

Meeting Date: 8/4/2016

Report Type: Consent

Report ID: 2016-00529

Title: Meadowview Multifamily Improvement District No. 2016-03 Ballot Results

Location: District 8

Recommendation: 1) Receive a report on the tabulation of assessment ballots submitted and not withdrawn before the public hearing closed on July 26, 2016; and 2) based on the results of the tabulation, pass a Resolution to abandon the proceedings and authorize and direct related actions.

Contact: Sini Makasini, Administrative Analyst, (916) 808-7967; Mark Griffin, Special Districts 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, Abandoning Proceedings

City Attorney Review

Approved as to Form

Michael W. Voss

7/15/2016 9:47:40 AM

Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 7/6/2016 11:35:37 AM

Description/Analysis

Issue Detail: The property owners within the Meadowview and 24th Street corridor have proposed to form the Meadowview Multifamily Improvement District (MMID) for a five-year term. Participation in the MMID will serve the public interest by providing a level of security, streetscape improvements and capital improvements above what the City currently provides. Security, streetscape and capital improvements will include patrol services with a focus on mitigating nuisance crimes along with providing additional trash bins, benches, signage, banners and decorative lighting for the district area.

On May 31, 2016, the City Council passed Resolution 2016-0183: 1) directing staff to mail assessment ballots and notices of public hearing to the owners of real property within the proposed MMID; and 2) setting July 19, 2016, as the date for a public hearing on the proposed MMID and assessment. Due to the continuance of this item, Council held the public hearing on July 26, 2016.

At the conclusion of the hearing, the City Clerk tabulated the assessment ballots submitted and not withdrawn to determine whether there was a legally sufficient protest against the MMID assessment (i.e., whether more than one third of the property owners who submitted ballots were opposed to the MMID and assessment). Based on the results of the tabulation, a majority protest does exist. As such, Council is required to pass a resolution to abandon the proceedings and authorize and direct related actions.

Policy Considerations: When a majority protest exists, the City Council must abandon proceedings and terminate the formation of the proposed MMID.

Environmental Considerations: The formation of a MMID does not constitute a project under the California Environmental Quality Act and is therefore exempt from review pursuant to Guidelines Section 15378(b)(4).

Rationale for Recommendation: The Multifamily Improvement District Law provides that the city may not establish the district or levy assessments if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed one-third of the total assessment ballots submitted, and not withdrawn, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. Therefore, there is no legal authority to form the MMID.

Financial Considerations: The proposed MMID and assessment failed to receive approval by more than 66% of the votes cast. The \$184,199 in assessments will not be levied.

Local Business Enterprise (LBE): Not applicable.

BACKGROUND

Tabulation Results of Assessment Ballots

On May 31, 2016, Council directed staff to complete the actions necessary to establish the MMID. On June 1, 2016, staff mailed out assessment ballots and notices of public hearing to the owners of property in the proposed MMID. Ballots had to be submitted no later than the close of the public hearing to be counted. At the close of the public hearing on July 26, 2016, the assessment ballots were tabulated to determine whether there was a one third protest.

The City Clerk's tabulation of ballots found 39.08% of ballots oppose the formation of the MMID. The assessment ballots are weighted for each property according to the proportional financial obligation of the specific property. The actual ballot count is a result of assessment value for all ballots cast. The total assessment value is approximately \$184,199. The ballots cast represent \$155,526, which is a turnout of approximately 84%. Of the ballots returned and not withdrawn, the amount cast in favor of the assessment was \$93,630.87 and the amount cast in opposition to the assessment was \$61,895.30.

Based on the tabulation results, a one third protest does exist as the weighted ballots submitted in opposition to the assessment exceed one third of the weighted ballots submitted in favor of it. Therefore, the proposed formation of the MMID has failed and City Council is required by law to abandon proceedings and take no further action on levying assessment for a period of one year from the date of the finding of a majority protest.

**SCHEDULE OF PROCEEDINGS
MEADOWVIEW MULTIFAMILY IMPROVEMENT
DISTRICT No. 2016-03**

May 10, 2016	Petition Drive Kick-off
May 24, 2016	City Manager Signature Authority – City Council
May 25, 2016	Receive Signed Petitions
May 31, 2016	Resolution of Intention – City Council
June 1, 2016	Record Boundary Map Publish Notice of Hearing, Management Plan, and Mail Ballots
July 19, 2016	Public Hearing & Ballot Count – City Council – continued to July 26, 2016
July 26, 2016	Public Hearing & Ballot Count – City Council

August 4, 2016

**Ballot Results – City Council
Resolution Abandoning District – City Council**

August 5, 2016	Record Resolution of Abandonment
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RESOLUTION NO.

Adopted by the Sacramento City Council

**ABANDONING PROCEEDINGS IN
MEADOWVIEW MULTIFAMILY IMPROVEMENT DISTRICT NO. 2016-03
AND AUTHORIZING AND DIRECTING RELATED ACTIONS**

BACKGROUND:

- A. The City Council has taken a series of actions preliminary to considering the levy of assessments funding the proposed Meadowview Multifamily Improvement District No. 2016-03 (MMID) in the City of Sacramento, County of Sacramento, State of California.
- B. By Resolution No. 2016-0183, adopted on May 31, 2016, the City Council in accordance with law initiated proceedings and preliminarily approved the Engineer's Report and the MMID Management District Plan (MDP) on file with the City's Public Improvement Finance Division of the Department of Finance, scheduled the public hearing for July 19, 2016, and provided for notice of the hearing to be mailed to the owners of property within the MMID, along with protest ballots.
- C. The public hearing was continued to July 26, 2016 and held on that date. After all interested persons were permitted to appear and testify before the City Council, and were also provided a final opportunity to submit, change or withdraw protest ballots, the City Council closed the public hearing, and directed the City Clerk to tabulate the protest ballots.
- D. The City Clerk has received, been given custody of, and has tabulated the assessment ballots returned by the owners of property located within the MMID, and has reported the results of the count by her written Certificate, to the City Council.
- E. The City Council is fully advised in this matter.

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

- Section 1. The City Council finds and determines that the background statements A through E are true.
- Section 2. The City Council accepts the City Clerk's Certificate Re: Assessment Ballot Tally and, in accordance therewith, finds and determines that a majority protest exists under section 53753(e) (2) of the California Government Code and section 36714 of the Streets & Highways Code;

therefore, under Section 53753(e) (3), the City Council may not impose the proposed assessment. Accordingly, the proceedings for the MMID are hereby abandoned.

- Section 3. Pursuant to Section 3117 of the California Streets and Highways Code, the City Clerk is hereby authorized and directed to record a certified copy of this Resolution Abandoning Proceedings with the Sacramento County Recorder. As further specified by Section 3117, the following information pertains to the Assessment District proceedings:
- (a) The date of adoption of this Resolution Abandoning Proceedings is August 4, 2016.
 - (b) The date of adoption of the Resolution of Intention was May 31, 2016.
 - (c) The boundary map for the Assessment District was filed for record in the office of the County Recorder of Sacramento County on June 2, 2016, in Book 121, page 0008.
- Section 4. This resolution takes effect when adopted.