

RESOLUTION NO. 2016-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SADDLE CREEK COMMUNITY SERVICES DISTRICT ADOPTING INTENDED BALLOT LANGUAGE, AND CALLING AND PROVIDING FOR A SPECIAL MAILED BALLOT ELECTION TO BE HELD IN SAID DISTRICT ON MAY 2, 2017 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS THE QUESTION OF THE ADOPTION OF A SPECIAL TAX FOR MAINTAINING FACILITIES AND PROVIDING SERVICES, AND REQUESTING THE BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE, AND REQUESTING ELECTION SERVICES BY THE CALAVERAS COUNTY ELECTIONS DEPARTMENT

WHEREAS, The Saddle Creek Community Services District Board of Directors (the "Board") is authorized and charged to provide ongoing services and maintenance of Saddle Creek Community Services District (the "District") owned facilities, more fully described in Exhibit "A" to this Resolution; and

WHEREAS, the District's current funding sources are inadequate to fund the desired levels of operation and maintenance, more fully described in Exhibit "A" to this Resolution (the "Operation and Maintenance Services"); and

WHEREAS, the Board has determined that it is in the best interests of the District's citizens to ensure the ongoing and long-term fiscal integrity of the District while continuing to provide the appropriate levels of Operation and Maintenance Services for the local community; and

WHEREAS, the Board desires to responsibly increase the funds available for Operation and Maintenance Services by proposing a balloted special tax to the local community; and

WHEREAS, the Board has determined that, in light of the increased demands on District Operation and Maintenance Services, to request the support and approval by the voters to impose a new special tax on taxable real property within the District to provide revenues that can be used for the Operation and Maintenance Services provided by the District, and

WHEREAS, pursuant to the provisions of Government Code sections 50075-50077.5, the Board is authorized to adopt this resolution which shall, subject to the approval of the voters impose a special tax, which shall be applied against all taxable real property within the District; and

WHEREAS, the Board has also determined that it is in the best interest of the community to seek voter approval, which will require approval by two-thirds voters voting thereon, for the proposed special tax in order to be able to provide the appropriate Operation and Maintenance Services; and

WHEREAS, if approved by the voters, the proposed special tax will be used solely for the purpose of maintaining and improving the current level of Operation and Maintenance Services within the District, with all funds staying in the local community comprised of the District's boundaries.

WHEREAS, if the new proposed special tax is approved by the voters, it shall replace in its entirety the existing Saddle Creek CSD special tax approved by the voters in 2001.

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE SADDLE CREEK COMMUNITY SERVICES DISTRICT DOES HEREBY AS FOLLOWS:

It is the determination of the District that the question of the special tax will be put to the voters in the District at a special mailed ballot election to be held on the 2nd day of May, 2017. The special tax shall not become effective unless approved by two-thirds of the registered voters of the District voting thereon, at which election the issue to be presented to the voters shall be:

To maintain Saddle Creek Community Services District owned facilities including but not limited to roadways, storm drains, landscaping, lighting, parks, security, mosquito abatement, reserves, and administration, shall a special tax at \$X per residential lot; \$X per acre for large lot undeveloped property, \$X per acre for sports club property, and \$X per golf course property, including an annual adjustment as set forth in Exhibit "A" of the Saddle Creek Community Services District Resolution, be adopted without expiration.

Section 1. Consolidation of Election. An election is hereby called for the purpose of submitting to the qualified voters within the District, the question of the adoption of a special tax for Operation and Maintenance Services. This election shall be consolidated with any other applicable election conducted on the same day.

Section 2. Use of Funding. If approved by the voters, the special tax will be used solely for the purpose of supporting and providing Operation and Maintenance Services within the District and for any incidental expenses related to the collection of the special tax.

Section 3. Election Services and Canvassing. The District authorizes and directs the Elections Department, at District expense, to provide all necessary election services and to canvass the results of said election.

Section 4. Election Costs. Pursuant to Elections Code Section 10002, the District shall reimburse Calaveras County in full for the services performed upon presentation of a bill to the District.

Section 5. Special Tax Imposed. An annual special tax on each taxable parcel within the District is hereby imposed as follows, and is more fully described in Exhibit "A" to this Resolution:

Land Use Category	Fiscal Year 2017-18 Special Tax Rate
Residential Lot	\$X per Residential Lot
Large Lot Undeveloped Property	\$X per Acre or Portion Thereof
Sports Club Property	\$X per Acre or Portion Thereof
Golf Course Property	\$X per Parcel

Section 6. Inflation Adjustment. The Board will annually adjust the maximum special tax rate by the greater of the annual change in the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco-Oakland-San Jose Area, as measured as of the month of December in the calendar year which ends in the previous fiscal year, or two percent (2%).

Section 7. Special Tax Rate. This special tax shall replace the special tax levied for the same purposes as approved by the voters on May 23, 2000. The Board shall determine annually, based on a budget recommended to the Board, whether the special tax rate shall be revised to reflect changes in charges and costs, up to the maximum set forth in Sections 5 and 6 hereof. If the Board determines that the special tax rate shall be revised at a rate lower than the maximum set forth in Section 5 and 6 hereof, it shall so revise said special tax rate by resolution passed by the Board.

Section 8. Increase of Appropriations Limit. Pursuant to Article XIII B of the California Constitution, the appropriations limit of the District shall be increased in the amount equal to the proceeds of the special tax. The increase in the District's spending limit shall be deemed effective beginning in the 2017-18 fiscal year.

Section 9. Method of Collection. The special tax imposed by this ballot measure is due from each owner of record of a parcel within the District as reflected upon the rolls of the County Assessor at the same time ad valorem tax is due and is to be collected in the same manner. The Calaveras County Tax Collector shall collect the tax and any penalty or interest due hereunder. The full amount due under this special tax shall constitute a debt to the District.

Section 10. Appeals. Any property owner who is assessed a special tax as provided for herein may appeal any determination by the District concerning the nature of the use of the property or the calculation of the amount of the tax by filing a notice of appeal with the District offices. Any such appeal shall be filed by December 1st of the calendar year for which the special tax is levied.

Section 11. Separate Accounting and Expenditure. The special tax revenues shall be deposited into a separate account held by the Calaveras County Treasurer, in accordance with Government Code Section 50075.1, and shall be expended according to a budget developed annually by the District staff and approved and adopted by the Board.

Section 12. Annual Reporting. The District's chief fiscal officer will cause to be filed an annual report with its Board no later than January 1, 2018, and at least once a year thereafter. The report shall include the amount of special tax revenues collected and expended, and which shall otherwise comply with the accountability measures established in Government Code Sections 50075.1 et seq and 12463.2.

Section 13. Effective Date. This special tax shall be deemed established and shall be in effect as of the day following the election date of May 2, 2017, upon certification of the election results evidencing approval by at least two-thirds of the participating registered voters, and approved by the Board. The special tax shall be levied against all taxable real property within the District beginning with the 2017-2018 fiscal year. If approved by the voters, the special tax shall continue until repealed by the Board or by the voters.

Section 14. Validation. Pursuant to the provisions of Government Code Section 50077.5 any judicial action or proceeding to attack, review, set aside, void or annul this resolution and/or the approval of the subject special property tax and/or increase in the spending limitation pertaining to the special property tax shall be commenced, if at all, within 60 days of the date of the adoption hereof.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Saddle Creek Community Services District, County of Calaveras, held on the 20th day of December, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibit "A"
To
Resolution No.

Section 1. Findings

The Board, hereby finds and declares that the District's ability to provide services depends upon the availability of funds to support those services. The special tax levied here, if approved by a two-thirds vote of the voters, will provide for a dedicated and secure funding source to provide necessary services to the District. This special tax is intended to also create reserve funds thereby permitting periodic maintenance of capital facilities.

Section 2. Authorized Operations, Maintenance and Services

Special tax revenues collected under the provisions of this special tax measure shall be deposited in a special fund and shall be used only for the provision of services, including the creation of reserve funds for the repair and replacement of District-owned and/or controlled facilities. Authorized District services include:

- (1) Pavement condition improvement and maintenance of all District roadways,
- (2) Maintenance and improvement of those storm drain facilities dedicated to and accepted by the District or otherwise owned by the District,
- (3) Operations and maintenance of District-owned lighting for streets and pathways,
- (4) Operating the District-owned privacy gates located at the entrances to Saddle Creek,
- (5) Operating the communication system to maintain contact with the internal and external public safety personnel,
- (6) Monitoring, controlling and registering guests that are invitees of District customers and other visitors within the District,
- (7) Mosquito Abatement,
- (8) Landscape maintenance of ponds, wetland areas and related features and appurtenances,
- (9) Maintenance and replacement of landscaping along and within the roads owned by the District,
- (10) Ordinary maintenance of park facilities,
- (11) Purchase, repair, replacement and maintenance of the vehicles, tools and equipment to support District services,
- (12) Administrative services, including but not limited to staffing, consultants, legal fees and insurance,
- (13) Reimbursement of the County for collecting the special tax, and for other administrative services provided to the District for which the County is authorized by law to seek reimbursement.

Section 3. Definitions

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on County records, such as an Assessor's Parcel Map and secured roll data, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, condominium plan, record of survey, or other recorded document creating or describing the parcel. If the preceding maps for a land area are not available, the Acreage of such land area may be determined utilizing available spatial data and GIS.

“CPI” means the annual change in the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco-Oakland-San Jose Area, as measured as of the month of December in the calendar year which ends in the previous fiscal year. In the event this index ceases to be published, the CPI shall be another index that is reasonably comparable to the Consumer Price Index for the San Francisco-Oakland San Jose Area.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Golf Course Parcel” means the developed parcel in the District that includes the Saddle Creek Lodge, currently Calaveras County Assessor’s Parcel No. 055-051-067. If this parcel changes in future years, the assigned Golf Course Property special tax shall be levied on the successor parcel that includes the Saddle Creek Lodge development.

“Golf Course Property” means the taxable land within the District that includes the site of the Saddle Creek Golf Resort.

“Large Lot Undeveloped Property” means taxable vacant land within the District that needs to be further subdivided into smaller lots before building permits can be issued upon the property.

“Residential Lot” shall mean each lot with or without a structure, created by the recordation of a subdivision map, and created for residential use.

“Sports Club Property” means the taxable land within the District that includes the site of the Saddle Creek Sports Club.

Section 3. Special Tax Rate

If approved by the voters, commencing July 1, 2017, taxable property, based upon land use classification, within the District shall be subject to the a special tax in accordance with the table below:

Land Use Category	Fiscal Year 2017-18 Special Tax Rate(1)
Residential Lot	\$X per Residential Lot
Large Lot Undeveloped Property	\$X per Acre or portion thereof
Sports Club Property	\$X per Acre or portion thereof
Golf Course Property	\$X per Golf Course Parcel

(1) Subject to automatic annual adjustments described in Section 4.

For Fiscal Year beginning July 1, 2017, and annually thereafter, the Board may elect to impose a lesser special tax than the authorized maximum special tax rate applicable for the Fiscal Year. If necessary to meet expenses, the Board may at any time adjust the actual special tax rate during a Fiscal Year so long as the actual special tax rate does not exceed the maximum allowable special tax rate for that Fiscal Year.

Section 4. Automatic Adjustment

Commencing July 1, 2018 and every July 1 thereafter, the special tax rates specified in Section 3 shall be automatically adjusted by CPI or a minimum of two percent (2%). Regardless of whether the special tax rate has been reduced to an amount below the maximum special tax rate pursuant

to Section 3, otherwise allowed, the special tax rate applicable for the following year shall be the maximum special tax rate that would have otherwise been levied. The General Manager of the District shall maintain a current schedule of the maximum special tax rates, based on the yearly increase specified herein, and shall make the same available to any interested person upon request.

Section 5. Collection

For Fiscal Year 2017-18 and thereafter, the special tax shall be collected twice annually, with the Calaveras County property tax bill. The special tax approved by the voters on May 23, 2000 shall remain in place and levied until the first levy of the new special tax, at which time it shall cease to be charged going forward. The District may, at the sole discretion of the District, directly bill the special tax, may collect the special taxes at a different time or in a different manner as necessary to meet its financial obligations. Any unpaid taxes shall be subject to the same penalties for non-payment as are other District taxes, fees and/or charges.

Section 6. Appeals

Any landowner or resident who feels that the classification of their property is in error may file a notice with the Secretary to the Board, appealing the classification of the special tax. A representative of the District will then review the appeal, and if necessary, meet with the applicant. If the findings of the District's representative verify that the classification of the property should be changed, then as appropriate, the classification and special tax levy shall be corrected. If the landowner or resident feels that the findings of the District's representative are in error, the landowner or resident may file an appeal with the Board. The findings and determinations of the Board, made after affording the landowner or resident opportunity to be heard by the Board, shall be final and conclusive.

Section 7. Exemptions

Property owned by a public entity or property with public or utility easements making impractical their utilization for any use other than the purposes set forth in the easement is not subject to this special tax.

Section 8. Interpretation

Interpretations may be made by the Board by resolution for purpose of clarifying any vagueness or ambiguity as it relates to the special tax.

Section 9. Severability

If any provision of this special tax measure or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision of application, and to this end the provisions of this special tax measure are declared to be severable.

Section 10. Term of Special Tax

The special tax shall be levied commencing in Fiscal Year 2017-18 and shall be levied in perpetuity, unless and until such time the District determines that special tax revenues are no longer needed.