



July 03, 2024

The Honorable Gary S. Slossberg
Superior Court of El Dorado County
2850 Fairlane Court, Suite 110
Placerville, CA 95667

RE: El Dorado County Grand Jury Report #24-05

Dear Honorable Judge Slossberg,

Pursuant to §933(b) of the California Penal Code, enclosed is the El Dorado Hills Community Service District's Board of Directors' response to all findings and recommendations pursuant to Penal Code §933 and §933.05 as set forth by the El Dorado County Grand Jury in its 2023-24 Report #24-05, issued on April 05, 2024.

The attached response was prepared by the District's General Manager and submitted to the Board of Directors for consideration and approval. The attached final report was approved by the Board of Directors during a special public meeting on July 2, 2024. This report is being submitted electronically as well as by USPS.

The District wishes to thank the members of the Grand Jury for their hard work and dedication.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Hornstra".

Mark Hornstra
General Manager
On behalf of the El Dorado Hills Community Services District Board of Directors

Copy: El Dorado County Grand Jury Foreperson

FINDINGS

GM Conflict of Interest

- F1** The CSD Board of Directors for the last two plus years failed to provide adequate oversight of their General Manager to know that he had an outside consulting role at one of CSD's contractors. Such outside work posed serious questions about a potential conflict of interest.

The District Partially Agrees with the Finding: The District agrees the former General Manager's undisclosed relationship with the DTA consulting firm was a serious conflict of interest and an inexcusable ethical breach. However, the former General Manager did not disclose his economic interest in the DTA firm on his Form 700, nor had the former General Manager, to the best of the District's knowledge, ever disclosed his relationship to any member of the Board of Directors or member of the District staff. Furthermore, the District's Conflict of Interest Policy 2600 (See Attachment A) requires an employee to advise their supervisor of any potential conflict, which the prior GM did not. Although the former General Manager had apparently listed this relationship on his LinkedIn page, District personnel did not have any occasion to contemporaneously review that page, as the General Manager was then a longstanding District employee, not a prospective candidate for employment.

- F2** CSD Board members subsequently failed to act in a timely way on the then-GM's potential conflict of interest.

The District Partially Disagrees with the Finding: The District acknowledges the investigative report is being released approximately one (1) year after the announcement of the allegations. This is due to several factors including following the steps in District Board Policy 5090.20 (See Attachment B); the time required to research and contract with an outside Investigator, and a change to the District's General Legal Counsel and the transfer of Attorney-Client privileged information. In summary, since the initial allegations were made public in July of 2023, the Board did act in a timely, and responsible manner. The President of the Board announced, via a written statement read during the August 10, 2023, Board of Directors meeting, that the District would be taking appropriate steps to retain an outside investigator, and by August 31st, the contractor started its investigation, which was completed and released to the District's new legal counsel on April 11, 2024.

- F3** CSD Board members appeared to have engaged in a serial meeting in violation of the Ralph M. Brown Act and CA Govt Code Section 53262 when they individually approved the GM's outside consulting work, leading to a notice from the District Attorney's Office requesting additional training.

The District Partially Agrees with the Finding: The evidence available to the District indicates that the former General Manager did reach out to each of the members of the then seated Board of Directors in 2020. The seated Board members at that time were Sean Hansen, Michael Martinelli, Noelle Mattock, Benjamin Paulsen, and Allan Priest. Current sitting members, Heidi Hannaman and Stephen Ferry, were not seated members during this timeframe. The District recognizes the former General Manager seeking authorization to provide consulting services to public and private parties occurred separately and outside of a noticed public meeting. The former General Manager did not disclose at that time that he was then or would be consulting for the consulting firm, DTA. Nonetheless, the District acknowledges that the limited authorization provided for outside consulting work should have been approved in a proper open session.

- F4** Brown Act training has been optional for CSD Board members and staff, while AB 1234 Chapter 700 Ethics training is required.

The District Disagrees with the Finding: Per District Policy 4090.10.01 (See Attachment C)- Upon election to the CSD Board of Directors, all new Board Members are required to attend Special District Leadership Training within one (1) year of taking office and renew such training at a minimum of every two (2) years thereafter. Additionally, each new Board Member meets with the General Manager and Clerk of the Board to receive and review an orientation packet which includes information materials for items including: About Special Districts - Guide, Special Districts 101 - PowerPoint Presentation from CSDA, Open & Public (latest version available) - A Guide to the Ralph M. Brown Act, Ethics Law Principles for Public Servants: Key Things to Know, Specials Districts Laws - Reference Guide, and California Public Records Act Compliance Manual. Board Members and District Staff are required to take state mandated training - AB1234 and SB1343 upon taking office/position and every two (2) years following until end of their elected term or employment with the District. Another option available to all Board Directors is on-demand training webinars provided by CSDA that are specifically tailored for Board Members.

Furthermore, the District will be implementing a bi-annual Brown Act training for all Board members and managerial staff to be provided by the District's legal counsel, or an accredited third party.

- F5** Then-CSD GM failed to properly disclose income received from his consulting arrangement with DTA, a CSD contractor, on his Fair Political Practices Commission (FPPC) Form 700, which he signed under penalty of perjury.

The District Agrees with the Finding: The evidence available to the District indicates the former General Manager had an economic interest in his relationship with the DTA consulting firm. This interest was never disclosed on

the former General Manager's Form 700, which he signed under penalty of perjury.

- F6** Then-CSD GM performed business development work to find new clients for DTA which, as far as the Grand Jury can verify from reviewed documents, was unrelated to CSD's contracts with DTA.

The District Agrees with the Finding: The evidence available to the District indicates this finding is correct, and that same evidence indicates the prior GM's activities had no direct impact on the District's business.

Carson Creek LLAD #39 Ballot Initiative

- F7** CSD has been ignoring the will of the voting citizens of LLAD #39 by not acting on two previous initiatives to modify or remove assessments for the Carson Creek/Heritage Park.

The District Partially Agrees with the Finding: In response to the finding regarding the previous initiatives to modify or remove assessments, at the October 14, 2021, Board of Directors meeting (*See Attachment D*), the Board approved a refund of the LLAD #39 FY20 assessment (Total: \$150,205.86) to homeowners who paid the assessment due to the construction delays at Heritage Village Park. Then again during the May 12, 2022, Board of Directors meeting (*See Attachment E*), the Board approved a refund of the LLAD #39 FY2021 assessment (Total: \$43,130) to homeowners who paid the assessment due to the construction delays at Heritage Village Park.

Upon receiving an initiative to repeal the special assessment, at the June 13, 2022, Board of Directors meeting (*See Attachment F*), the Board passed Resolution 2022-19: Calling a Measure for Ballot of An Initiative Measure to Repeal EDHCSD LLAD#39 Special Assessment and Refund Levied Taxes - This action allowed the ballot measure to proceed and be placed in the November general election despite concerns raised by District legal counsel.

At the November 09, 2023, Board of Directors meeting (*See Attachment G*), then District legal counsel D Tyra provided options to the Board regarding the Carson Creek LLAD #39 Initiative - Board voted to bring this forward to the November 20th meeting. During the November 20th meeting, the Board of Directors approved the submission of the ordinance without alteration to the voters pursuant to Elections Code section 1405. (*See Attachment H*)

LLAD Assessment Policies and Objections

F8 Neither the former GM nor the CSD Board of Directors properly certified the engineering assessment reports for 2022 and 2023 to the satisfaction of the County Controller during the same period that the GM was consulting for the CSD engineering assessment firm, DTA. As a result, the County has held up billing parcel owners for LLAD assessments, ending up in litigation which will be costly to taxpayers.

The District Partially Disagrees with the Finding: The District acknowledges that this finding addresses matters that occurred during the time the prior GM was doing outside consulting and are the subject of current litigation between the District and County Auditor. It should also be noted that the FY 2022 assessments were placed on the LLADs property tax bills which was done because the County Auditor accepted the certification of the assessment rolls.

The District asserts that the final engineer reports for Fiscal Year 2023 (FY23) (See Attachment I) were approved by a majority of the District's Board of Directors on June 09, 2022 (See Attachment J) and the certification requirements required by the Auditor's Office (See Attachment K) were adhered to. The certified documents that were properly filed with the County for FY23 include:

- Governing Authorization Certification
- Proposition 218 Certification
- Local Agency Special Tax and Bond Accountability Act Response
- Secured/Unsecured Tax Roll Certification
- Direct Charge Information Sheet
- Annual Certification of Levy and Data Submission

This certification process is also used by other El Dorado County agencies and many other counties throughout the state. The District also asserts that it took all necessary actions to allow its LLAD assessments to be placed on the fiscal year Tax Rolls. The District filed its action against the Auditor to compel his compliance with ministerial duties.

Though this finding pertains to FY22 and FY23, the District further acknowledges it failed to take timely action regarding protests/appeals from several homeowners of LLAD #39 for FY24 assessments that were received in July/August, 2023. District staff openly acknowledged the failure, and the District Board took final action on these protests during a public meeting on June 13, 2024.

F9 Two other LLADs are contesting their assessments, Promontory Park and Blackstone, using an identical ballot initiative as Carson Creek LLAD #39, which will have significant impact on CSD revenue going forward if they all pass as expected.

The District Agrees with the Finding: In purely technical terms, the finding is correct in that the two additional LLAD's are contesting their assessments on the same grounds that Carson Creek LLAD #39 has. Moreover, it must be noted that the Board of Directors has directed the General Manager to work with the LLAD representatives to resolve the assessment methodology concerns with the hopes that the ballot initiatives will be withdrawn before the November election deadline. As a result of those initial discussions, it is apparent to all parties that the methodology of determining the Special Benefit needs to be reassessed and a more robust and quantifiable method be created. However, as this process is lengthy and will not meet the ballot initiative deadline and the District wanted to show the LLADs good faith in acknowledging their concerns, the Board Approved a resolution providing for a one time General Fund contribution to the District's LLADs levying an assessment for Fiscal Year 2024-2025 in the amount of \$833,724. This lowered all LLAD assessments, with most of the savings realized in the Community and Village Parks which include Carson Creek, Promontory and Valley View LLADs.

CSD Financial Health and Master Plan

F10 CSD operates with 20-40% or more net revenue each year that accrues to increasingly larger treasury fund balances, now roughly \$50 million.

The District Disagrees with the Finding: The District has 56 different funds and each has a different set of financials. This makes it difficult to make a general statement that the CSD operates 20-40% above net revenue. Each fund should be considered on its own merit for the public to see a true synopsis of the District's financial position.

Relaying back to the documents reviewed by the Grand Jury for this report, in particular the Fiscal Year 2022 (FY22) Annual Comprehensive Financial Report (ACFR), we have prepared a detailed breakdown of the fund balances by category (Restricted, Assigned, and Unassigned) (*See Attachment L*). The purpose of this breakdown is to show that while for that fiscal year the total Government Fund balance is \$48 million, the makeup of the underlying funds is determined by District policy or policy set by the Governmental Accounting Standards Board (GASB). Of that \$48 million in total fund balance, only \$2.67 million is unrestricted or uncommitted to a specific purpose.

In terms of the increases in Net Revenue, it is worth remembering that the past five (5) years have been unique. First, the District went through the COVID

period when operations were reduced significantly and this correlates to less spending for District operations. It also delayed many deferred maintenance and capital projects because it became very challenging to find contractors to do the work.

The other contributing factor was home values which have increased to unprecedented levels, resulting in increased property taxes, which is the main source of the District's revenue. It has increased 34% over the past five years, climbing from \$7,297,842 in 2019 to \$9,791,003 in 2023. The combination of these two driving forces did result in higher net revenue that can be perceived as mismanagement. However, the reader needs to understand that the District has now recovered from COVID and operations are finally coming back to pre-covid levels. Projects, both deferred maintenance and Capital, are now being addressed. The aggregate District fund balance that may have been seen as "surplus" still needs to be used to complete these projects. The process has just been delayed.

F11 CSD Financial Assets are far more than their reserve policies allow as stated in their operational policy document.

The District Disagrees with the Finding: The District Policy for determining the amount of Reserves is applied during the budgeting process each fiscal year, and at the beginning of the Fiscal year, these reserves are funded accordingly and strictly to policy (District Reserve Policies 3272.10-3272.80) (See Attachment M). As the District's Reserve policies allow, the District is able to support its operations for the first 6 months of each fiscal year until the first installment of tax revenue is received, as well as the development of capital projects. For example, in Fiscal Year 2024, funds from the District's Capital Deficiency Reserve were utilized to purchase a portion of the Old Executive Golf Course for the benefit of the community.

F12 The CSD Master Plan is a long-term park enhancement and development plan that envisions spending \$300 million according to a 2021 document, which seems unrealistic without significant additional funding sources.

The District Partially Disagrees with the Finding: We agree that in the 2021 Master Plan reviewed by the Grand Jury, it envisions a funding requirement of approximately \$300 million. Please note that, as will be highlighted in Finding 13, there was a calculation error that overstated this amount by \$114,216,999. The District disagrees with this finding because in our 2021 and 2022 Annual Comprehensive Annual Reports, the District acknowledges the funding shortfall and specifically states in the Major Initiative narrative section that "Currently, the District does not have any outstanding debt towards these projects. However, if the District follows the 10-year capital projects plan then debt funds will be needed by the year 2025." It should also be noted that for the District's

Master Plan was developed through a lengthy process and its foundation comes from the public's input and vision of what they want in their community. If significant additional funding is needed, then the District will pursue this through a voting process such as a bond or CFD. Ultimately, it is the community that will decide whether this capital plan is realistic or not.

- F13** There appear to be calculation errors in the Master Plan overestimating the amount to fully fund the proposed developments by more than \$100 million.

The District Agrees with the Finding: In the 2021 Master Plan; Appendix E, Table 9, there was a spreadsheet error in the amount of \$114 M on the cost of certain Capital Improvement projects that caused the artificially high funding requirement. This had been previously, publicly noted, and corrected at a public Board of Directors meeting on March 14th, 2024. (See Attachments N, O, and P)

- F14** CSD, despite its sizable financial holdings and the complexity of its accounts and revenue sources, does not have a licensed CPA on staff.

The District Partially Agrees with the Finding: Technically this finding is correct in that there is no CPA on staff. However, a licensed CPA would not necessarily alleviate the concerns of the Grand Jury as many of the items noted in the findings are a result of District Policy and not due to a lack of a licensed CPA on staff. Further, the District uses a third-party auditor who is a licensed CPA and a resource to the District. The District's financials are audited each year and any issues with the reporting of financials would be addressed in the audit report, also known as the Annual Comprehensive Financial Report (ACFR). During the tenure of the current Director of Administration & Finance, the District has been awarded each year the *Certificate of Achievement for Excellence in Financial Reporting* from the Government Financial Officers Association (GFOA). According to GFOA this award is the "highest form of governmental accounting and financial reporting" recognition and has been established for over 79 years.

The District acknowledges the audit for FY23 has not yet been completed. As of the date of this response, the District had requested the auditor refrain from completing the audit until the investigative report referenced above was completed. As the Board of Directors voted (4-0) to release the investigative report during the July 2, 2024 Special Meeting, the District expects the FY23 annual audit to be completed and presented to the Board of Directors during the regular scheduled meeting on August 08, 2024.

Park Impact Fees and Reporting Requirements

F15 CSD has been retaining Park Impact Fees (PIF) for more than five years and may ultimately hold several million dollars in funds for ten or fifteen years or more. This opens the CSD to potential litigation for not spending PIF funds in the short term.

The District Disagrees with the Finding: The District agrees that it has retained PIF funds in an effort to fund capital improvement projects as outlined in its Master Plan. Prior to the recent decision in *Austin v. County of El Dorado, et al.*, the District operated under the prevailing interpretation that PIF Funds could be retained longer in order to fund a larger development such as the planned Bass Lake Park. Given the recent ruling in this case, the District is evaluating its legal position, including the potential to file an appeal following the finality of the *Austin* case in the Superior Court. The District is currently developing internal processes and systems to avoid missing critical deadlines in the future that ultimately lead to the result of active litigation (*Austin v. County of El Dorado, et al.*, El Dorado Superior Court Case No. PC20150633).

F16 The plans to spend PIF through FY 29 and FY 31 on a Multigenerational Recreation Center and Bass Lake Park are contingent on significant additional funds of over \$75 million. These plans are not consistent with the intent of the Mitigation Fee Act and will require a contingency plan in case the additional required funds are not available for the new park development.

The District Agrees with the Finding: The District is researching various funding options to supplement the available Park Impact Fees for the larger capital projects, including the newly acquired property, as well as Bass Lake Park and the Multigenerational Recreation Center.

Developer Relationship

F17 The public is concerned about several recent financial deals CSD has made with Parker Development, such as the CSD's purchase of the Old Executive Golf property, the CSD acquiring the 12.5-acre Serrano Village J lot to develop a turnkey park at Bass Lake area rather than enforcing Parker's obligation to do so, and a significantly reduced amount for Park Impact Fees (PIF) for Parker Development.

The District Disagrees with the Finding: We understand that the public has expressed concerns regarding the issues noted in the finding, but we believe that those concerns are based on incomplete information and/or a general lack of understanding.

- 1) Old Executive golf property was acquired in response to an overwhelming desire expressed by 91% of the community in Measure E in 2015 to protect the Old Executive Golf property from becoming housing. This vote

confirmed the District's previous and ongoing efforts to preserve the open space for new recreational amenities.

- 2) The District participated in a settlement which was negotiated between Parker Development, the District, and El Dorado County that provided the 12.5 acres and \$3.5M in funding identified from the County's Serrano CFD 1992-1 that had been slated for the development of the parkland. Given the years of delay in the construction of the turnkey park, and that the District had recently acquired acreage from Rescue Unified School District that was adjacent to the Village J lot, it was envisioned that the Village J lot could be incorporated into a larger park project. With that newer vision, the District elected to accept the land and funding and construct the park itself.
- 3) It is the County that determines the Park Impact Fees, not the District. It's in the best interest of the District to not allow credits so the PIF can be truly used to mitigate the impact of new development as it relates to Park's and Recreation in EDH. The District attempted to eliminate the discount given to Parker Development. In 2018, an updated Park Impact Fee and Nexus Study performed by DTA was adopted by the District and El Dorado County, which effectively removed the PIF credits that Serrano had been receiving for private parks (behind the gates) and open space. In September of 2018, Serrano Associates, and its builders, filed a protest with the County seeking to overturn the District's updated Park Impact Fees. In June of 2019, following an analysis by New Economics and Advisory, a land use consulting firm, the then CAO of El Dorado County granted a reduction in park impact fees to the developer.

RECOMMENDATIONS

GM Conflict of Interest

- R1** Within 90 days of this report, as mandated by the District Attorney’s Office, all CSD Board members and management level employees should be required to complete Brown Act training and renew such training not less than every two years. In addition, all Board members and management level employees should be designated and required to complete AB 1234 Chapter 700 Ethics training every two years.

This Recommendation has been implemented: At a Special Meeting on May 2, 2024, District Counsel provided detailed Brown Act training to four of the five Board of Directors, General Manager, District Management Staff and four members of the public. One Board member was unable to attend and has subsequently viewed the recorded session as well as the materials handed out by Counsel. A video recording of this training session is available on the Districts Website; [Special Board of Directors Meeting - May 02, 2024 - Zoom](#)

- R2** CSD should keep records of all Brown Act and AB 1234 Ethics training completed by the Board of directors and designated staff members for a minimum period of 10 years.

This Recommendation has been implemented: The District already tracks and retains records of Board of Director and General Manager’s Brown Act and AB 1234 Ethics trainings.

For AB 1234, the District complies with Gov. Code §53235.2, which requires local agencies to maintain records that indicate both the dates of training and the entity that provided the training for five years after the training.

Training regarding the Brown Act is required by statute, however, the retention of related records is not statutorily required; therefore, the District relies upon its internal record retention policy (#3090) (See Attachment Q), to maintain the documents. Proof of completed training is placed into the employee’s personnel file, which is maintained for ten (10) years after separation for full-time employees and three (3) years after separation for part-time/seasonal employees.

- R3** Within 90 days, the County District Attorney’s office should continue to investigate Brown Act or CA Government Code Section 53262 violations by the CSD Board unless and until the CSD Board gets appropriate Brown Act and Ethics training.

This Recommendation has been implemented: After the Interim District Counsel completed the Brown Act training to the Board of Directors and District Management Staff, the office of the County District Attorney was notified of the

training.

- R4** By December 31, 2024, the County District Attorney's office should complete the investigation of any potential ethics or conflicts of interest violations, including required FPPC Form 700 disclosures, raised by the former GM's consulting arrangement with DTA.

This Recommendation has not been implemented but will be implemented in the future: The District will cooperate with the County District Attorney's office in its investigation of any potential ethics or conflicts of interest violations by the former GM's consulting arrangement with DTA.

Carson Creek LLAD #39 Ballot Initiative

- R5** Within 90 days, CSD should implement the intent of the Carson Creek LLAD #39 second ballot initiative to perpetually repeal LLAD assessments.

This Recommendation has been implemented: Pursuant to CA Elections Code 9310, the obligations of the Board of Directors when a ballot initiative is received are as follows:

1. Adopt the ordinance [the initiative], without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; or
2. Submit the ordinance [the initiative], without alteration, to the voters pursuant to Elections Code §1405.2

During the Board of Directors meeting on November 20, 2023, the Board approved to submit the latest proposed ballot initiative for LLAD #39 by a four (4) to one (1) vote. (See *Attachments R and S*)

The District and Board of Directors acknowledge previous initiative, designated Measure H (See *Attachment T*), was approved by the LLAD voters of LLAD #39 for FY20 and FY21. The District effectively refunded those assessments to the homeowners within LLAD #39 prior to the approved vote.

LLAD Assessment Policies and Objections

- R6** Within 90 days of this report, CSD should establish and document clearer guidelines for the CSD Board of Directors or GM certification of the assessment levy to the County Controller/Auditor and publish that procedure in the CSD Policies and Procedures documents.

This Recommendation requires further analysis: To the extent the District can resolve its pending lawsuit with the County Auditor, there may be changes in the guidelines and procedure the District follows to provide the necessary certification of the assessment levies to the County Controller/Auditor. Only if a resolution is reached, short of court resolution, could the District create the appropriate documentation.

- R7** Upon certification that the Promontory and Blackstone LLAD initiative petitions have been signed by the requisite number of voters, CSD must enact the Promontory and Blackstone LLAD initiatives without alteration, or submit the initiatives unmodified to the voters, as required by California Elections Code Section 9310.

This Recommendation has been implemented: At the April 11, 2024, Board of Directors meeting, the proposed ballot initiative for LLAD #22 approved by unanimous vote (See Attachments U, V, and W).

This Recommendation has been implemented: At the May 09, 2024, Board of Directors meeting, the proposed ballot initiative for LLAD #33 was approved by a four (4) to one (1) vote (See Attachments X, Y and Z).

CSD Financial Health and Master Plan

- R8** Within 90 days, CSD should document the projected use for all Treasury fund assets, clarify which fund accounts are earmarked for what purposes and open the spending plan for public comment and approval.

This Recommendation has been implemented: As part of the District's FY25 budgeting process, Treasury Fund assets were defined by account with a description of what the funds would be available for. The preliminary budget was presented at the May 29th Special Meeting open to the public, and the final budget was presented and approved during the June 13th Regular Board of Directors meeting.

- R9** By September 30, 2024, CSD should review, revise, and publicize its Master Plan from 2021 with realistic timelines for all new park development, as well as accurate and realistic cost estimates that can be funded and executed within a 10-year planning period.

This Recommendation has not been implemented but will be implemented in the future: The District has planned and budgeted for a complete review and revision of the 2021 Master Plan beginning in FY25, which starts on July 01, 2024, in accordance to our policy for a five (5) year review. The outcome of the

revised Master Plan will have an influence on the District's ten-year Capital Improvement Plan. This is a very comprehensive review process and plan revision that includes community input on several occasions, which cannot be completed in the timeframe recommended.

R10 Within 90 days, CSD should employ or retain a full-time licensed CPA professional to be Treasurer/CFO-equivalent.

This Recommendation has not been implemented but will be implemented in the future: As stated in the Findings, the concerns of the Grand Jury are a function of District Policy and not due to the lack of having a CPA on staff or retainer. However, the District recognizes that government accounting is unique and complicated; and reporting is always changing with Governmental Accounting Standards Board (GASB) regulations having new requirements that the District must adhere to each year. District staff understand that education is a priority and will work towards having at least one member of the finance department receive a certification in government accounting through a reputable government entity, including GFOA and/or California Society of Municipal Officers (CSFMO). The goal will be to have this completed by December 2025. Additionally, the District will look at incorporating an appropriate accounting certification requirement for future recruitments.

Park Impact Fees and Reporting Requirements

R11 Within 90 days, CSD should get public input on its latest 10-year development plan, including any updates to the Master Plan from 2021, and how they plan to use PIF funds over an extended period. This development needs to include a contingency plan for new park development in a reasonable time frame if additional funds do not become available that are required for the current Master Plan.

This Recommendation has not been implemented but will be implemented in the future: As noted in our response to R9, the District has planned and budgeted for a complete review and revision of its 2021 Master Plan in FY 24/25. As part of that process, the District solicits input from the community on the Master Plan and the 10-year development plan. Additionally, the significant amount of community input the District is currently receiving as a result of the Central EDH Park outreach project will be taken into consideration.

Developer Relationship

R12 Within 90 days, CSD should document its plans for Bass Lake Park and justify why CSD took on the obligation to build a turnkey park in Village J7, and how development of Bass Lake Park will now proceed up through park completion proposed by CSD in FY 31.

This Recommendation requires further analysis: With the District's acquisition of 55 acres of the old executive golf course and the option to acquire the remaining 41.5 acres, the Bass Lake Park design may be subject to change depending on the community input for the Central EDH Park and what amenities that park will have. The community outreach project for Central EDH Park will run through summer at which time the District will be in a better position to define and document its plans for Bass Lake park.

With regard to the turnkey park in Village J, the District participated in a settlement which was negotiated between Parker Development, the District, and El Dorado County that provided the 12.5 acres and \$3.5M in funding identified from the County's Serrano CFD 1992-1 that had been slated for the development of the parkland. Given the years of delay in the construction of the turnkey park, and that the District had recently acquired acreage from Rescue Unified School District that was adjacent to the Village J lot, it was envisioned that the Village J lot could be incorporated into a larger park project. With that newer vision, the District elected to accept the land and funding and construct the park itself.

To assist the community in understanding the history of this decision, the District will be seeking to create a public review of the information and series of events that led up to the settlement agreement between the three parties whereby the District accepted the 12.5 acres and \$3.5M in funding in order to incorporate the J Lot H parkland into the larger Bass Lake Park project.

Attachments

- A)** EDHCSD Policy 2600 (F1, page 2)
- B)** EDHCSD Policy 5090.20 (F2, page 2)
- C)** EDHCSD Policy 4090.10.01 (F4, page 3)
- D)** EDHCSD Approved Board Meeting Minutes - October 14, 2021 (F7, page 4)
- E)** EDHCSD Approved Board Meeting Minutes - May 12, 2022 (F7, page 4)
- F)** EDHCSD Approved Board Meeting Minutes - June 13, 2022 (F7, page 4)
- G)** EDHCSD Approved Board Meeting Minutes - November 09, 2023 (F7, page 4)
- H)** EDHCSD Approved Board Meeting Minutes - November 20, 2023 (F7, page 4)
- I)** EDHSCD Staff Report - FY23 Final Engineers Reports for LLADs (F8, page 5)
- J)** EDHCSD Approved Board Meeting Minutes - June 09, 2022 (F8, page 5)
- K)** Letter from County Auditor with Checklist for Assessment Certifications (F8, page 5)
- L)** FY22 Comprehensive Annual Financial Report (ACFR) Detailed Breakdown (F10, page 6)
- M)** EDHCSD Policy 3272.10-3272.80 (F11, page 7)
- N)** EDHSCD Staff Report - Clerical Updates to 2021 Master Plan; Appendix E, Table 9 (F13, page 8)
- O)** Revised 2021 Master Plan; Appendix E, Table 9 (F13, page 8)
- P)** EDHCSD Approved Board Meeting Minutes - March 14, 2024 (F13, page 8)
- Q)** EDHCSD Policy 3090 (R2, page 11)
- R)** EDHSCD Staff Report - An Initiative Measure to Repeal and Refund LLAD #39 (R5, page 12)
- S)** 2024-20_Resolution_Calling and Ordering an Election for LLAD #39_Submitted 2023 (R5, page 12)
- T)** 2022-19_Resolution_Calling and Ordering an Election for LLAD #39_Submitted 2022 (R5, page 12)
- U)** EDHSCD Staff Report - An Initiative Measure to Repeal and Refund LLAD #22 (R7, page 13)
- V)** An Initiative Measure to Repeal and Refund LLAD #22_Submitted 2024 (R7, page 13)
- W)** EDHCSD Approved Board Meeting Minutes - April 11, 2024 (R7, page 13)
- X)** EDHSCD Staff Report - An Initiative Measure to Repeal and Refund LLAD #33 (R7, page 13)
- Y)** An Initiative Measure to Repeal and Refund LLAD #33_Submitted 2024 (R7, page 13)
- Z)** EDHCSD Approved Board Meeting Minutes - May 09, 2024 (R7, page 13)

CONFLICT OF INTEREST #2600

No employee shall receive gifts valued over fifty dollars (\$50.00) from any single source in any calendar year in the scope of their employment. A “gift” is any payment or other benefit that confers a personal benefit for which an employee does not provide payment or services of equal or greater value. District employees must avoid the appearance of favoritism in all of their dealings on behalf of the District. An employee may not make or participate in the making of a decision if a financial conflict of interest exists.

It is the policy of the District to separate the District’s interest with its employee’s private interest and to safeguard the District and its employees from charges of favoritism in the acquisition of goods and services. Goods and services must not be purchased from an employee or a near relative of the employee unless there is a specific determination that the goods or services are not otherwise available, or the employee has recused himself or herself from involvement in the decision related to the acquisition of the goods and services for which a potential conflict of interest may exist.

All District employees are expected to act with integrity and good judgment. If there is concern that a potential conflict of interest may exist, the employee should immediately bring it to the attention of their supervisor or the General Manager.

No employee shall disclose any confidential information obtained in his/her employment to any other employee and/or to any third parties, absent the express written approval of the General Manager.

5000 - BOARD MEETINGS



BOARD OF DIRECTORS' CODE OF CONDUCT #5090

Introduction.

The Board is committed to ensuring that Board Directors carry out their duties with integrity and respect, and to honorably represent the public served by the District. The following Code of Conduct establishes ethical standards for Board Directors' performance of the duties of office.

5090.10 Prohibited Conduct.

Board Directors agree to abide by the following:

1. Board Directors will treat all persons and transactions in a fair and respectful manner when participating in the District's activities.
2. Board Directors will act in accordance with all applicable laws of the United States and the State of California in the performance of their official duties.
3. Board Directors will refrain from abusive conduct, and verbal attacks upon the character or motives of other Board Directors, the District and its staff, or the public. Board Directors will refrain from actions or behaviors that may be considered unlawful harassment, discrimination, or retaliation.
4. Board Directors will abide by the processes and rules of order as established by the Board for the conduct of its business.
5. The Board exercises authority only collectively as a Board. Individual Board Directors will not state that a matter is the District's policy unless the matter has been previously approved by the Board.
6. Board Directors will not use their title or position for personal gain. Board Directors will refrain from the following: (a) accepting gifts or favors that may compromise independent judgment or give the appearance of compromised judgment or (b) using their official title for matters other than the official conduct of their office.
7. Board Directors will not use or permit the use of District resources including, but not limited to, funds, seals or logos, time, personnel, supplies, equipment, identification cards/badges, or facilities for unapproved non-District activities.
8. Board Directors will not endorse or recommend, for compensation, any commercial product or service in the name of the District or in their official capacity.
9. Board Directors will keep confidential District information that has been provided to them in confidence. Board Directors will not disclose confidential information without proper authorization from the Board as a whole or use such information to advance their personal or private financial interests.

5000 - BOARD MEETINGS

5090.2

Investigation of Complaints.

The following sets forth the procedures for investigating complaints against a Board Director for a possible Code of Conduct violation.

1. Within fifteen (15) days of receiving a complaint against a Board Director from another Director, District staff, or a member of the public, the Board President, or the Board Vice President if the complaint is against the Board President, will decide whether to initiate an investigation.
2. At the next regular meeting of the Board, the President (or the Vice President for complaints against the President) will inform the Board during open session, and as part of the President's or Vice President's comments as regularly agendaized, of the existence of the complaint, of the decision whether or not to investigate, and in the event of a decision to not initiate an investigation, an explanation to the Board for the decision. A decision to not investigate a complaint by either the President (or Vice President) may be overridden by a vote of the majority of disinterested Directors. For purposes of this paragraph, "disinterested Directors" means Directors who are neither a complainant nor an accused with respect to the specific complaint at issue.
3. The President (or Vice President) will refer the complaint of violation to the General Manager for investigation in those instances in which there has been a decision to investigate.
4. The General Manager may retain a special investigator or special counsel to conduct or assist in the investigation.
5. Within ten (10) days of the initiation of an investigation of a possible Code of Conduct issue/violation, the General Manager will provide a Director accused of a violation with a copy of the complaint or, in cases in which no written complaint has been made, a written summary of the complaints against the accused.

5090.3

Enforcement of the Code of Conduct.

1. The Board will review the results of any investigation of a Board member and consider any actions to be taken in response at a regular meeting of the Board in open session.
2. Board members will not take any hostile or retaliatory action, directly or indirectly, against a complainant. Retaliatory action by a Board member may be the subject of additional investigation and action by the Board.
3. The General Manager will provide a Board Director accused of a violation of the Code of Conduct with at least five (5) days' written notice of any meeting at which the results of an investigation into a Code of Conduct violation will be addressed.
4. A violation of the Code of Conduct may result in (a) Public apology by the official to the complainant; (b) Recommendation for training;

5000 - BOARD MEETINGS



(c) Public censure; public censure or reprimand of a Director. Any such action shall be taken based on a majority vote of disinterested Directors as defined above.

Adopted: May 11, 2023

4000 - BOARD OF DIRECTORS



TRAINING, EDUCATION AND CONFERENCES #4090

4090.10 Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Funding for such will be approved in the annual budget.

4090.10.01 Board Directors will successfully complete *Good Governance* training through the Special District Leadership Academy offered by the Special District Leadership Foundation, within one year of an initial appointment, and will renew such training at a minimum every two (2) years thereafter.



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

October 14, 2021
MINUTES

*****Meeting Held Jointly In-Person and Via Zoom Virtual Conferencing Due to COVID-19 Restrictions*****

Board President, Noelle Mattock, called the meeting to order on Thursday, October 14, 2021, at 5:30 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California and via Zoom Virtual Conferencing.

On-site attendees include the following:

Board Directors

- Noelle Mattock, President
- Benjamin Paulsen, Director
- Michael Martinelli, Director
- Heidi Hannaman, Director

Board Directors Absent:

- Sean Hansen, Vice President

District Staff

- Kevin A. Loewen, General Manager
- Teri L. Gotro, Director of Administration and Finance
- Brittany DiTonno, Executive Assistant/Clerk of the Board
- Tauni Fessler, Principal Planner
- Cara Layne, Staff Services Analyst
- Mark Hornstra, Interim Director of Parks and Recreation
- Jen Leal, HR Manager
- April West, Communications Office
- Sandra Montgomery, Recreation Superintendent
- Dan Williams, Parks Superintendent
- Ryan Kukkola, Parks Supervisor
- Jason Kukkola, Recreation Supervisor

Other Attendees

- David Tyra, Legal Counsel
- Taylor Hall-Vining, IT

Berkson & Associates

- Representative:
- Richard Berkson

General Public

Approximately 15 Members

Virtual attendees include the following:

District Staff

- Jeff Kemen, Staff Services Analyst
- Kate Miller, Recreation Supervisor

General Public

Approximately 20 Members

President Mattock led the pledge of allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire and other emergency personnel).

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**October 14, 2021
Page 2**

ADOPTION OF AGENDA

President Mattock called for the adoption of the Agenda.

Motion No. 1. Director Martinelli moved and Director Hannaman seconded the motion to adopt the agenda as presented.

Motion passed, outlined as follows:

Yes - 4 - Hannaman, Martinelli, Mattock, Paulsen

Absent - 1 - Hansen

CLOSED SESSION PUBLIC COMMENT - None

ADJOURNMENT TO CLOSED SESSION - 5:34 p.m.

CLOSED SESSION ITEMS

- A. Conference with Real Property Negotiator (Government Code § 54956.8):
Property: Parker Development Company, CEDHSP - Old Executive Golf Course
APN: 121-040-029; 121-040-031; 121-040-032; 121-160-005
Agency Negotiator: General Manager
Negotiating parties: Parker Development Company
Under negotiations: Land Acquisition
- B. Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: Thomas Austin and Helen Austin v. County of El Dorado, et al., Case No. PC2015063S
- C. Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation.
(Gov. Code section 54956.9(b). - 1 item.
- D. Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation.
(Gov. Code section 54956.9(b). - 1 item.
- E. Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation.
(Gov. Code section 54956.9(b). - 1 item.

REPORT OUT OF CLOSED SESSION - 6:32 p.m.

President Mattock noted directions were provided to staff on all Closed Session items.

GENERAL MANAGER MONTHLY REPORT

- 1. Loewen provided updates on additional items to the General Manager Report.

LEGAL COUNSEL UPDATES AND ADVICE

General updates were provided by Legal Counsel

BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS

General thanks and comments were received by each Board Director.

GENERAL PUBLIC COMMENT - None

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**October 14, 2021
Page 3**

Vice President Hansen joined the meeting virtually at 7:09 p.m.

CONSENT CALENDAR

Receive & File:

2. 2021 Calendar of Upcoming Board Meetings and Special Events (K. Loewen)
3. Submittal of the Monthly Treasury Report (K. Loewen)
4. Executive Summary - EDH Summer Fest (S. Montgomery)
5. 2021-22 Winter Basketball Update (S. Montgomery)
6. FY2021 Annual Park Impact Fee Report (T. Gotro)
7. Annual Report of Reimbursement to EDHCS Board Members and Employees (T. Gotro)

Approve:

8. 2021 Calendar of Board Member Training Opportunities (K. Loewen)
9. Minutes of September 09, 2021 Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
10. Minutes of September 16, 2021 Board of Directors Special Meeting - *Hybrid* (B. DiTonno)
11. September 2021 Summary of Director Meetings (K. Loewen)
12. Board Director Training Report: Director Mattock - 2021 CSDA Annual Conference (N. Mattock)
13. Board Director Training Report: Director Hansen - 2021 CSDA Annual Conference (S. Hansen)
14. Carson Creek LLAD #39 Refund for FY20 Assessment (T. Gotro)
15. Design Review Committee Member Appointment (C. Layne)
16. CAC Recommendation that the Board of Directors Authorize Staff to Direct District Legal Counsel to Send Third and Final Notices of Non-Compliance to: (C. Layne)

Property Owner: Lolita O Neal
Property Address: 3380 Tea Rose Drive
Village: Bass Lake Village, Unit 5, Lot 38
APN: 115-261-006
Case#: 21-446
Violation: Section 2.03 – Garages and Vehicles

Property Owner: Michael & Stephanie Raley
Property Address: 3145 Kensington Drive
Village: Winterhaven Village, Unit 1, Lot 71
APN: 110-294-005
Case#: 21-435
Violation: Section 5.02 – Maintenance Obligations

Consent Calendar received verbal public comments from the following:

- L. Hampton - DRC Member Appointee

Motion No. 2. Director Hannaman moved and Director Martinelli seconded the motion to approve consent calendar with item #5 pulled for further review.

Motion passed, outlined as follows:

Yes - 4 - Hannaman, Martinelli, Mattock

Absent - 1 - Paulsen

Abstain - 1 - Hansen

GENERAL BUSINESS

17. Review & Approve or Deny - Appeal of Design Review Committee Action - 1804
Rochampton Place - Carport (C. Layne)

Item 17 received verbal public comments from the following:

- **N. Wadiak - Homeowner**

Motion No. 4. Director Paulsen moved and President Mattock seconded the motion to approve the appeal with the condition the carport match the aesthetics of the current residence on the property, as per submitted to DRC on 07/13/2021.

Motion passed, outlined as follows:

- Yes - 3 - Hansen, Mattock, Paulsen**
- No - 2 - Hannaman, Martinelli**

18. Review & Approve - Incorporation (Cityhood) Analysis of El Dorado Hills - Findings and Draft Press Release (K. Loewen)

Item 18 received verbal public comments from the following:

- **R. Berkson - Representative of Berkson & Associates**
- **S. Ferry**
- **C. Nicholson**
- **T. White**

Motion No. 5. Director Paulsen moved and Director Hannaman seconded the motion to approve the draft press release, as written, and moving forward with getting it out to the community.

Motion passed unanimously:

- Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen**

19. Review & Provide Direction - Old Executive Golf Course / Central EDH Housing Project - County Request for Development Agreement Terms (K. Loewen)

No action required by the Board. Direction provided to staff.

Item 19 received verbal public comments from the following:

- **C. Nicholson**
- **Tim White**
- **Randall LaFrom**

20. Review & Approve - Cost Recovery Policy Adjustment (T. Gotro)

Motion No. 6. Director Martinelli moved and Director Paulsen seconded the motion to approve the requested updates to the Cost Recovery policy as presented.

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**October 14, 2021
Page 5**

**Motion passed unanimously:
Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen**

REVIEW ITEMS PULLED FOR DISCUSSION

5. 2021-22 Winter Basketball Update (S. Montgomery)

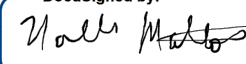
Item 5 received verbal public comments from the following:

- **D. Keyzer**

No action required by the Board. Direction provided to staff.

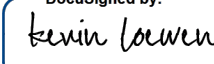
There being no further business of the Board, President Mattock called for adjournment of the meeting.

ADJOURNMENT - 10:38 p.m.

APPROVED: DocuSigned by:


A7CC6168064C466...
*Noelle Mattock, President
District Board of Directors*

DATE: 11/10/2021

ATTEST: DocuSigned by:


E084E8688CE3414...
*Kevin A. Loewen, General Manager
Secretary to the Board of Directors*

DATE: 11/11/2021



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

May 12, 2022
MINUTES

Meeting Held Jointly In-Person and Via Zoom Virtual Conferencing Due to COVID-19 Restrictions

Board President, Michael Martinelli, called the meeting to order on Thursday, May 12, 2022, at 5:34 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California and via Zoom Virtual Conferencing.

On-site attendees include the following:

Board Directors

- Michael Martinelli, President
- Noelle Mattock, Vice President
- Benjamin Paulsen, Director
- Sean Hansen, Director
- Heidi Hannaman, Director

District Staff

- Kevin A. Loewen, General Manager
- Brittany DiTonno, Executive Assistant/Clerk of the Board
- Teri Gotro, Director of Administration and Finance
- Jen Leal, Human Resources Manager
- Mark Hornstra, Director of Parks & Recreation
- Cara Layne, Program Supervisor
- Julia Griffin, Communications Specialist
- Tauni Fessler, Principal Planner
- Ryan Kukkola, Parks Superintendent

Other Attendees

- David Tyra, Legal Counsel
- Taylor Hall-Vining, IT

General Public

Approximately 9 Members

Virtual attendees include the following:

District Staff

Jason Kukkola

General Public

Approximately 8 Members

President Martinelli asked Director Paulsen to lead the pledge of allegiance.

President Martinelli called for a moment of silence to honor American service members (military, law enforcement, fire and other emergency personnel).

ADOPTION OF AGENDA

President Martinelli called for the adoption of the Agenda.

Motion No. 1. Director Paulsen moved and Director Hansen seconded the motion to adopt the agenda with minor edits requested by Director Hannaman for the Presentation Title and Item #14 Title.

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**May 12, 2022
Page 2**

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

GENERAL MANAGER MONTHLY REPORT

1. Loewen provided updates on additional items to the General Manager Report.

LEGAL COUNSEL UPDATES AND ADVICE

General updates were provided by Legal Counsel

BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS

General thanks and comments were received by each Board Director.

GENERAL PUBLIC COMMENT

Public Comment was received by the following:

- D. Getz

CONSENT CALENDAR PUBLIC COMMENT - None

CONSENT CALENDAR

Receive & File:

2. 2022 Calendar of Upcoming Special Events (K. Loewen)
3. Submittal of the Monthly Treasury Report (K. Loewen)
4. Submittal of 3rd Quarter Financial Statements and Treasury Report (T. Gotro)
5. Staff Recommendation to Increase the General Fund Benefit for Promontory LLAD #22 (T. Gotro)

Approve:

6. 2022 Calendar of Board Member Training Opportunities (K. Loewen)
7. Minutes of April 14, 2022 Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
8. April 2022 Summary of Director Meetings (K. Loewen)
9. Job Description Update (J. Leal)
10. HVAC Repair Approval from GM for CAB/Community Gym (K. Loewen)

Motion No. 2. Director Hansen moved and Director Paulsen seconded the motion to approve consent calendar as presented.

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

GENERAL BUSINESS

11. Review and Approve - Refund FY21 Assessment for Carson Creek LLAD #39 (T. Gotro)

Motion No. 3. Vice President Mattock moved and Director Hannaman seconded the motion to approve a refund of all EDH residents that were levied an assessment in FY21 for the Carson Creek LLAD #39.

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**May 12, 2022
Page 3**

-
12. Review and Approve/Deny - Design Review Application for 3101 Brackenwood Place - Exterior Paint [CE 22-334] (C. Layne)

Verbal public comment for Item 12 was received by the following:

- J. Valencia
- C. Webb - Homeowner

- Motion No. 4. Director Paulsen moved and Director Hansen seconded the motion to approve the application submitted by property owner, as presented.**

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

13. Public Hearing: Ordinance No. 2022-01: *Amending and Revising Ordinance 2007-01: Establishing Rules and Regulations for Organic Waste Disposal and Compliance with CalGreen Recycling Requirements* (T. Gotro)

- A. Conduct Second Reading (by title only) of Ordinance No. 2022-01: *Amending and Revising Ordinance 2007-01: Establishing Rules and Regulations for Organic Waste Disposal and Compliance with CalGreen Recycling Requirements*

President Martinelli conducted the second reading of Ordinance 2022-01, by title only.

- B. Adopt Ordinance 2022-01: *Amending and Revising Ordinance 2007-01: Establishing Rules and Regulations for Organic Waste Disposal and Compliance with CalGreen Recycling Requirements*

- Motion No. 5. Director Hansen moved and President Martinelli seconded the motion to adopt Ordinance 2022-01: Amending and Revising Ordinance 2007-01: Establishing Rules and Regulations for Organic Waste Disposal and Compliance with CalGreen Recycling Requirements as presented.**

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

14. Review and Adopt - Resolution 2022-07 Regarding Preliminary **Landscape and Lighting Assessment Districts (LLADs)** Engineer's Reports for Fiscal Year 2022-2023 (T. Gotro)
- **Updated Title to include LLAD Clarification per Motion for Agenda Adoption**

Written public comment for Item 14 was received by the following:

- K. Prevost

- Motion No. 6. Director Paulsen moved and Director Hansen seconded the motion to adopt Resolution 2022-07 approving multiple LLAD Preliminary Engineer's Reports and to set the Notice of Public Hearing date as outlined in the staff report.**

Motion passed, outlined as follows:

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**May 12, 2022
Page 4**

**Yes - 4 - Hansen, Martinelli, Mattock, Paulsen
No - 1 - Hannaman**

15. Review and Approve - Award of Contract for General Liability/Property and Workers' Compensation Insurance for FY23 (K. Loewen)

Motion No. 7. Vice President Mattock moved and Director Hansen seconded the motion to approve the award of contract for General Liability/Property and Workers' Compensation Insurance for FY23 as presented.

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

PRESENTATIONS & ANNOUNCEMENTS

- (A) Girl Scout Gold Award Update from Savannah Hannaman - **Bat** Boxes at Bass Lake
- *Updated to the Correct Type per Motion for Agenda Adoption*

GENERAL BUSINESS ITEM:

16. Review and Discuss - Preliminary Budget for Fiscal Year 2022-2023 (T. Gotro)

No action taken for this item. Discussion occurred and direction provided to staff.

REVIEW ITEMS PULLED FOR DISCUSSION - None

CLOSED SESSION PUBLIC COMMENT - None

ADJOURNMENT TO CLOSED SESSION - 8:21 p.m.

CLOSED SESSION ITEMS

- A. Conference with Real Property Negotiator (Government Code § 54956.8):
Property: Parker Development Company, CEDHSP - Old Executive Golf Course
APN: 121-040-029; 121-040-031; 121-040-032; 121-160-005
Agency Negotiator: General Manager
Negotiating parties: Parker Development Company
Under negotiations: Land Acquisition
- B. Conference with Real Property Negotiator (Government Code § 54956.8):
Property: Gilmore Senior Center
APN: 120-082-001
Agency Negotiator: General Manager
Negotiating parties: El Dorado County
Under negotiations: Land Acquisition
- C. Conference with Labor Negotiator (Government Code § 54957.6):
Agency Negotiator: General Manager
Employee Organization: El Dorado Hills Community Services District Employees Association
Local 1

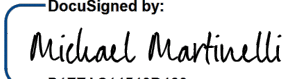
**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**May 12, 2022
Page 5**

D. Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation.
(Gov. Code section 54956.9(b).) - 1 item.

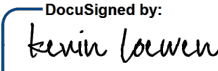
**REPORT OUT OF CLOSED SESSION - To occur at the next regularly scheduled meeting on
June 09, 2022**

ADJOURNMENT - 10:15 p.m.

APPROVED: 

E1FEAC14540D480...
Michael Martinelli, President (2022)
District Board of Directors

DATE: 6/13/2022

ATTEST: 

ED84E8688CE3414...
Kevin A. Loewen, General Manager
Secretary to the Board of Directors

DATE: 6/13/2022



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS SPECIAL MEETING

June 13, 2022
MINUTES

Meeting Held Jointly In-Person and Via Zoom Virtual Conferencing Due to COVID-19 Restrictions

Board President, Michael Martinelli, called the meeting to order on Monday, June 13, 2022, at 5:32 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California and via Zoom Virtual Conferencing.

On-site attendees include the following:

Board Directors

- Michael Martinelli, President
- Noelle Mattock, Vice President

District Staff

- Brittany DiTonno, Executive Assistant/Clerk of the Board
- Teri Gotro, Director of Administration and Finance
- Jen Leal, Human Resources Manager
- Jeff Kernen, Interim Principal Planner

Other Attendees

- David Tyra, Legal Counsel
- Taylor Vining-Hall, IT

General Public

Approximately 7 Members

Virtual attendees include the following:

Board Directors

- Sean Hansen, Director (joined at 5:32 p.m.)
- Benjamin Paulsen, Director (joined at 5:36 p.m.)

Board Directors Absent

- Heidi Hannaman, Director

District Staff

- Kevin A. Loewen, General Manager

General Public

Approximately 38 Members

President Martinelli led the pledge of allegiance.

President Martinelli called for a moment of silence to honor American service members (military, law enforcement, fire and other emergency personnel).

ADOPTION OF AGENDA

President Martinelli called for the adoption of the Agenda.

Motion No. 1. Vice President Mattock moved and President Martinelli seconded the motion to adopt the agenda as presented.

**Motion passed, outlined as follows:
Yes - 3 - Hansen, Martinelli, Mattock
Absent - 2 - Hannaman, Paulsen**

GENERAL PUBLIC COMMENT

None

GENERAL BUSINESS

1. **Review and Adopt - Resolution 2022-19: Calling a Measure for Ballot of An Initiative Measure to Repeal EDHCSD LLAD #39 Special Assessment and Refund Levied Taxes (K. Loewen)**

Verbal Public Comment was received by the following:

- S. Williams

Written Public Comment was received by the following:

- S. McEwen

Motion No. 2. Director Hansen moved and President Martinelli seconded the motion to adopt Resolution 2022-19 and direct staff to file Resolution 2022-19 with the El Dorado County Board of Supervisors with a copy to the El Dorado County Registrar of Voters by the specified deadline.

**Motion passed, outlined as follows:
Yes - 4 - Hansen, Martinelli, Mattock, Paulsen
Absent - 1 - Hannaman**

2. **Review and Approve - Acceptance of Grant Deed for Heritage Park (K. Loewen)**

Verbal Public Comment was received by the following:

- D. Russell
- B. Jamaca
- S. Williams
- Simpson
- C. Wagner

Written Public Comment was received by the following:

- S. McEwen

Motion No. 3. Director Hansen moved and President Martinelli seconded the motion to approve the acceptance of the Grant Deed for Heritage Park, as presented by staff.

**Motion passed, outlined as follows:
Yes - 4 - Hansen, Martinelli, Mattock, Paulsen
Absent - 1 - Hannaman**

**El Dorado Hills Community Services District
Board of Directors Special Meeting**

**June 13, 2022
Page 3**

There being no further business of the Board, President Martinelli called for adjournment of the meeting.

ADJOURNMENT - 6:16 p.m.

APPROVED: DocuSigned by:
Michael Martinelli
B1FEAC14840D460...
Michael Martinelli, President (2022)
District Board of Directors

DATE: 7/16/2022

ATTEST: DocuSigned by:
Kevin Loewen
ED84E888CE3414...
Kevin A. Loewen, General Manager
Secretary to the Board of Directors

DATE: 7/16/2022



BOARD OF DIRECTORS REGULAR MEETING

November 09, 2023
MINUTES

Board President, Noelle Mattock, called the meeting to order on Thursday, November 09, 2023, at 5:31 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California, and Zoom Virtual Conferencing.

On-site attendees included the following:

Board Directors:

- Noelle Mattock, President
- Benjamin Paulsen, Vice President
- Michael Martinelli, Director
- Heidi Hannaman, Director
- Stephen J. Ferry, Director

District Staff:

- Teri Gotro, Director of Administration and Finance
- Mark Hornstra, Director of Parks and Recreation
- Jeff Kernen, Principal Planner
- Brittany DiTonno, Executive Assistant/Board Clerk
- Elise Hardy, HR Manager
- Talley Cain, Staff Services Analyst
- Ryan Kukkola, Parks Superintendent

Other Attendees:

- David Tyra, Legal Counsel
- Taylor Hall-Vining, IT

General Public:

- Approx. 81 Members

Virtual attendees included the following:

District Staff:

- Kevin A. Loewen, General Manager

General Public:

- Approximately 8 Members

President Mattock asked Vice President Paulsen to lead the Pledge of Allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire, and other emergency personnel).

ADOPTION OF AGENDA

President Mattock called for the adoption of the Agenda.

Motion No. 1. Director Martinelli moved and Vice President Paulsen seconded the motion to adopt the agenda as presented.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

REPORT OUT OF CLOSED SESSION FROM SEPTEMBER 18, 2023

President Mattock noted direction had been provided to staff.

REPORT OUT OF CLOSED SESSION FROM SEPTEMBER 27, 2023

President Mattock noted direction had been provided to staff.

***El Dorado Hills Community Services District
Board of Directors Regular Meeting***

***November 09, 2023
Page 2 of 4***

CLOSED SESSION PUBLIC COMMENT

Public comment was received by one (1) member of the public.

ADJOURNMENT TO CLOSED SESSION - 5:36 p.m.

CLOSED SESSION ITEMS

- A.** Conference with Real Property Negotiator (Government Code § 54956.8):
Property: CEDHSP - Old Executive Golf Course
APN: 121-040-029; 121-040-031; 121-040-032; 121-160-005
Agency Negotiator: General Manager
Negotiating parties: Parker Development Company
Under negotiations: Land Acquisition

- B.** Conference with Real Property Negotiator (Government Code § 54956.8):
Property: 50 Acre Valley View SP
APN: 118-130-020
Agency Negotiator: General Manager
Negotiating parties: East Ridge Investors (AKT)
Under negotiations: Land Acquisition

- C.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: Thomas Austin and Helen Austin v. County of El Dorado, et al., Case No. PC2015063S

- D.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: Concerned Citizens of El Dorado Hills Heritage Village v. Lennar Homes of California Inc., et al., Case No. 22CV0640

- E.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: El Dorado Hills Community Services District vs El Dorado County, et al., Case No. 22CV1536

REPORT OUT OF CLOSED SESSION - 6:37 p.m.

President Mattock noted direction has been provided to staff to schedule a special meeting for Monday, November 20, 2023 at 5:30 p.m. for further review of Item A.

President Mattock noted direction has been provided to staff and legal counsel for the remaining items.

GENERAL MANAGER MONTHLY REPORT

- 1. Gotro advised there is nothing additional to the written report.

LEGAL COUNSEL UPDATES AND ADVICE

Legal Counsel advised there were no updates to provide at this time.

BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS

General thanks and comments were received by each Board Director.

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**November 09, 2023
Page 3 of 4**

GENERAL PUBLIC COMMENT

Public Comment was received by one (1) member of the public.

CONSENT CALENDAR PUBLIC COMMENT - None

CONSENT CALENDAR

Receive & File:

2. 2023 Calendar of Special Events (K. Loewen)
3. Submittal of the Monthly Treasury Report (K. Loewen)
4. Submittal of 1st Quarter Financial Statements and Treasury Report (T. Gotro)

Approve:

5. October 2023 Summary of Director Meetings (K. Loewen)
6. Minutes of October 12, 2023 - Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
7. ~~Updates to Youth Athletic Field Use and Allocation Policy 1160 and Cost Recovery Policy 3240 (M. Hornstra)~~
8. CC&R Advisory Committee Recommendation that the Board of Directors Authorize Staff to Direct District Legal Counsel to Send Third and Final Notices of Non-Compliance to: (T. Cain)

Property Owner: Karen A Mayfield
Property Address: 531 Platt Circle
Village: Crescent Ridge
APN: 120-522-005
Case#: CE-23-306
Violations: Crescent Ridge, Section 3.13 - Exterior Alterations;
Temporary Structures

Crescent Ridge, Section 4.02 - Approval Required

Motion No. 2. Director Martinelli moved and Vice President Paulsen seconded the motion to approve the consent calendar with item 7 pulled for further review.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

GENERAL BUSINESS

9. Review and Discuss - Bike Park and Trails Stakeholder Workshops Follow-Up with Presentation (J. Kernan)

Public comment for item 9 was received by eighteen (18) members of the public.

Motion No. 3. Director Martinelli moved and Vice President Paulsen seconded the motion to approve both projects proposed under CIP 954 and approve the requested additional funding.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

10. Review and Discuss - Bass Lake Park Project Environmental Analysis Level (J. Kernan)

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**November 09, 2023
Page 4 of 4**

Public comment for item 10 was received by one (1) member of the public.

Motion No. 4. Director Martinelli moved and Director Ferry seconded the motion to approve changing the level of CEQA as proposed in the report as well as the associated augmented proposal for the work.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

11. Review and Approve - Application of Grants for Replacement of Gas-powered Vehicles with Electric Vehicles (M. Hornstra)

No action was taken on this item.

12. Consider Options - Regarding Carson Creek LLAD #39 Initiative (D. Tyra)

Public comment for item 12 was received by two (2) members of the public.

Motion No. 5. Vice President Paulsen moved and Director Ferry seconded the motion to table the item to be reviewed again at the Special Meeting scheduled for November 20, 2023.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

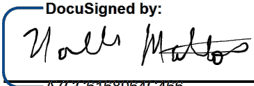
REVIEW ITEMS PULLED FOR DISCUSSION

7. Updates to Youth Athletic Field Use and Allocation Policy 1160 and Cost Recovery Policy 3240 (M. Hornstra)

Motion No. 6. Vice President Paulsen moved and Director Ferry seconded the motion to approve changes to District Policy 3240: Cost Recovery, to align with the Board's approval of the new athletic cost recovery methodology from May 11, 2023; and approve the changes to the District Policy 1160: Field Allocation, as recommended by the youth Athletic Working Group to clarify Residency status criteria as well as implement components of the new cost recovery elements.

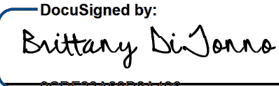
**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

ADJOURNMENT - 9:43 p.m.

APPROVED: DocuSigned by:

A7CC6168064C466...

Noelle Mattock, President (2023)
District Board of Directors

DATE: 12/15/2023

ATTEST: DocuSigned by:

9CDF23A88D8A436...

Brittany DiTonno, Executive Assistant
Clerk of the Board of Directors

DATE: 12/15/2023



BOARD OF DIRECTORS SPECIAL MEETING

**November 20, 2023
MINUTES**

Board President, Noelle Mattock, called the meeting to order on Monday, November 20, 2023, at 5:30 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California, and Zoom Virtual Conferencing.

On-site attendees included the following:

Board Directors:

- Noelle Mattock, President
- Benjamin Paulsen, Vice President
- Michael Martinelli, Director
- Heidi Hannaman, Director
- Stephen J. Ferry, Director

District Staff:

- Kevin A. Loewen, General Manager
- Brittany DiTonno, Executive Assistant/Clerk of the Board
- Teri Gotro, Director of Administration and Finance
- Jeff Kernen, Principal Planner
- Talley Cain, Staff Services Analyst
- Julia Griffin, Communications Specialist

Other Attendees:

- David Tyra, Legal Counsel
- Taylor Vining, IT

General Public:

- Approx. 76 Members

Virtual attendees included the following:

General Public:

- Approx. 70 Members

President Mattock led the Pledge of Allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire, and other emergency personnel).

ADOPTION OF AGENDA

President Mattock called for the adoption of the Agenda.

Motion No. 1. Director Ferry moved and Director Martinelli seconded the motion to adopt the agenda as presented.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

GENERAL PUBLIC COMMENT

Public comment was received by two (2) members of the public.

**El Dorado Hills Community Services District
Board of Directors Special Meeting Minutes**

**November 20, 2023
Page 2**

GENERAL BUSINESS

1. Consider Options - Regarding Carson Creek LLAD #39 Initiative (D. Tyra)

Public comment for Item #1 was received by three (3) members of the public.

Motion No. 2. Director Hanaman moved and Director Ferry seconded the motion to submit the ordinance without alteration to the voters pursuant to Elections Code section 1405.

Motion passed, outlined as follows:

Yes - 4 - Ferry, Hannaman, Martinelli, Paulsen

No - 1 - Mattock

2. Review and Consider - Preservation, Purchase, and Sale of the Old Executive Golf Course (K. Loewen)

Public comment for Item #2 was received by twenty-four (24) members of the public.

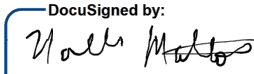
Motion No. 3. President Mattock moved and Director Hannaman seconded the motion to approve the agreement as presented and direct staff to process necessary land acquisition actions to effectuate the agreement.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

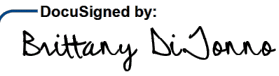
Additional direction was also provided to Staff.

ADJOURNMENT - 8:12 p.m.

APPROVED: 

*Noelle Mattock, President (2023)
District Board of Directors*

DATE: 12/15/2023

ATTEST: 

*Brittany DiTonno, Executive Assistant
Clerk of the Board of Directors*

DATE: 12/15/2023



**EL DORADO HILLS
COMMUNITY SERVICES DISTRICT**

To: Board of Directors

From: Teri Gotro, Director of Administration & Finance

Meeting Date: June 09, 2022

Report Date: June 01, 2022

Subject: **Public Hearing to Approve Assessment Rates for Landscape Lighting Assessment Districts for Fiscal Year 2022-2023 (FY23)**

Recommended Action:

- A. Hold a Public Hearing to Approve Assessment Rates for the Landscaping and Lighting Assessment Districts (LLADs) for Fiscal Year 2022-2023 (FY23)
- B. Approve Resolution 2022-14: *Accepting the Final Engineer's Report, Diagram, Annual Assessment, and Directing Auditor of El Dorado County to Levy and Collect Assessments for FY23*

Background:

Pursuant to Chapter 3 of the Landscape and Lighting Act of 1972; the Board of Directors adopted Resolution 2022-01 on January 13, 2022, initiating proceedings for the preparation and filing of an annual report for FY2022. The Preliminary Annual Engineer's Report was prepared as directed, and the Board of Directors adopted Resolution 2022-07 on May 12, 2022, an intention to levy and collect assessments within the identified Landscaping and Lighting Assessment Districts for FY2023. A public hearing was called to be held on June 09, 2022. Notice of the hearing was given in the time and manner required by law.

Discussion:

Resolution 2022-14 is to:

1. Approve the Final Engineer's Reports prepared for FY23; and
2. Direct Auditor of El Dorado County to Levy and Collect Assessments for FY23

At the public hearing, the Board of Directors will afford to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the Board of Directors shall consider each protest. If at the conclusion of the hearing the Board determines that no

modifications to the Engineer's Report are necessary and that a majority protest did not exist, the Board may adopt the resolution directing the Secretary to file the assessment roll with the Auditor of the County of El Dorado for the identified landscape and lighting assessment districts.

The signing of affidavits by the assessment engineers, and the assessment rolls, will be completed after the Board of Directors approves the reports and resolution.

Master Plan Recommendations:

- F.4 Develop and adhere to a long-term capital spending plan that results in a balance budget.
- F.6 Practice fiscal responsibility in all acquisitions, in particular the early stages of the sale and expenditure.

Fiscal Impact:

All associated assessments within the various reports include contributions from the District General Fund to aid in supporting the general benefit area(s) of each LLAD. Those values vary, as per the Engineer reports. Administrative Overhead reimbursements are assessed to the LLADs, as per the budget details found within the budget for FY23. Those values also vary. Please see the budget document within this Board meeting packet for those values and details associated with each LLAD.

Attachments:

- A. Final Engineer's Report for LLADs #1, #2, #3, #5, #6, #7, #8, #10, #11, #13, #14, #15, #16, #18, #19, #20, #22, #23, #25, #29, #31, #33, #34, #40, #41
- B. Final Engineer's Reports for LLAD #36 (Lake Forest Park)
- C. Final Engineer's Report for LLAD #38 (Windsor Point Park)
- D. Final Engineer's Report for LLAD #39 (Carson Creek Park)
- E. Resolution 2022-14: *Accepting the Final Engineer's Report, Diagram, Annual Assessment, and Directing Auditor of El Dorado County to Levy and Collect Assessments for FY23*



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

June 09, 2022
MINUTES

Meeting Held Jointly In-Person and Via Zoom Virtual Conferencing Due to COVID-19 Restrictions

Board President, Michael Martinelli, called the meeting to order on Thursday, June 09, 2022, at 5:31 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California and via Zoom Virtual Conferencing.

On-site attendees include the following:

Board Directors

- Michael Martinelli, President
- Noelle Mattock, Vice President
- Benjamin Paulsen, Director
- Sean Hansen, Director
- Heidi Hannaman, Director

District Staff

- Kevin A. Loewen, General Manager
- Brittany DiTonno, Executive Assistant/Clerk of the Board
- Jen Leal, Human Resources Manager
- Mark Hornstra, Director of Parks & Recreation
- Jeff Kernan, Interim Principal Planner
- Julia Griffin, Communications Specialist
- Ryan Kukkola, Parks Superintendent

Other Attendees

- David Tyra, Legal Counsel
- Taylor Hall-Vining, IT

General Public

Approximately 2 Members

El Dorado Disposal Reps

- Ross Reaksecker
- Jeff England
- Chris Brown
- Eric Stewart

Virtual attendees include the following:

District Staff

- Teri Gotro, Director of Administration and Finance
- Sandra Montgomery, Recreation Superintendent

General Public

Approximately 5 Members

President Martinelli asked Vice President Mattock to lead the pledge of allegiance.

President Martinelli called for a moment of silence to honor American service members (military, law enforcement, fire and other emergency personnel).

ADOPTION OF AGENDA

President Martinelli called for the adoption of the Agenda.

Motion No. 1. Director Hansen moved and Director Hannaman seconded the motion to adopt the agenda as presented

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

CLOSED SESSION PUBLIC COMMENT

None

ADJOURNMENT TO CLOSED SESSION - 5:33 p.m.

CLOSED SESSION ITEMS

- A. Conference with Real Property Negotiator (Government Code § 54956.8):
Property: Parker Development Company, CEDHSP - Old Executive Golf Course
APN: 121-040-029; 121-040-031; 121-040-032; 121-160-005
Agency Negotiator: General Manager
Negotiating parties: Parker Development Company
Under negotiations: Land Acquisition
- B. Conference with Real Property Negotiator (Government Code § 54956.8):
Property: Gilmore Senior Center
APN: 120-082-001
Agency Negotiator: General Manager
Negotiating parties: El Dorado County
Under negotiations: Land Acquisition
- C. Conference with Labor Negotiator (Government Code § 54957.6):
Agency Negotiator: General Manager
Employee Organization: El Dorado Hills Community Services District Employees Association
Local 1
- D. Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation. (Gov. Code section 54956.9(b).) - 1 item.

REPORT OUT OF CLOSED SESSION - 6:34 p.m.

President Martinelli noted directions were provided to staff on all Closed Session items.

REPORT OUT OF CLOSED SESSION FROM MAY 12, 2022 REGULAR MEETING

President Martinelli noted directions were provided to staff on all Closed Session items.

GENERAL MANAGER MONTHLY REPORT

- 1. Loewen provided updates on additional items to the General Manager Report.

LEGAL COUNSEL UPDATES AND ADVICE

General updates were provided by Legal Counsel.

BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS

General thanks and comments were received by each Board Director.

GENERAL PUBLIC COMMENT

None

CONSENT CALENDAR PUBLIC COMMENT

None

CONSENT CALENDAR

Receive & File:

2. 2022 Calendar of Upcoming Special Events (K. Loewen)
3. Submittal of the Monthly Treasury Report (K. Loewen)
4. Executive Summary - EDHCSD 60th Anniversary Celebration Event (S. Montgomery)

Approve:

5. May 2022 Summary of Director Meetings (K. Loewen)
6. Minutes of May 12, 2022 Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
7. Minutes of May 19, 2022 Board of Directors Special Meeting - *Hybrid* (B. DiTonno)
8. Minutes of May 31, 2022 Board of Directors Special Meeting - *Hybrid* (B. DiTonno)
9. Water Savings Grant Opportunities - Efficiency Opportunities (J. Kernen)
10. Resolution 2022-08: *Proclaiming July 2022 as Parks and Recreation Month* (M. Hornstra)
11. Resolution 2022-09: *Fixing the Employer Contribution Under the Public Employees' Medical and Hospital Care Act at an Equal Amount for Employees and Annuitants* (J. Leal)
12. CAPRI Agreement for Liability/Property Insurance and Resolution 2022-10: *Authorizing Membership in the California Association for Parks and Recreation Indemnity (CAPRI)* (J. Leal)
13. CAC Recommendation that the Board of Directors Authorize Staff to Direct District Legal Counsel to Send Third and Final Notices of Non-Compliance to: (C. Layne)

Property Owner: Susan and John Wells
Property Address: 2859 Tam O Shanter Drive
Village: St. Andrews Village
APN: 125 033 006
Case#: 22-116
Violation: St. Andrews Village, Article III.H -
 Maintenance of Building and Landscaping

Property Owner: Christopher Wolfe
Property Address: 2574 Crown Dr.
Village: Crown Village
APN: 125 262 009
Case#: 22-171
Violation: Crown Village Unit 3, Section 2 - Land Use and
 Building Type; Crown Village Units 1-3,
 Section 13 - Outdoor Night Light

Property Owner: Justin and Kim Tatum
Property Address: 881 Mount Rainer Way
Village: Park Village
APN: 120 391 017
Case#: 22-180
Violation: Park Village 5,6,7, Section 11 - Parked Vehicles

Motion No. 2. Director Hansen moved and Director Paulsen seconded the motion to approve consent calendar as presented.

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

GENERAL BUSINESS

14. Open Public Hearing for Resolutions 2022-11 and 2022-12; Pertaining to *Waste Connections* dba: El Dorado Disposal Services (EDDS) Rate Increase for Performance and Extraordinary Circumstances (T. Gotro)

A. Resolution 2022-11: *Approving Annual Rate Adjustment to Waste Connections*

B. Resolution 2022-12: *Approving Extraordinary Circumstance Rate Adjustment to Waste Connections*

Motion No. 3. Director Hansen moved and President Martinelli seconded the motion to adopt Resolution 2022-11: *Approving Annual Rate Adjustment to Waste Connections*, as presented

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

Motion No. 4. Director Hansen moved and Director Paulsen seconded the motion to adopt Resolution 2022-12: *Approving Extraordinary Circumstance Rate Adjustment to Waste Connections*, as presented

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

15. Open Public Hearing for Resolution 2022-13; Pertaining to the Appropriation (GANN) Limit requirements for the District (T. Gotro)

A. Adopt Resolution 2022-13: *Adopting Appropriations Limit in Accordance with Article XIII B of the State Constitution for Fiscal Year 2022-2023 (FY23)*

Motion No. 5. Director Hansen moved and Director Hannaman seconded the motion to adopt Resolution 2022-13: *Adopting Appropriations Limit in Accordance with Article XIII B of the State Constitution for Fiscal Year 2022-2023 (FY23)*, as presented

Motion passed, outlined as follows:

Yes - 4 - Hannaman, Hansen, Martinelli, Mattock

Absent - 1 - Paulsen

16. Open Public Hearing for Resolution 2022-14; Pertaining to Approving Assessment Rates for Landscape and Lighting Assessment Districts (LLADs) and Directing Auditor of El Dorado County to Levy and Collect Assessment for Fiscal Year 2022-2023 (T. Gotro)

-
- A. **Adopt Resolution 2022-14: *Accepting the Final Engineer's Report, Diagram, Annual Assessment and Directing Auditor of El Dorado County to Levy and Collect Assessments for Fiscal Year 2022-2023 (FY23)***

Motion No. 6. Director Hansen moved and Vice President Mattock seconded the motion to adopt Resolution 2022-14: *Accepting the Final Engineer's Report, Diagram, Annual Assessment and Directing Auditor of El Dorado County to Levy and Collect Assessments for Fiscal Year 2022-2023 (FY23)*, as presented

Motion passed, outlined as follows:

Yes - 4 - Hansen, Martinelli, Mattock, Paulsen

No - 1 - Hannaman

17. Adopt Resolutions 2022-15 and 2022-16; Pertaining to Recommended FY2023 Budget, setting CC&R Assessments, and Directing Auditor of El Dorado County to Levy and Collect Assessments for Fiscal Year 2022-2023 (T. Gotro)

A. *Resolution 2022-15: Adopting the Fiscal Year 2022-2023 (FY23) General Fund and Salary/Wage Structure, Capital Projects, LLADS, CFDS, and CC&R Fund Budgets*

B. *Resolution 2022-16: Setting CC&R Assessment and Directing Auditor of El Dorado County to Levy and Collect Assessments for Fiscal Year 2022-2023 (FY23)*

Motion No. 7. Vice President Mattock moved and President Martinelli seconded the motion to adopt Resolution 2022-15: *Adopting the Fiscal Year 2022-2023 (FY23) General Fund and Salary/Wage Structure, Capital Projects, LLADS, CFDS, and CC&R Fund Budgets*, as presented

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

Motion No. 8. Vice President Mattock moved and Director Paulsen seconded the motion to adopt Resolution 2022-16: *Setting CC&R Assessment and Directing Auditor of El Dorado County to Levy and Collect Assessments for Fiscal Year 2022-2023 (FY23)*, as presented

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

18. Review and Adopt - Resolution 2022-17: *Declaring an Election be Held in its Jurisdiction / Consolidation with Other Districts Requesting Election Services* (B. DiTonno)

Motion No. 9. Vice President Mattock moved and Director Hansen seconded the motion to adopt Resolution 2022-17: *Declaring an Election be Held in its Jurisdiction/Consolidation with Other Districts Requesting Election Services*, as presented

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

19. Review and Adopt - Resolution 2022-18: *Approving Expending \$300,000 for the Installation of a New Roundabout at the Intersection of Bass Lake Road, Bridlewood Drive, and the Entrance to the Proposed Bass Lake Park* (K. Loewen)

Verbal public comment for Item 19 was received by the following:

- **J. Davey**

Motion No. 10. Director Paulsen moved and Director Hannaman seconded the motion to amend the agenda to withdraw Item 19: Review and Adopt - Resolution 2022-18: *Approving Expending \$300,000 for the Installation of a New Roundabout at the Intersection of Bass Lake Road, Bridlewood Drive, and the Entrance to the Proposed Bass Lake Park*, from the agenda

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

20. Review and Approve - Successor Memorandum of Understanding (MOU) with Labor Union Unit (K. Loewen)

Motion No. 11. Director Hansen moved and President Martinelli seconded the motion to approve the MOU between the El Dorado Hills Community Services District Employees' Association, Local #1 and the El Dorado Hills Community Services District, as presented

Motion passed unanimously:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock, Paulsen

21. Review and Approve - Designation of Capital Improvement Project - Stephen Harris Park (J. Kernen)

Motion No. 12. Vice President Mattock moved and Director Hannaman seconded the motion to approve the capital improvement project for 'courts & landscape improvements' as presented in the table on page 3 of the staff report, as presented

Motion passed, outlined as follows:

Yes - 5 - Hannaman, Hansen, Martinelli, Mattock

No - 1 - Paulsen

REVIEW ITEMS PULLED FOR DISCUSSION

None

There being no further business of the Board, President Martinelli called for adjournment of the meeting.

**El Dorado Hills Community Services District
Board of Directors Regular Meeting**

**June 09, 2022
Page 7**

ADJOURNMENT - 9:25 p.m.

APPROVED: DocuSigned by:
Michael Martinelli
B1FEAC14540D460...

Michael Martinelli, President (2022)
District Board of Directors

DATE: 7/16/2022

ATTEST: DocuSigned by:
Kevin Loewen
ED84E8688CE3414...

Kevin A. Loewen, General Manager
Secretary to the Board of Directors

DATE: 7/16/2022



County of El Dorado

OFFICE OF AUDITOR-CONTROLLER

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

JOE HARN, CPA
Auditor-Controller

BOB TOSCANO
Assistant Auditor-Controller

Date: April 29, 2022
To: All Districts Placing Direct Charges on the 2022/23 Secured Tax Roll
From: Property Tax Division
RE: **2022/23 Direct Charge Information/Instructions/Checklist**

***** AUGUST 10 (5PM) DEADLINE *****

The Assessor is expected to deliver his 2022/23 assessment roll on July 1, 2022, thereby opening the timeframe for districts to add direct charge levies to the 2022/23 tax bills. Any additions/changes/deletions subsequent to the deadline may occur if authorized by state statute (\$15 cost recovery per parcel).

This courtesy letter provides a checklist of items necessary for districts to place direct charge levies on the tax bills. Forms, links, lookups, and the Direct Charges Manual are available online at:

https://www.edcgov.us/Government/Auditor-Controller/PropTax/Pages/direct_charge_information_for_districts.aspx

The district may deliver (email/fax/mail/hand deliver) the necessary items, in their entirety, to the Auditor's Office beginning July 1 (the data file can't be faxed). Email is preferred due to COVID-19. Early submission following July 1 is suggested because no additional time is allotted beyond August 10, regardless of reason.

***** CALDOR FIRE IMPACT/CONSIDERATIONS *****

Direct Charges

2021/22 levies are generally not affected since most districts use a January 1 lien date for their direct charges. This includes those districts using the information from the Assessor's July 1, 2021 assessment roll/ParcelQuest to determine their direct charge levies.

It is anticipated that some direct charge revenues will be significantly impacted for 2022/23.

In compiling/calculating the 2022/23 direct charge levies, those districts with territory within the Caldor Fire area will need to pay very special attention if their direct charge levy calculation methodology is based on improved/unimproved and/or number of units. IF either of these criteria is used, please be aware of these items and expect to perform extra due diligence in calculating the direct charge levy:

- The presence of assessed value for improvements doesn't necessarily mean the property has a house/structure. Even if a structure (e.g. house) was 100% destroyed, the Assessor typically retained 5% of the improvement assessed value which represents underground improvements that may have survived and improvement value attributable to previously paid impact/development/mitigation fees.
- By July 1, the Assessor will have reviewed their records for the number of units existing on the 1/1/22 lien date on parcels in the Caldor Fire area.
- No fully destroyed structures were rebuilt as of the 1/1/22 lien date.
- If a list of parcels with burned structures is needed, please contact the Assessor, Attn: Danielle Yandow.

Date: April 29, 2022
RE: 2022/23 Direct Charge Information/Instructions/Checklist
Page: 2

General Tax (Proposition 13 Ad Valorem) Revenues

Every district will be affected for 2021/22 even if outside the fire's boundaries. For further important information, including how 2022/23 revenues will be affected, please see the "Revenue Estimate Letters Per Jurisdiction" located on the internet page titled "Distribution of Proposition 13's 1% General Property Tax" located at <https://www.edcgov.us/Government/Auditor-Controller>.

Voter Debt (Ad Valorem General Obligation Bond Debt Service)

For 2021/22, the K-14 districts within the fire scar area would expect to experience a reduced amount of revenue via the supplemental tax roll. For 2022/23, the debt service rate for any K-14 affected district may need to be set higher if the district's lien date overall assessed value is negatively impacted by Caldor Fire.

***** DISTRICT DELIVERABLES TO AUDITOR BY AUGUST 10 *****

¹Districts should review each form's Background and Instructions page

Checklist of items to be prepared and delivered to the Auditor's office:

1. **Governing Authorization Certification** fillable PDF form¹.
2. **Proposition 218 Certification** fillable PDF form¹.
3. **Local Agency Special Tax and Bond Accountability Act – Response** fillable PDF form¹.
4. **Secured/Unsecured Tax Roll Certification** fillable PDF form¹.
5. **Direct Charge Information Sheet** fillable PDF form¹.
6. **Annual Certification of Levy and Data Submission** fillable PDF form¹.
7. **Electronic Data File.** Use one of the four format options as shown in the online Exhibits ("tab delimited" option is generally the easiest).
 - Since procedures and calculations vary from district to district, the Auditor's office is unavailable to assist the district with this process.
 - For districts using ParcelQuest's software, the Auditor's purchased copy of ParcelQuest is available for use via an in-office appointment by calling (530) 621-5470 ext. 4.

After compiling the entire package (7 items above), submit it directly to the staff member shown on the Direct Charge Information Sheet form. The Auditor's office will process once the entire compiled package is received.

The Auditor's office will load the district's direct charge levies to the property tax system. If the district has more than one tax code, the levies may either be placed on one large file or broken into separate files for each tax code; however, all levies with the same tax code must be on the same file. The district will be notified of the results via email. Any updated submissions overwrite the previous submission and may be made as late as August 10 (5pm).

For questions, please contact the specific direct charge tax code's assigned "contact person" in the Auditor's office via email or phone as noted on the Direct Charge Information Sheet.

Date: April 29, 2022
RE: 2022/23 Direct Charge Information/Instructions/Checklist
Page: 3

***** Additional DIRECT CHARGE INFORMATION *****

Districts should review the information contained in the online Direct Charges Manual. This document details the entire life cycle of direct charges on the tax roll, information regarding the 12-digit AN, and various responsibilities.

“Parcel split/combine” reports are available online that will greatly assist many districts:

- Compares the most recent actual direct charge levies to determine if the ANs remain valid for the upcoming tax roll year. This report is updated monthly and is applicable as of its run date.
- Particularly helpful for those districts that have a “set list” of ANs levied (e.g. a 1915 bond or Mello-Roos district).
- If ParcelQuest is used to determine a fresh set of ANs each year, the reports’ value is more limited.

There is a cost recovery for placing the Direct Charges levies on the tax roll. Information regarding the cost recovery can be located online at the website address noted above and in the Direct Charges Manual section *Cost Recovery Amounts*. The amount will be deducted from the district’s general ledger account after the December 10 posting of property tax collections to ensure that the district’s fund doesn’t earn negative interest.

BALANCE SHEETS - GOVERNMENTAL FUNDS June 30, 2022

FUND BALANCE	General Fund	Landscape and Lighting Fund	Park Impact Fee Fund	Valley View Village Park Fund	Non-Major Governmental Fund	Total Governmental Funds
Nonspendable	48,468 ⁽¹⁾					48,468
Restricted:						
Park Construction			15,737,690 ⁽²⁾	3,198,904 ⁽³⁾	2,438,852 ⁽⁴⁾	21,375,446
CC&R Enforcement					216,521 ⁽⁵⁾	216,521
Park Maintenance	4,312,020 ⁽⁶⁾					4,312,020
Recreation Facilities					384,476 ⁽⁷⁾	384,476
Other					81,838 ⁽⁸⁾	81,838
Assigned:						
Maintenance	2,892,326 ⁽⁹⁾					2,892,326
Parks and Recreation	4,480,230 ⁽¹⁰⁾					4,480,230
Capital Projects	8,837,663 ⁽¹¹⁾				432,815 ⁽¹²⁾	9,270,478
Unassigned	5,004,149 ⁽¹³⁾					5,004,149
TOTAL FUND BALANCE	21,262,836	4,312,020	15,737,690	3,198,904	3,554,502	48,065,952

Note

- 1 This amount is for prepaid expenses paid by the District for Fiscal Year 2023 (ex. Deposits paid for July/August Events definition pg 22 of FY2022 ACFR)
- 2 Fees paid by developers and held by El Dorado County
- 3 Funds set aside for completion of Valley View (Blackstone) Park (District Policy 3151)
- 4 Funds restricted to specific Capital Projects other than Valley View Village Park (see below and/or details on page 50 & 51 of FY2022 ACFR & District Policy 3151)
- 5 Funds collected for enforcement of CC&Rs
- 6 LLAD Operating & Maintenance Reserves. Restricted to LLAD benefit only
- 7 Fees accepted from developers "in-lieu" of parkland dedication for new residential subdivisions per the California Subdivision Code - (Quimby In-Lieu Fee; page 49 FY2022 ACFR; District Policy 3340)
- 8 Other consists of the Donations Fund (\$25,879) & CFD Fund (\$55,959) pg 49 FY2022 ACFR)
- 9 Funds assigned to the General Fund Capital Replacement Reserve (District Policy 3272.40);
- Also referred to as the District's General Fund Deferred Maintenance Reserve; These funds are non-LLAD funds.
- 10 Funds assigned to the District's Operating Reserve (District Policy 3272.20) that are used to maintain the District operations from July to December - or until property tax revenues are received
- 11 Funds assigned to the District's Capital Deficiency Reserve (District Policy 3272.70) \$8,829,684 and CARE Program Funds \$7,979
- 12 Funds assigned for Capital Projects other than items mentioned in #3 & #4 (see below or details on page 50 & 51 of FY2022 ACFR)
- 13 Funds in General Fund consists of \$2,009,930 in Economic Uncertainty Reserve (District Policy 3272.30) also referred to as Contingency Reserve; \$121,899 Compensated Absence Reserve (District Policy 3272.50 & GASB Statement 16) and a remaining \$2,672,320 that is not committed or restricted to a specific purpose

#4 Detail of Restricted Non-Major Capital Project funds other than Valley View Village Park (aka Blackstone Village Park)

Saratoga Village Park	\$ 769,263
Bass Lake Park	1,242,155
Community Center S of Hwy 50	217,301
Heritage Village Park	107,215
Bell Ranch Park	100,000
Bertlsen Park Renovation	2,498
Total #4	\$ 2,438,432

#11 Detail of Assigned Non-Major Capital Project Funds other than #3 or #4

Veterans' Memorial Fund	\$ 689
Community Park Corner Signs Fund	98,905
Bikeways Fund	144,204
Trails Fund	189,017
Total #11	\$ 432,815

#12 Detail of Unassigned Funds

Economic Uncertainty Reserve	\$ 2,209,930
Compensated Absence Reserve	121,899
Unassigned	2,672,320
Total #12	\$ 5,004,149

3000 - OPERATIONS



MANAGEMENT AND BUDGET POLICIES #3270

Financial Management Policies

The El Dorado Hills Community Services District's financial policies establish long-term policy guidance for conducting the District's financial activities. The Board of Directors has established these policies to meet the following objectives:

General Policies

- 3270.10** All current operating expenditures will be financed with current revenues.
- 3270.20** Budgetary emphasis will focus on providing high quality District services, recognizing the fundamental importance to the public, of public safety and properly maintained infrastructure and their related programs.
- 3270.30** The budget will provide sufficient funding for adequate maintenance and orderly replacement of capital assets and equipment.
- 3270.40** The budget will reflect a higher priority for maintenance of existing facilities than for the acquisition of new facilities.
- 3270.50** Future maintenance needs and operational costs for all new capital facilities will be conservatively estimated and added costs will be recognized and included in future year's budget projections.
- 3270.60** Quality community services, with a focus on cost savings, remain important budgetary goals.
- 3270.70** Likewise, productivity improvements resulting in cost reduction will remain an important budgetary goal.

Revenue Policies

- 3271.10** Whenever possible, a diversified and stable revenue system will be maintained to avoid the District facing short-run fluctuations in any single revenue source.
- 3271.20** Revenues will be conservatively estimated, will be projected over the next five years and will be updated annually.
- 3271.30** Intergovernmental assistance in the form of grants or loans will be used to finance:
- Capital improvements that are consistent with the Capital Improvement priorities and can be maintained and operated over time; and
 - Operating programs which can either be sustained over time or have a limited duration.

3000 - OPERATIONS



- 3271.40** One-time revenues will be used only to support capital projects that have operational funding in place or for other non-recurring expenditures.
- 3271.50** Fees and charges will be set at a level that supports the direct and indirect cost of the service provided.

Reserve Policies

- 3272.10** The District will maintain prudent reserve funds to stabilize the District's fiscal base for anticipated fluctuations in revenues and expenditures, provide for unanticipated expenditures of a nonrecurring nature or to meet unexpected increases in service delivery costs within the fiscal year. The following unrestricted General Fund balance requirements and reserve funds are to be utilized:
- 3272.20** **Operating Reserve** to fund on-going operations from July through December, or until property tax revenues are received from the County. Maintain a General Fund Reserve balance equal to 50% of projected annual operating expenditures.
- 3272.30** **Economic Uncertainty Reserve** to protect the General Fund against unpredictable fluctuations in major revenues and unexpected emergencies. Maintain General Fund Reserve level of 20% of discretionary General Fund Revenues. The reserve level should be reviewed at least annually.
- 3272.40** **Capital Replacement Reserve** to provide for sufficient funds for the anticipated replacement of capital equipment and the maintenance of capital assets per the Reserve Study. The goal for the General Fund Capital Replacement Reserve shall be set at, or exceed the minimum level, recommended in the Reserve Study. Appropriations from these reserves will be to fund major capital replacement expenditures, replacement costs of existing equipment, vehicles, computers and office furnishings as they reach the end of their useful life.
- 3272.50** **Compensated Absences Reserve** to fund the District's liability to pay employees for unused vacation benefits and accrued compensated time off upon retirement or termination.
- 3272.60** **Funding of Reserves** will come generally from one-time revenues, year-end fund balances and projected revenues in excess of projected expenditures. After meeting the unrestricted General Fund balance requirement, any remaining surplus will generally be reserved in the following priority order:
- Reserve for Compensated Absences
 - Reserve for Operating Reserve
 - Reserve for Economic Uncertainty/Emergencies

3000 - OPERATIONS



- Reserve for Capital Replacement
- Reserve for Capital Deficiency Reserve

3272.70 **Capital Deficiency Reserve** to set aside funds for the capital improvement deficiencies as defined in the District's master plan and nexus study.

3272.80 Appropriation or use of funds from these reserves beyond funding for on-going operations as defined in policy 3272.20 requires Board of Directors approval.

Debt Management Policy

3273.10 It is the intent of the El Dorado Hills Community Services District to issue debt in a manner that adheres to federal and state laws, existing bond covenants and prudent financial management.

3273.20 The Board of Directors will annually review and adopt a Debt Management Policy. This policy will address inter-fund borrowing, short-term borrowing, long-term borrowing, and debt issuance. The policy will provide guidance for ensuring that financial resources are adequate to meet short-term and long-term service objectives and that financing undertaken by the District satisfy certain clear objective standards, which allow the District to protect its financial resources in order to meet its long term capital needs.

Investment Policy

3274.10 The Board of Directors will annually review and adopt an Investment Policy in conformance with the California Government Code. The policy will address the objectives of safety, liquidity and yield with respect to the District's financial assets.

Fees and Charges Policy

3275.10 The fees and charges will be set to provide adequate resources for the cost of the program or service provided.

Purchasing Policy

3276.10 The District will maintain a purchasing policy designed to support and enhance the delivery of governmental services while seeking to obtain the maximum value for each dollar expended.

Performance Measures Policy

3277.10 The General Manager, working with heads of departments, will annually develop performance measures to assess how efficiently and effectively the functions, programs and activities in each department are provided and for determining whether program goals are being met.

3000 - OPERATIONS



Approved: October 12, 2006

Amended: October 08, 2009; April 14, 2011; August 08, 2019



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

To: Board of Directors
From: Teri Gotro, Director of Administration and Finance
Meeting Date: March 14, 2024
Report Date: March 07, 2024
Subject: Clerical Updates to the 2021 Master Plan; Appendix E, Table 9

Recommended Action:

Review and Approve staff clerical updates to the 2021 Master Plan; Appendix E, Table 9.

Background:

The 2021 Master Plan was adopted by the Board on August 12, 2021. The report is a valuable resource for the District in providing direction on how Park Impact Fees shall be applied based on the community's priorities.

Discussion:

Staff have recently received feedback from two separate outside sources with concerns the calculations in Table 9 of the Master Plan are not correct. Staff responded by researching the claim and concurred that there are three (3) calculation errors in Appendix E of the Master Plan as identified below. A formula calculation in the excel spreadsheet pulled the wrong set of data creating the identified errors. The errors, highlighted in orange, are identified below in a comparison format so the reader can easily see the revisions. Data for Table 9 pulls from Appendix E. These tables have also been updated to reflect the correct data and calculations.

Staff have reviewed the remaining tables and found no further errors. Lastly, there is one narrative adjustment on page 66 that reads "*the total cost assumptions for new park development is \$228M.*" This has been corrected to reflect the accurate total of \$115M.

This table is a valuable resource to the District, as it serves as a guide during the budget process in updating the District's 10-year Capital Project Plan.

Appendix E: Capital and Operatons Cost Model

PROJECT	Current Acres	Proposed Acres	Planning and Design	Acquisition	Development	Landscape Renovation and Sustainability Enhancements	Park Amenity Enhancements	Major Maintenance and Reinvestment	Original		Revised	
									Total Planning Level Capital Cost	Projected Annual Operation Costs	Total Planning Level Capital Cost	Projected Annual Operation Costs
PLANNED NEW PARKS												
Neighborhood Parks												
Eastridge @ Valley View (NP)		2.20	X		X				\$ 949,000	\$ 26,950	\$ 949,000	\$ 26,950
Subtotal		2.20							\$ 949,000	\$ 26,950	\$ 949,000	\$ 26,950
Village Parks												
Bass Lake Hills Park		9.70	X	X	X				\$ 9,215,000	\$ 143,075	\$ 9,215,000	\$ 143,075
Sienna Ridge Sports Park		12.00	X		X				\$ 10,560,000	\$ 177,000	\$ 10,560,000	\$ 177,000
Bell Ranch Park (1 of 2)		5.54	X		X				\$ 4,875,200	\$ -	\$ 4,875,200	\$ -
Bell Ranch Park (2 of 2)		4.48	X		X				\$ 3,942,400	\$ -	\$ 3,942,400	\$ -
Subtotal		21.70							\$ 28,592,600	\$ 320,075	\$ 28,592,600	\$ 320,075
PLANNED NEW PARKS TOTAL		23.90							\$ 29,541,600	\$ 347,025	\$ 29,541,600	\$ 347,025
PROPOSED NEW PARKS												
Neighborhood Parks												
Saratoga Estates - Lot F Park		1.10	X		X				\$ 487,000	\$ 13,475	\$ 487,000	\$ 13,475
Saratoga Estates - Lot I Park		1.90	X		X				\$ 823,000	\$ 23,275	\$ 823,000	\$ 23,275
Subtotal		3.00							\$ 1,310,000	\$ 36,750	\$ 1,310,000	\$ 36,750
Village Parks												
Eastridge @ Valley View (VP)		9.80	X		X				\$ 8,624,000	\$ 144,550	\$ 8,624,000	\$ 144,550
Saratoga Estates - Lot M Park		5.30			X				\$ 4,664,000	\$ 78,175	\$ 4,664,000	\$ 78,175
Valley View North Village Park		13.00	X		X				\$ 5,720,000	\$ 191,750	\$ 5,720,000	\$ 191,750
Marble Valley VP1		10.58	X		X				\$ 9,310,400	\$ 156,055	\$ 9,310,400	\$ 156,055
Marble Valley VP2		10.34	X		X				\$ 1,472,600	\$ 152,515	\$ 1,472,600	\$ 152,515
Marble Valley VP5		6.03	X		X				\$ 5,306,400	\$ 88,943	\$ 5,306,400	\$ 88,943
Marble Valley VP6		1.52	X		X				\$ 1,051,440	\$ 22,420	\$ 1,051,440	\$ 22,420
Marble Valley VP12		4.55	X		X				\$ 4,004,000	\$ 67,113	\$ 4,004,000	\$ 67,113
Central El Dorado Hills		15.00	X		X				\$ 13,200,000	\$ 221,250	\$ 13,200,000	\$ 221,250
Subtotal		76.12							\$ 167,569,839	\$ 18,292,032	\$ 53,352,840	\$ 1,122,771
Community Parks												
Community Park @ Valley View SP		51.36	X	X	X				\$ 47,917,520	\$ 898,800	\$ 47,917,520	\$ 898,800
Subtotal		51.36							\$ 47,917,520	\$ 898,800	\$ 47,917,520	\$ 898,800
Open Space												
Saratoga Estates - Open Space		27.40	X		X				\$ -	\$ -	\$ -	\$ -
Crown Village Frontage												
Creekside Greens Creek/Open Space (3 lots)												
Governor Village/Governor Drive Frontage												
Park Village Frontage												
McCabe Park (Unimproved Open Space)												
McCabe -Stephen Harris Frontage (Unimproved)												
St Andrews Frontage												
Subtotal		27.40									\$ -	\$ -
Joint-Use												
Marble Valley VP3		8.38	X		X				\$ 7,374,400	\$ -	\$ 7,374,400	\$ -
Marble Valley VP4		5.93	X		X				\$ 5,218,400	\$ -	\$ 5,218,400	\$ -
Latrobe HS			X						\$ -	\$ -	\$ -	\$ -
Pleasant Grove (Base Lake) HS			X						\$ -	\$ -	\$ -	\$ -
Subtotal		14.31							\$ 12,592,800	\$ -	\$ 12,592,800	\$ -
PROPOSED NEW PARKS TOTAL		172.19							\$ 229,390,159	\$ 19,227,582	\$ 115,173,160	\$ 2,058,321
TOTAL	487.60	196.09							\$ 274,659,294	\$ 22,698,899	\$ 160,442,295	\$ 5,529,638

Master Plan Recommendations:

- F.7 Continue to seek internal operational efficiencies through methods such as:
- Dedication of staff time towards evaluation and enhancement.

Attachments:

- A. Original 2021 Master Plan; Appendix E, Table 9.
B. Revised 2021 Master Plan; Appendix E, Table 9.

Appendix E: Capital and Operatons Cost Model

PROJECT	Current Acres	Proposed Acres	Planning and Design	Acquisition	Development	Landscape Renovation and Sustainability Enhancements	Park Amenity Enhancements	Major Maintenance and Reinvestment	Total Planning Level Capital Cost	Projected Annual Operation Costs
EXISTING PARKS										
Neighborhood Parks										
Creekside Greens Park	1.71					X	X		\$ 832,658	\$ 20,948
Fairchild Park	3.84					X	X		\$ 957,375	\$ 47,040
Governor's Park	1.90						X		\$ 440,594	\$ 23,275
Laurel Oaks Park	1.66					X	X		\$ 1,017,750	\$ 20,335
William C "Bill" McCabe Park	4.74						X		\$ 805,000	\$ 58,065
Murry Homestead Park	4.00					X	X		\$ 1,029,250	\$ 49,000
Overlook Park	1.18					X	X		\$ 918,850	\$ 14,455
Parkview Heights Park	1.18					X	X		\$ 939,694	\$ 14,455
Ridgeview Park	4.35					X	X		\$ 1,148,275	\$ 53,288
Ridgeview Unit 7 Park	0.60					X	X		\$ 862,960	\$ 7,350
Waterford Park	1.15					X	X		\$ 658,950	\$ 14,088
Art Weisberg Park	4.27						X		\$ 434,125	\$ 52,308
Windsor Point Park	1.14								\$ -	\$ 13,965
Governor's West Power Lines	7.30							X	\$ -	\$ 48,180
Subtotal	39.02								\$ 10,045,481	\$ 436,752
Village Parks										
Peter Bertelsen Memorial Park	10.76					X	X	X	\$ 1,731,325	\$ 158,710
Kalitheia Park	3.82					X			\$ 232,875	\$ 56,345
Lake Forest Park	9.76								\$ -	\$ 143,960
Stephen Harris Tennis Courts Park	5.71					X	X	X	\$ 760,150	\$ 84,223
Oak Knoll Park	2.60						X		\$ 471,500	\$ 38,350
Village Green	10.00								\$ 923,594	\$ 147,500
Heritage Village Park	4.65								\$ -	\$ -
Valley View South Village Park	13.60								\$ -	\$ -
Subtotal	60.90								\$ 4,119,444	\$ 629,088
Community Parks										
EDH Community Park	39.50					X			\$ 259,200	\$ 691,250
Promontory Community Park	18.72					X			\$ 460,000	\$ 327,600
Subtotal	58.22								\$ 719,200	\$ 1,018,850
Regional Parks										
Bass Lake Regional Park	207.20								\$ -	\$ 4,092,200
Subtotal	207.20								\$ -	\$ 4,092,200
Open Spaces										
Gov/ Crown Power Lines	18.22							X	\$ 57,500	\$ 120,252
New York Creek Natural Area	27.91							X	\$ 115,000	\$ 184,206
Promontory Power Line Trails								X	\$ 57,500	\$ -
Silva Valley Power Line Corridor	10.25							X	\$ 57,500	\$ 67,650
Wild Oaks Park	10.38							X	\$ 115,000	\$ 68,508

Appendix E: Capital and Operations Cost Model

PROJECT	Current Acres	Proposed Acres	Planning and Design	Acquisition	Development	Landscape Renovation and Sustainability Enhancements	Park Amenity Enhancements	Major Maintenance and Reinvestment	Total Planning Level Capital Cost	Projected Annual Operation Costs
Governor Village/Governor Drive Frontage										
Park Village Frontage										
McCabe Park (Unimproved Open Space)										
McCabe -Stephen Harris Frontage (Unimproved)										
St Andrews Frontage										
Subtotal		27.40							\$ -	\$ -
Joint-Use										
Marble Valley VP3		8.38	X		X				\$ 7,374,400	\$ -
Marble Valley VP4		5.93	X		X				\$ 5,218,400	\$ -
Latrobe HS			X						\$ -	\$ -
Pleasant Grove (Base Lake) HS			X						\$ -	\$ -
Subtotal		14.31							\$ 12,592,800	\$ -
PROPOSED NEW PARKS TOTAL		259.91							\$ 115,173,160	\$ 2,058,321
TOTAL	487.60	283.81							\$ 164,442,295	\$ 5,529,638

Table 9: Recommended Improvements: Existing Parks and Facilities

PROJECT	Current Acres	Proposed Acres	Project Type			Enhanced Facilities and Amenities			Total Planning Level Capital Cost	NOTES
			Planning and Design	Acquisition	Development	Landscape Renovation and Sustainability Enhancements	Park Amenity Enhancements	Major Maintenance and Reinvestment		
PLANNED NEW PARKS										
Neighborhood Parks										
Eastridge @ Valley View (NP)		2.20	X		X				\$949,000	
Subtotal		2.20							\$949,000	
Village Parks										
Bass Lake Hills Park		9.70	X	X	X				\$9,215,000	
Sienna Ridge Sports Park		12.00	X		X				\$10,560,000	
Bell Ranch Park (1 of 2)		5.54							\$4,875,200	Develop in accordance with Village Park design guidelines. Land is anticipated to be dedicated.
Bell Ranch Park (2 of 2)		4.48							\$3,942,400	Develop in accordance with Village Park design guidelines. Land is anticipated to be dedicated.
Subtotal		21.70							\$28,592,600	
PLANNED NEW PARKS TOTAL		23.90							\$29,211,800	
PROPOSED NEW PARKS										
Neighborhood Parks										
Saratoga Estates - Lot F Park		1.10	X		X				\$487,000	
Saratoga Estates - Lot I Park		1.90	X		X				\$823,000	

Chapter V: Implementation

PROJECT	Current Acres	Proposed Acres	Project Type			Enhanced Facilities and Amenities			Total Planning Level Capital Cost	NOTES
			Planning and Design	Acquisition	Development	Landscape Renovation and Sustainability Enhancements	Park Amenity Enhancements	Major Maintenance and Reinvestment		
Subtotal		3.00							\$1,310,000	
Village Parks										
Eastridge @ Valley View (VP)		9.80	X		X				\$8,624,000	
Saratoga Estates - Lot M Park		5.30			X				\$4,664,000	
Valley View North Village Park		13.00	X		X				\$5,720,000	
Marble Valley VP1		10.58	X		X				\$9,310,400	
Marble Valley VP2		10.34	X		X				\$1,472,600	
Marble Valley VP5		6.03	X		X				\$5,306,400	
Marble Valley VP6		1.52	X		X				\$1,051,440	
Marble Valley VP12		4.55	X		X				\$4,004,000	
Central El Dorado Hills		15.00	X		X				\$13,200,000	
Subtotal		163.84							\$53,352,840	
Community Parks										
Community Park @ Valley View SP		51.36	X	X	X				\$47,917,520	
Subtotal		51.36							\$47,917,520	
Open Space										
Saratoga Estates - Open Space		27.40	X		X				\$-	
Crown Village Frontage										
Creekside Greens Creek/Open Space (3 lots)										
Governor Village/Governor Drive Frontage										

PROJECT	Current Acres	Proposed Acres	Project Type			Enhanced Facilities and Amenities			Total Planning Level Capital Cost	NOTES
			Planning and Design	Acquisition	Development	Landscape Renovation and Sustainability Enhancements	Park Amenity Enhancements	Major Maintenance and Reinvestment		
Park Village Frontage										
McCabe Park (Unimproved Open Space)										
McCabe -Stephen Harris Frontage (Unimproved)										
St Andrews Frontage										
Subtotal		27.40						\$-		
Joint-Use										
Marble Valley VP3		8.38	X		X			\$7,374,400		
Marble Valley VP4		5.93	X		X			\$5,218,400		
Latrobe HS			X					\$ -		
Pleasant Grove (Base Lake) HS			X					\$ -		
Subtotal		14.31						\$12,592,800		
PROPOSED NEW PARKS TOTAL		259.91						\$115,173,160		

The costs presented above for these parks are based on the cost assumptions for new park development, totaling more than \$115M in acquisition, design, and development. (See Appendix E for a detailed explanation of cost assumptions.)

Table 10 summarizes the recommended additional facilities, which were informed by the recent outreach effort. The costs in this table assume no additional land acquisition will be required and that all additional facilities can be accommodated at existing or proposed parks. It should be noted that these estimates do not include the proposed concept design previously developed for Bass Lake Regional Park, which costs has been estimated.



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

March 14, 2024
MINUTES

Board President, Noelle Mattock, called the meeting to order on Thursday, March 14, 2024, at 5:30 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California, and Zoom Virtual Conferencing.

On-site attendees included the following:

Board Directors:

- Noelle Mattock, President
- Michael Martinelli, Vice President
- Benjamin Paulsen, Director
- Heidi Hannaman, Director
- Stephen J. Ferry, Director

Other Attendees:

- Derek Cole, Legal Counsel
- Elizabeth Fratarcangeli, Legal Counsel
- Taylor Hall-Vining, IT

District Staff:

- Mark Hornstra, Interim General Manager
- Teri Gotro, Director of Administration and Finance
- Brittany DiTonno, Executive Assistant/Board Clerk
- Jeff Kernen, Principal Planner
- Talley Cain, Staff Services Analyst
- Ryan Kukkola, Parks Superintendent
- Sandra Montgomery, Recreation Superintendent
- Julia Griffin, Communications Specialist

General Public:

- Approx. 20 Members

Virtual attendees included the following:

General Public:

- Approximately 10 Members

President Mattock asked Interim General Counsel Cole to lead the Pledge of Allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire, and other emergency personnel).

ADOPTION OF AGENDA

President Mattock called for the adoption of the Agenda.

Motion No. 1. Vice President Martinelli moved and Director Ferry seconded the motion to adopt the agenda as presented.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

CLOSED SESSION PUBLIC COMMENT

Public Comment for Closed Session was received by two (2) members of the public.

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ADJOURNMENT TO CLOSED SESSION - 5:37 p.m.

CLOSED SESSION ITEMS

- A. Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: Thomas Austin and Helen Austin v. County of El Dorado, et al., Case No. PC2015063S
- B. Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: Concerned Citizens of El Dorado Hills Heritage Village v. Lennar Homes of California Inc., et al., Case No. 22CV0640
- C. Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: El Dorado Hills Community Services District vs El Dorado County, et al., Case No. 22CV1536
- D. Public Employee Performance Expectation & Goal Setting - Interim General Manager (Government Code § 54957(b)(1))

REPORT OUT OF CLOSED SESSION - 6:45 p.m.

President Mattock noted direction has been provided to staff.

LEGAL COUNSEL UPDATES AND ADVICE

Legal Counsel advised they are in the process of scheduling Brown Act Training for our Board Directors to attend and made other general comments to everyone present.

INTERIM GENERAL MANAGER UPDATES

General comments were received by each Interim General Manager Hornstra.

BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS

General comments were received by each Board Director.

GENERAL PUBLIC COMMENT

Public Comment was received by seven (7) members of the public.

CONSENT CALENDAR PUBLIC COMMENT - None

CONSENT CALENDAR

Receive & File:

- 1. General District Report for February 2024 (Staff)
- 2. 2024 Calendar of Special Events (S. Montgomery)
- 3. Submittal of the Monthly Treasury Report (T. Gotro)
- 4. Key Objectives for Interim General Manager as set by the Board of Directors for 2024 (M. Hornstra)

Approve:

- 5. February 2024 Summary of Director Meetings (B. DiTonno)
- 6. 2024 Calendar of Board Director Training Opportunities (B. DiTonno)
- 7. Minutes of February 08, 2024 - Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
- 8. Clerical Updates to the 2021 Master Plan; Table 9: Recommended Improvements: Existing Parks and Facilities; Proposed New Parks - Subsection - Village Parks (T. Gotro)

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Board of Directors Regular Meeting Minutes***

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9. Resolution 2024-06: *Recognizing April as Volunteer Appreciation Month and Recognizing Volunteers in El Dorado Hills* (S. Montgomery)

Motion No. 2. Director Ferry moved and Vice President Martinelli seconded the motion to approve the consent calendar as presented.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

GENERAL BUSINESS

10. Open Public Hearing for Resolution 2024-07; Pertaining to Delinquent Garbage Collection in El Dorado Hills (T. Gotro)

- A. Adopt Resolution 2024-07: *Making Delinquent Garbage Collection Charges a Lien Upon the Real Property from which Service was Furnished or Chargeable*

Motion No. 3. Vice President Martinelli moved and Director Ferry seconded the motion to adopt Resolution 2024-07 as presented.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

11. Review and Approve: Appointment of LLAD Advisory Committee Applicant (T. Gotro)

Public comment for item 11 was received by two (2) members of the public.

Motion No. 4. Director Paulsen moved and Director Hannaman seconded the motion to approve the appointment of G. Carminati to sit on the LLAD Committee.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

12. Review and Approve: Emergency Interim General Legal Counsel with Cole Huber (M. Hornstra)

Motion No. 5. Director Paulsen moved and Director Ferry seconded the motion to approve the agreement with the law firm, Cole Huber, as Interim General Counsel until permanent general counsel is hired through an RFP process.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

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13. Review and Approve: Agreements for Continued Legal Services with Kronick Moskowitz Tiedemann & Girard (M. Hornstra)

Public comment for item 13 was received by four (4) members of the public.

Motion No. 6. Director Ferry moved and Director Hannaman seconded the motion to approve the agreements for continued litigation services for the Austin litigation and CC&R matters with Kronick Moskowitz Tiedemann & Girard; and to direct the Interim General Manager and Interim General Counsel to find a new litigation firm to take over the other active litigation cases for the District and bring a contact back before the Board at a Special Meeting that is to be scheduled.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

14. Review and Direct: Interim General Manager to solicit Requests for Proposal (RFP) for General Legal Counsel Services (M. Hornstra)

Public comment for item 14 was received by two (2) members of the public.

Motion No. 7. Director Hannaman moved and Director Ferry seconded the motion to approve and direct the Interim General Manager to start the RFP process for new General Counsel for the District.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

15. Review and Direct Staff: Funding and Public Engagement for Central El Dorado Hills Open Space (M. Hornstra/T. Gotro)

Public comment for item 15 was received by two (2) members of the public.

No action was taken regarding this item and directions were provided to staff.

16. Review and Approve: Staff Recommended Nomination for the California Special Districts Association (CSDA) Board of Directors 2025-2027 term, Sierra Network, Seat A, Election (B. DiTonno)

Motion No. 8. Director Paulsen moved and Vice President Martinelli seconded the motion to nominate Board Director, Noelle Mattock, for the CSDA Board of Directors 2025-2027 term, Sierra Network, Seat A, Election.

Motion passed unanimously:

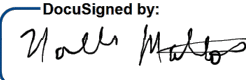
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

REVIEW ITEMS PULLED FOR DISCUSSION - None

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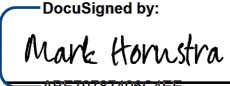
**March 14, 2024
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ADJOURNMENT - 9:18 p.m.

APPROVED: DocuSigned by:

ATCC0168064C486...

Noelle Mattock, President (2024)
District Board of Directors

DATE: 04/12/2024

ATTEST: DocuSigned by:

ABE70787406C4EE...

Mark Hornstra, Interim General Manager
Secretary to the Board of Directors

DATE: 04/15/2024

3000 - OPERATIONS



RECORDS RETENTION #3090

The Board of Directors has adopted a policy on Public Inspection and Access to Records and the Public Access to Information Returns described earlier in the Section on Government Returns. The District is subject to the California Public Records Act. All requests must be submitted in writing through email to the General Manager and Clerk of the Board or through the online portal on the District website. Records related to pending litigation and personnel, medical, or similar files which would constitute an invasion of personal privacy are examples of records that are exempted from disclosure.

The formal records retention policy of the District is as follows:

Department/Area	Timeline
Board Files: Minutes, Resolutions and Ordinances	Permanent
Contracts	Life plus 10 years
Finance: Audits, Bonds, Budget, CAFR, Capital Improvements, Investment Transactions, Payroll Register, State Controller Report, Vendor Registration	Permanent
Finance: Payroll	10 years
Finance: Other general	7 years
Human Resources: Personnel files:	Regular Full time 10 years after discharge; Part time/seasonal 3 years after discharge
Human Resources: Other general	Varies 3 - 30 years
Human Resources: Workers Comp Files & Lawsuits	30 years
Policies & Procedures	Permanent
Property Records	Permanent
Public Document Request	2 years

Approved: September 15, 2005

Amended: November 08, 2018



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

To: Board of Directors
From: David W. Tyra, Legal Counsel
Meeting Date: November 20, 2023
Report Date: November 09, 2023 (Updated November 15, 2023)
Subject: Initiative for Carson Creek LLAD #39

Background:

On or about October 31, 2023, the District received notification from the El Dorado County Registrar that it had certified an initiative petition circulated by residents of Carson Creek LLAD # 39 pursuant to Elections Code 9309, subdivision (f). (See Exhibit A - County Registrar's Certification of Initiative Petition.). The proposed initiative is attached to this report as Exhibit B.¹

This report addresses the Board's options in responding to the certified petition and proposed initiative.

Discussion:

A. Elections Code section 9310.

Pursuant to Elections Code section 9310, when an initiative petition has been signed by the requisite number of voters within the District, and has been certified as such by the County Registrar, the Board has two options:

1. It may adopt the ordinance [the initiative], without alteration, either at the regular meeting at which the certification of the petition is presented [i.e., the meeting on November 09, 2023], or within 10 days after it is presented, or
2. Submit the ordinance [the initiative], without alteration, to the voters pursuant to Elections Code section 1405.²

1 The Carson Creek LLAD # 39 initiative petition is nearly identical to another initiative petition being circulated by residents in Promontory LLAD # 22. The District confirmed with the County Registrar that as of Thursday, November 2, 2023, that petition had not been certified.

2 Elections Code section 1405 provides that the election for a district initiative that qualifies pursuant to Section 9310 shall be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election.

B. Analysis of the Carson Creek LLAD # 39 Initiative.

The proposed initiative consists of three paragraphs. The first two paragraphs provide background information. The final paragraph is the operative paragraph of the initiative and reads in its entirety as follows:

The EDHCSD levies an annual assessment within the Assessment District for the stated purpose of providing funding for “the maintenance, installation, and operation of improvements for a new village park, Carson Creek Park, within the Assessment District.” This initiative measure seeks to repeal that assessment and order a refund of any monies collected pursuant to that assessment. It further seeks to require that the EDHCSD obtain voter approval “as prescribed by law” before levying any subsequent assessments within the Assessment District.

As drafted, there are several aspects of the initiative that render it potentially vulnerable to legal challenges. These potential legal challenges include, but are not necessarily limited to, the following:

1. As drafted, the initiative potentially violates Proposition 218.

Proposition 218 was approved and adopted by California voters at the general election of November 5, 1996. It added articles XIII C and XIII D to the California Constitution. Among other things, Proposition 218 established both procedural and substantive requirements for imposing assessments on real property.

In *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205 (“*Bighorn*”), the California Supreme Court considered the issue of whether section 3 of article XIII C of the California Constitution, which provides that “the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge,” granted local voters authority to adopt an initiative measure that, among other things, would reduce a local public water district’s charges for delivering domestic water to existing customers and that also would require voter preapproval for any future increase in those charges or for the imposition of any new charge. With respect to the portion of the initiative requiring voter approval for future increases in charges for domestic water deliveries, the Court held that part of the initiative violated section 3 of article XIII C. The Court found that the text of section 3 of article XIII C supported the conclusion that the initiative power granted by that section extends only to “reducing or repealing” taxes, assessments, fees, and charges but did not authorize initiative measures imposing voter-approval requirements on future taxes, assessments, fees, or charges. (See *Bighorn, supra*, 39 Cal.4th at 218.)

Based on the California Supreme Court’s holding in *Bighorn*, the language in the Carson Creek LLAD Initiative that “seeks to require that the EDHCSD obtain voter approval ‘as prescribed by law’ before levying any subsequent assessments within the Assessment District” would appear to violate section 3 of article XIII C of the California Constitution.

2. As drafted, the initiative is potentially impermissibly vague.

An initiative is impermissibly and unconstitutionally vague when application of the initiative is uncertain in all of its aspects. (*Evangelatos v. Superior Court* (1988) 44 Cal.3d 1188, 1201; *Citizens for Jobs and the Economy v. County of Orange* (2002) 94 Cal.App.4th 1311, 1334-35.)

Here, the operative paragraph of the initiative as quoted above opens with the statement that the EDHCSD levies “*an annual assessment* within the Assessment District...” (Emphasis added.) The paragraph goes on to state the initiative “seeks to repeal *that assessment* and order a refund of any monies collected pursuant to *that assessment*.” (Emphasis added.) The initiative fails to identify with any specificity what assessment it addresses: a particular fiscal years’ assessment? If so, what fiscal year? Alternatively, does the initiative seek to repeal any (and all) assessments within the Assessment District? If so, this raises other issues discussed below. In any event, the language of the initiative fails to specify with any requisite degree of certainty the assessments to which it applies and, therefore, may be impermissibly and unconstitutionally vague.

3. As drafted, the initiative may seek relief beyond the applicable limitations period.

There are two default statutes of limitations applicable to actions challenging taxes, assessments, fees, and charges: the Government Claims Act, which imposes the equivalent of a one-year limitations period for actions seeking a refund of a tax, assessment, fee, or charge (Gov. Code, § 911.2); and Code of Civil Procedure section 338(a), which imposes a three-year limitations period for actions in which no refund is sought.

Here, the initiative seeks a refund of assessments levied within the Assessment District. Given the ambiguity in the wording of the initiative as discussed in the preceding section, the initiative could be interpreted as seeking refund of any and all assessments levied in the Assessment District since its inception. As noted in the opening paragraph of the initiative, the Assessment District was formed in 2015. Accordingly, if the intent of the initiative is, in fact, to obtain a refund of all assessments levied since inception of the Assessment District, the initiative may seek recovery of assessments outside the applicable limitations period.

4. As drafted, the initiative may impermissibly impair essential governmental functions.

Finally, courts have held that an initiative may not interfere with essential governmental functions. (See *City of Atascadero v. Daly* (1982) 135 Cal.App.3d 466, 470.) Here, if the initiative is interpreted as eliminating all funding for the Assessment District, including the ability to establish assessments without prior voter approval, essential functions such as maintaining, operating, and improving assets within the Assessment District may be irreparably impaired.

C. Optional Responses In Light of Potential Deficiencies in Carson Creek Initiative.

In light of the potential deficiencies in the Carson Creek LLAD Initiative as discussed above, the Board has options beyond strict compliance with the requirements of Elections Code 9310. These options include the following:

- 1. Refuse to place the initiative on the ballot.** The Board could refuse to place the initiative on the ballot in light of the several potential deficiencies. (*Citizens for Responsible Behavior v. Superior Court* (1991) 1 Cal.App.4th 1013, 1020.
- 2. Place the measure on the ballot and authorize a pre-election legal challenge to the initiative.** (*California Cannabis Coalition v. City of Upland* (2017) 3 Cal.5th 924, 948.
- 3. Place the measure on the ballot and authorize a post-election legal challenge to the initiative if passed.** (*City of Burbank v. Burbank-Glendale-Pasadena Airport Authority* (2003) 113 Cal.App.4th 465.)

Summary of Optional Responses:

To summarize, the Board's options in responding to the Carson Creek LLAD Initiative are as follows:

- Adopt the initiative without change.
- Place the initiative on the ballot and authorize a pre-election legal action challenging the initiative.
- Place the initiative on the ballot and authorize a post-election legal action challenging the initiative if passed.
- Refuse to either adopt the initiative or place the measure on the ballot in light of potential legal infirmities with the initiative.
- Place the initiative on the ballot by submitting the ordinance [the initiative], without alteration, to the voters pursuant to Elections Code section 1405, and take no additional actions toward authorizing a legal action challenge to the initiative.

Fiscal Impact:

Should the District not have any other items being placed on the ballot, such as for Board Director elections or a bond measure, then this item will be the cost burden of the District and not of the initiative petitioners. That cost amount is determined by the County and is unknown at this time.

Update Following the Board Meeting of November 09, 2023:

Following the Board Meeting of November 9, 2023, multiple efforts were made to schedule a meeting or discussion with one of the proponents of the Carson Creek LLAD # 39 Initiative, Bob Williams. These efforts consisted of approximately half dozen emails to Mr. Williams and/or his counsel in the Heritage Park litigation, James Brunello, requesting a meeting or telephone call to discuss the initiative. Ultimately, Mr. Williams declined to participate in such a conversation, instead sending the email attached as Exhibit C. Mr. Williams advocates in his email that the Board authorize the initiative to be placed on the November 2024 ballot in accordance with Elections

Code section 9310 without reaching agreement on the final ballot language for the initiative. Mr. Williams suggests that the final ballot language can be negotiated and that a Board Resolution can follow consistent with the County Election Office's July 2024 deadline for such a Resolution. Accordingly, there is no final ballot language proposed at this time. Based on the information with which I have been provided, I am unable to draft ballot language I can recommend to the Board at this time.

Attachments:

- A. Certification of Carson Creek LLAD Initiative Petition.
- B. An Initiative Measure to Repeal and Refund the Carson Creek Park Landscaping and Lighting Assessment District # 39 Special Assessment.
- C. Email from Bob Williams dated November 14, 2023.
- D. Initiative Measure to be Submitted Directly to the Voters as prepared by the initiative proponents.

RESOLUTION NO. 2024-20

**OF THE
EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

**CALLING AND ORDERING AN ELECTION
RE: AN INITIATIVE MEASURE TO REPEAL AND REFUND THE CARSON CREEK
PARK LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT #39 SPECIAL
ASSESSMENT ON NOVEMBER 05, 2024, TO BE CONSOLIDATED WITH THE
STATEWIDE ELECTION ON THE SAME DAY**

WHEREAS, Elections Code §9300 et seq. provides a process by which the registered voters of a district may submit to the governing board of the district an initiative for adoption after filing a copy of the same with the district elections official with a sufficient number of verified signatures of registered voters of the district, as verified by the elections official; and

WHEREAS, Elections Code §9310 provides if such an initiative is submitted to the governing board of the district and is signed by 10% or more of the registered voters of the district, the district board shall either adopt the initiative without alteration or else submit the initiative without alteration to the voters pursuant to Elections Code §1405; and

WHEREAS, Elections Code §1405 provides that an election for a district initiative that meets the requirements of §9310 shall be held at the next general election occurring not less than 88 days after the date of the order of election; and

WHEREAS, Elections Code §10403 provides such a vote on a district initiative may be consolidated with a statewide election and appear upon the same ballot as that provided for the statewide election and provides the form and method for the district board to place the initiative on the ballot; and

WHEREAS, the El Dorado Hills Community Services District's ("District") Board of Directors ("Board") has received an initiative signed by at least 10% of the registered voters of the Landscape and Lighting District, as verified by the County of El Dorado Registrar of Voters Bill O'Neill, and self-titled "An Initiative Measure to Repeal and Refund the Carson Creek Park Landscaping and Lighting Assessment District #39 Special Assessment "; and

WHEREAS, the Board wishes to submit the initiative to the voters of the Landscape and Lighting District at the next general election, to consolidate the vote on the initiative with the statewide election, and to have it appear on the same ballot as that provided for the statewide election; and

WHEREAS, the County of El Dorado Registrar of Voters and Elections staff has confirmed that the next general election date is November 05, 2024, and this is a proper date for the District to place the initiative before the voters.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the El Dorado Hills Community Services District, as follows:

BE IT RESOLVED, that the Board orders and calls an election on Tuesday, November 05, 2024, for the purpose of submitting to the voters the following question:

“Shall the El Dorado Hills Community Services District repeal Landscape and Lighting District No. 39 and refund levied special assessments?”

BE IT FURTHER RESOLVED, that the Board requests that the vote on this initiative be consolidated with the statewide election to occur on Tuesday, November 05, 2024, as well as consolidated with any other elections occurring on that day and properly consolidated with the statewide election pursuant to the California Elections Code.

BE IT FURTHER RESOLVED, that the Board acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418 and directs that all proceedings related to, connected with, and incidental to the election shall be regulated and performed in accordance with the provisions of law regulating the statewide election.

BE IT FURTHER RESOLVED, that the Board directs District staff to file a copy of this resolution with the El Dorado County Board of Supervisors and a copy with the El Dorado County elections official.

BE IT FURTHER RESOLVED, that the Board directs the El Dorado County elections officials to administer and take all necessary actions and make all necessary reports and notices related to said election, and further directs District Staff to administer and take all necessary actions and make all necessary reports and notices related to said election and in collaboration with the El Dorado County elections official.

BE IT FURTHER RESOLVED, that if any part of this Resolution is held invalid the remainder of the resolution shall not be affected.

PASSED AND ADOPTED this 13th day of June 2024, by the following vote:

AYES: **Ferry, Hannaman, Martinelli, Mattock, Paulsen**
NOES:
ABSTAIN:
ABSENT:

BY:



Noelle Mattock, *President (2024)*
Board of Directors

ATTEST:



Mark Hornstra, *General Manager*
Secretary to the Board of Directors

RESOLUTION NO. 2022-19

**OF THE
EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

**CALLING AND ORDERING AN ELECTION
RE: AN INITIATIVE MEASURE TO REPEAL AND REFUND THE
CARSON CREEK PARK LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT #39 SPECIAL ASSESSMENT ON
NOVEMBER 08, 2022 TO BE CONSOLIDATED WITH THE STATEWIDE
ELECTION ON THE SAME DAY**

WHEREAS, Elections Code section 9300 et seq. provides a process by which the registered voters of a district may submit to the governing board of the district an initiative for adoption after filing a copy of the same with the district elections official with a sufficient number of verified signatures of registered voters of the district, as verified by the elections official; and

WHEREAS, Elections Code section 9310 provides if such an initiative is submitted to the governing board of the district and is signed by 10% or more of the registered voters of the district, the district board shall either adopt the initiative without alteration or else submit the initiative without alteration to the voters pursuant to Elections Code section 1405; and

WHEREAS, Elections Code section 1405 provides that an election for a district initiative that meets the requirements of Section 9310 shall be held at the next general election occurring not less than 88 days after the date of the order of election; and

WHEREAS, Elections Code section 10403 provides such a vote on a district initiative may be consolidated with a statewide election and appear upon the same ballot as that provided for the statewide election and provides the form and method for the district board to place the initiative on the ballot; and

WHEREAS, the El Dorado Hills Community Services District's ("District") Board of Directors ("Board") has received an initiative signed by at least 10% of the registered voters of the District, as verified by the County of El Dorado Registrar of Voters Bill O'Neill, and self-titled "Repeal of EDHCSD LLAD #39 Special Assessment and Refund Levied Taxes"; and

WHEREAS, the Board wishes to submit the initiative to the voters at the next general election, to consolidate the vote on the initiative with the statewide election, and to have it appear on the same ballot as that provided for the statewide election; and

WHEREAS, the County of El Dorado Registrar of Voters and Elections staff has confirmed that the next general election date is November 08, 2022 and this is a proper

date for the District to place the initiative before the voters.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the El Dorado Hills Community Services District, as follows:

BE IT RESOLVED, that the Board orders and calls an election on Tuesday, November 08, 2022, for the purpose of submitting to the voters the following question:

Shall the El Dorado Hills Community Services District repeal Resolutions 2019-11 and 2020-11 establishing assessments on the Carson Creek Park Landscaping and Lighting Assessment District #39 for fiscal years 2019-2020 and 2020-2021 for the provision of park improvements and maintenance and order a refund to homeowners of any monies currently held by the District that were collected pursuant to those resolutions?

BE IT FURTHER RESOLVED, that the Board requests that the vote on this initiative be consolidated with the statewide election to occur on Tuesday, November 08, 2022 as well as consolidated with any other elections occurring on that day and properly consolidated with the statewide election pursuant to the California Elections Code.

BE IT FURTHER RESOLVED, that the Board acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418 and directs that all proceedings related to, connected with, and incidental to the election shall be regulated and performed in accordance with the provisions of law regulating the statewide election.

BE IT FURTHER RESOLVED, that the Board directs District staff to file a copy of this resolution with the El Dorado County Board of Supervisors and a copy with the El Dorado County elections official.

BE IT FURTHER RESOLVED, that the Board directs the El Dorado County elections officials to administer and take all necessary actions and make all necessary reports and notices related to said election, and further directs District Staff to administer and take all necessary actions and make all necessary reports and notices related to said election and in collaboration with the El Dorado County elections official.

BE IT FURTHER RESOLVED, that if any part of this Resolution is held invalid the remainder of the resolution shall not be affected.

PASSED AND ADOPTED this 13th day of June 2022, by the following vote:

AYES: Hansen, Martinelli, Mattock, Paulsen

NOES:

ABSTAIN:

ABSENT: Hannaman

BY:



Michael Martinelli, *President*
Board of Directors

ATTEST:



Kevin A. Loewen, *General Manager*
Secretary to the Board of Directors



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

To: Board of Directors

From: Derek P. Cole, Interim General Counsel

Meeting Date: April 11, 2024

Report Date: April 04, 2024

Subject: **Consideration of Action to be Taken Concerning Proposed Ballot Initiative: *Repeal of Landscape and Lighting Assessment District Number 22 and Refund of Levied Assessments***

Recommended Action:

The Board of Directors should take no action on the proposed ballot initiative due to the proponents' failure to comply with the California Elections Code.

Background and Summary:

The El Dorado Hills Community Services District ("District") has received a proposed ballot initiative from proponents who are voters residing within Landscape and Lighting Assessment District Number 22 ("LLAD No. 22"). (The Ballot Title and Summary for the proposed initiative is attached as **Exhibit A.**) The El Dorado County Registrar of Voters has certified that a sufficient number of registered voters have signed the initiative. (See Certification, **Exhibit B**; see also Notice of Intention to Circulate Petition, **Exhibit C.**) Ordinarily, receipt of this certification would trigger a ministerial District duty to either approve the proposed measure or call an election. If an election is called, the initiative would be placed on the November General Election ballot.

As explained within, the Board of Directors may not lawfully take action on the proposed initiative. The initiative proponents seem to have proceeded under the assumption their LLAD is a discrete political unit that may legislate. But an LLAD is merely a *funding entity*; it is not a political subdivision vested with legislative power. Under the California Elections Code, the initiative power belongs to *all* District voters and may be exercised only on a *District-wide* basis. Because the proposed initiative was not circulated District-wide, was not signed by the requisite number of District-wide voters, and is not proposed to be submitted to all District voters, it may not legally be placed on the ballot.

Discussion:

When the District receives certification from the County election official that a ballot measure has qualified to be placed on the ballot, it must ordinarily take one of two actions:

- Adopt the measure without alteration, or
- Submit the measure, without alteration, to the voters. (Elec. Code, § 9310(a)(1)-(2).)

Here, neither of these actions may be taken as there technically is no initiative to be considered. The proposed measure was signed only by voters who resided within LLAD No. 22 and took into account a significantly reduced signature threshold - a mere 58 voters¹ - that could only be sufficient only if just a single LLAD were considered.

It appears the proponents assume their LLAD is a discrete political unit that may hold its own election. It appears they believe this interpretation finds support in the usage of the word “district” throughout the Elections Code provisions governing special district initiatives. If the proponent believe their LLAD is such a “district,” they are incorrect.

The authority for special district elections is stated in California Elections Code sections 9300 through 9323. The foundational of these sections, section 9300, states the general statutory right to special districts initiatives. The section states that “ordinances may be enacted *by any district* pursuant to this article [...]” (Emphasis added.) The next section, section 9301, states that the “proposed ordinance” must be “submitted to the governing board *of the district.*” (Emphasis added.)

An “ordinance” is a legislative enactment - like a bill in the State Legislature, or a county ordinance - that states the enactments of a legislative body. For special districts, the referenced Elections Code sections make clear that, when enacted by initiative, an “ordinance” is something that may only be enacted by a “district.” These Elections Code provisions do not define the term “district,” but it is clear from context and the statutory scheme the Code envisions that a “district” that enacts the initiative is a *political subdivision* - a unit of government capable of promulgating legislative enactments in the form of ordinances.

An LLAD is not such a “district.” The organic law for LLADs, the Landscape and Lighting Act of 1972 (“LLA,” Streets & Hwy Code, § 22500 et seq.), describes LLADs merely as mechanisms for assessing the parcels benefited by a public improvement or service. (Streets & Hwy Code, §§ 22503², 22521³.) As described, LLADs are nothing more than financing mechanisms. In this sense, they are like zoning districts - areas subject to particular legislation, but not a government that may legislate - by board action or by initiative. Although the LLA uses the term “district” in describing them, LLADs are not vested with any of the powers usually given to recognized units of government. LLADs are not given the *independent* powers, for instance, to enact legislation, sue or be sued, acquire property, or enter into contracts. They are entirely formed by, creatures of, and subservient to, the governments that create them.

A community services district (“CSD”), in contrast, is the type of “district” the Elections Code empowers to conduct elections. The organic law governing CSDs is the Community Services

¹ An initiative qualifies if more the number of verified signatures on the petition exceeds 5% of the votes cast in the last gubernatorial election. (Elec. Code, § 9310(a).)

² “An assessment district shall consist of all territory which, as determined by the legislative body, will be benefited by the improvements and is to be assessed to pay the costs thereof.”

³ “‘Assessment district’ means an assessment district formed pursuant to this part.”

District Law (“CSD Law”), codified in the California Government Code, beginning at section 61000. The CSD Law uses the term “district,” which it defines as an entity “created pursuant to this division [of the Government Code] [...]” (Gov. Code, § 61002(d).) The CSD Law in turn empowers such “districts” to exercise the powers that typically belong to political subdivisions (i.e., local governments). CSDs may adopt ordinances, sue and be sued, acquire property, make contracts, and take several other actions. (*Id.*, § 61060; see also *id.*, §§ 61061-61070 [stating the many independent powers CSDs may exercise].) Unlike LLADs, CSDs are not agents of any higher unit of government that creates them. They are political subdivisions in their own right.

For the above reasons, it is only reasonable to interpret the Election Code’s references to “district” as requiring an independent political subdivision capable of enacting legislation in the form of ordinances.⁴ A CSD meets these characteristics, an LLAD does not. Although the word “district” is used in their titles, LLADs are not imbued with the statuses of political subdivisions and, therefore, do not have the initiative power.

Because an LLAD is not the type of “district” the Elections Code empowers, the initiative proponents have failed to submit a valid initiative. The “district” for which they were required to gather signatures was the District *as a whole*, not just their LLAD. Elections Code section 9310 required the proponents to obtain the verified signatures of not less than 5% “of the voters of *the district*” who voted in the last gubernatorial elections. (Emphasis added.) Because the proponents only gathered signatures from within their LLAD, they do not satisfy this foundational requirement.

Put more simply, there is no such thing as an LLAD initiative. Any initiative presented to the District must be presented to the *entire* District. The initiative must qualify using a threshold that considers the *District-wide* vote tally from the last gubernatorial election; it must be circulated for signature among *all* District voters; and it must allow *all* District voters to vote if it qualifies.

To be sure, this Staff Report acknowledges a provision of Proposition 218 (Article XIII C, section 3 of the California Constitution), which constitutionally guarantees the right of certain initiatives:

“Notwithstanding any other provision of this Constitution, including, but not limited to, Sections 8 and Sections 9 of Article II, the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge. The power of initiative to affect local taxes, assessments, fees and charges shall be applicable to all local governments and neither the Legislature nor any local government charter shall impose a signature requirement higher than that applicable to statewide statutory initiatives.” (Emphasis added.)

This provision is intended to guarantee that voters may use initiatives to reduce or repeal taxes, assessments, fees, or charges. The section was intended to codify certain court cases that had

⁴ Notably, the Elections Code does contain a definition of “district” for purposes of special district initiatives and referenda. Elections Code section 317 states that “‘district’ for purposes of initiative and referendum under Chapter 4 (commencing with Section 9300) of Division 9, includes any regional agency that has the power to tax, to regulate land use, or to condemn and purchase land.” Although this section is intended to address a special situation, its reference to agency powers to tax, regulate land use, or acquire land are consistent with this staff report’s interpretation that Elections Code “districts” must be political subdivisions that are vested with prescribed powers.

been decided before Proposition 218's enactment in 1996.

It may be that the initiative proponents rely on this provision in asserting authority for their proposed measure. But if they do so, they would be mistaken.

Nothing about this provision relieves or excuses the proponents from complying with the requirements of the Elections Code. The provision is not itself authority for interpreting LLADs as the type of "districts" for which initiatives are permissible. The emphasized text confirms the provision is applicable "to all local governments," indicating that the preserved powers must be exercised with reference to political subdivisions. The California Supreme Court has noted, moreover, that there is no constitutional right to a special district initiative. (See *Mission Springs Water Dist. v. Verjil* (2013) 218 Cal.App.4th 892, 914 fn. 4 [noting that the constitutional right to local initiatives is guaranteed only in county and city elections].) Article XIII C, section 3 accordingly does not provide any constitutional authority for an LLAD-specific initiative.

In sum, because of the fundamental defects in the proposed measure, this Board should take no action. Ordinarily, perceived defects in ballot measures are raised by pre- and post-election challenges in court. When an allegedly defective initiative is presented, courts have directed agencies not to withhold calling elections, but to place the measures on the ballot and seek appropriate judicial relief.

But here, there technically is no initiative that has met the requirements of the Elections Code for qualification. The proponents have presented a manifestly unlawful ballot measure, which seeks to give their limited, discrete LLAD the status of a full-fledged political subdivision, and which attempts to exercise a right that is reserved to *all* District voters. The District has no ministerial duty to act under these circumstances.

Fiscal Impact:

Should the Board of Directors agree to submit the measure to the voters, it would incur costs associated with the County's administration of the election concerning the proposed initiative. These costs are not known at this time.

Attachments:

- A. Ballot Title and Summary: *Repeal of Landscape and Lighting Assessment District Number 22 and Refund of Levied Assessments*
- B. El Dorado County Registrar of Voters, Certification, March 25, 2024
- C. Notice of Intention to Circulate Petition

RESOLUTION NO. 2024-18

**OF THE
EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

**CALLING AND ORDERING AN ELECTION
RE: AN INITIATIVE MEASURE TO REPEAL AND REFUND THE PROMONTORY
PARK LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT #22 SPECIAL
ASSESSMENT ON NOVEMBER 05, 2024, TO BE CONSOLIDATED WITH THE
STATEWIDE ELECTION ON THE SAME DAY**

WHEREAS, Elections Code §9300 et seq. provides a process by which the registered voters of a district may submit to the governing board of the district an initiative for adoption after filing a copy of the same with the district elections official with a sufficient number of verified signatures of registered voters of the district, as verified by the elections official; and

WHEREAS, Elections Code §9310 provides if such an initiative is submitted to the governing board of the district and is signed by 10% or more of the registered voters of the district, the district board shall either adopt the initiative without alteration or else submit the initiative without alteration to the voters pursuant to Elections Code §1405; and

WHEREAS, Elections Code §1405 provides that an election for a district initiative that meets the requirements of §9310 shall be held at the next general election occurring not less than 88 days after the date of the order of election; and

WHEREAS, Elections Code §10403 provides such a vote on a district initiative may be consolidated with a statewide election and appear upon the same ballot as that provided for the statewide election and provides the form and method for the district board to place the initiative on the ballot; and

WHEREAS, the El Dorado Hills Community Services District's ("District") Board of Directors ("Board") has received an initiative signed by at least 10% of the registered voters of the Landscape and Lighting District, as verified by the County of El Dorado Registrar of Voters Bill O'Neill, and self-titled "An Initiative Measure to Repeal and Refund the Promontory Landscaping and Lighting Assessment District #22 Special Assessment"; and

WHEREAS, the Board wishes to submit the initiative to the voters of the Landscape and Lighting District at the next general election, to consolidate the vote on the initiative with the statewide election, and to have it appear on the same ballot as that provided for the statewide election; and

WHEREAS, the County of El Dorado Registrar of Voters and Elections staff has confirmed that the next general election date is November 05, 2024, and this is a proper date for the District to place the initiative before the voters.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the El Dorado Hills Community Services District, as follows:

BE IT RESOLVED, that the Board orders and calls an election on Tuesday, November 05, 2024, for the purpose of submitting to the voters the following question:

“Shall the El Dorado Hills Community Services District repeal Landscape and Lighting District No. 22 and refund levied special assessments?”

BE IT FURTHER RESOLVED, that the Board requests that the vote on this initiative be consolidated with the statewide election to occur on Tuesday, November 05, 2024, as well as consolidated with any other elections occurring on that day and properly consolidated with the statewide election pursuant to the California Elections Code.

BE IT FURTHER RESOLVED, that the Board acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418 and directs that all proceedings related to, connected with, and incidental to the election shall be regulated and performed in accordance with the provisions of law regulating the statewide election.

BE IT FURTHER RESOLVED, that the Board directs District staff to file a copy of this resolution with the El Dorado County Board of Supervisors and a copy with the El Dorado County elections official.

BE IT FURTHER RESOLVED, that the Board directs the El Dorado County elections officials to administer and take all necessary actions and make all necessary reports and notices related to said election, and further directs District staff to administer and take all necessary actions and make all necessary reports and notices related to said election and in collaboration with the El Dorado County elections official.

BE IT FURTHER RESOLVED, that if any part of this Resolution is held invalid the remainder of the resolution shall not be affected.

PASSED AND ADOPTED this 13th day of June 2024, by the following vote:

AYES: **Ferry, Hannaman, Martinelli, Mattock, Paulsen**
NOES:
ABSTAIN:
ABSENT:

BY:



Noelle Mattock, *President (2024)*
Board of Directors

ATTEST:



Mark Hornstra, *General Manager*
Secretary to the Board of Directors



BOARD OF DIRECTORS REGULAR MEETING

April 11, 2024
MINUTES

Board President, Noelle Mattock, called the meeting to order on Thursday, April 11, 2024, at 5:31 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California, and Zoom Virtual Conferencing.

On-site attendees included the following:

Board Directors:

- Noelle Mattock, President
- Michael Martinelli, Vice President
- Benjamin Paulsen, Director
- Heidi Hannaman, Director
- Stephen J. Ferry, Director

Other Attendees:

- Derek Cole, Legal Counsel
- Taylor Hall-Vining, IT

District Staff:

- Mark Hornstra, Interim General Manager
- Teri Gotro, Director of Administration and Finance
- Brittany DiTonno, Executive Assistant/Board Clerk
- Jeff Kernen, Principal Planner
- Elise Hardy, Human Resources Manager
- Talley Cain, Staff Services Analyst
- Ryan Kukkola, Parks Superintendent
- Sandra Montgomery, Recreation Superintendent

General Public:

- Approx. 26 Members

Virtual attendees included the following:

General Public:

- Approximately 29 Members

President Mattock led the Pledge of Allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire, and other emergency personnel).

ADOPTION OF AGENDA

President Mattock called for the adoption of the Agenda.

Motion No. 1. Director Ferry moved and Vice President Martinelli seconded the motion to adopt the agenda as presented.

Motion passed unanimously:

Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen

CLOSED SESSION PUBLIC COMMENT

Public Comment for Closed Session was received by one (1) member of the public.

**El Dorado Hills Community Services District
Board of Directors Regular Meeting Minutes**

**April 11, 2024
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ADJOURNMENT TO CLOSED SESSION - 5:37 p.m.

CLOSED SESSION ITEMS

- A.** Conference with Legal Counsel - Anticipated Litigation
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code § 54956.9: Two potential cases
- B.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: Concerned Citizens of El Dorado Hills Heritage Village v. Lennar Homes of California Inc., et al., Case No. 22CV0640
- C.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: El Dorado Hills Community Services District vs El Dorado County, et al., Case No. 22CV1536
- D.** Public Employee Performance Evaluation - Interim General Counsel (Government Code § 54957(b)(1))
- E.** Public Employee Performance Evaluation - Interim General Manager (Government Code § 54957(b)(1))

REPORT OUT OF CLOSED SESSION - 7:21 p.m.

President Mattock noted updates were received on the active litigation cases and the Board elected to continue the employment of the Interim General Manager as the General Manager and directed Interim Legal Counsel to prepare a contract for consideration.

LEGAL COUNSEL UPDATES AND ADVICE

Comments were received by Interim General Legal Counsel regarding the investigation that had taken place for the previous General Manager.

INTERIM GENERAL MANAGER UPDATES

General comments were received by Interim General Manager Hornstra.

BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS

General comments were received by each Board Director.

GENERAL PUBLIC COMMENT

Public Comment was received by eight (8) members of the public.

CONSENT CALENDAR PUBLIC COMMENT - None

CONSENT CALENDAR

Receive & File:

- 1. General District Report for March 2024 (Staff)
- 2. 2024 Calendar of Special Events (S. Montgomery)
- 3. Submittal of the Monthly Treasury Report (T. Gotro)

Approve:

- 4. March 2024 Summary of Director Meetings (B. DiTonno)
- 5. 2024 Calendar of Board Director Training Opportunities (B. DiTonno)

**El Dorado Hills Community Services District
Board of Directors Regular Meeting Minutes**

- 6. Minutes of March 14, 2024 - Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
- 7. Minutes of March 19, 2024 - Board of Directors Special Meeting - *Hybrid* (B. DiTonno)
- 8. Minor Clerical Updates to Policies 1220 - Facility Rentals and 1240 - Request for Public Records (B. DiTonno)
- 9. ~~CC&R Advisory Committee Recommendation that the Board of Directors Authorize Staff to Direct District Legal Counsel to Send Third and Final Notices of Non-Compliance to: (T. Cain)~~

~~Property Owner: Marc Pulliam
Property Address: 2017 Summer Drive
Village: Bass Lake Village - Woodridge
APN: 115-310-015
Case#: 23-180
Violations: Bass Lake Village Units 6-14, Section 5.01(d) - Lot Maintenance~~

~~Property Owner: Tessie Espanol
Property Address: 4063 Bancroft Drive
Village: Green Valley Hills
APN: 110-262-001
Case#: 23-413
Violations: Green Valley Hills, Section 4.18 - Alterations to Lots and Residences~~

Motion No. 2. Vice President Martinelli moved and Director Paulsen seconded the motion to approve the consent calendar with Item #9 pulled for further review.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

REVIEW ITEMS PULLED FOR DISCUSSION

- 9. ~~CC&R Advisory Committee Recommendation that the Board of Directors Authorize Staff to Direct District Legal Counsel to Send Third and Final Notices of Non-Compliance to: (T. Cain)~~

~~Property Owner: Marc Pulliam
Property Address: 2017 Summer Drive
Village: Bass Lake Village - Woodridge
APN: 115-310-015
Case#: 23-180
Violations: Bass Lake Village Units 6-14, Section 5.01(d) - Lot Maintenance~~

The homeowner was present to provide their comments to the Board of Directors.

Motion No. 3. Director Hannaman moved and Director Paulsen seconded the motion directing staff to work with the homeowner directly to come to an agreement to get into compliance.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

**El Dorado Hills Community Services District
Board of Directors Regular Meeting Minutes**

**April 11, 2024
Page 4 of 5**

Property Owner: Tessie Espanol
Property Address: 4063 Bancroft Drive
Village: Green Valley Hills
APN: 110-262-001
Case#: 23-413
Violations: Green Valley Hills, Section 4.18 - Alterations to Lots and Residences

Motion No. 4. Director Paulsen moved and Director Hannaman seconded the motion to extend the timeline of this item until the next regular scheduled meeting to allow the homeowner the opportunity to work with District staff to come into compliance.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

GENERAL BUSINESS

10. Receive and Provide Direction: Report of the El Dorado County Civil Grand Jury (M. Hornstra)

Public comment for item 10 was received by three (3) members of the public.

No action was taken regarding this item and directions were provided to staff.

11. Consideration of Action to be Taken Concerning Proposed Ballot Initiative: *Repeal of Landscape and Lighting Assessment District Number 22 and Refund of Levied Assessments* (D. Cole)

Public comment for item 11 was received by six (6) members of the public.

Motion No. 5. Director Hannaman moved and Director Ferry seconded the motion to submit the measure, without alteration, to the voters.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

Motion No. 6. Director Ferry moved and Director Hannaman seconded the motion to direct General Manager Hornstra to reach out to local residents as appointed by their respective LLADs to start discussions between the District and each LLAD.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

12. Review and Award Contract: Central EDH Open Space - Outreach Contract (M. Hornstra)

Motion No. 7. Vice President Martinelli moved and Director Paulsen seconded the motion to award the contract to Stantec as recommended by Staff.

**El Dorado Hills Community Services District
Board of Directors Regular Meeting Minutes**

**April 11, 2024
Page 5 of 5**

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

13. Review and Award Contract: Bertelsen Park Renovation - Construction Contract (J. Kernen)

Public comment for item 14 was received by one (1) member of the public.

Motion No. 8. President Mattock moved and Director Ferry seconded the motion to award the contract to KYA Services as recommended by Staff.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

14. Review and Award Contract: Powerline Bike Trails - Professional Services Contract (J. Kernen)

Motion No. 9. Vice President Martinelli moved and Director Hannaman seconded the motion to award a contract to HELIX Environmental Planning as recommended by Staff.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

15. Review and Award Contract: Silver Dove Bike Park - Professional Services Contract (J. Kernen)

Public comment for item 15 was received by one (1) member of the public.

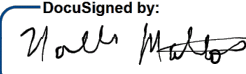
Motion No. 10. Director Ferry moved and Vice President Martinelli seconded the motion to accept staff's recommendation is to contract with Stantec for construction drawings to supplement the design of Hilride.

**Motion passed unanimously:
Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

ADJOURNMENT OF OPEN SESSION - 9:55 p.m.

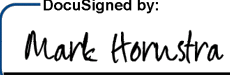
RECONVENE TO CLOSED SESSION

President Mattock advised this was not necessary and the meeting was officially adjourned at 9:55 p.m.

APPROVED: 

A7CC6168064C466...
Noelle Mattock, President (2024)
District Board of Directors

DATE: 05/10/2024

ATTEST: 

ABE70Z97408C4EE...
Mark Hornstra, General Manager
Secretary to the Board of Directors

DATE: 05/10/2024



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

To: Board of Directors

From: Derek P. Cole, Interim General Counsel

Meeting Date: May 09, 2024

Report Date: May 02, 2024

Subject: **Consideration of Action to be Taken Concerning Proposed Ballot Initiative: *Repeal of Landscape and Lighting Assessment District Number 33 and Refund of Levied Assessments (Valley View)***

Recommended Action:

For reasons previously explained, the Interim General Counsel would opine that the Board of Directors should take no action on the proposed initiative. This Office acknowledges, however, that the Board has called elections on the Carson Creek and Promontory Landscape and Lighting Assessment Districts (“LLAD”). If the Board desires to act consistently as to all three LLADs, it should call the election.

Background and Summary:

The El Dorado Hills Community Services District (“District”) has received a proposed ballot initiative from proponents who are voters who reside within Landscape and Lighting Assessment (“LLAD”) District Number 33. (The Ballot Title and Summary for the proposed initiative is attached as **Exhibit A**). The El Dorado County Registrar of Voters has certified that a sufficient number of registered voters has signed the initiative. (See Certification, **Exhibit B**; see also Notice of Intention to Circulate Petition, **Exhibit C**). Receipt of this certification triggers a ministerial District duty to either approve the proposed measure or call an election. If an election is called, the initiative would in turn be placed on the November General Election ballot.

Discussion:

When the District receives certification from the County election official that a ballot measure has qualified to be placed on the ballot, it must ordinarily take one of two actions. The District must ordinarily:

- Adopt the measure without alteration, or
- Submit the measure, without alteration, to the voters. (Elec. Code, § 9310(a)(1)-(2).)

As explained at the Board’s last meeting concerning LLAD No. 22 (Promontory), this Office opines

that the Board of Directors may not lawfully take action on a LLAD-specific initiative. This Office has noted that an LLAD is merely a funding entity; it is not a political subdivision vested with the power of initiative. Under the California Elections Code, that power is one that belongs to all District voters and may be exercised only on a District-wide basis. Because the proposed initiative was not circulated District-wide, was not signed by the requisite number of District-wide voters, and would not be submitted to all District voters, the Interim General Counsel opines the measure may not legally be placed on the ballot.

Nonetheless, the Board has previously called elections on two other LLAD-specific initiatives involving the Carson Creek and Promontory LLADs. If the Board desires to act consistently with these previous actions - ensuring uniformity in how it has treated the proposed LLAD initiatives - the Board should call the election.

Fiscal Impact:

Should the Board of Directors agree to submit the measure to the voters, it would incur costs associated with the County's administration of the election concerning the proposed initiative. These costs are not known at this time.

Attachments:

- A. Ballot Title and Summary, *Repeal of Landscape and Lighting Assessment District Number 33 and Refund of Levied Assessments*
- B. El Dorado County Registrar of Voters, Certification, April 17, 2024
- C. Notice of Intention to Circulate Petition

RESOLUTION NO. 2024-19

**OF THE
EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

**CALLING AND ORDERING AN ELECTION
RE: AN INITIATIVE MEASURE TO REPEAL AND REFUND THE VALLEY VIEW
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT #33 SPECIAL
ASSESSMENT ON NOVEMBER 05, 2024, TO BE CONSOLIDATED WITH THE
STATEWIDE ELECTION ON THE SAME DAY**

WHEREAS, Elections Code §9300 et seq. provides a process by which the registered voters of a district may submit to the governing board of the district an initiative for adoption after filing a copy of the same with the district elections official with a sufficient number of verified signatures of registered voters of the district, as verified by the elections official; and

WHEREAS, Elections Code §9310 provides if such an initiative is submitted to the governing board of the district and is signed by 10% or more of the registered voters of the district, the district board shall either adopt the initiative without alteration or else submit the initiative without alteration to the voters pursuant to Elections Code §1405; and

WHEREAS, Elections Code §1405 provides that an election for a district initiative that meets the requirements of §9310 shall be held at the next general election occurring not less than 88 days after the date of the order of election; and

WHEREAS, Elections Code §10403 provides such a vote on a district initiative may be consolidated with a statewide election and appear upon the same ballot as that provided for the statewide election and provides the form and method for the district board to place the initiative on the ballot; and

WHEREAS, the El Dorado Hills Community Services District's ("District") Board of Directors ("Board") has received an initiative signed by at least 10% of the registered voters of the Landscape and Lighting District, as verified by the County of El Dorado Registrar of Voters Bill O'Neill, and self-titled "An Initiative Measure to Repeal and Refund the Valley View Landscaping and Lighting Assessment District #33 Special Assessment"; and

WHEREAS, the Board wishes to submit the initiative to the voters of the Landscape and Lighting District at the next general election, to consolidate the vote on the initiative with the statewide election, and to have it appear on the same ballot as that provided for the statewide election; and

WHEREAS, the County of El Dorado Registrar of Voters and Elections staff has confirmed that the next general election date is November 05, 2024, and this is a proper date for the District to place the initiative before the voters.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the El Dorado Hills Community Services District, as follows:

BE IT RESOLVED, that the Board orders and calls an election on Tuesday, November 05, 2024, for the purpose of submitting to the voters the following question:

“Shall the El Dorado Hills Community Services District repeal Landscape and Lighting District No. 33 and refund levied special assessments?”

BE IT FURTHER RESOLVED, that the Board requests that the vote on this initiative be consolidated with the statewide election to occur on Tuesday, November 05, 2024, as well as consolidated with any other elections occurring on that day and properly consolidated with the statewide election pursuant to the California Elections Code.

BE IT FURTHER RESOLVED, that the Board acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418 and directs that all proceedings related to, connected with, and incidental to the election shall be regulated and performed in accordance with the provisions of law regulating the statewide election.

BE IT FURTHER RESOLVED, that the Board directs District staff to file a copy of this resolution with the El Dorado County Board of Supervisors and a copy with the El Dorado County elections official.


BE IT FURTHER RESOLVED, that the Board directs the El Dorado County elections officials to administer and take all necessary actions and make all necessary reports and notices related to said election, and further directs District Staff to administer and take all necessary actions and make all necessary reports and notices related to said election and in collaboration with the El Dorado County elections official.

BE IT FURTHER RESOLVED, that if any part of this Resolution is held invalid the remainder of the resolution shall not be affected.

PASSED AND ADOPTED this 13th day of June 2024, by the following vote:


AYES: **Ferry, Hannaman, Martinelli, Mattock, Paulsen**
NOES:
ABSTAIN:
ABSENT:

BY:



Noelle Mattock, *President (2024)*
Board of Directors

ATTEST:



Mark Hornstra, *General Manager*
Secretary to the Board of Directors



EL DORADO HILLS
COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

May 09, 2024
MINUTES

Board President, Noelle Mattock, called the meeting to order on Thursday, May 09, 2024, at 5:32 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California, and Zoom Virtual Conferencing.

On-site attendees included the following:

Board Directors:

- Noelle Mattock, President
- Michael Martinelli, Vice President
- Heidi Hannaman, Director
- Stephen J. Ferry, Director

Board Directors Absent:

- Benjamin Paulsen, Director

Other Attendees:

- Derek Cole, Legal Counsel
- Taylor Hall-Vining, IT

District Staff:

- Mark Hornstra, Interim General Manager
- Teri Gotro, Director of Administration and Finance
- Brittany DiTonno, Executive Assistant/Board Clerk
- Jeff Kernen, Principal Planner
- Talley Cain, Staff Services Analyst
- Ryan Kukkola, Parks Superintendent
- Julia Griffin, Communications Specialist

General Public:

- Approx. 28 Members

Virtual attendees included the following:

General Public:

- Approximately 7 Members

President Mattock led the Pledge of Allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire, and other emergency personnel).

ADOPTION OF AGENDA

President Mattock called for the adoption of the Agenda.

Motion No. 1. Director Ferry moved and Vice President Martinelli seconded the motion to adopt the agenda as presented.

Motion passed, outlined as follows:

- Yes - 4 - Ferry, Hannaman, Martinelli, Mattock**
- Absent - 1 - Paulsen**

CLOSED SESSION PUBLIC COMMENT - None

**El Dorado Hills Community Services District
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ADJOURNMENT TO CLOSED SESSION - 5:34 p.m.

CLOSED SESSION ITEMS

- A.** Conference with Real Property Negotiator (Government Code § 54956.8):
Property: "Option Property" of Old Executive Golf Course - Approx. 41.5 Acres
APN: Portions of 121-040-029; 121-040-031; 121-040-032; 121-160-005
Agency Negotiator: General Manager
Negotiating parties: Robert Leach, West River Hotels and/or Mike Duhamel
Under negotiations: Land Acquisition

- B.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):
Name of case: Austin v. County of El Dorado, et al., El Dorado Superior Court Case No. PC20150633

- C.** Conference with Labor Negotiators (Government Code § 54957.6(a)):
Agency Negotiator: Board of Directors President, Interim General Counsel
Unrepresented Employee: General Manager

- D.** Public Employee Performance Evaluation - Interim General Counsel (Government Code § 54957(b)(1))

REPORT OUT OF CLOSED SESSION - 6:37 p.m.

President Mattock noted the following:

- A.** Directions were provided to staff, no action taken.
- B.** Updates were received, no action taken.
- C.** The Board elected to continue the employment of the Interim General Manager as the General Manager and directed the Interim Legal Counsel to prepare a contract for consideration.
- D.** Further evaluation was provided to Interim Legal Counsel, no action taken.

REPORT OUT OF CLOSED SESSION FROM SPECIAL MEETING ON MAY 02, 2024

President Mattock noted directions were provided to staff for both items.

INTERIM GENERAL LEGAL COUNSEL UPDATES AND ADVICE

- 1.** Receive Report Regarding United States Supreme Court Decision, Sheetz v. County of El Dorado, decided April 12, 2024

INTERIM GENERAL MANAGER UPDATES

- 2.** Receive Interim General Managers Report (M. Hornstra)

BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS

General comments were received by each Board Director.

GENERAL PUBLIC COMMENT

Public Comment was received by six (6) members of the public.

CONSENT CALENDAR PUBLIC COMMENT

Written Public Comment was received by three (3) members of the public.

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CONSENT CALENDAR

Receive & File:

3. 2024 Calendar of Special Events (S. Montgomery)
4. Submittal of the Monthly Treasury Report (T. Gotro)
5. LLAD Advisory Committee Resignations (T. Gotro)
- ~~6. Executive Summary - CC&R Process Improvements (T. Cain)~~

Approve:

7. April 2024 Summary of Director Meetings (B. DiTonno)
8. 2024 Calendar of Board Director Training Opportunities (B. DiTonno)
9. Minutes of April 11, 2024 - Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
10. Minutes of May 02, 2024 - Board of Directors Special Meeting - *Hybrid* (B. DiTonno)
11. Attendance of Board Directors at the CSDA Special Districts Legislative Days (B. DiTonno)
12. CC&R Advisory Committee Recommendation that the Board of Directors Authorize Staff to Direct District Legal Counsel to Send Third and Final Notices of Non-Compliance to: (T. Cain)

A)

Property Owner: Tessie Espanol ***Brought back from April Meeting***
Property Address: 4063 Bancroft Drive
Village: Green Valley Hills
APN: 110-262-001
Case#: 23-413
Violations: Green Valley Hills, Section 4.18 - Alterations to Lots and Residences

B)

Property Owner: Zachary and Amanda Clairborne
Property Address: 2148 Bates Circle
Village: Green Valley Hills
APN: 110-321-058
Case#: 24-94
Violations: Green Valley Hills, Section 4.5 - Parking

C)

Property Owner: David and Laura Strain
Property Address: 3014 Merriam Court
Village: Governors Village
APN: 125-310-003
Case#: 24-99
Violations: Governor Village Unit 7, Section 4C - Enclosure of Service Area.
Governor Village Unit 7, Section 13 - Parked Vehicles, etc.
Governor Village Unit 7, Section 15 - Garbage and Refuse Disposal

D)

Property Owner: Vincent Thomas and Elizabeth Smith
Property Address: 264 Powers Drive
Village: Ridgeview Village
APN: 120-444-001
Case#: 23-108
Violations: Ridgeview Village Unit 8, Article IV.B. - Off-street Parking

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E)

Property Owner: Tony and Kim Rabe
Property Address: 1964 Driftwood Circle
Village: Marina Village
APN: 110-072-019
Case#: 24-76
Violations: Marina Village Units 1-3, Section 13 - Parked Vehicles

F)

Property Owner: Oddvar J Soma
Property Address: 2915 Senator Court
Village: Governor's Village
APN: 125-341-010
Case#: 23-451
Violations: Governor Village Units 8-9, Section 11 - Parked Vehicles

Motion No. 2. Vice President Martinelli moved and Director Ferry seconded the motion to approve the consent calendar with Item #6 pulled for further review.

Motion passed, outlined as follows:

**Yes - 4 - Ferry, Hannaman, Martinelli, Mattock
Absent - 1 - Paulsen**

REVIEW ITEMS PULLED FOR DISCUSSION

6. Executive Summary - CC&R Process Improvements (T. Cain)

No action was taken on this item, directions were provided to staff.

GENERAL BUSINESS

13. Review and Approve or Deny: Employment Agreement for General Manager - Mark Hornstra (D. Cole)

Motion No. 3. Director Ferry moved and Director Hannaman seconded the motion to approve the Employment Agreement for the General Manager with the numbers provided by legal counsel through a verbal report to be outlined appropriately in the agreement.

Motion passed, outlined as follows:

**Yes - 4 - Ferry, Hannaman, Martinelli, Mattock
Absent - 1 - Paulsen**

14. Review and Approve or Deny: Design Review Appeal - Boat Parking at 983 Queen Mary Court (T. Cain)

Verbal Comments were received by one (1) member of the Design Review Committee (DRC)

Motion No. 4. Director Ferry moved and Vice President Martinelli seconded the motion to continue this item to be reviewed during the Special Meeting scheduled for May 29, 2024.

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Motion passed, outlined as follows:

**Yes - 4 - Ferry, Hannaman, Martinelli, Mattock
Absent - 1 - Paulsen**

- 15. Review and Approve or Deny: Design Review Appeal - Fence Replacement at 3107 Lady Marci Court (T. Cain)**

The homeowners virtually provided their comments to the Board of Directors. Verbal Comments were received by two (2) members of the Design Review Committee (DRC).

Written Public comment was received by seven (7) members of the public.

Verbal Public Comment was received by two (2) members of the public.

- Motion No. 5. Director Hannaman moved and Vice President Martinelli seconded the motion to deny the appeal from the homeowner as presented.**

Motion passed, outlined as follows:

**Yes - 4 - Ferry, Hannaman, Martinelli, Mattock
Absent - 1 - Paulsen**

- 16. Receive and Provide Feedback: Update from LLAD Advisory Committee (T. Gotro)**

Comments were received from two (2) LLAD Advisory Committee Members.

Verbal Public Comment was received by four (4) members of the public.

No action was taken on this item, directions were provided to staff and the LLAD Advisory Committee.

- 17. Review and Approve: Next Steps for Funding Source for LLADs (T. Gotro)**

Public comment for item 17 was received by two (2) members of the public.

- Motion No. 6. Director Ferry moved and President Mattock seconded the motion to use money from the Opportunity Fund as presented in the staff report.**

Motion passed, outlined as follows:

**Yes - 4 - Ferry, Hannaman, Martinelli, Mattock
Absent - 1 - Paulsen**

- 18. Consideration of Action to be Taken Concerning Proposed Ballot Initiative: *Repeal of Landscape and Lighting Assessment District Number 33 and Refund of Levied Assessments* (D. Cole)**

Public comment for item 18 was received by six (6) members of the public.

- Motion No. 7. Director Hannaman moved and Director Ferry seconded the motion to submit the measure, without alteration, to the voters.**

Motion passed, outlined as follows:

**Yes - 4 - Ferry, Hannaman, Martinelli, Mattock
Absent - 1 - Paulsen**

President Mattock called for a short recess - 9:53 p.m.
President Mattock called for the meeting to reconvene - 10:00

19. Review and Adopt - Resolutions Approving Preliminary Engineer's Reports for Fiscal Year 2025 (FY25), Declaring Intention to Continue FY25 Annual Assessments, and Setting the Public Hearings (T. Gotro)
 - A. Resolution 2024-08: *Preliminarily Approving The Combined Engineer's Annual Levy Report For The El Dorado Hills Community Services District Landscaping And Lighting Assessment Districts: #1 Stonegate Village, #2 Oak Tree Village, #3 Oakridge Village, #5 Green Valley Hills, #6 La Cresta, #7 Crescent Ridge Zones A & B, #8 Lake Forest, #10 Francisco Oaks, #11 Marina Hill, #13 Highland Hills Unit 3, #14 Wild Oaks Park, #15 Silva Valley, #16 Bass Lake Zones A & B, #18 Creekside Greens Zones A & B, #19 Roadway, #20 Highland Hills Units 1, 2 & 4 Zones A & B, #22 Promontory Village, #23 Hollow Oak, #25 Highland View-Highland Hills-Sterlingshire Village, #26 Villadoro, #27 Euer Ranch, #28 Blackstone Zones A & B, #29 North Commercial Boulevard, #31 Hawk View, #33 Valley View, #34 Bell Ranch, #35 Lesarra, #40 Bass Lake North, And #41 Saratoga Estates For Fiscal Year 2024/2025*
 - B. Resolution 2024-09: *Declaring Its Intention To Levy And Collect Annual Assessments For The El Dorado Hills Community Services District Landscaping And Lighting Assessment Districts: #1 Stonegate Village, #2 Oak Tree Village, #3 Oakridge Village, #5 Green Valley Hills, #6 La Cresta, #7 Crescent Ridge Zones A & B, #8 Lake Forest, #10 Francisco Oaks, #11 Marina Hill, #13 Highland Hills Unit 3, #14 Wild Oaks Park, #15 Silva Valley, #16 Bass Lake Zones A & B, #18 Creekside Greens Zones A & B, #19 Roadway, #20 Highland Hills Units 1, 2 & 4 Zones A & B, #22 Promontory Village, #23 Hollow Oak, #25 Highland View-Highland Hills-Sterlingshire Village, #26 Villadoro, #27 Euer Ranch, #28 Blackstone Zones A & B, #29 North Commercial Boulevard, #31 Hawk View, #33 Valley View, #34 Bell Ranch, #35 Lesarra, #40 Bass Lake North, And #41 Saratoga Estates For Fiscal Year 2024/2025 And Notice Of Public Hearing*
 - C. Resolution 2024-10: *Preliminarily Approving The Engineer's Annual Levy Report For The El Dorado Hills Community Services District Lake Forest Park Landscaping And Lighting Assessment District No. 36 For Fiscal Year 2024/2025*
 - D. Resolution 2024-11: *Declaring Its Intention To Levy And Collect Annual Assessments For The El Dorado Hills Community Services District Lake Forest Park Landscaping And Lighting Assessment District No. 36 For Fiscal Year 2024/2025*
 - E. Resolution 2024-12: *Preliminarily Approving The Engineer's Annual Levy Report For The El Dorado Hills Community Services District Windsor Point Park Landscaping And Lighting Assessment District No. 38 For Fiscal Year 2024/2025*
 - F. Resolution 2024-13: *Declaring Its Intention To Levy And Collect Annual Assessments For The El Dorado Hills Community Services District Windsor Point Park Landscaping And Lighting Assessment District No. 38 For Fiscal Year 2024/2025*
 - G. Resolution 2024-14: *Preliminarily Approving The Engineer's Annual Levy Report For The El Dorado Hills Community Services District Carson Creek Park Landscaping And Lighting Assessment District No. 39 For Fiscal Year 2024/2025*

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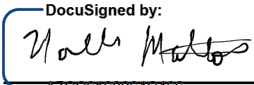
- H. Resolution 2024-15: *Declaring Its Intention To Levy And Collect Annual Assessments For The El Dorado Hills Community Services District Carson Creek Park Landscaping And Lighting Assessment District No. 39 For Fiscal Year 2024/2025*

Public comment for item 19 was received by five (5) members of the public.

Motion No. 8. Director Ferry moved and President Mattock seconded the motion to continue this item to the Special Board of Directors Meeting scheduled for May 23, 2024, with the Carson Creek Report updated based on the findings of the separate special review concluded by Wildan.


Motion passed, outlined as follows:
Yes - 4 - Ferry, Hannaman, Martinelli, Mattock
Absent - 1 - Paulsen

ADJOURNMENT - 11:32 p.m.

APPROVED: 
A7CC6168064C466...

 Noelle Mattock, President (2024)
 District Board of Directors

DATE: 06/24/2024

ATTEST: 
ABE70787406C4EE...

 Mark Hornstra, General Manager
 Secretary to the Board of Directors

DATE: 06/25/2024