REPORT TO COUNCIL
City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
January 9, 2007

Honorable Mayor and
Members of the City Council

Title: Del Paso Nuevo Landscaping Community Facilities District No. 2006-06

Location/Council District: The Del Paso Nuevo Landscaping Community Facilities District (CFD) No. 2006-06 is located in North Sacramento in Council District 2 (Attachment 3, Page 5).

Recommendation: 1) Adopt a **Resolution** determining the results of the Special Mail Ballot Election; and 2) pass for publication the **Ordinance** title as required by Sacramento City Charter 32c to be adopted on January 16, 2007.

Contact: Steven Sakakihara, Administrative Technician, (916) 808-8970; Ron Wicky, Program Specialist, (916) 808-5628

Presenters: Not Applicable

Department: Planning

Division: Public Improvement Financing

Organization No: 4915

Description/Analysis

Issue: The property owners for Del Paso Nuevo Units 4 & 5 Subdivisions have requested the formation of the Del Paso Nuevo Landscaping CFD. Approval of this formation will authorize the City to collect assessments in an amount sufficient to provide funding for maintenance of landscaped areas constructed within and around these subdivisions.

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." Formation of this District is consistent with the City's Strategic Plan 3-Year Goal to "achieve sustainability and enhance livability". Approval will fund, for the first time for a Mello-Roos Community Facilities District within the City of Sacramento, maintenance of separated sidewalk landscape strips.

Environmental Considerations: Under California Environmental Quality Act (CEQA) Guidelines, administration and annexation into a CFD does not constitute a project and therefore is exempt from review.

Committee/Commission Action: None

Rationale for Recommendation: The actions in the recommended Resolution are required by the Mello-Roos Community Facilities Act of 1982 (in Government Code Sections 53339-53339.9) for f ormation of a new 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 2007/08 will be $100.00 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.

Respectfully Submitted by: _____
Mark Griffin
Fiscal Manager, Planning Department

Approved by: _____
Carol Shearly
Director, Planning Department

Recommendation Approved:

_____
Ray Kerridge
for City Manager

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Attachment 1

BACKGROUND

Subdivision maps for Del Paso Nuevo Units 4 & 5 have been submitted to the Development Services Department for final review and approval for recordation. Property owners for Del Paso Nuevo Units 4 & 5 subdivisions, which include the Sacramento Housing and Redevelopment Agency (SHRA), have requested that the City form a maintenance district 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.

SHRA has requested that the corridors within the Del Paso Nuevo community be maintained by the City and financed by the property owners. The Department of Transportation has agreed to maintain the corridors. As other future subdivision maps within this area are submitted to the City for approval, they may be required to annex to this District. This district would be entitled "Del Paso Nuevo Landscaping Community Facilities District No. 2006-06".

Attachment 2

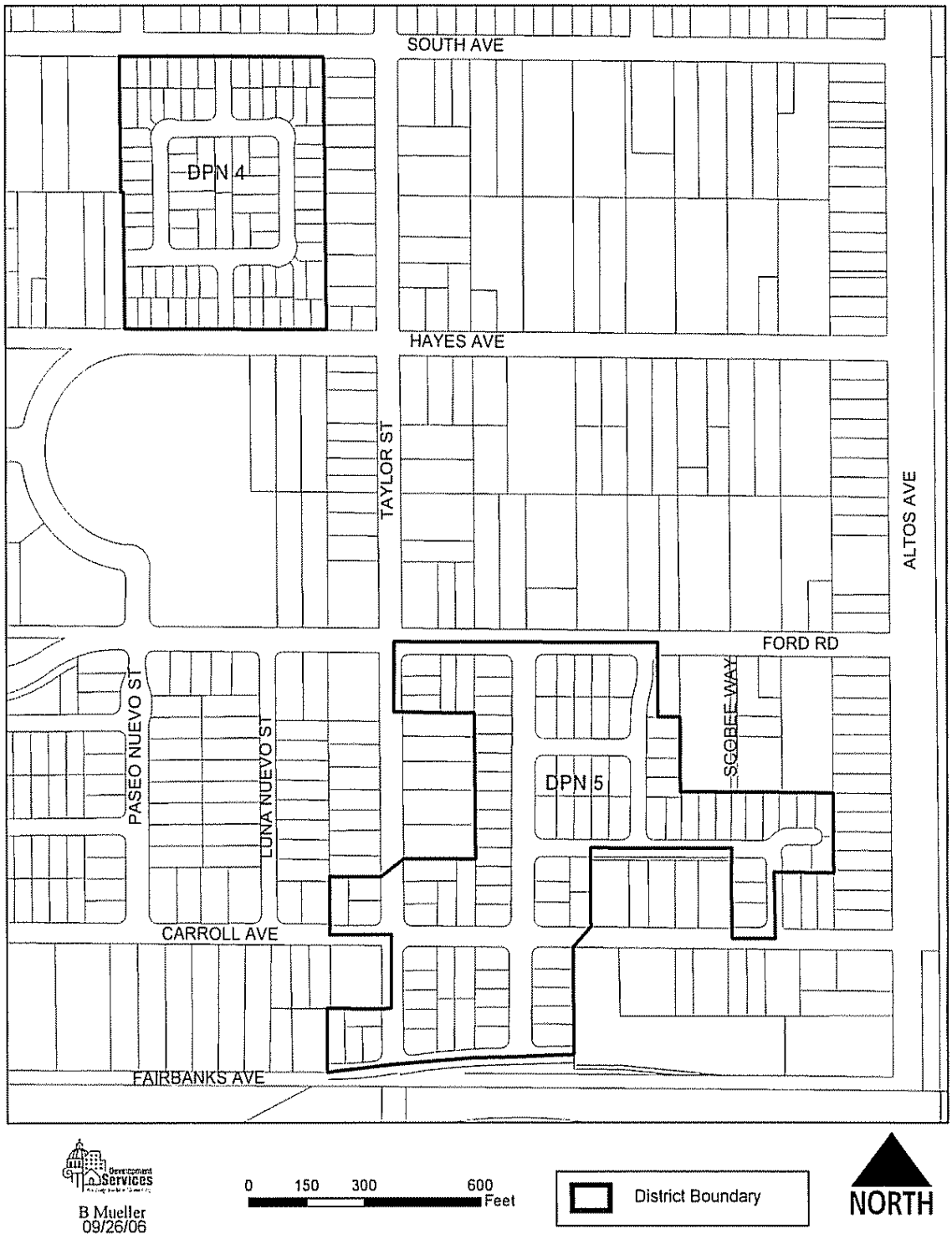
SCHEDULE OF PROCEEDINGS

DEL PASO NUEVO LANDSCAPING COMMUNITY FACILITIES DISTRICT (CFD) NO. 2006-06 SCHEDULE

November 9, 2006	City Council – Resolution of Intention
November 13, 2006	Mail Notice of Hearing
December 12, 2006	City Council – Public Hearing, Call for Special Election
December 13, 2006	Mail Ballots
December 28, 2006	Ballots Due
January 9, 2007	**City Council - Election Results & Pass for Publication Ordinance to Levy Tax**
January 10, 2007	Record Notice of "Special Tax"
January 16, 2007	City Council - Adopt Ordinance to Levy Tax

Attachment 3

Del Paso Nuevo Landscaping CFD No. 2006-06



Development Services

B Mueller
09/26/06

0 150 300 600 Feet

District Boundary

NORTH

Attachment 4

RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING THE RESULT OF THE SPECIAL MAILED-BALLOT ELECTION HELD ON DECEMBER 28, 2006, WITHIN THE CITY OF SACRAMENTO DEL PASO NUEVO LANDSCAPING COMMUNITY FACILITIES DISTRICT NO. 2006-06

BACKGROUND:

A. The City Clerk has duly canvassed the votes cast by the qualified electors within the City of Sacramento Del Paso Nuevo Landscaping Community Facilities District No. 2006-06 ("the District") at the special mailed-ballot election held within the District on December 28, 2006, 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 voters of the District:

> Measure (A): Shall the City of Sacramento Del Paso Nuevo Landscaping Community Facilities District No. 2006-06, be authorized to finance landscape maintenance, more fully described in Exhibit A, and shall an appropriations limit in the amount of $17,600 per fiscal year in connection therewith be established for the maximum rate and method of apportionment as provided in Resolution No. 2006-929 adopted by the City Council on December 12, 2006, which is incorporated herein by reference, and a tax be levied to pay for the maintenance of landscaping.

Section 3. The canvass of the votes cast at the special mailed-ballot election held in the District on December 28, 2006, 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: _____ Votes For: _____ Votes Against: _____

Section 5. More than two-thirds (2/3) 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.

Attachment 4

ORDINANCE NO. 2007-

ADOPTED BY THE SACRAMENTO CITY COUNCIL

LEVYING A SPECIAL TAX FOR THE PROPERTY-TAX YEAR 2007-2008 AND FOLLOWING TAX YEARS SOLELY WITHIN AND RELATING TO THE CITY OF SACRAMENTO DEL PASO NUEVO LANDSCAPING COMMUNITY FACILITIES DISTRICT NO. 2006-06, 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 B to the Resolution Establishing the City of Sacramento Del Paso Nuevo Landscaping Community Facilities District No. 2006-06, (CFD No. 2006-06) (Resolution No. 2006-929 adopted by this Council on December 12, 2006), 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, for the 2007-2008 tax year and for all subsequent years in the amount of the maximum authorized tax, provided that this amount may be adjusted annually, subject to the maximum authorized special tax limit, by resolution of this Council.

Section 2. The Manager of the Development Engineering and Finance Division of the Department of Development Services (Manager), 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 B of Resolution No. 2006-929 establishing CFD No. 2006-06), to prepare the annual special tax roll in the amount of the Special Tax Requirement in accordance with said Exhibit B 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. 2006-929 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 C 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, 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 _____, 2007.