



REPORT TO COUNCIL

City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT
March 23, 2010

Honorable Mayor and
Members of the City Council

**Title: Annexation No. 18 to the Neighborhood Park Maintenance Community
Facilities District (CFD) No. 2002-02 – Mail Ballot Election Results**

Location/Council District: Citywide. Annexation No. 18 will include 17 separate areas located in Council Districts 1, 2, 3, 4, 5 & 6. (Attachment 3, Page 6).

Recommendation: 1) Adopt a **Resolution** determining the results of the Special Mail Ballot Election and based on those results abandoning the proceedings and directing related actions.

Contact: Jodie Vong, Administrative Analyst, (916) 808-8243; Mark Griffin, Fiscal Manager, (916) 808-8788

Presenters: Not Applicable

Department: Finance

Division: Public Improvement Financing

Organization No: 06001321

Description/Analysis

Issue: On February 26, 2010, a special mail ballot election was held and conducted on the proposed annexation. Of the ballots returned, 3 votes were cast in favor of the annexation and 8 votes were cast in opposition to the annexation. The total number of votes cast was 11. The proposition failed as less than the required two-thirds (2/3) of all votes cast at the special mail ballot election were cast in favor of the proposition. Therefore, City Council is required to adopt the attached resolution abandoning the annexation.

Policy Considerations: The procedures under which this CFD annexation was initiated are set forth in the Mello-Roos Community Facilities Act of 1982 (Government Code, Sections 53311-53368.3). Annexation into this District is consistent with the City's Strategic Plan 3-Year Goal to "achieve sustainability and enhance livability" and to "expand economic development throughout the City."

Environmental Considerations

California Environmental Quality Act (CEQA): Under California Environmental

Quality Act (CEQA) Guidelines, administration and annexation into a CFD does not constitute a project and therefore is exempt from review.

Committee/Commission Action: None

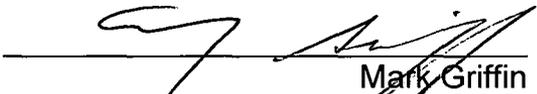
Rationale for Recommendation: The actions in the recommended Resolution are required by the Mello-Roos Community Facilities Act of 1982 (Government Code Sections 53339-53339.9) providing for the procedures for annexation into an existing district.

Financial Considerations: The specified special tax failed to receive approval by two-thirds of the votes cast; therefore, there is no financial impact. Approval of this annexation would have authorized the City to collect approximately \$20,146 in special taxes to provide additional funding for neighborhood park maintenance.

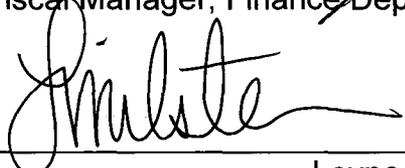
The City Attorney's Office and Public Improvement Financing Division staff is currently working on a unanimous consent process to require annexation be complete before signing off on the condition of approval on all future maps.

Emerging Small Business Development (ESBD): None. No goods or services are being purchased.

Respectfully Submitted by: _____


Mark Griffin
Fiscal Manager, Finance Department

Approved by: _____


Leyne Milstein
Director, Finance Department

Recommendation Approved:

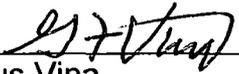

Gus Vina
Acting City Manager

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BACKGROUND

On June 25, 2002, City Council approved formation of the Neighborhood Park Maintenance CFD. This CFD provides a funding mechanism to help the Parks and Recreation Department maintain neighborhood parks. This annexation, as well as future annexations, will consist of new residential development throughout the City. The development projects for this annexation consist of 360 units and are listed as follows:

- Parcel maps of 2116 Rene Avenue, 4201 36th Street, 66th Ford Road, 7413 38th Avenue, 1328 Nogales Street, 2987 Franklin Boulevard, Capitol Villa Condominium, 15th & E Halfplex, 2769 Forrest Street, 1036 Grace Avenue, 4555 71st Street, 540 Claire Avenue, and 1717 Capitol Avenue.
- Subdivision maps of Cottonwood Estates, Dry Creek Estates, Dresher Parkway Subdivision, Iris Avenue Subdivision, 2300 Northview Estate, Alhambra at S Condos and 4511 Austin Street.

Public Hearing and Tabulation of Special Mail Ballot Election

On January 7, 2010, the City Council directed staff to complete the actions necessary to annex territory for Annexation No. 18 to the Neighborhood Park Maintenance CFD No. 2002-02. On January 8 and February 10, staff mailed out notices of hearing and 17 ballots to the qualified voters, respectively. On February 26, a special mailed ballot election was held and conducted on the proposed annexation to levy a special tax and establish the appropriations limit. Ballots had to be submitted to the City Clerk no later than 4:30pm on February 26th in order to be counted. City Council directed the City Clerk to tabulate the mail ballots returned and to report back on March 23rd with the results. Based on the results of the ballots submitted, less than two-thirds of the votes cast at the special mailed ballot election were cast in favor of the proposition. Therefore, the proposition failed and City Council is required by law to abandon proceedings and take no further action on annexing the territory proposed in Annexation No. 18 for a period of one year from the date of the election.

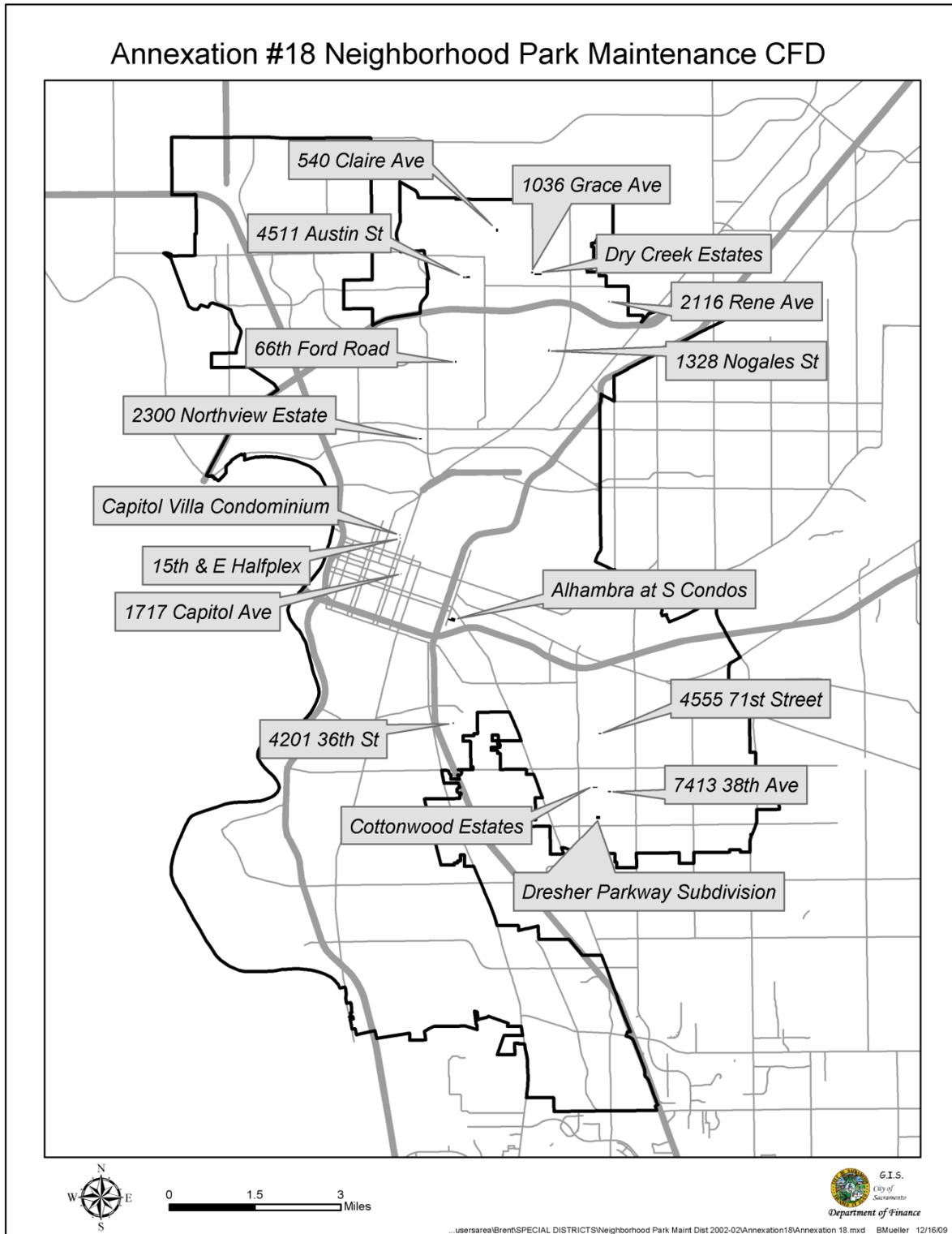
SCHEDULE OF PROCEEDINGS

ANNEXATION NO. 18 TO THE NEIGHBORHOOD PARK MAINTENANCE COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-02 SCHEDULE

January 7, 2010	City Council – Resolution of Intention
January 8, 2010	Mail Notice of Hearing
February 9, 2010	City Council – Hearing, Call for Special Election
February 10, 2010	Mail Ballots
February 26, 2010	Ballots Due

March 23, 2010	City Council – Election Results & Abandon Proceedings
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March 24, 2010	Record Resolution of Abandonment
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RESOLUTION NO.

Adopted by the Sacramento City Council

**ABANDONING PROCEEDINGS
WITHIN THE CITY OF SACRAMENTO NEIGHBORHOOD PARKS
MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2002-02,
ANNEXATION NO. 18, BASED ON DETERMINING THE RESULT OF THE
SPECIAL MAILED BALLOT ELECTION HELD ON FEBRUARY 26, 2010**

BACKGROUND:

- A.** The City Council has taken a series of actions preliminary to considering the Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 18, pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Sections 53339-53339.9) for annexation into an existing district.
- B.** The City Clerk has duly canvassed the votes cast by the qualified electors within the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 18, (Annexation No. 18) at the special mailed ballot election held within Annexation No. 18 on February 26, 2010, upon the proposition set forth below.
- C.** The City Clerk has certified to the City Council the result of the votes cast at the special mailed ballot election upon the proposition, and the certification is now on file in the City Clerk's office.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The statements in the Background are true.

Section 2. At the special mailed ballot election, the following proposition was submitted to the qualified voters of Annexation No. 18:

Measure (A): Shall the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 18, be authorized to finance neighborhood parks maintenance, more fully described in Exhibit A, and shall set an appropriations limit in the amount of \$40,000 per fiscal year in connection therewith be established for the maximum rate and method of apportionment as provided in Resolution No. 2010-066 adopted by the City Council on February 9, 2010, which is incorporated herein by reference, and a tax be levied to pay for the maintenance of neighborhood parks.

Section 3. The canvass of the votes cast at the special mailed ballot election held in Annexation No. 18 on February 26, 2010, as shown by the City Clerk's certification, is approved and confirmed.

Section 4. The total number of votes cast for and against the proposition at the special mailed ballot election in Annexation No. 18, as set forth in the canvass, is as follows:

Total Votes: 11 Votes For: 3 Votes Against: 8

Section 5. Less than two-thirds (2/3) of all votes cast at the special mailed ballot election were cast in favor of the proposition. The proposition failed. The City Council hereby abandons these proceedings and the City will take no further action on annexing the territory proposed in Annexation No. 18, shown on the Boundary Map referenced below, within City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, for a period of one year from the date of the election as provided by Government Code section 53339.9.

Section 6. The City Clerk is directed to enter this resolution on the minutes of the City Council, and that entry will constitute the official declaration of the result of the special mailed ballot election. The City Clerk is further authorized and directed to record this Resolution of Abandonment in accordance with Streets and Highways Code section 3117. As further specified by Streets and Highways Code section 3117, the following information pertains to these proceedings:

- (a) The date of adoption of this Resolution Abandoning Proceedings is March 23, 2010.
- (b) The date of adoption of the Resolution of Intention was January 7, 2010.
- (c) The boundary map for Annexation No. 18 was filed for record in the office of the County Recorder of Sacramento County on January 12, 2010, in Book 111 of Maps of Assessment and Community Facilities Districts, at Page 8.

Section 7. This resolution takes effect when adopted.