

RESOLUTION NO. 2024-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DONNER SUMMIT PUBLIC UTILITY DISTRICT CALLING SPECIAL ELECTION FOR DONNER SUMMIT PUBLIC UTILITY DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2024-1 (SEWER EXTENSION)

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"), the Board of Directors (the "Board") of the Donner Summit Public Utility District (the "District") has adopted a resolution titled "A Resolution of the Board of Directors of the Donner Summit Public Utility District to Form the Donner Summit Public Utility District Community Facilities District No. 2024-1 (Sewer Extension) to Finance the Acquisition and Construction of Certain Public Facilities in and for such Community Facilities District" (the "Resolution of Formation"), ordering the formation of the Donner Summit Public Utility District Community Facilities District No. 2024-1 (Sewer Extension) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, subject to voter approval; and

WHEREAS, this Board has also adopted a resolution titled "A Resolution of the Board of Directors of the Donner Summit Public Utility District Determining Necessity to Incur Bonded Indebtedness for the Donner Summit Public Utility District Community Facilities District No. 2024-1 (Sewer Extension)" (the "Resolution Determining Necessity"), determining the necessity to incur bonded indebtedness for the CFD in the maximum aggregate principal amount of \$11,100,000, upon the security of the special tax to be levied within the CFD pursuant to the Act; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and the Resolution Determining Necessity, the propositions of the levy of the special tax, the establishment of the appropriations limit and the incurring of the bonded indebtedness shall be submitted to the qualified electors of the CFD as required by the provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Sections 53326, 53351 and 53325.7 of the Act, the issues of the levy of the special tax, the incurring of bonded indebtedness and the establishment of the appropriations limit shall be consolidated and submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below.

2. Under the Act, the propositions described above in section 1 shall be submitted to the voters of the CFD at an election called therefor as hereinafter provided. The ballot measure to be voted upon by the voters shall be substantially in the following format:

Shall the measure to extend public sewer service to parcels within the Donner Summit Public Utility District Community Facilities District No. 2024-1 (CFD) by levying an annual special tax of up to \$14,200/parcel in Tax Zone 1 and \$8,900/parcel in Tax Zone 2, escalating 2% per year until Fiscal Year 2059-60, per the rate and method of apportionment of special tax for the CFD, initially raising approximately \$533,000 annually, and authorizing bonds and an initial appropriations limit of \$11,100,000, be adopted?	YES: <input type="checkbox"/>
	NO: <input type="checkbox"/>

3. This Board hereby finds that less than 12 persons have been registered to vote within the territory of the CFD for each of the 90 days preceding the close of the public hearings heretofore conducted and concluded by this Board for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Board finds that, for these proceedings, the qualified electors for the CFD are the landowners within the CFD and that the vote shall be by such landowners, each having one vote per acre or portion of an acre owned.

4. This Board hereby calls a special election to consider the issues described in Section 1 above, which shall be held on Tuesday, June 25, 2024 (the "Election Day"). Pursuant to the Act, the election shall be conducted by mail ballots under Section 4000 of the California Elections Code, provided, however, that for purposes of setting the date for the election, Sections 53326 and 53327 of the Act shall govern.

5. Pursuant to Section 53326 of the Act, and within three business days of the adoption of the Resolution of Formation, but in no event later than the date specified by the General Manager, as the official in charge of the election (the "Election Official") for receipt, the Board Secretary shall cause to be provided to the Election Official a certified copy of the Resolution of Formation and this Resolution Calling Special Election, together with a certified copy of the map of the boundaries of the CFD, as filed in the Office of the Recorder of the County. The Election Official, the Board Secretary and all the members of the Board and officers of the District, and their designees, are hereby authorized and directed to execute and deliver any documents and to perform all acts necessary to place the measure on the ballot including making any revisions, correction or alternations to the language of the ballot measure to comply with requirements of law, and to ensure that the applicable requirements of the California Elections Code are met, including without limitation the preparation and provision to the voters of all documents and instructions required by and specified in the California Elections Code.

6. The Board hereby finds that the proposed issuance of bonds and other debt for the CFD constitutes a "local bond measure" within the meaning of Sections 53410, et seq. of the California Government Code. As a result, the bond measure shall include the propositions set forth above and the following: (a) the specific purpose of the bonds and other debt shall be as set forth in the propositions; (b) any proceeds received from the sale of any bonds and other debt shall be applied only to the purposes set forth in the propositions; (c) the proceeds of any bonds and other debt shall be deposited into special accounts to be created therefor as part of the issuance of the bonds and other debt; and (d) the District shall cause a report to be prepared annually under Section 53411 of the Government Code.

7. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special tax: (a) the provision and/or acquisition of the Facilities and the Services, the payment of debt service on the bonds and other debt issued or incurred for the CFD and the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the specific purpose of the special tax; (b) the proceeds of the special tax shall be applied only to the specific purpose identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual audit and report of the CFD pursuant to Section 50075.3 of the Government Code.

8. The Election Official shall conduct the special mailed-ballot election in accordance with the Act, other applicable law, the provisions set forth above, and the following additional provisions:

- (a) The special mailed-ballot election will be conducted as a mailed-ballot election in accordance with the applicable provisions of the California Elections Code and the Act, and the District's prior proceedings under those sections, and there will be no polling places for the special mailed-ballot election. The Election Official shall deliver all ballots to the qualified electors, and all voted ballots must be received at the General Manager's office by 5:00 p.m. on the election day to be counted.
- (b) To vote for approving the proposed measures, a qualified elector must mark a cross (X) in the blank space opposite the word "YES" on the ballot to the right of the question. To vote against approving the proposed measures, a qualified elector must mark a cross (X) in the blank space opposite the word "NO" on the ballot to the right of the question on the proposed changes. The cross (X) or similar mark may be marked with either pen or pencil.
- (c) The Election Official shall commence the canvass of the returns of the special mailed-ballot election promptly following the deadline for the election, and, at the conclusion of the canvass, shall determine the results of the special election and deliver said canvass to the Board.
- (d) Impartial analysis, arguments for and against (if any) and rebuttal arguments (if any) may be prepared and will be included in the election materials in accordance with the Act and the California Elections Code.

9. For the special mailed-ballot election, if at least two-thirds of the votes cast are in favor of the measures, as determined by the Board after reviewing the canvass of the returns of the election, then the Board may adopt a resolution determining that the proposed CFD and bond proceedings were lawfully authorized in accordance with the Act

PASSED AND ADOPTED by the Board of Directors of Donner Summit Public Utility District, this 26th day of March 2024, by the following vote:

AYES: *Joni Kaufman, Dawn Parkhurst, Cathy Preis, Phil Gamick, Craig Combs*
 NOES: *None*
 ABSENT: *None*
 ABSTAIN: *None*

DONNER SUMMIT PUBLIC UTILITY DISTRICT

By: *Cathy Preis*
 Cathy Preis
 President, Board of Directors

ATTEST:
 By: *Dawn Parkhurst*
 Dawn Parkhurst
 Secretary of the Board

EXHIBIT A
FORM OF SPECIAL ELECTION BALLOT

Donner Summit Public Utility District
Community Facilities District No. 2024-1 (Sewer Extension)

(Mailed-Ballot Election)

This ballot is for the use of the following qualified landowner elector:

Name and Address of Landowner	Number of Acres Owned	Total Votes
_____	_____	_____

According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the Board of Directors of the Donner Summit Public Utility District, the above-named landowner is entitled to cast the number of votes shown above under the heading "Total Votes," representing the total votes for the taxable land included within the Donner Summit Public Utility District Community Facilities District No. 2024-1 (Sewer Extension) (the "CFD") proposed to be levied a special tax in accordance with the rate and method of apportionment of special taxes for the CFD to pay for authorized facilities and bonds in a maximum principal amount of \$11,100,000, all as further described in that certain "A Resolution of the Board of Directors of the Donner Summit Public Utility District Calling Special Election for Donner Summit Public Utility District Community Facilities District No. 2024-1 (Sewer Extension)" adopted by the Board of Directors of the District on March 26, 2024 (the "Election Resolution"), to which reference is made for further particulars and which is part of the full-text measure being voted on.

In order to be counted, this ballot must be executed and certified below and be returned to the General Manager, by mail or in person, to be received by the General Manager prior to 5:00 p.m. on June 25, 2024, at Donner Summit Public Utility District, 53823 Sherritt Lane, Soda Springs, CA 95728. Mailing by that time will not be sufficient. This ballot must be received by the time stated in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the General Manager and obtain another.

Shall the measure to extend public sewer service to parcels within the Donner Summit Public Utility District Community Facilities District No. 2024-1 (CFD) by levying an annual special tax of up to \$14,200/parcel in Tax Zone 1 and \$8,900/parcel in Tax Zone 2, escalating 2% per year until Fiscal Year 2059-60, per the rate and method of apportionment of special tax for the CFD, initially raising approximately \$533,000 annually, and authorizing bonds and an initial appropriations limit of \$11,100,000, be adopted?	YES: <input type="checkbox"/>
	NO: <input type="checkbox"/>

Certification for Special Election Ballot

The undersigned is the above-named Landowner or the authorized representative of the above-named Landowner and is a person legally authorized and entitled to cast this ballot on behalf of the above-named Landowner, and certifies that the Landowner has reviewed all the CFD provisions and proceedings leading up to this election, including the list of authorized facilities, the bond indebtedness limit for the CFD, and the rate and method of apportionment of special tax for the CFD, which includes the tax rates and duration of the special tax to be placed on the Landowner's property. Further, the undersigned, on behalf of the above-named Landowner, hereby knowingly, voluntarily and intelligently waives any and all defects in any notice, ballot, or procedure related to the conduct of the election, whether known or unknown, except the right to vote and to have the ballots fairly counted.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed as of _____, 2024.

Signature

Print Name