



City of Sacramento City Council

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

Meeting Date: 8/14/2012

Report Type: Consent

Title: (Pass for Publication) Township 9 Community Facilities District No. 2012-06; Mailed-Ballot Election Results and Ordinance to Levy Tax

Report ID: 2012-00533

Location: District 3

Recommendation: 1) Pass a Resolution determining the results of the special mailed-ballot election; 2) review an ordinance levying a special tax solely within and relating to Township 9 Community Facilities District No. 2012-06; and 3) pass for publication the ordinance title as required by City Charter section 32(c), with the ordinance to be adopted on August 21, 2012.

Contact: Sheri Smith, Program Specialist, (916) 808-7204; Mark Griffin, Program Manager, (916) 808-8788; Finance Department

Presenter: None

Department: Finance

Division: Public Improvement Finance

Dept ID: 06001321

Attachments:

- 1-Description/Analysis
- 2-Boundary Map
- 3-Schedule of Proceedings
- 4-Resolution
- 5-Ordinance

City Attorney Review

Approved as to Form
Joseph Cerullo
8/7/2012 5:48:30 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
7/26/2012 12:55:52 PM

Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 8/7/2012 9:58:04 AM



Description/Analysis

Issue: Under the conditions of approval for the Township 9 Development Project (the Project), the property owners are required, before recordation of the first final subdivision map, to initiate proceedings to create an assessment district or to establish a community facilities district that will fund the maintenance of public improvements. Establishing the Township 9 Community Facilities District No. 2012-06 (the District) will satisfy this requirement by authorizing the City to levy special taxes in an amount sufficient to provide funding for maintenance of roadway facilities, transit facilities, storm-water drainage vaults, parks, paseos, and landscaped areas above and beyond the standard City levels in and around the Project.

On June 19, 2012, the City Council passed a resolution of intention to form the District. On July 24, 2012, the City Council passed a resolution to conduct a special mailed-ballot election with regard to formation of the District. The results of the election are detailed in the attached resolution.

Policy Considerations: The recommended action will fund maintenance and repair of the amenities, facilities, and improvements within the Project that exceed standard City requirements.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): Administration and formation of the District does not constitute a project and therefore is exempt from review. (Cal. Code Regs., title 14, section 15378(b)(4); *Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464.).

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

Committee/Commission Action: None.

Rationale for Recommendation: The property owners have unanimously petitioned for creation of the District. The actions in the recommended resolution are required by the Mello-Roos Community Facilities Act of 1982 (Government Code sections 53311 through 53368.3) for formation of a new district.

Financial Considerations: The property owners will pay all costs associated with the District. The maximum special tax for each assessor's parcel will be the amounts shown below for fiscal year (FY) 2012/13.

Developed Property

Single- Family Residential	\$543 per dwelling unit
Multi-Family Residential	\$272 per dwelling unit
Non-Residential Property	\$0.27 per sq. ft. of building-floor area
CP Property Tax Zone	\$10,654 total
Initial Affordable Units	exempt

Final Mapped Property

\$55,106 per acre

Large Lot Parcels

\$55,106 per acre

The maximum special tax will increase on July 1 of each fiscal year by an amount equal to the percentage change in the Consumer Price Index for the prior calendar year over the preceding calendar year. The maximum increase in any fiscal year may not exceed 4%.

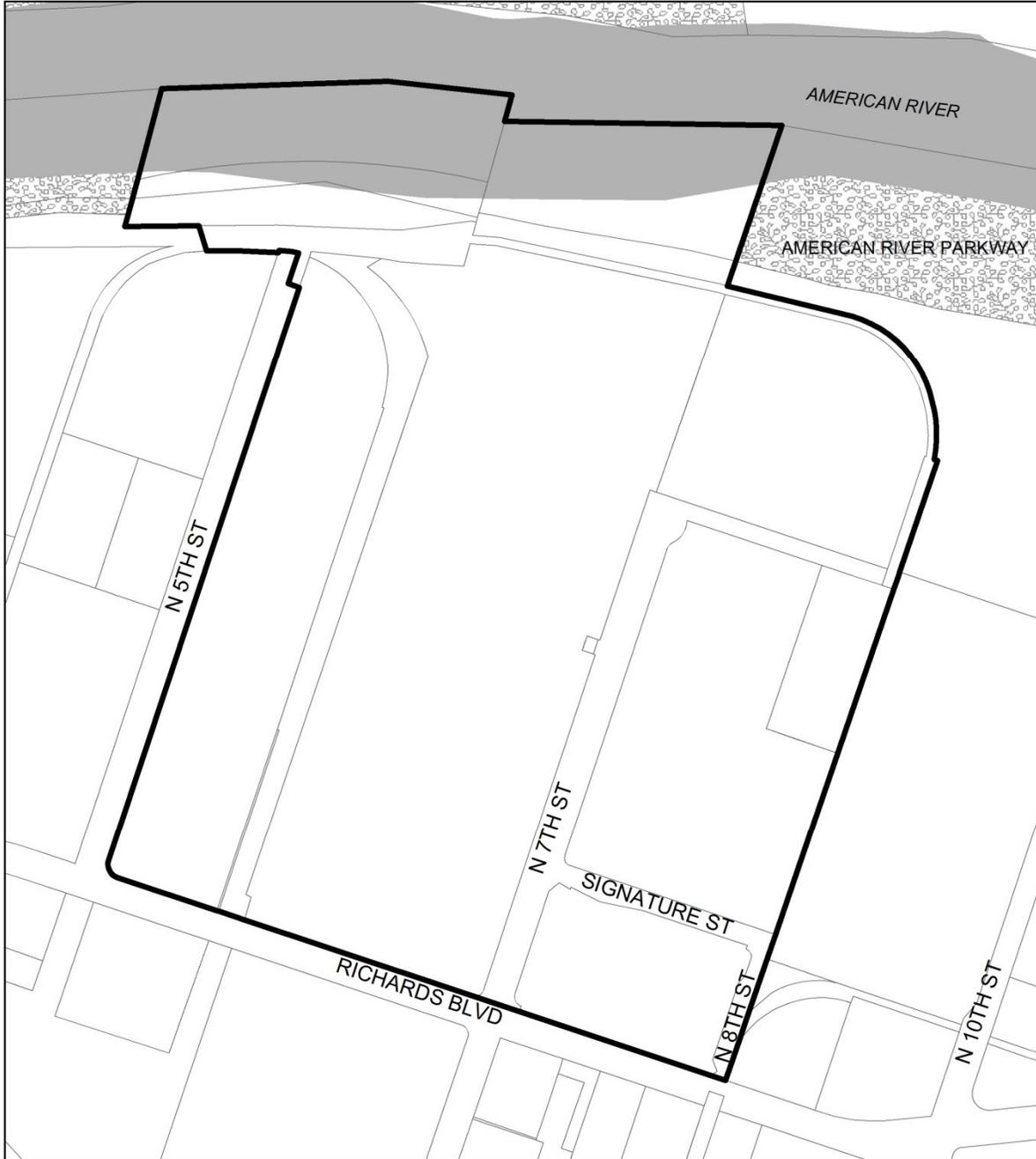
No tax will be levied in FY2012/13. The formation process sets the base tax by land use as shown above. The first levy is anticipated in FY2013/14 with an initial budget of \$599,000.

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

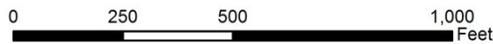


Boundary Map

Proposed Township 9 CFD No. 2012-06



 G.I.S.
City of Sacramento
Department of Finance
BMueller, 05/21/12





SCHEDULE OF PROCEEDINGS

TOWNSHIP 9 COMMUNITY FACILITIES DISTRICT NO. 2012-06

June 19, 2012 City Council - Resolution of Intention

June 20, 2012 Mail Notice of Hearing

July 24, 2012 City Council - Hearing, Call for Special Election

July 25, 2012 Mail Ballots

August 2, 2012 Ballots Due by 4:30 pm to City Clerk

August 14, 2012	City Council - Election Results & Pass for Publication Ordinance to Levy Tax
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August 15, 2012 Record Notice of Special Tax

August 21, 2012 City Council - Adopt Ordinance to Levy Tax



RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING THE RESULT OF THE SPECIAL MAILED-BALLOT ELECTION HELD ON AUGUST 2, 2012, WITHIN TOWNSHIP 9 COMMUNITY FACILITIES DISTRICT NO. 2012-06

BACKGROUND:

- A. The City Clerk has duly canvassed the votes cast by the qualified electors within Township 9 Community Facilities District No. 2012-06 (the “**District**”) at the special mailed-ballot election held within the District on August 2, 2012, 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 electors of the District:

Shall the City of Sacramento Township 9 Community Facilities District No. 2012-06 (“the CFD”) be authorized to finance the maintenance of areas to be constructed in and around the Township 9 Development Project, as more fully described in Resolution No. 2012-189 adopted by the City Council on June 19, 2012, and incorporated herein by reference; and shall an appropriations limit in the amount of \$1,200,000 per fiscal year in connection therewith be established for the CFD; and shall a special tax with a maximum rate and method of apportionment as provided in Resolution No. 2012-189 be levied to pay for maintenance services?

Section 3. The canvass of the votes cast at the special mailed-ballot election held in the District on August 2, 2012, 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 the District, as set forth in the canvass, is as follows:

Total Votes: 84 Votes For: 84 Votes Against: 0

Section 5. More than two-thirds of all votes cast at the special mailed-ballot election were cast in favor of the proposition, and the proposition carried.

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 a notice of special-tax lien in accordance with Streets and Highways Code section 3114.5.



ORDINANCE NO.

Adopted by the Sacramento City Council

LEVYING A SPECIAL TAX FOR THE PROPERTY-TAX YEAR 2012-2013 AND FOLLOWING TAX YEARS SOLELY WITHIN AND RELATING TO THE TOWNSHIP 9 COMMUNITY FACILITIES DISTRICT NO. 2012-06 FOR THE MAINTENANCE OF AREAS IN AND AROUND THE TOWNSHIP 9 DEVELOPMENT PROJECT

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

1. On July 24, 2012, the City Council adopted Resolution No. 2012-267 (the “**Resolution**”), thereby establishing the Township 9 Community Facilities District No. 2012-06 (the “**District**”).
2. In accordance with sections 53328 and 53340 of the California Government Code (the “**Code**”) and the Rate and Method of Apportionment of Special Tax attached as Exhibit B to the Resolution (the “**RMA**”), a special tax is hereby levied on all taxable parcels within the District for the 2012-2013 tax year and for all subsequent years in the amount of the maximum authorized tax. This amount may be adjusted annually by resolution of the City Council, subject to the maximum authorized special-tax limit.
3. The Manager of the Public Improvement Finance Division of the Finance Department or his or her designee (the “**Manager**”), with the aid of the appropriate officers and agents of the City and without further action by the City Council, is authorized and directed (a) to determine the Special Tax Requirement (as defined in section A of the RMA) each year; (b) to prepare the annual special-tax roll in the amount of the Special Tax Requirement in accordance with the RMA; and (c) to provide to the Sacramento County Auditor-Controller all information in proper form, and in proper time, that is necessary and appropriate to effect the correct and timely billing and collection of the special tax on the secured property-tax roll of Sacramento County (the “**County**”). As provided in section 53340 of the Code and in the RMA, the special tax is to be collected in the same manner and at the same time as ad valorem taxes.
4. The appropriate officers and agents of the City are authorized to make adjustments to the special-tax roll before 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 used by the County in sending out property-tax bills. The County may deduct its reasonable and agreed charges for collecting the special tax from the amounts collected, before remitting the special-tax collections to the City.

5. Any taxpayer may contest the levy of the special tax by filing a written notice of appeal in accordance with section F of the RMA, which is supplemented as follows:
 - (a) The Manager shall serve as the CFD Administrator for purposes of section F of the RMA.
 - (b) A taxpayer may file a notice of appeal with the Manager not more than two years after the end of the tax year for which the taxpayer is contesting the levy, and the taxpayer's failure to do so within that time constitutes a bar to appeal. The notice of appeal must specify in detail the grounds of the appeal, which are limited to (1) clerical errors in assigning an amount of tax to a parcel and (2) an error in defining the use of a parcel or its classification. No other appeals are allowed.
 - (c) Not more than 30 days after an appeal is filed, the Manager shall review the appeal, meet with the taxpayer (if necessary), and mail the taxpayer a written decision on the appeal. If the Manager finds that the special tax should be modified, then the Manager shall correct the special-tax levy or grant the taxpayer a credit against the next year's special-tax levy, as appropriate under the circumstances. The Manager's failure to timely mail a written decision will constitute a decision denying the appeal.
 - (d) If the taxpayer disagrees with the Manager's decision, and if the taxpayer is current on payments of the special tax, then the taxpayer may appeal to the City Council by filing a written notice of appeal with the City Clerk not more than 30 days after the Manager mails the notice of decision, and the taxpayer's failure to do so constitutes a bar both to further appeal. The notice of appeal must specify in detail the grounds of appeal. The City Council shall, in accordance with chapter 1.24 of the City Code, either hear the appeal itself or refer the appeal to a hearing officer. The hearing on the appeal from the Manager's decision is to be conducted not more than 30 days after the taxpayer files the appeal with the City Council, and the City Council or the hearing officer, as appropriate, shall mail a written decision to the taxpayer not more than 30 days after the hearing concludes. The decision of the City Council or the hearing officer will be final for all purposes. The failure of the City Council or the hearing officer to hear the appeal or to render a decision within the specified time will constitute a denial of the appeal.
6. The filing of an appeal under section 5 will not relieve the taxpayer of the obligation to pay the special tax when due.
7. If for any reason a court with jurisdiction finds any portion of this ordinance to be invalid or finds the special tax to be inapplicable to any particular parcel, then the

balance of this ordinance and the application of the special tax to the remaining parcels will not be affected.

8. In accordance with section 32(c) of the City Charter, after the City Council has passed this ordinance for publication the City Clerk shall have the title of this ordinance, and only the title, published at least once in a newspaper of general circulation that is published in the City and designated by the City Council as the official newspaper of the City, with the publication to occur at least three days before the City Council adopts this ordinance. The City Council hereby finds that the title of this ordinance was published on August 17, 2012, in *Daily Recorder*, a newspaper of general circulation published in the City.