



# REPORT TO COUNCIL

## City of Sacramento

16

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

CONSENT  
January 16, 2007

Honorable Mayor and  
Members of the City Council

**Title:** Del Paso Nuevo Landscaping Community Facilities District No. 2006-06 –  
Ordinance to Levy a Special Tax

**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:** Adopt an **Ordinance** Levying a Special Tax for property in the Del Paso Nuevo Landscaping Community Facilities District No. 2006-06.

**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 formation of a CFD does not constitute a project and therefore is exempt from review.



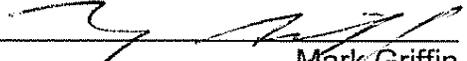
**Committee/Commission Action:** None

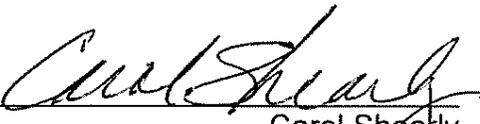
**Rationale for Recommendation:** The actions in the recommended Ordinance are required by the Mello-Roos Community Facilities Act of 1982 (in Government Code Sections 53339-53339.9) for formation of a new district.

**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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## **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".

Council has approved all necessary actions at meetings in December and January except for the final approval of the Ordinance. This recommended Council action completes the formation process for this district.

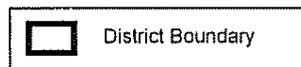
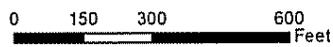
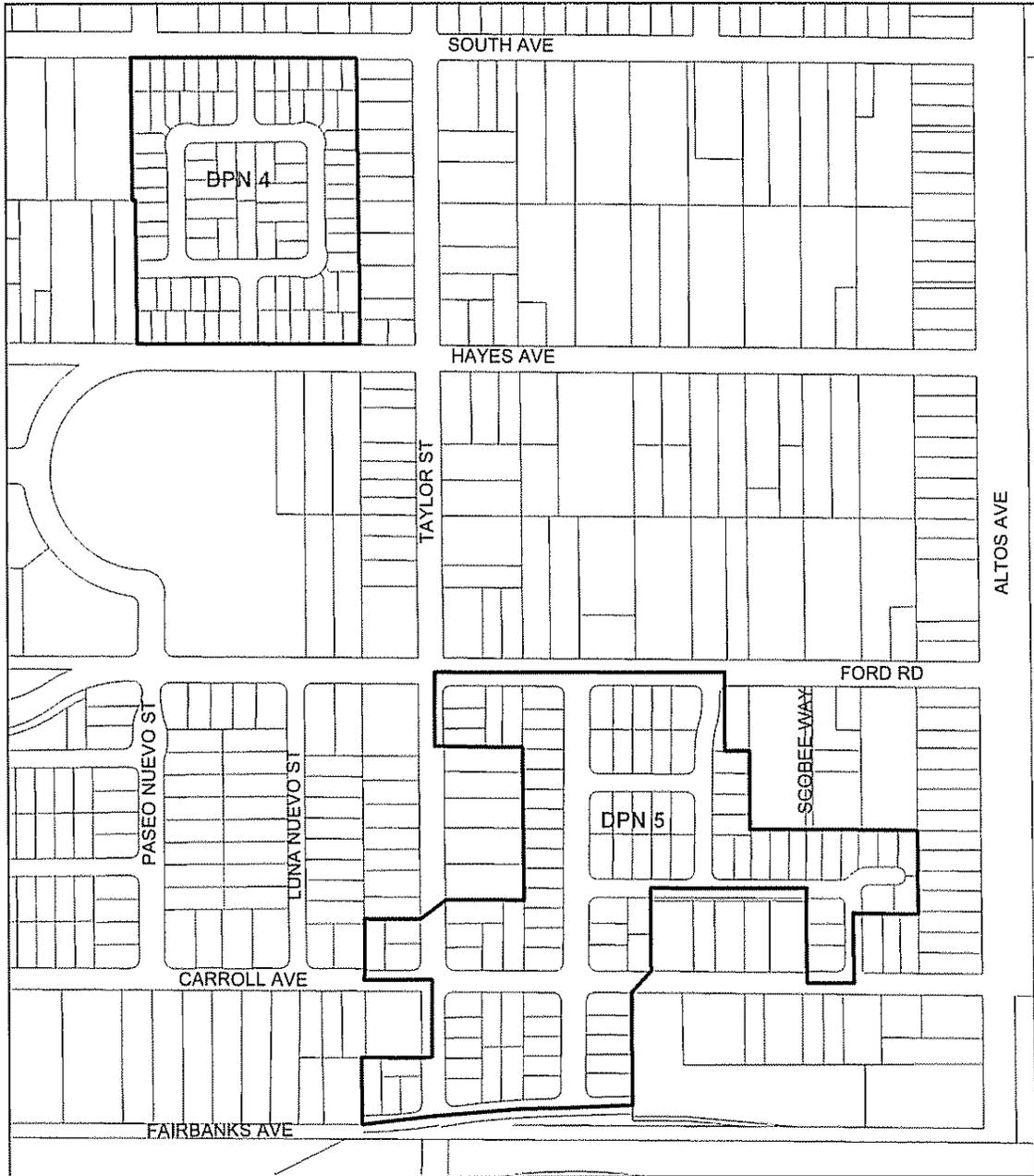
## SCHEDULE OF PROCEEDINGS

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

November 9, 2006	City Council – Resolution of Intention
November 10, 2006	Mail Notice of Hearing
December 12, 2006	City Council – 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”

<b>January 16, 2007</b>	<b>City Council – Adopt Ordinance to Levy Tax</b>
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### Del Paso Nuevo Landscaping CFD No. 2006-06



## **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 Division of the Development Services Department (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 7 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, or annexation of the property that is the subject of the appeal to 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.

