2024's Measures Q, R & S by Michael G. Colantuono, Esq.

El Dorado Hills Community Services District

February 13, 2024



Measures Q, R and S are Illegal

- The assessments are required by County land use approvals and CEQA
- The law does not provide for initiatives by financing districts, only by governments (i.e., the CSD, not an assessment district, which is not a government)
- All District property owners are affected (by the need to fund minimal maintenance of these parks with District-wide resources) but did not get a vote

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The Board May Implement Them Anyway

- If the Board opts to implement the measures, it can:
 - Find alternative funding
 - Reduce services to the level needed to avoid liability
 - Dangerous conditions (like trip and fall hazards)
 - Nuisances (like fire hazards)
 - Invite voluntary efforts to maintain some services
 - Close the parks temporarily
 - Sell the parks, with District-wide voter approval



Options for the affected communities

- Accept reduced services as the price of eliminating the assessments, recognizing most property taxes fund schools and County services
- Seek volunteer or private-sector service providers such as non-profits or HOAs
- Propose new assessments



Refunds

- Should be limited to the statute of limitations to avoid gift of public funds claims
 - And because older funds have been spent on services
- Might require written claims (perhaps on a Districtprovided form)
 - Those who want refunds can get them
 - Those who want to delay or reduce service cuts can pass
- Written claims likely needed for assessees no longer own property in the districts (move-aways)

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