

**Meeting Date:** 2/10/2015

**Report Type:** Consent

**Report ID:** 2015-00029

**Title:** Parkebridge Maintenance Community Facilities District No. 2014-07 Ordinance to Levy a Special Tax (Passed for Publication 2/3/2015; Published 2/6/2015)

**Location:** District 3

**Recommendation:** 1) Pass an Ordinance levying a special tax solely within and relating to the Parkebridge Maintenance Community Facilities District No. 2014-07; and 2) pass a Resolution establishing an accounting fund for the collection of special tax proceeds for Fiscal Year (FY) 2015-16.

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

**Presenter:** None

**Department:** Finance

**Division:** Public Improvement Finance

**Dept ID:** 06001321

**Attachments:**

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

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**City Attorney Review**

Approved as to Form  
Michael W. Voss  
1/27/2015 2:24:01 PM

**Approvals/Acknowledgements**

Department Director or Designee: Leyne Milstein - 1/21/2015 12:41:04 PM

## Description/Analysis

**Issue:** Under the conditions of approval for the Parkebridge Development Project (Project), before recordation of any final parcel map, the property owners are required to annex the project area to an appropriate financing district for the maintenance of street landscaping, bike trails, parks, open space, detention basins, and other public improvements (collectively, Improvements) located within the Project.

On December 16, 2014, the City Council passed a resolution of intention to form the Parkebridge Maintenance Community Facilities District No. 2014-07 (District). On January 20, 2015, the City Council passed a resolution to conduct a special mailed-ballot election with regard to formation of the District. On January 27, 2015, the property owner voted in favor of forming the District.

**Policy Considerations:** The recommended action is consistent with City policy to implement special levy districts to fund the maintenance and repair of the amenities, facilities, and Improvements within the Project.

**Environmental Considerations:** Under California Environmental Quality Act guidelines, formation of a district and continuing administrative activities do not constitute a project and are therefore exempt from review.

**Rationale for Recommendation:** The recommended actions in the attached Resolution are required by the Mello-Roos Community Facilities Act of 1982 (Government Code Sections 53311-53368.3) for the 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 shall be the amounts shown below for FY2015-16.

Single Family Residential	\$476	Per Dwelling Unit
Condominium Residential	\$476	Per Dwelling Unit
Multi-family Residential	\$476	Per Dwelling Unit
Undeveloped	\$2,790	Per Acre

The formation process sets the base taxes by land uses, which are reflected above. These base amounts can increase by the annual change in the Consumer Price Index, but by no more than four percent.

A new accounting fund will need to be established for the collection of special tax proceeds within the District beginning in FY2015-16.

**Local Business Enterprise (LBE):** Not applicable.

## Background

On June 17, 2014, City Council approved entitlements and a tentative subdivision map for the Project. The Parkebridge developer proposes to develop 90.5 acres to the north of Fong Ranch and San Juan Roads with 530 residential units (388 single-unit detached dwellings and 142 condominium units), two park sites, two landscape lots, and various landscape and drainage corridors, as pictured below. The developer has elected to establish a community facilities district to provide funding for maintenance of the project amenities.



## SCHEDULE OF PROCEEDINGS

### PARKEBRIDGE MAINTENANCE COMMUNITY FACILITIES DISTRICT (CFD) NO. 2014-07

Oct 17, 2014	City Clerk Certification of registered voters
Oct 22, 2014	100% Consent waivers due to City
Nov 5, 2014	Final Rate and Method of Apportionment
Dec 16, 2014	City Council <ul style="list-style-type: none"><li>o Adopt Resolution of Intention (sets hearing date)</li></ul>
Dec 17, 2014	Mail Notice of Hearing and Record Boundary Map
Dec 23, 2014	City Clerk publish notice of Public Hearing
Jan 20, 2015	City Council <ul style="list-style-type: none"><li>o Conduct Public Hearing</li><li>o Resolution of Formation</li><li>o Resolution Calling Special Election</li></ul>
Jan 21, 2015	Mail Ballots
Jan 27, 2015	Ballots Due
Feb 3, 2015	City Council <ul style="list-style-type: none"><li>o Adopt Resolution Declaring Results of Special Election</li><li>o Pass for Publication Ordinance to Levy Tax</li></ul>
Feb 4, 2015	Record Notice of Special Tax
<b>Feb 10, 2015</b>	<b>City Council</b> <ul style="list-style-type: none"><li>o <b>Adopt Ordinance to Levy Special Tax</b></li></ul>



**RESOLUTION NO.**

Adopted by the Sacramento City Council  
**ESTABLISH AN ACCOUNTING FUND FOR THE  
PARKEBRIDGE MAINTENANCE COMMUNITY FACILITIES DISTRICT 2014-07**

**BACKGROUND**

- A. Parkebridge Maintenance Community Facilities District 2014-07 (District) formation was approved by City Council on January 20, 2017. Fiscal Year (FY) 2015-16 is the first year that landowners within the District will be subject to the special tax. A new accounting fund needs to be created in accordance with Article IX, section 114, of the City Charter.
  
- B. The District will levy special taxes in an amount sufficient to provide funding maintenance of roadway facilities, transit facilities, parks, bikeway and pedestrian paths, storm water drainage facilities and/or landscape areas within public rights-of-way and appurtenances in the Parkebridge Development Project.

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

- Section 1 The Background statements A and B are true and correct.
  
- Section 2 The Finance Director is authorized and directed to create a new accounting fund to be known as the Parkebridge Maintenance Community Facilities District No. 2014-07.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

**LEVYING A SPECIAL TAX FOR THE PROPERTY-TAX YEAR 2015-2016 AND FOLLOWING TAX YEARS SOLELY WITHIN AND RELATING TO THE PARKEBRIDGE MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2014-07 FOR THE MAINTENANCE OF AREAS IN AND AROUND THE PARKEBRIDGE DEVELOPMENT PROJECT**

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

1. On January 20, 2015, the City Council adopted Resolution No. 2015-0017 (the "**Resolution**"), thereby establishing the Parkebridge Maintenance Community Facilities District No. 2014-07 (the "District").
2. In accordance with section 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 2015-2016 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 calculate the Special Tax Requirement (as required in section 5 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 7 of the RMA, which is supplemented as follows:
  - a. The Manager shall serve as the CFD Administrator for purposes of section 7 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 or has failed to timely mail a written decision, and the taxpayer's failure to do so constitutes a bar 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 7 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.