



City of Sacramento City Council

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

Meeting Date: 2/8/2011

Report Type: Staff/Discussion

Title: Annexation No. 19 to the Neighborhood Park Maintenance Community Facilities District No. 2002-02 - Mail Ballot Election Results and, If Affirmative, Pass for Publication an Ordinance to Levy a Special Tax

Report ID: 2011-00056

Location: District 3

Recommendation: 1) Adopt a Resolution determining the results of the Special Mail Ballot Election; 2) review an Ordinance levying a Special Tax for the property-tax year 2010-2011 and following tax years solely within and relating to the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 19; and 3) pass for publication the Ordinance title as required by Sacramento City Charter 32(c) to be adopted on February 15, 2011.

Contact: Diane Morrison, Program Specialist, (916) 808-7535; Mark Griffin, Fiscal Manager, (916) 808-8788, Department of Finance

Presenter: Mark Griffin, Fiscal Manager, (916) 808-8788, Department of Finance

Department: Finance

Division: Public Improvement Finance

Dept ID: 06001321

Attachments:

- 01-Description/Analysis
- 02-Background
- 03-Schedule of Proceedings
- 04-Map of Territory to be Annexed
- 05-Resolution Determining Results
- 06-Ordinance Levying a Special Tax

City Attorney Review

Approved as to Form
Jeffrey C. Heeren
2/2/2011 5:35:31 PM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope

Approvals/Acknowledgements

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk
Gus Vina, Interim City Manager

Russell Fehr, City Treasurer

Department Director or Designee: Leyne Milstein - 2/2/2011 4:36:53 PM

Assistant City Manager: Cassandra Jennings - 2/2/2011 5:30:21 PM

Description/Analysis:

Issue: New residential developments are required to mitigate the impact of new residential development on park maintenance either through an endowment or by inclusion in a special tax district. Most residential developments annex into the existing Neighborhood Park Maintenance CFD. Approval of this annexation will authorize the City to collect special taxes from each residential unit to provide funding for the maintenance of neighborhood parks.

Policy Considerations: The procedures under which this CFD annexation is being 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 Strategic Planning Focus Area of Sustainability and Livability.

Environmental Considerations:

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

Sustainability Considerations: There are no sustainability considerations applicable to the administration of a special district.

Commission/Committee 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) for annexation into an existing district.

Financial Considerations: The Neighborhood Park Maintenance CFD has been structured to reduce reliance on the General Fund for neighborhood park maintenance and to preserve the level of maintenance in the parks system.

It is projected that revenues from this CFD will provide approximately two-thirds of the cost associated with maintaining new neighborhood parks for those areas that annex to the District. The balance of costs will be borne by the Citywide Landscape and Lighting District and other City funds. The maximum annual Special Tax rates levied on new residential properties for Fiscal Year (FY) 2010/11 are \$56.38 per single family parcel and \$32.88 per multi-family unit.

In subsequent years the special tax may be adjusted based on the change in the Consumer Price Index (CPI) for the preceding 12 months. However, the annual increase shall not exceed 4%.

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



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 are listed as follows:

- Parcel map of 717 44th Street

The above project comprises two units, bringing the total in the district to 22,333 residential units.



SCHEDULE OF PROCEEDINGS

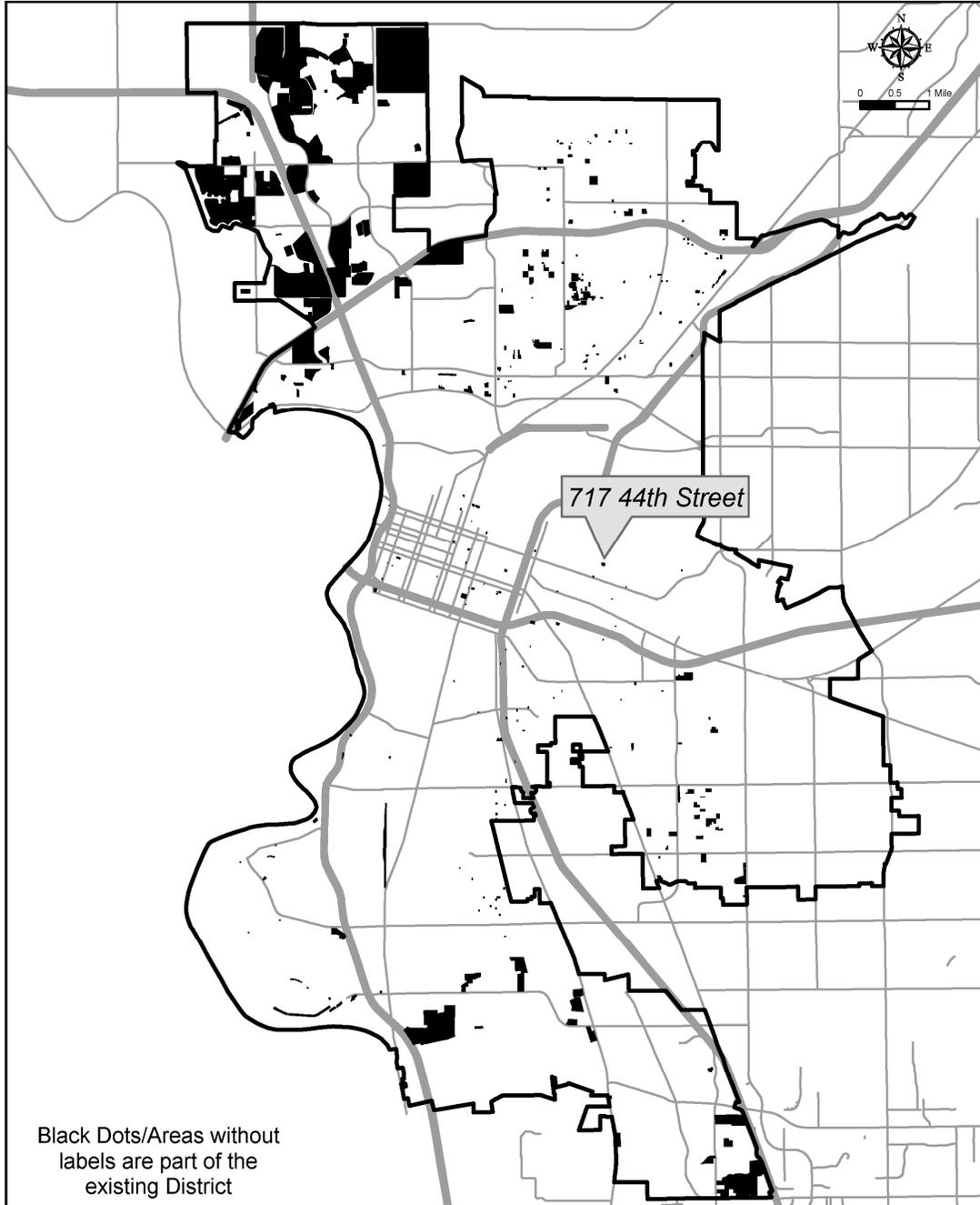
ANNEXATION NO. 19 TO THE NEIGHBORHOOD PARK MAINTENANCE COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-02 SCHEDULE

November 30, 2010	City Council – Resolution of Intention
December 1, 2010	Mail Notice of Hearing
January 11, 2011	City Council – Public Hearing, Call for Special Election
January 12, 2011	Mail Ballots
January 28, 2011	Ballots Due

February 8, 2011	City Council – Election Results and, if in the Affirmative, Pass for Publication Ordinance to Levy Tax or, if Not Affirmative, Adopt a Resolution Abandoning the Annexation
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February 9, 2011	(If Affirmative) Record Notice of “Special Tax”
February 15, 2011	(If Affirmative) City Council - Adopt Ordinance to Levy Tax

Annexation #19 Neighborhood Park Maintenance CFD



Area Map



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RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING THE RESULT OF THE SPECIAL MAILED-BALLOT ELECTION, WITHIN THE CITY OF SACRAMENTO NEIGHBORHOOD PARKS MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2002-02, ANNEXATION NO. 19

BACKGROUND:

- A. 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. 19, (Annexation No. 19) at the special mailed-ballot election held within Annexation No. 19, upon the proposition set forth below.
- B. 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 paragraphs A and B of the Background are accurate.

Section 2. At the special mailed-ballot election, the following proposition was submitted to the qualified voters of Annexation No. 19:

Measure (A): Shall the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 19, be authorized to finance neighborhood parks maintenance, more fully described in Exhibit A, and shall set an appropriations limit in the amount of \$150 per fiscal year in connection therewith be established for the maximum rate and method of apportionment as provided in Resolution No. 2010-678 adopted by the City Council on November 30, 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. 19 on January 28, 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. 19, as set forth in the canvass, is as follows:

Total Votes: ____ **Votes For:** ____ **Votes Against:** ____

Section 5. If more than two-thirds (2/3) of all votes cast at the special mailed-ballot election were cast in favor of the proposition, the proposition carries.

Section 6. If the proposition carried, 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 a notice of Special Tax lien in accordance with Streets and Highways Code section 3114.5.

Section 7. If 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. 19, 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 8. If the proposition failed, The City Clerk is 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 February 8, 2011.
- (b) The date of adoption of the Resolution of Intention was November 30, 2011.
- (c) The boundary map for Annexation No. 19 was filed for record in the office of the County Recorder of Sacramento County on December 2, 2010, in Book 111 of Maps of Assessment and Community Facilities Districts, at Page 0025.

Section 9. This resolution takes effect when adopted.



ORDINANCE NO. 2011-

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**LEVYING A SPECIAL TAX FOR THE
PROPERTY-TAX YEAR 2010-11 AND FOLLOWING TAX YEARS
SOLELY WITHIN AND RELATING TO THE CITY OF SACRAMENTO
NEIGHBORHOOD PARKS MAINTENANCE COMMUNITY
FACILITIES DISTRICT NO. 2002-02, ANNEXATION NO. 19, FOR
NEIGHBORHOOD PARK MAINTENANCE**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. Pursuant to Government Code Sections 53328 and 53340, and 53339 et seq. and in accordance with the Rate and Method of Apportionment of Special Tax as shown on Exhibit B to the Resolution Establishing Annexation No. 19 to the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, (CFD No. 2002-02, Annexation No. 19) (Resolution No. 2010-678 adopted by this Council on November 30, 2010), a Special Tax is hereby levied on all taxable parcels within the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 19 for the 2010-2011 tax year and for all subsequent years in the amount of the maximum authorized tax, provided that this amount may be adjusted annually by resolution of this Council, subject to the maximum authorized Special Tax limit.

Section 2. The Manager of the Public Improvement Financing Division of the Finance Department, or his/her designee, of the City of Sacramento (City) is authorized and directed, with the aid of the appropriate officers and agents of the City, to determine each year, without further action of this Council, the Special Tax Requirement (as that term is defined in Exhibit C of Resolution No. 2010-678 establishing Annexation No. 19 to CFD No. 2002-02), to prepare the annual Special Tax roll in the amount of the Special Tax Requirement in accordance with said Exhibit C and, without further action of this Council, to provide all necessary and appropriate information to the Sacramento County Auditor in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the Special Tax on the secured property tax roll of the County; as provided in said Resolution No. 2010-678 and Sections 53339 et seq. and 53340 of the California Government Code, this Council has reserved the right to utilize any method of collecting the Special Tax which it shall, from time to time, determine to be in the best interests of the City, including but not limited to, direct billing by the City to the property owners and supplemental billing.

Section 3. The appropriate officers and agents of the City are authorized to make adjustments to the Special Tax roll prior to the final posting of the Special Taxes to the County tax roll each year, as may be necessary to achieve a correct match of the special tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.

Section 4. The City agrees that, in the event the Special Tax is collected on the secured tax roll of the County, the County may deduct its reasonable and agreed charges for collecting the Special Tax from the amounts collected, prior to remitting the Special Tax collections to the City.

Section 5. Any taxpayer may contest the levy of the Special Tax by filing a written notice of appeal, setting forth with specificity the grounds for appeal, with the City Manager pursuant to Section 7 of the Rate and Method of Apportionment of the Special Tax. Any such notice of appeal must be filed within thirty (30) calendar days following the formation of the District, or annexation of the property that is the subject of the appeal to the District; and failure to do so within the time period specified herein constitutes a bar to any such appeal. Grounds for appeal are limited to the following: (i) clerical errors in assigning an amount of tax to a parcel and (ii) an error in defining the use of a parcel or its classification. No other appeals will be allowed. The City Manager, or designee, shall promptly review the appeal, and if necessary, meet with the appellant. If the findings of the City Manager, or designee, verify that the Special Tax should be modified or changed, a recommendation to that effect shall be made to the Council, and as appropriate, the Special Tax levy shall be corrected and, if applicable in such case, a credit for next year's Special Tax levy shall be granted. If the City Manager, or designee, denies the appeal, the taxpayer may file an appeal of that determination with the Council within fourteen (14) calendar days of the mailing of notification of the City Manager's, or designee's, decision; and failure to do so within the time period specified herein constitutes a bar to any such appeal. The appeal must be in writing and fully explain the grounds of appeal. The Council may hear the appeal, or refer it to a hearing officer, pursuant to Chapter 1.24 of the Sacramento City Code. The hearing on the appeal shall be conducted not more than thirty (30) calendar days following the filing of the appeal of the decision of the City Manager, or designee. The failure of the Council or the appointed hearing officer to timely hear the appeal, or render a decision within thirty (30) calendar days following the conclusion of the hearing thereon, shall constitute a denial of the appeal. The determination of the Council or hearing officer on the appeal shall be final for all purposes.

Section 6. The filing of written notice contesting the levy of the Special Tax or an appeal shall not relieve the taxpayer of the obligation to pay the Special Tax when due.

Section 7. If for any cause any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance and the application of the Special Tax to the remaining parcels shall not be affected.

Section 8. This ordinance shall take effect and be in force immediately as a tax measure.

Section 9. The title of this ordinance shall be published at least once in a newspaper of general circulation, published in the City of Sacramento after being passed for publication of title by the Council, at least three days before the adoption of this ordinance by the Council, pursuant to Section 32(c) of the Sacramento City Charter. It is hereby found that the title of this ordinance was published in _____, a newspaper of general circulation published in the City of Sacramento on _____, 2011.