

## **RESOLUTION NO. 2012-287**

Adopted by the Sacramento City Council

July 31, 2012

### **RESOLUTION DECLARING THE RESULTS OF THE MAJORITY PROTEST PROCEEDINGS AND RENEWING THE NORTH FRANKLIN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (PBID) NO. 2012-03**

#### **BACKGROUND**

- A. The owners of property within the boundaries of the proposed North Franklin PBID No. 2012-03 (District) have submitted petitions asking that the City Council renew the District. Included with the petitions was a summary of the Management District Plan (MDP) that describes the proposed assessment to be levied on property within the District to pay for the following activities and improvements: (1) a safety program, providing security patrol, and daily street maintenance; (2) economic development outreach and activities to convey a positive image for the area; and (3) promotion of events and marketing, advocating consumer awareness of services available in the corridor. The MDP is on file with the Public Improvement Financing (PIF) of the Department of Finance, designated by the City Clerk as the custodian of such records.
- B. The proposed owners who signed the petitions will collectively pay more than 50% of the proposed assessment. Accordingly, on May 29, 2012, the City Council adopted Resolution No. 2012-149 entitled "Intention to Renew the North Franklin Property and Business Improvement District" (the Resolution of Intention). Among other things, the Resolution of Intention states that a public hearing on the renewal of the District and the proposed assessment will be held on July 24, 2012, at 6:00 p.m. in the City Council's chambers, Sacramento City Hall, 915 "I" Street (first floor), Sacramento, California. The Resolution of Intention also states the City Council's finding that the MDP satisfies all requirements of Streets and Highways Code Section 36622.
- C. The properties within the exterior boundaries of the District will be benefited by the activities and improvements to be funded by the proposed assessment.
- D. On May 30, 2012, the City Clerk mailed to each owner of record of each parcel within the District's exterior boundaries a notice concerning the public hearing on the renewal of the District and the proposed assessment. Each notice included the statutorily required information about the assessment and the majority protest procedure, as well as an assessment ballot.
- E. At 6:00 p.m. on July 24, 2012, in the City Council's Chambers, Sacramento City Hall, 915 "I" Street (first floor), Sacramento, California, the City Council held a public hearing regarding the renewal of the District and the levy of the assessment. During the public hearing, the City Council heard and received all objections and protests to the renewal of the District and the proposed assessment. The City Clerk has received, been given custody of, and tabulated the assessment ballots returned and not

withdrawn by the owners of property located within the District. The City Clerk has reported the results of the tabulation by her written Certificate to the City Council. The Clerk's Certificate of Ballot Procedure Results for the Mailed-Ballot, Property Owner Majority Protest Proceeding indicates that, of the assessment ballots signed and returned to the City Clerk, and not withdrawn, prior to the close of the public hearing on July 24, 2012, and weighting the ballots for each property according to the proportional financial obligation of each property, 57.76 percent of the assessment ballots were in favor of the levy of the assessments as proposed, and 42.24 percent were opposed. The number of assessment ballots submitted and not withdrawn in opposition to the proposed assessment did not exceed the number of ballots submitted and not withdrawn in favor of the proposed assessment, with ballots weighted according to the amount of the assessment to be imposed upon the parcel for which each ballot was submitted. Therefore, a majority protest against the proposed assessment does not exist.

- F. All actions and proceedings described in paragraphs A through E were undertaken and completed in accordance with law.

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

- Section 1. The statements in paragraphs A through F of the background are true and adopts them as findings.
- Section 2. No majority protest having been made through the assessment ballot procedure, the City Council:
- (a) Overrules all protests to the proposed assessment and these proceedings;
  - (b) Approves the Engineer's Report and MDP on the proposal to levy an annual assessment on land within the District to be renewed, attached hereto as Exhibit A and by this reference made a part of this resolution, preliminarily approved by Resolution No. 2012-149, modified in non-substantive ways in this Resolution;
  - (c) Renews the District for a ten-year term that will expire on December 31, 2022, for the territory generally described in Exhibit B, attached hereto and by this reference made a part of this resolution, as shown in the Engineer's Report and MDP, preliminarily approved by Resolution No. 2012-149;
  - (d) Confirms the assessment diagram and assessment roll and, upon establishment of the District annual budget, levies the assessment on real property within the District as described in the Engineer's Report and MDP. In accordance with Streets and Highways Code Section 36631 and the MDP, the assessment to fund the activities and improvements for the District will be collected at the same time and in the same manner

as are ad valorem property taxes and will have the same lien priority and penalties for delinquent payment.

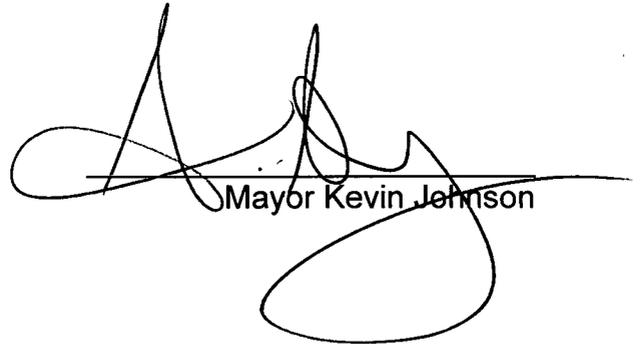
- Section 3. Properties within the District will be subject to any amendments to the Property and Business Improvement District Law of 1994.
- Section 4. Bonds will not be issued.
- Section 5. The City Manager (or designee) is directed to take all necessary actions to complete the renewal of the District and to levy the assessment. The City Clerk is directed to record, in the Sacramento County Recorder's office, a notice and assessment diagram as required by Streets and Highways Code Section 36627. The City Clerk is further directed to certify the passage and adoption of this resolution and to enter it in the book of original resolutions.

**Table of Contents:**

- Exhibit A: Engineers' Report & North Franklin PBID MDP  
Exhibit B: District Map

Adopted by the City of Sacramento City Council on July 31, 2012 by the following vote:

- Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Sheedy, and Mayor Johnson.
- Noes: None.
- Abstain: None.
- Absent: Councilmember Schenirer.



Mayor Kevin Johnson

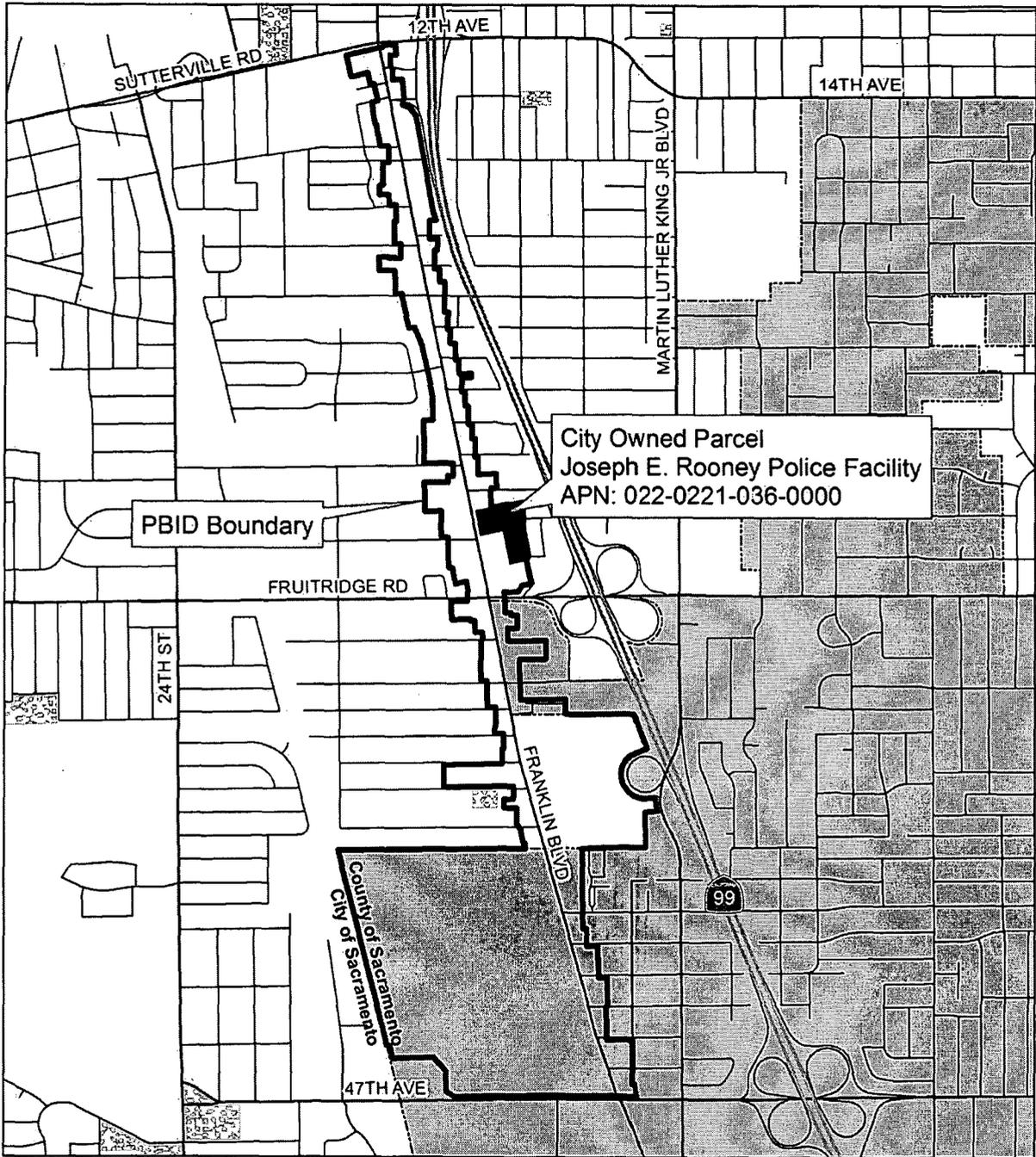
Attest:



Shirley Concolino, City Clerk

**EXHIBIT B**

**North Franklin Property and Business Improvement District No. 2012-03**



G.I.S.  
City of Sacramento  
Department of Finance  
BMueller 02/06/12

