

RESOLUTION NO. 2011-02

OF THE GOVERNING BOARD OF THE SOUTH LAKE TAHOE RECREATION FACILITIES JOINT POWERS AUTHORITY

A RESOLUTION CALLING AN ELECTION TO VOTE ON A PROPOSAL TO ALTER THE TYPES, AND EXPAND THE PERMISSIBLE LOCATIONS, OF PUBLIC FACILITIES AND SERVICES TO BE FINANCED BY THE COMMUNITY FACILITIES DISTRICT NO. 2000-1, SPECIFICALLY TO ADD RENOVATION OF YOUTH BALL FIELDS LOCATED WITHIN THE COMMUNITY FACILITIES DISTRICT; AND, IN ADDITION, RENOVATION AND MAINTENANCE OF CLASS 1 (SEPARATED) BICYCLE TRAILS THAT WERE IN EXISTENCE PRIOR TO SEPTEMBER 19, 2000 TO THE LIST OF AUTHORIZED IMPROVEMENTS AND SERVICES, ACCORDING TO THE PROVISIONS, LIMITATIONS, AND SPENDING CONTROLS DEFINED IN SECTION 3 OF THIS RESOLUTION

WHEREAS, on May 5, 2011, the Governing Board of the South Lake Tahoe Recreation Facilities adopted Resolution No. 2011-01, a Resolution of Consideration to Alter the Types, and Expand the Permissible Locations, of Public Facilities and Services to Be Financed by the Community Facilities District No. 2000-1, Specifically to Add Renovation of youth ball fields located within the Community Facilities District; and, in addition the Renovation and Maintenance of Class 1 bicycle trails that were in existence prior to September 19, 2000, to the List of Authorized Improvements and Services; and,

WHEREAS, said Resolution of Consideration set Thursday, June 30, 2011, at 9:00 a.m., in the South Lake Tahoe City Council Chambers, 1901 Airport Road, South Lake Tahoe, California, as the time and place for a public hearing on said proposal; and,

WHEREAS, notice of said public hearing was published as prescribed by law relative to the intention of the Governing Board to consider the proposal to alter the types and locations of public facilities and services to be financed by the Community Facilities District No. 2000-1 and consider placing it on the ballot for voter approval; and,

WHEREAS, said notice specifically referenced the right to submit written protests to the alteration of the types, and expansion of the permissible locations, of public facilities and services to be financed by the Community Facilities District No. 2000-1; and,

WHEREAS, on June 30, 2011, the Governing Board held a noticed public hearing as required by law relative to the proposed alteration of facilities and services authorized to be financed, said hearing being continued to July 13, 2011; and,

WHEREAS, at the public hearing all persons desiring to be heard on all matters pertaining to the proposed alteration of authorized facilities and services were heard and a full and fair hearing was held; and,

WHEREAS, at the public hearing evidence was presented to the Governing Board on the matters before it, and the alteration of the types of public facilities and services to be financed by the Community Facilities District No. 2000-1 was not precluded by a majority protest of the type described in California Government Code Section 53337, and the Governing Board at the conclusion of the hearing was fully advised as to all matters relating to the alteration of authorized types of facilities and services; and,

WHEREAS, the Governing Board has determined that there are more than twelve registered voters residing in the District and that the qualified electors in the District are the registered voters within the District; and,

WHEREAS, on the basis of all of the foregoing, the Governing Board has determined at this time to submit the question of changing the types of facilities and services to be financed by the District to the qualified electors of the District;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Findings. Each of the above recitals is true and correct. The Board hereby finds that a public hearing has been properly noticed in accordance with law. The hearing scheduled to be held on June 30, 2011, at 9:00 a.m. at the South Lake Tahoe City Council Chambers was of necessity changed to 9:30am on June 30 at the El Dorado County Library Meeting Room, 1000 Rufus Allen Blvd, South Lake Tahoe, and was properly noticed. Signs noticing the change were also posted at the Council Chambers. The hearing was further continued to July 13, 2011 at 1pm at the Lake Tahoe Community College Creekside Room. The hearing was on the proposed change to the types and location of facilities and services to be financed by Community Facilities District No. 2000-1. The Board further finds that protests by 50 percent or more of the registered voters residing within the District, or the owners of one-half or more of the area of the land in the territory included in the District and not exempt from the special tax, have not been filed. The Governing Board finds that the proposed alteration in the types and location of facilities and services to be financed by the District has not been precluded by a majority protest pursuant to California Government Code Section 53337.

Section 2. Call of Election. The Governing Board of the South Lake Tahoe Recreation Facilities Joint Powers Authority hereby calls a special election on November 8, 2011, to be held within the boundaries of the Community Facilities District No. 2000-1 for the purpose of allowing the registered voters within those boundaries to vote on the question of whether to alter the types and locations of the improvements and services to

be financed by the Community Facilities District No. 2000-1. The wording of the question to be placed on the ballot is as follows:

Shall the renovation and maintenance of City of South Lake Tahoe and County of El Dorado owned or operated Class 1 bicycle trails in existence before 9/19/2000 and shall the renovation of youth ball fields located within the Community Facilities District be added to the facilities and services authorized for funding from Community Facilities District #2000-1 of the South Lake Tahoe Recreation Facilities Joint Powers Authority, according to Resolution 2011-01, be funded from existing revenues without increasing the special tax levied by the Authority?

Section 3. Full Text of Measure. The full text of the Measure, which shall be printed in the ballot pamphlet, shall be:

Shall the Description of Facilities, Services and Incidental Expenses to Be Financed by Community Facilities District No. 2000-1 of the South Lake Tahoe Recreation Facilities Joint Powers Authority be amended to read as follows:

DESCRIPTION OF FACILITIES, SERVICES
AND INCIDENTAL EXPENSES TO BE FINANCED BY
COMMUNITY FACILITIES DISTRICT NO. 2000-1 OF THE
SOUTH LAKE TAHOE RECREATION FACILITIES JOINT POWERS
AUTHORITY

Description of Facilities

The public facilities to be financed by the CFD include the acquisition, construction, improvement, rehabilitation, and equipping of:

1. An enclosed building of approximately 38,000 square feet containing a regulation-sized ice skating rink and related support facilities for general public use, athletic teams, spectators, and community events (such building and support facilities to be located at 1170 Rufus Allen Blvd., South Lake Tahoe, California);
2. Four new athletic fields and related support facilities, including, but not limited to, parking, restrooms, and spectator seating and amenities (such fields and support facilities to be located on and/or adjacent to the campus of Lake Tahoe Community College); and
3. Public recreation facilities located on property currently owned by the Tahoe Paradise Resort

Improvement District.

4. Improvements to and reconstruction of youth ball fields located within the Community Facilities District, including, but not limited to, a reorganization of the ball fields, replacement of the irrigation and drainage system, and re-sodding of the ball fields; and the construction or relocation of related support facilities, including but not limited to, concession stands, restrooms, storage, batting cages and pitching areas.

50% of JPA funding available in July 2012 will be directed to this project. A maximum of \$500,000 in JPA funding will be provided to this project from July 2012 until the full amount has been received.

5. Renovation of separated bicycle trails located in the CFD and owned or operated by the City of South Lake Tahoe or the County of El Dorado that were in existence prior to September 19, 2000 (date of passage of Measure S.)

50% of JPA funds available in July 2012 will be directed to this purpose. After the \$500,000 in paragraph #4 above has been received for the fields project, the JPA is authorized to direct up to 100% of available JPA funding to pre-September 19, 2000 separated bicycle trails renovation.

As used anywhere in this Resolution, the term “separated bicycle trail” has the same meaning as a “Class 1 bikeway” as defined in the Caltrans Highway Design Manual (“Provides completely separated right of way for the exclusive use of bicycles and pedestrians with cross-flow minimized.”)

Description of Services

The services to be funded by the CFD include:

1. Maintenance of the athletic fields and support facilities described in item 2 of the above description of Facilities;
2. Maintenance of public recreation facilities located on property currently owned by the Tahoe Paradise Resort Improvement District; and
3. Maintenance of separated bicycle trails located in the CFD and owned or operated by the City of South Lake

Tahoe or the County of El Dorado. The JPA Board will continue to provide maintenance funding for non-separated bike lanes (Caltrans "Class II" bike lanes) that received maintenance funding under this provision in 2010 (i.e., Pioneer Trail; Class II facility; Glen Eagles to City of SLT); to the extent funding is available, El Dorado County will have the flexibility to use funds received from this source to maintain and/or rehabilitate both pre and post September 19, 2000 Class 1 and Class 2 bicycle trails.

4. After renovation of separated bicycle trails is accomplished as provided in facilities paragraph #5 above, maintenance of separated bicycle trails located in the CFD and owned or operated by the City of South Lake Tahoe or the County of El Dorado that were in existence prior to September 19, 2000.

As new separated bicycle trails which were anticipated in the original Measure S are completed, they will receive JPA maintenance funds as provided in paragraph #3 above and those funds will no longer be available for maintenance of separated bicycle trails that were in existence prior to September 19, 2000.

Description of Incidental Expenses

The incidental expenses to be funded by the CFD include:

1. The cost of engineering, planning, and designing the Facilities;
2. All costs associated with the creation of the CFD and the Authority, the issuance of bonds by the CFD and the administration of such bonds, and the determination, levy, and collection of the special tax; and
3. Any other costs incurred to carry out the authorized purposes of the CFD and to administer the CFD and the Authority.
4. If funds remain after all of the above authorized and necessary funding has been provided for renovation of separated bicycle

trails as provided in Facilities paragraph #5 and all of the above authorized and necessary funding has been provided for maintenance of bicycle trails as provided in Services paragraphs #3 and #4, such funds may be used, with the concurrence of the Bicycle Advisory Committee, for other bicycle related facilities, services, and/or programs within the CFD that promote and/or enhance bicycling within the CFD.

Description of Administrative Provisions (Section 2, Resolution 2011-01)

1. To advise and assist the JPA Board in the administration of funds for bicycle-related projects, the JPA shall appoint and maintain a Bicycle Advisory Committee that shall consist of no fewer than 3, and no more than 7, residents of the CFD (and who are not members of the board or employees of the JPA or any of its member entities) that are representative of the users of the bicycle facilities and services that are authorized to receive funds from the CFD. The JPA Board shall consult with the Bicycle Advisory Committee and shall give due consideration to the recommendations of the Bicycle Advisory Committee on all bicycle related funding decisions.
2. To advise and assist the JPA Board in the selection of priority field project(s) for renovation, the JPA shall appoint and maintain a Fields Advisory Committee that shall consist of no fewer than 3, and no more than 7, residents of the CFD (and who are not members of the board or employees of the JPA or any of its member entities) that are representative of the users of the fields authorized to receive funding from the CFD. The JPA Board shall consult with the Fields Advisory Committee and shall give due consideration to the recommendations of the Fields Advisory Committee on all fields renovation funding decisions.

Section 4. Conduct of Election; Consolidation; Required Vote. Request is hereby made to the Registrar of Voters of the County of El Dorado to conduct said election on behalf of the South Lake Tahoe Recreation Facilities Joint Powers Authority and to consolidate the election with the elections of such other districts and agencies as may be holding elections on the same date. The Registrar of Voters is requested to provide all services and materials necessary to conduct the election including, but not limited to, giving notice of said election as required by law, designating precincts and polling places, preparing all elections materials, and canvassing and certifying the results of said special election. The measure shall be deemed approved if two-thirds of the votes cast on the measure are in favor of the proposed changes. Except as otherwise provided by the Mello-Roos Community Facilities Act of 1982, as amended, the election shall be conducted in accordance with the provisions of law regulating elections of the South

Lake Tahoe Recreation Facilities Joint Powers Authority insofar as such provisions are determined by the County Registrar of Voters to be applicable.

Section 5. Transmittal to Registrar of Voters. The Secretary of the Governing Board of the South Lake Tahoe Recreational Facilities Joint Powers Authority is authorized and directed to transmit certified copies of this resolution and any necessary documents to the El Dorado County Registrar of Voters.

Section 6. California Environmental Quality Act Findings. The Governing Board finds that calling the special election and placing the proposal on the ballot is not a project under CEQA, pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15378(b)(4).

SECTION 7. This resolution shall be effective upon its adoption.

Passed and adopted by the Governing Board of the South Lake Tahoe Recreation Facilities Joint Powers Authority on July 13, 2011, by the following vote:

AYES: Norma Santiago, Hal Cole, and Deborah Henderson

NOES: None

ABSTAIN: None

ABSENT: None

President

ATTEST:

Secretary