REPORT TO COUNCIL
City of Sacramento

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

CONSENT
October 30, 2007

Honorable Mayor and
Members of the City Council

Title: Annexation No. 17 to the Neighborhood Park Maintenance Community Facilities District No. 2002-02 – Mail Ballot Election Results and Pass for Publication an Ordinance to Levy a Special Tax

Location/Council District: The Neighborhood Park Maintenance Community Facilities District (CFD) No. 2002-02 is located Citywide. Annexation No. 17 will include 22 separate areas located in Council Districts 1, 2, 3, 4, 5 & 6. (Attachment 3, Page 6).

Recommendation: 1) Adopt a **Resolution** determining the results of the Special Mail Ballot Election; 2) review an **Ordinance** levying a Special Tax for the property-tax year 2007-2008 and following tax years solely within and relating to the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 17; and 3) pass for publication the **Ordinance** title as required by Sacramento City Charter 32(c) to be adopted on **November 6, 2007**.

Contact: Salina Cheung, Program Specialist, (916) 808-5236; Mark Griffin, Fiscal Manager, (916) 808-8788

Presenters: Not Applicable

Department: Planning

Division: Public Improvement Financing

Organization No: 4915

Description/Analysis

Issue: New residential developments are required to annex into the existing Neighborhood Park Maintenance CFD. Approval of this annexation will authorize the City to collect assessments from each residential unit to provide funding for the maintenance of neighborhood parks.

Policy Considerations: The procedures under which this CFD annexation is being initiated are set forth in the Mello-Roos Community Facilities Act of 1982 (Government Code, Sections 53311-53368.3). Annexation into this District is consistent with the City's Strategic Plan 3-Year Goal to "achieve sustainability and enhance livability".

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 annexation into an existing district.

Financial Considerations: The Neighborhood Park Maintenance CFD has been structured to reduce reliance on the General Fund for neighborhood park maintenance and to preserve the level of maintenance in the parks system.

It is projected that revenues from this CFD will provide approximately two-thirds of the cost associated with maintaining new neighborhood parks for those areas that annex to the District. The balance of costs will be borne by the Citywide Landscape and Lighting District and other City funds. The maximum annual Special Tax rates levied on new residential properties for Fiscal Year (FY) 2007/08 are $53.69 per single family parcel and $31.32 per multi family unit.

In subsequent years the Special Tax may be adjusted based on the change in the Consumer Price Index for the preceding 12 months. However, the annual increase shall not 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
City Manager

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Attachment 1

BACKGROUND

On June 25, 2002, City Council approved formation of the Neighborhood Park Maintenance CFD. This CFD provides a funding mechanism to help the Parks and Recreation Department maintain neighborhood parks. This annexation, as well as future annexations, will consist of new residential development throughout the City. The development projects for this annexation are listed as follows:

- Parcel maps of 5901 71st Street, 1912 6th Street, 401 Broadway, 428 S Street, 440 Carroll Avenue, 1415 S Street, 2537 Wah Avenue, 3528 Y Street, 2740 57th Avenue, 5100 Coppersmith Avenue and 260 Morey Avenue.

- Subdivision maps of The Brownstones, 3110 29th Avenue, Natomas Crossing Area 3 Phase 2, Rose Garden, Hamptons Village 8, Dyer Flats, Reiner Way Extension, 1737 Kathleen Avenue, Twin Oaks Estates, 15th & L Condominiums and Fowler Estates.

The above projects comprise 480 units, bringing the total in the district to 22,331 residential units.

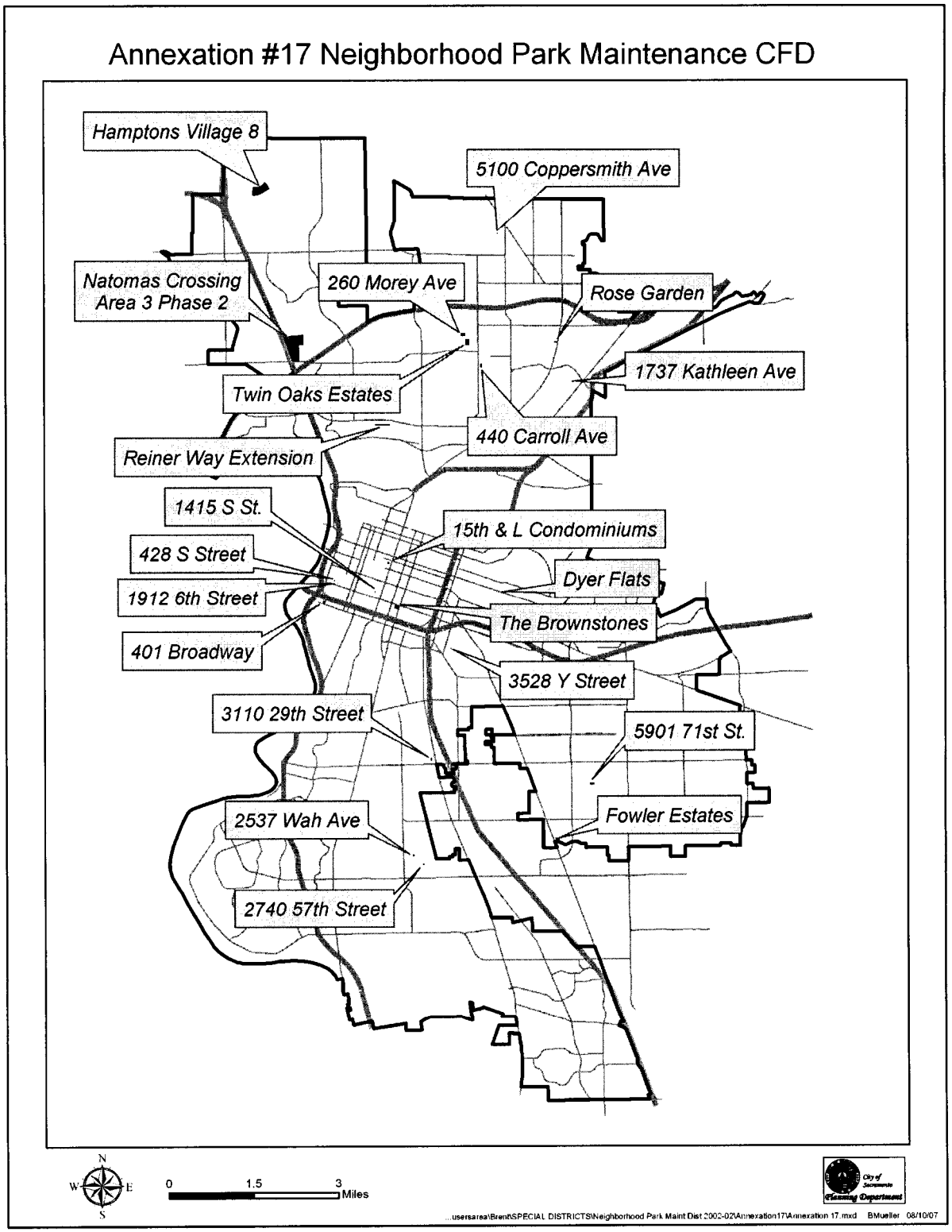
Attachment 2

SCHEDULE OF PROCEEDINGS

ANNEXATION NO. 17 TO THE NEIGHBORHOOD PARK MAINTENANCE COMMUNITY FACILITIES DISTRICT (CFD) NO. 2002-02 SCHEDULE

August 28, 2007	City Council – Resolution of Intention
August 29, 2007	Mail Notice of Hearing
October 2, 2007	City Council – Hearing, Call for Special Election
October 3, 2007	Mail Ballots
October 19, 2007	Ballots Due
October 30, 2007	**City Council – Election Results & Pass for Publication Ordinance to Levy Tax**
October 31, 2007	Record Notice of "Special Tax"
November 6, 2007	City Council - Adopt Ordinance to Levy Tax

Attachment 3



Attachment 4

RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING THE RESULT OF THE SPECIAL MAILED-BALLOT ELECTION HELD ON OCTOBER 19, 2007, WITHIN THE CITY OF SACRAMENTO NEIGHBORHOOD PARKS MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2002-02, ANNEXATION NO. 17

BACKGROUND:

A. The City Clerk has duly canvassed the votes cast by the qualified electors within the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 17, (Annexation No. 17) at the special mailed-ballot election held within Annexation No. 17 on October 19, 2007, 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 Annexation No. 17:

> Measure (A): Shall the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 17, be authorized to finance neighborhood parks maintenance, more fully described in Exhibit A, and shall set an appropriations limit in the amount of $30,000 per fiscal year in connection therewith be established for the maximum rate and method of apportionment as provided in Resolution No. 2007-640 adopted by the City Council on October 2, 2007, which is incorporated herein by reference, and a tax be levied to pay for the maintenance of neighborhood parks.

Section 3. The canvass of the votes cast at the special mailed-ballot election held in Annexation No. 17 on October 19, 2007, 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 Annexation No. 17, as set forth in the canvass, is as follows:

Total Votes: 80 **Votes For: 80** **Votes Against: 0**

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 5

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 NEIGHBORHOOD PARKS MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2002-02, ANNEXATION NO. 17, FOR NEIGHBORHOOD PARK 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 Annexation No. 17 to the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, (CFD No. 2002-02, Annexation No. 17) (Resolution No. 2007-727 adopted by this Council on October 2, 2007), a Special Tax is hereby levied on all taxable parcels within the City of Sacramento Neighborhood Parks Maintenance Community Facilities District No. 2002-02, Annexation No. 17 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 by resolution of this Council, subject to the maximum authorized Special Tax limit.

Section 2. The Manager of the Public Improvement Financing Division of the Planning Department, 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 C of Resolution No. 2007-727 establishing Annexation No. 17 to CFD No. 2002-02), to prepare the annual Special Tax roll in the amount of the Special Tax Requirement in accordance with said Exhibit C 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; as provided in said Resolution No. 2007-727 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.