



# City of Sacramento City Council

915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 6/21/2011

**Report Type:** Consent

**Title:** Annexation No. 01 - Del Paso Nuevo Landscaping Community Facilities District (CFD) No. 2006-06 - Adopt Ordinance to Levy a Special Tax (Passed for Publication on 6-14-11, Published on 6-17-11)

**Report ID:** 2011-00342

**Location:** District 2

**Recommendation:** Adopt an Ordinance levying a Special Tax for property in the Del Paso Nuevo Landscaping Community Facilities District No. 2006-06.

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

**Presenter:** None

**Department:** Finance

**Division:** Public Improvement Finance

**Dept ID:** 06001321

## **Attachments:**

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- 1-Description/Analysis
- 2-Schedule of Proceedings
- 3-Annexation 1 Del Paso Nuevo Phase 6 Map
- 4-Ordinance Levying a Special Tax

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### **City Attorney Review**

Approved as to Form  
Jeffrey C. Heeren  
6/14/2011 11:35:25 AM

### **City Treasurer Review**

Prior Council Financial Policy Approval or  
Outside City Treasurer Scope  
Russell Fehr  
6/3/2011 4:58:29 PM

### **Approvals/Acknowledgements**

Department Director or Designee: Leyne Milstein - 6/10/2011 1:05:56 PM

Assistant City Manager: Patti Bisharat - 6/13/2011 3:46:00 PM



## Description/Analysis

**Issue:** On December 12, 2006, City Council approved formation of the Del Paso Nuevo Landscaping CFD No. 2006-06. This CFD provides a funding mechanism to maintain the landscaped corridors that will be constructed in and around these subdivisions. These corridors include landscape lots, which are located between the sidewalk and property line, and separated sidewalk areas, which are located between the street curb, gutter and sidewalk. Separated sidewalk areas are typically maintained by the adjacent property owner and not the City.

New subdivisions within the Del Paso Nuevo community are required by map condition to annex into the existing Del Paso Nuevo Landscaping CFD. Approval of this annexation will authorize the City to collect special taxes in an amount sufficient to provide funding for maintenance of landscaped areas constructed within and around this subdivision.

This annexation, as well as future annexations, will consist of subdivisions within the Del Paso Nuevo community. The subdivision for this annexation is comprised of seventy-two (72) residential units and is listed as Del Paso Nuevo – Phase 6.

A detailed Schedule of Proceedings and map of the annexation are included in this report.

Council has approved all necessary actions at meetings in April and May except for the final approval of the Ordinance. This recommended Council action completes the annexation process for this subdivision.

**Policy Considerations:** The procedures under which this CFD is being initiated are set forth in Government Code, Sections 53311-53368.3, entitled “The Mello-Roos Community Facilities Act of 1982.” Annexation into this CFD will allow uniform landscaping maintenance to sidescapes within the Redevelopment Agency of the City of Sacramento’s Master Planned Community.

## 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.

**Committee/Commission Action:** None

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

**Financial Considerations:** There will be no cost to the City or the General Fund. The maximum annual Special Tax rate levied on new residential properties for FY 2010/11 will be \$112.49 per parcel. The property owners shall pay for all costs associated with this CFD.

The Special Tax for future years may be adjusted with an annual escalation factor not to exceed 4%.

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

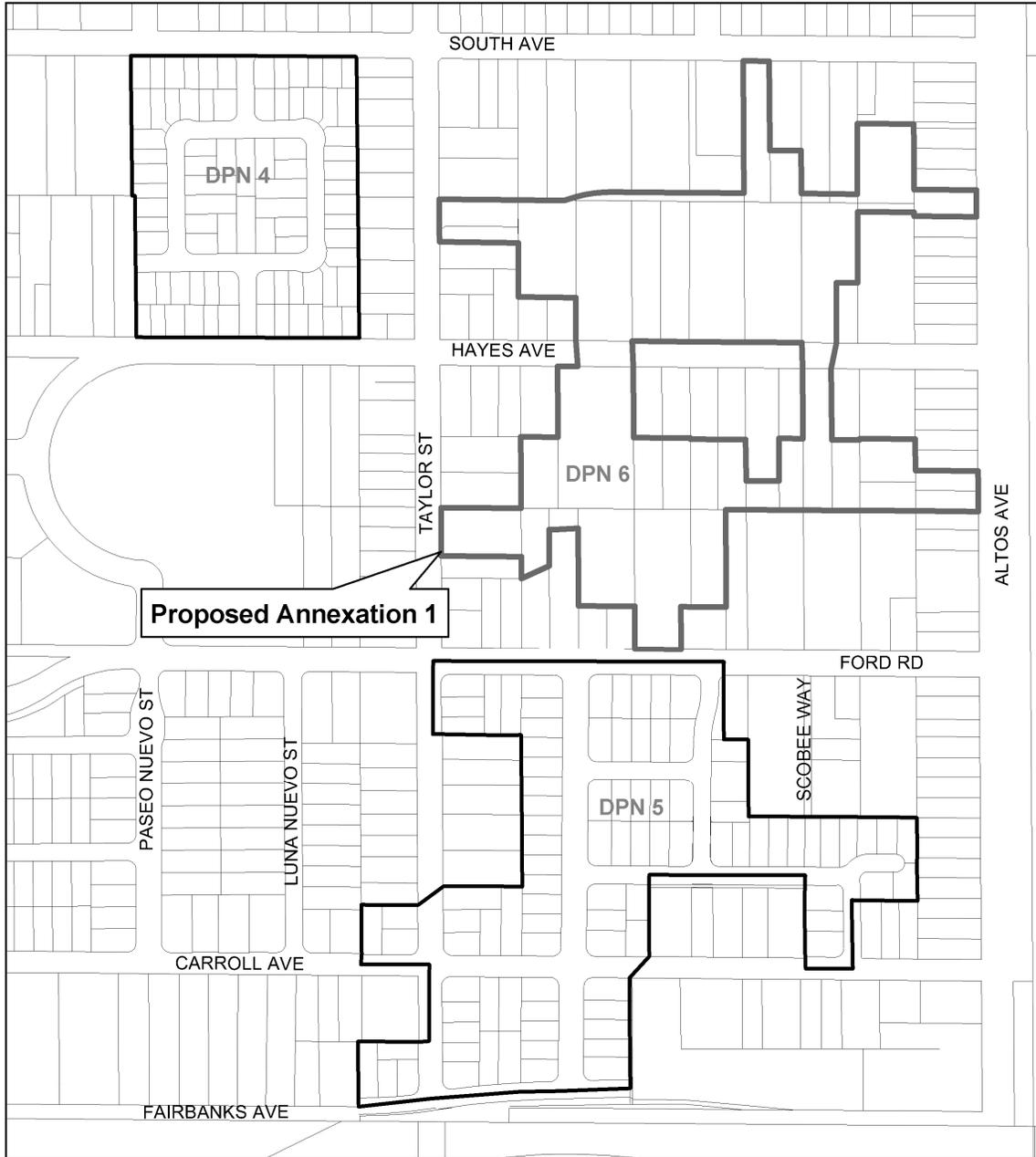


## SCHEDULE OF PROCEEDINGS

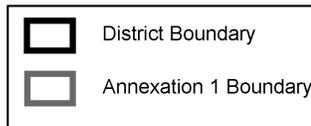
### ANNEXATION NO. 01 TO THE DEL PASO NUEVO LANDSCAPING COMMUNITY FACILITIES DISTRICT (CFD) NO. 2006-06 SCHEDULE

April 21, 2011	City Council – Resolution of Intention
April 25, 2011	Mail Notice of Hearing
May 24, 2011	City Council – Public Hearing, Call for Special Election
May 25, 2011	Mail Ballots
June 09, 2011	Ballots Due
June 14, 2011	City Council - Election Results & Pass for Publication Ordinance to Levy Tax
June 15, 2011	Record Notice of “Special Tax”
<b>June 21, 2011</b>	<b>City Council – Adopt Ordinance to Levy Tax</b>

# Del Paso Nuevo Landscaping CFD No. 2006-06 Annexation 1 Del Paso Nuevo Phase 6



G.I.S.  
City of  
Sacramento  
Department of Finance  
B Mueller  
03/29/11





# ORDINANCE NO. 2011-

ADOPTED BY THE SACRAMENTO CITY COUNCIL

## LEVYING A SPECIAL TAX FOR THE PROPERTY-TAX YEAR 2010-2011 AND FOLLOWING TAX YEARS SOLELY WITHIN AND RELATING TO THE CITY OF SACRAMENTO DEL PASO NUEVO LANDSCAPING COMMUNITY FACILITIES DISTRICT NO. 2006-06, ANNEXATION NO. 01, FOR LANDSCAPE 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 C to the Resolution Establishing Annexation No. 01 to the City of Sacramento Del Paso Nuevo Landscaping Community Facilities District No. 2006-06, (CFD No. 2006-06, Annexation No. 01) (Resolution No. 2011-224 adopted by this Council on April 21, 2011), a Special Tax is hereby levied on all taxable parcels within the City of Sacramento Del Paso Nuevo Landscaping Community Facilities District No. 2006-06, Annexation No. 01, 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. 2011-224 establishing Annexation No. 01 to CFD No. 2006-06), 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; provided that, as stated in said Resolution No. 2011-224 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 G 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.