

RESOLUTION NO. 23-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT CALLING A SPECIAL ELECTION FOR KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2023-1 (FIRE SERVICES)

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 Kirkwood Meadows Public Utility District (the "District") has adopted a resolution titled "A Resolution to Form Kirkwood Meadows Public Utility District to Form Community Facilities District No. 2023-1 (Fire Services) to Finance Public Services in and for Such Community Facilities District" (the "Resolution of Formation"), ordering the formation of the "Kirkwood Meadows Public Utility District Community Facilities District No. 2023-1 (Fire Services)" (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, pursuant to the provisions of the Resolution of Formation, the measure for the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD as required by the provisions of the Act; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Consolidation of Issues. Pursuant to Sections 53326, 53351 and 53325.7 of the Act, the issues of the levy of the special tax and the establishment of the so called "Gann limit" appropriation shall be consolidated and submitted to the registered voters within the boundary of the CFD (which is coterminous with the boundary of the District) at an election called therefor as provided herein.

2. Qualified Electors. This Board hereby finds that more 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 registered voters within the CFD and that the vote shall be by such registered voters, each having one vote. The proposed measure shall not take effect unless approved by a 2/3rds vote of the voters voting on the question.

3. Ballot Measure. The full text of the measure to be submitted to the voters shall consist of the Resolution of Formation, including all exhibits. The full text of the proposed measure shall be printed in the voter information guide. The abbreviated measure shall appear on the ballot in substantially the following format, subject to approval by the Election Official (defined herein):

<p>Shall the measure enabling the Kirkwood Meadows Public Utility District to provide fire protection, prevention and suppression services, including medical services, by authorizing a maximum annual special tax levy of \$513 per parking space in fiscal year 2023-24, increasing annually thereafter and continuing in perpetuity, generating a maximum of approximately \$1,900,000 initially, and authorizing an initial "Gann Limit" appropriation of \$6,000,000, be adopted?</p>	YES: <input type="checkbox"/>
	NO: <input type="checkbox"/>

4. Election Date and Election Official. This Board hereby calls a special election to consider the issues described above to be held on July 11, 2023 (the “Election Day”). The District Clerk of the District is hereby designated as the official to conduct the election (the “Election Official”). The election shall be conducted as an all-mail ballot election, with all ballots due by the date and time specified in the election materials submitted to the voters. In all particulars not recited in this Resolution Calling Special Election, the election shall be held and conducted as provided by law for holding municipal elections.

5. Documents to County. Pursuant to Section 53326 of the Act, and within three (3) business days of the adoption of the Resolution of Formation, but in no event later than the date specified by the County of Alpine, the Election Official shall provide 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 Counties of Alpine, El Dorado and Amador, to the Alpine County election division.

6. Delegation to Alpine County Election Division. In accordance with applicable provisions of the Elections Code, the Election Official is hereby authorized and directed to enter into an agreement for the County election division to undertake the election on behalf of the Election Official, and to provide for the reimbursement by the District of the costs of Alpine County in connection with the election. The Election Official, the District Manager, General Counsel to the District 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 the Alpine County election division, and to ensure that the applicable requirements of the 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. The Board understands that the Alpine County election division will provide a 28-day drop box and a one-day vote center on the Election Day, will send out the ballots on or about June 12, 2023, and will conduct a electronic count of the ballots properly received, all in accordance with applicable law and the procedures of the County election division.

7. Impartial Analysis. The Board directs the Election Official to submit to the General Counsel of the District a copy of the measure, and the General Counsel of the District is hereby authorized and directed to prepare an impartial analysis of the ballot measure. The impartial analysis shall be submitted by the General Counsel of the District to the Election Official on or before April 19, 2023 at 5 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code.

8. Arguments For and Against. The last day for filing direct arguments for or against the measure shall be April 24, 2023 at 5 p.m., and all such arguments shall be filed with the Election Official at the office of the County Clerk of Alpine County, and shall not exceed 300 words in length. Each argument shall be filed with the Election Official, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the “Form of Statement to be filed by Author(s) of Argument” as provided by the Election Official. Arguments received prior to the deadline shall be confidential until the deadline. The Election Official, upon receipt of arguments and after the filing deadline, shall immediately transmit copies

to any known opposing parties who may then submit rebuttals within the time period described below.

9. Rebuttal Arguments. The last day for filing rebuttal arguments for or against the measure shall be May 5, 2023, at 5 p.m., and all such arguments shall be filed with the Election Official at the District office and shall not exceed 250 words in length. The rebuttal arguments shall be accompanied by the "Form of Statement to be filed by Author(s) of Argument" as provided by the Election Official. Arguments received prior to the deadline shall be confidential until the deadline.

10. Review Periods. Pursuant to Section 9295 of the California Elections Code, there shall be a 10-day public review period for the impartial analysis, arguments submitted for or against the measure, and rebuttal arguments, respectively.

11. Accountability Provisions. 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, 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.

12. Effective Date. This Resolution shall take effect upon its adoption.

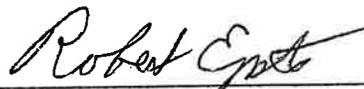
PASSED AND ADOPTED at a regular meeting of the Board of Directors on the 3rd day of April 2023 by the following vote:

AYES: President Epstein, Directors Schroeder & Dornbrook

NOES: Director Perroud

ABSTAIN:

ABSENT: Director Mitarotonda



Robert Epstein, President



Peter Dornbrook, Secretary