

Joe H. Harn

From: Joe Harn <joe.harn@edcgov.us>
Sent: Monday, May 18, 2020 10:07 AM
To: dtyra@kmtg.com
Cc: Donald Ashton; John Hidahl; Kirk Bone; David Livingston; Kevin Loewen; Allan Priest; Tauni Fessler; Brian Veerkamp; Paula Frantz
Subject: Fwd: EDHCSD EDH SP CFD balance request Park by Bass Lake
Attachments: doc13095320200414093931 (1).pdf; BOS Agenda Item for 12_18_18 - CFD Funds available for Bass Lake Park 12-17-18.pdf

Mr. Tyra,

This email will serve as my response to your letter dated April 9, 2020.

My response is based on the premise that the Development Agreement (DA), that expired 10 years ago, still governs the construction of this park.

As of today, the balance in the CFD's facilities account is \$6,050,183. The amount available for the construction of your park is a legal question of some controversy at this point.

I believe that the DA states that the Developer will construct the park improvements, and "the type and design of the improvements shall be determined by the CSD in consultation with the developer." The DA caps the amount of CFD funds that can be spent on park improvements, but the cap is adjusted annually based on the CalTRANS construction Cost Index.

I have attached a note that I sent to the Board of Supervisors and your client on December 17, 2018, regarding this matter. As I stated in my December 17, 2018, communication, as I read the DA the "not to exceed cap" on these park improvements may exceed the balance in the CFD. Parker Development Company did not agree with my December 2018 communication.

Joe Harn
Auditor-Controller
El Dorado County