION

WHEREAS, the Board has conducted proceedings under and pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code (the "Act"), to form Cordova Recreation and Park District Community Facilities District No. 04-01 (Sunridge) (the "CFD") and to authorize the levy of a special tax (the "Special Tax") upon the land within the CFD to finance certain public services and facilities, all as described in those proceedings; and

WHEREAS, the Board of Directors has determined that the public convenience and necessity require a change in the types of services and facilities that can be financed by the levy of the Special Tax in the CFD, specifically, the addition of "acquisition, construction and improvement of public parkways, public parks, open space, landscape setbacks adjacent to residential subdivisions, bike paths in open space areas and landscaped medians in and alongside major roadways within the CFD"; and

WHEREAS, on June 13 2012, the Board of Directors adopted a "Resolution of the Board of Directors of the Cordova Recreation and Park District Considering a Change in the Types of Public Services and Facilities Financed by Cordova Recreation and Park District Community Facilities District No. 04-01 (Sunridge)" (the "Resolution of Consideration"), pursuant to which the Board of Directors (i) approved an amended list of authorized services and facilities, which was attached as Exhibit A to the Resolution of Consideration and (ii) set a public hearing for July 25, 2012 on the question of amending the list of services and facilities that can be financed by the Special Tax; and

WHEREAS, the public hearing was held on this date and neither 50% or more of the registered voters residing within the CFD

nor the owners of one-half or more of the area of the land in the territory in the CFD that is not exempt from the Special Tax filed written protests against the proposed amendment of the list of services and facilities that can be financed by the Special Tax; and

WHEREAS, Government Code Section 53338 authorizes the holding of a special election of the qualified electors in the CFD on the issue of the proposed amendment of the list of services and facilities that can be financed by the Special Tax.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Cordova Recreation and Park District hereby orders as follows:

- 1. Amended List of Services and Facilities.** The proposed amended list of services and facilities that can be financed by the Special Tax is approved in the form attached hereto as Exhibit "A" and by this reference incorporated herein. As set forth in the Resolution of Consideration, the Board of Directors does not propose any change in the rate and method of apportionment of the Special Tax; if the proposed list of authorized services and facilities is approved by two-thirds of the votes cast on the proposition at an election of the qualified electors in the CFD, then the approval will constitute an amendment of the defined term "Authorized Services" as set forth in the Rate, Method of Apportionment, and Manner of Collection of Special Tax for the CFD to incorporate the amended list set forth in Exhibit A.
 - 2. Form of Ballot Measure.** As authorized by Section 53338 of the Act, the proposition to approve the proposed amended list of services and facilities that can be financed by the Special Tax shall be placed upon a ballot, the form of which proposition is attached hereto as Exhibit "B" and by this reference incorporated herein. Said ballot measure is hereby approved. The District hereby requests the Sacramento County Registrar of Voters to (i) designate the measure on the ballot by a letter printed on the left margin of the square containing the abbreviated statement of the measure as provided in Elections Code Section 13116 and (ii) include this Resolution in the ballot.
 - 3. Qualified Electors.** This Board of Directors hereby finds that 12 or more persons have been registered to vote within the CFD for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this Board of Directors for the purposes of these proceedings. Accordingly, and pursuant to the Act, this Board of Directors finds that for purposes of these proceedings the qualified electors are the registered voters within the CFD.
 - 4. Call of Election; Request for Election Services and Consolidation.** This Board of Directors hereby calls a special election to consider the issue described in Section 2 above, which election shall be held on November 6, 2012 (the "Election Day"). The official of Sacramento County (the "County") responsible for the conduct of elections is hereby designated as the official to conduct said election (the "Election Official"). Pursuant to Elections Code Section 10002, the Board of Supervisors of the County and the Election Official are hereby requested to provide such services as may be necessary to properly and lawfully hold and conduct the special election pursuant to the provisions hereof and applicable provisions of the California Elections Code, including coordination with all appropriate election officials in the County.
- Pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the District hereby requests the County of Sacramento to order consolidation of the election with such other election or elections as may be held on the Election Day in the same territory or in territory that is in part the same.
- 5. Applicable Law.** Pursuant to section 53327 of the Act, the provisions of the California Elections Code applicable to special district elections shall govern the special election.

6. Direction to Secretary, Directors and Officers. Pursuant to section 53326 of the Act and Elections Code Section 10504, and within three (3) business days of the adoption of this Resolution, but in no event later than the date specified by the Election Official for receipt, the Secretary of the Board of Directors shall cause to be provided to the Election Official a certified copy of the Resolution of Consideration and this Resolution Calling Special Election, together with a certified copy of the map of the boundaries of the CFD, as filed in the Office of the Recorder of the County. The District Administrator is hereby authorized to prepare or cause to be prepared and to record or cause to be recorded with the County Recorder an amended map of the boundaries of the CFD to the extent necessary to reflect the proper boundaries of the CFD. The Secretary of the Board of Directors of the Recreation and Park District is hereby authorized and directed to enter into an agreement with the Election Official for the services of such official and to provide for the reimbursement by the Recreation and Park District of the costs of the Election Official in conducting the election. The Secretary and all of the Directors and officers of the Recreation and Park District and their designees are hereby authorized and directed to execute and deliver any documents and to perform all acts necessary to place the measure on the ballot including making any revisions, corrections or alternations to the language of the ballot measure to comply with requirements of law and the Election Official and to ensure that the applicable requirements of the Elections Code are met, including, but not limited to the preparation and provision to the voters of all documents and instructions required by and specified in the Elections Code.
7. Canvass. The Board of Supervisors of the County is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.
8. Publication of Resolution. The Secretary of the Board of Directors of the Recreation and Park District shall cause this resolution to be published once a week for two successive weeks prior to the Election Date in a newspaper of general circulation in the Recreation and Park District, the first of which publications shall be not less than thirty (30) days prior to the Election Day.
9. Accountability. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the Special Tax: (a) the facilities and services that may be financed with the Special Tax and the incidental costs thereof, all as defined in Exhibit A, 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 report if required by Section 50075.3 of the Government Code.
10. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED, this 25th day of July, 2012 by the following vote:

AYES: Sloan, Reyes, Garrison, Baxter

NOES:

ABSENT: Danzl

Rick Sloan, Chairperson of the Board

ATTEST:

Inez Reyes, Secretary of the Board

I hereby certify that the above Resolution No. 12/13-2 was duly introduced, read and adopted by the District at a regularly noticed meeting held on July 25, 2012.

James M. Rodems, District Administrator/Clerk of the Board

CORDOVA RECREATION AND PARK DISTRICT

Community Facilities District No. 04-01

(Sunridge)

AMENDED LIST OF AUTHORIZED SERVICES AND FACILITIES

Included Services and Facilities

Services to be funded by the collection of Special Taxes in the Community Facilities District No. 04-01 (Sunridge) (the "CFD") are listed below.

- Acquisition, construction and improvement within the CFD of public parkways, public parks, open space, landscape setbacks adjacent to residential subdivisions, bike paths in open space areas and landscaped medians in and alongside major roadways ; provided, however, that Special Taxes may be used for the purposes listed in this bulleted paragraph only through fiscal year 2064-65.
- Maintenance, including repair and replacement, and associated electric and water utility costs, of public parkways, public parks, open space, landscape setbacks adjacent to residential subdivisions, bike paths in open space areas, and landscaped medians in and alongside major roadways within the CFD.
- Maintenance of public open space areas within the CFD, performance and management of environmental mitigation monitoring and annual reporting, and maintenance of environmental preserves to the extent allowed by, and fulfilling the requirements of, the U.S. Corp of Engineers 404 permit (e.g., litter collection and other non-obtrusive activities).
- Publicly-owned masonry soundwalls and fences constructed in the public right-of-way as required for the CFD.
- Maintenance of landscaping and improvements to detention ponds and drainage facilities, exclusive of repair and replacement of the detention and drainage facilities themselves which will remain the obligation of other public agencies, such as the County or City of Rancho Cordova.
- Repair and replacement of vandalism of District-maintained facilities, including graffiti, and direct damage related to wear-and-tear.

General District Costs

- District costs associated with the setting, levy, and collection of the Special Taxes.
- Other contingency costs, including a contingency reserve, as required by the District.

Sinking Fund

The Special Taxes may be collected and set-aside in designated funds, collected over several years, that may be used by the District to fund future repairs to landscaping, entry monuments and features, walls and fences, and other services and facilities described above as determined by the District.

ARGUMENT IN FAVOR OF MEASURE S

The Cordova Recreation and Park District formed its Community Facilities District No. 04-01 (Sunridge) (the "CFD") in 2004. The purpose of the District is to finance the operation and maintenance of public parks, open space and landscape setbacks adjacent to residential subdivisions in the Sunridge Park, Anatolia I through Anatolia IV, and the North Douglas neighborhoods of the City of Rancho Cordova. The CFD raised approximately \$1.5 million in Fiscal Year 2011-12 for this purpose.

A "YES" vote for the present ballot measure is a vote to allow the CFD, without any increase in your existing tax rate, to pay not only for operation and maintenance costs, but also to acquire and construct new park and open space facilities within the boundaries of your CFD.

For example, in Sunridge Park, a yes vote will make possible the

construction of a children's sprayground and play area, a large sports field, basketball court, walking trail that connects to the Anatolia Trail system, and more. The spending plan allocates \$550,000 for these recreation-related facilities.

In addition, it would allow approximately \$2 million to be used for the Phase I construction of the 20-acre Anatolia Community Park; if authorized, construction will begin in 2013. Phase I improvements in this community park will consist of children's play areas, ball fields, parking lots, security lighting and fencing.

The CFD would be able to use the special taxes to pay for acquisition and construction costs through Fiscal Year 2064-65, by which time the District expects the CFD to be built out. After Fiscal Year 2064-65, the CFD would finance only operation and maintenance costs.

It bears repeating: if approved, the ballot measure would not increase the existing rate of taxes in the CFD.

Rick Sloan, Chairperson, Board of Directors, Cordova Recreation and Park District

Brian Danzl, Vice Chairperson, Board of Directors, Cordova Recreation and Park District

Inez Reyes, Secretary, Board of Directors, Cordova Recreation and Park District

Lee Garrison, Director, Board of Directors, Cordova Recreation and Park District

Mark Baxter, Director, Board of Directors, Cordova Recreation and Park District

NO ARGUMENT AGAINST MEASURE S WAS FILED