

RESOLUTION NO. 2022-09

A RESOLUTION OF THE KELSEYVILLE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS, ACTING AS THE LEGISLATIVE BODY OF KELSEYVILLE FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-1 (FACILITIES AND SERVICES), DEEMING IT NECESSARY TO INCUR A BONDED INDEBTEDNESS OF SUCH COMMUNITY FACILITIES DISTRICT TO FINANCE CERTAIN PUBLIC FACILITIES

WHEREAS, the Kelseyville Fire Protection District (the “District”) Board of Directors (the “Board”) has adopted Resolution No. 2022-04 on August 18, 2021 (the “Resolution of Intention”) declaring its intention to establish a community facilities district pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”), for the purpose of financing certain public facilities described in Exhibit A attached hereto and incorporated herein by this reference (the “Authorized Facilities”) and services, all as further described in the Resolution of Intention; and

WHEREAS, this community facilities district shall hereinafter be referred to as “Kelseyville Fire Protection District Community Facilities District No. 2021-1 (Facilities and Services)” (“CFD No. 2021-1”); and

WHEREAS, the Resolution of Intention fixed the time and place for a public hearing to be held for the Board to consider the establishment of CFD No. 2021-1, the rate and method of apportionment of the Special Tax (as defined in the Resolution of Intention) proposed to be levied within CFD No. 2021-1, the extent of CFD No. 2021-1, the financing of certain types of public facilities and services and all other related matters (the “Establishment Public Hearing”); and

WHEREAS, the Board also adopted its Resolution No. 2022-05 on August 18, 2021 (the “Resolution Declaring Necessity to Incur Bonded Indebtedness”) declaring that the public convenience and necessity requires that a bonded indebtedness be incurred by CFD No. 2021-1 in an amount not to exceed \$4,000,000 to contribute to the financing of the Authorized Facilities; and

WHEREAS, the Resolution Declaring Necessity to Incur Bonded Indebtedness fixed the time and place for a public hearing to be held on the intention of the Board to incur a bonded indebtedness of CFD No. 2021-1 to contribute to the financing of the Authorized Facilities, such indebtedness to be secured by the levy of special taxes within CFD No. 2021-1 (the “Indebtedness Public Hearing” and, together with the Establishment Public Hearing, the “Public Hearings”); and

WHEREAS, notice of the Public Hearings was published on August 11, 2021 and September 10, 2021 in the Lake County Record Bee in accordance with the Act; and

WHEREAS, at the time and place specified for the Public Hearings, the Board consolidated and conducted the Public Hearings, all persons interested, including, but not limited to, all taxpayers and property owners within CFD No. 2021-1 were given an opportunity to appear and be heard, and to present any matters relating to the necessity for incurring bonded indebtedness

of CFD No. 2021-1 to contribute to the financing of the Authorized Facilities; and the testimony of all interested persons and all taxpayers and property owners for or against the authorization to issue bonds of CFD No. 2021-1 or any other matters in the Resolution Declaring Necessity to Incur Bonded Indebtedness was heard and considered by the Board; and

WHEREAS, the Board has adopted on this date Resolution No. 2022-08 establishing CFD No. 2021-1 (the "Resolution of Formation") which sets forth the special tax to be authorized to be levied within CFD No. 2021-1 and the Authorized Facilities and services that may be financed with the proceeds of such special tax; and

WHEREAS, at this time the Board, acting as the legislative body of CFD No. 2021-1, desires to proceed to make the determination of necessity to incur a bonded indebtedness for CFD No. 2021-1, to declare the purposes for such debt, and to authorize the submittal of a proposition to the qualified electors of CFD No. 2021-1, being the registered voters of CFD No. 2021-1, all as authorized and required by the Act.

NOW, THEREFORE, the Kelseyville Fire Protection District Board of Directors, acting as the legislative body of Kelseyville Fire Protection District Community Facilities District No. 2021-1 (Facilities and Services) hereby finds, determines, and resolves as follows:

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Necessity for Bonded Indebtedness. The Board hereby expressly declares and states that it is necessary to incur a bonded indebtedness of CFD No. 2021-1 to contribute to the financing of all or a portion of the Authorized Facilities.

Section 3. Purpose for Proposed Indebtedness. The purpose for the proposed debt of CFD No. 2021-1 is to contribute to the financing of the Authorized Facilities.

Section 4. Territory to Pay for such Bonded Indebtedness. The Board determines that all of the property within CFD No. 2021-1 will pay for the bonded indebtedness of CFD No. 2021-1.

Section 5. Bond Authorization. The amount of bonded indebtedness of CFD No. 2021-1 may include all costs and estimated costs incidental to, or connected with, the accomplishment of the purpose for which the indebtedness is proposed to be incurred as authorized pursuant to the Act. The amount of indebtedness proposed to be authorized for CFD No. 2021-1 is \$4,000,000.

Section 6. Bond Term. The Board hereby further determines that the maximum term of bonds and/or any series shall not exceed the maximum term permitted by the Act. The maximum rate of interest to be paid on such bonds may not exceed the greater of either twelve percent (12%) per annum or the maximum rate permitted by law at the time of sale of any of such bonds. The bonds, except where other funds are made available, shall be paid exclusively from the annual levy of the special tax within CFD No. 2021-1, and are not secured by any other taxing power or funds of CFD No. 2021-1 or the District.

Section 7. Accountability Measures. Pursuant to and in compliance with the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, the Board hereby establishes the following accountability measures pertaining to any bonded indebtedness incurred by or on behalf of CFD No. 2021-1:

- (a) Such bonded indebtedness shall be incurred for the applicable specific purposes set forth in Section 3.
- (b) The proceeds of any such bonded indebtedness shall be applied only to the applicable specific purposes identified in Section 3.
- (c) The document or documents establishing the terms and conditions for the issuance of any such bonded indebtedness shall provide for the creation of an account into which the proceeds of such indebtedness shall be deposited.
- (d) The District Director or his or her designee, acting for and on behalf of the District, shall annually file a report with the Board as required by Government Code Section 53411.

Section 8. Election. Since at least twelve (12) persons have been registered to vote within CFD No. 2021-1 for each of the ninety (90) days preceding the close of the Public Hearings, the vote shall be by registered voters of CFD No. 2021-1, with each voter having one (1) vote.

Section 9. Description of Voting Procedures. The voting procedures to be followed in conducting the special election on the proposition with respect to the levy of the Special Tax on taxable property within CFD No. 2021-1, establishing an appropriations limit for CFD No. 2021-1 in the amount of \$4,000,000 and incurring a bonded indebtedness of CFD No. 2021-1 in an amount not to exceed \$4,000,000 (the "Special Election"), shall be as follows:

(a) Except as otherwise provided below, the Special Election shall be of the registered voters within the territory include within CFD No. 2021-1, and the special taxes may not be imposed unless two-thirds (2/3) of the votes cast upon the question of levying the Special Tax shall have been cast in favor of levying the Special Tax. The Special Election shall be conducted pursuant to the authority set forth in Division 9, Chapter 4 of the California Elections Code .

(b) The Special Election shall be held on December 21, 2021, following the adoption by the Board of this Resolution and a resolution pursuant to Section 53326 of the California Government Code submitting the proposition with respect to (i) the levy of Special Tax within CFD No. 2021-1, (ii) incurring a bonded indebtedness of CFD No. 2021-1 and (ii) establishing an appropriations limit therefor to the qualified electors of CFD No. 2021-1.

(c) The Special Election shall be held and conducted in accordance with applicable sections of the California Elections Code governing the conduct of elections of special districts, including specifically Division 9, Chapter 4 of the California Elections Code.

The procedures set forth in this section for conducting the Special Election, if it is held, may be modified as the Board may determine to be necessary or desirable by a resolution subsequently adopted by the Board.

Section 10. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 22nd day of September, 2021, by the following vote:

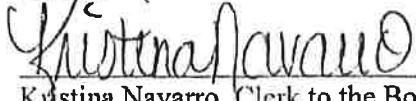
AYES: 4

NOES: 0

ABSENT: 1


ABSTAIN: 0

ATTEST:




Kristina Navarro, Clerk to the Board

APPROVED:



Michele Rohner, Chairperson

APPROVED AS TO FORM:



Best Best & Krueger, General Counsel
Special

EXHIBIT A

DESCRIPTION OF AUTHORIZED FACILITIES AND AUTHORIZED SERVICES

The public facilities, public services and incidental costs authorized to be financed by the special taxes levied in CFD No. 2021-1 consist of the following:

Authorized Facilities. Authorized facilities consist of the acquisition, design, construction, equipping, and improvement of any real or other tangible property with an estimated useful life of five years or longer undertaken by the Fire Protection District with respect to a new fire station, including all direct or indirect costs and expenses related thereto.

Authorized Services. Authorized services consist of (i) the operation and maintenance with respect to any authorized facility, including replacement and the funding of a reserve fund to pay for future repair and/or replacement of any authorized facility; such authorized services include, but are not limited to, all general or extraordinary activities deemed necessary or desirable by the Fire Protection District to provide for the use or enjoyment of any and all authorized facilities, whether provided by the Fire Protection District or any outside entity, including maintenance and operations contingencies and reserves with respect thereto, and (ii) the provision of any other fire protection and suppression services.

Incidental Costs. In addition, costs eligible to be financed by CFD No. 2021-1 shall include all costs and expenses incidental to the above and authorized by the Act that are determined by the Fire Protection District to be associated with the authorized facilities or the authorized services, the formation and ongoing administration of CFD No. 2021-1, the election, bonding, or levy and collection of special taxes, as well as all other costs incurred to carry out the authorized purposes of CFD No. 2021-1 that are permitted by the Act.