



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

CONSENT
January 10, 2006

Honorable Mayor and
Members of the City Council

Subject: Annexation No. 1 to North Natomas Drainage Community Facilities District No. 2 - Mail Ballot Election Results and Pass for Publication an Ordinance to Levy a Special Tax

Location/Council District:

The North Natomas Community Facilities District (CFD) No. 2 is located in Council District 1 (Drainage Basin 5 & 6). Annexation No. 1 includes one property that is in Council District 1 (Attachment "A", page 4).

Recommendation:

Adopt a Resolution: 1) Determining the results of the Special Mail Ballot Election; 2) Approve publication of title for the attached Ordinance and continue for adoption to January 17, 2006 (see Attachment "B").

Contact: Robert A. Cooper, Senior Engineer, 808-5778; Ron Wicky, Program Specialist, 808-5778

Presenters: Not Applicable

Department: Development Services

Division: Development Engineering and Finance

Organization No: 4815

Summary:

This CFD annexation has completed the resolution of intention, public hearing and election phases of the formation proceedings. This council report and resolution complete the formation process by reciting the results of the mail ballot election.

The proposed ordinance is recommended for approval of publication of title, pursuant to City Charter, Article III, Section 32.

Committee/Commission Action: None

Background Information:

On May 26, 1998, City Council approved formation of the North Natomas CFD No. 2. The purpose of the CFD was to construct storm drainage and flood control improvements specific to drainage basins 5 & 6. The improvements included drainage channels, detention basins, and pump stations. Drainage basins 5 & 6 are independent drainage systems. The annexation will consist of new residential development and is located only within Basin 6. The development project for this annexation is listed as follows:

This action will annex the Machado Subdivision (Planning File P04-114) into the existing North Natomas CFD No. 2 boundary.

Financial Considerations:

There is no impact to the General Fund. The North Natomas CFD No. 2 has been structured to allow parcels to annex to the district through a Catch-up Special Tax.

The Catch-up Special Tax is usually set equal to the sum of the applicable Maximum Special Tax per acre for the prior ten years in which the Special Tax was levied for undeveloped parcels multiplied by the gross acres of the annexing parcel. However, since no bonds have been sold to date to fund the drainage improvements in Basin 6, the Special Tax has not been levied on any of the parcels in Basin 6. The annexing property will not be subject to paying a Catch-up Special Tax.

Environmental Considerations:

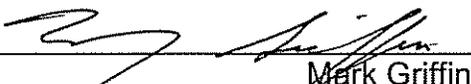
Under California Environmental Quality Act (CEQA) Guidelines, administration and annexation into a CFD do not constitute a project and therefore is exempt from review.

Policy Considerations:

The procedures under which this CFD annexation is being initiated are set forth in Title 5 of the Government Code, Sections 53311-53317.5, entitled "The Mello-Roos Community Facilities Act of 1982." Annexation into North Natomas CFD No. 2 is consistent with the City's Strategic Plan 3 Year Goal to "achieve sustainability and enhance livability".

Emerging Small Business Development (ESBD):

None. No goods or services are being purchased.

Respectfully Submitted by: 
Mark Griffin
Fiscal Manager, Development Services Department

Approved: 
Carol Shearly
Director of Planning, Development Services Department

Recommendation Approved:

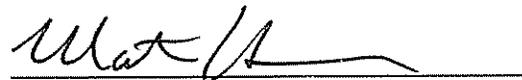
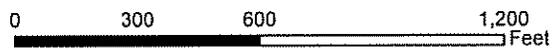
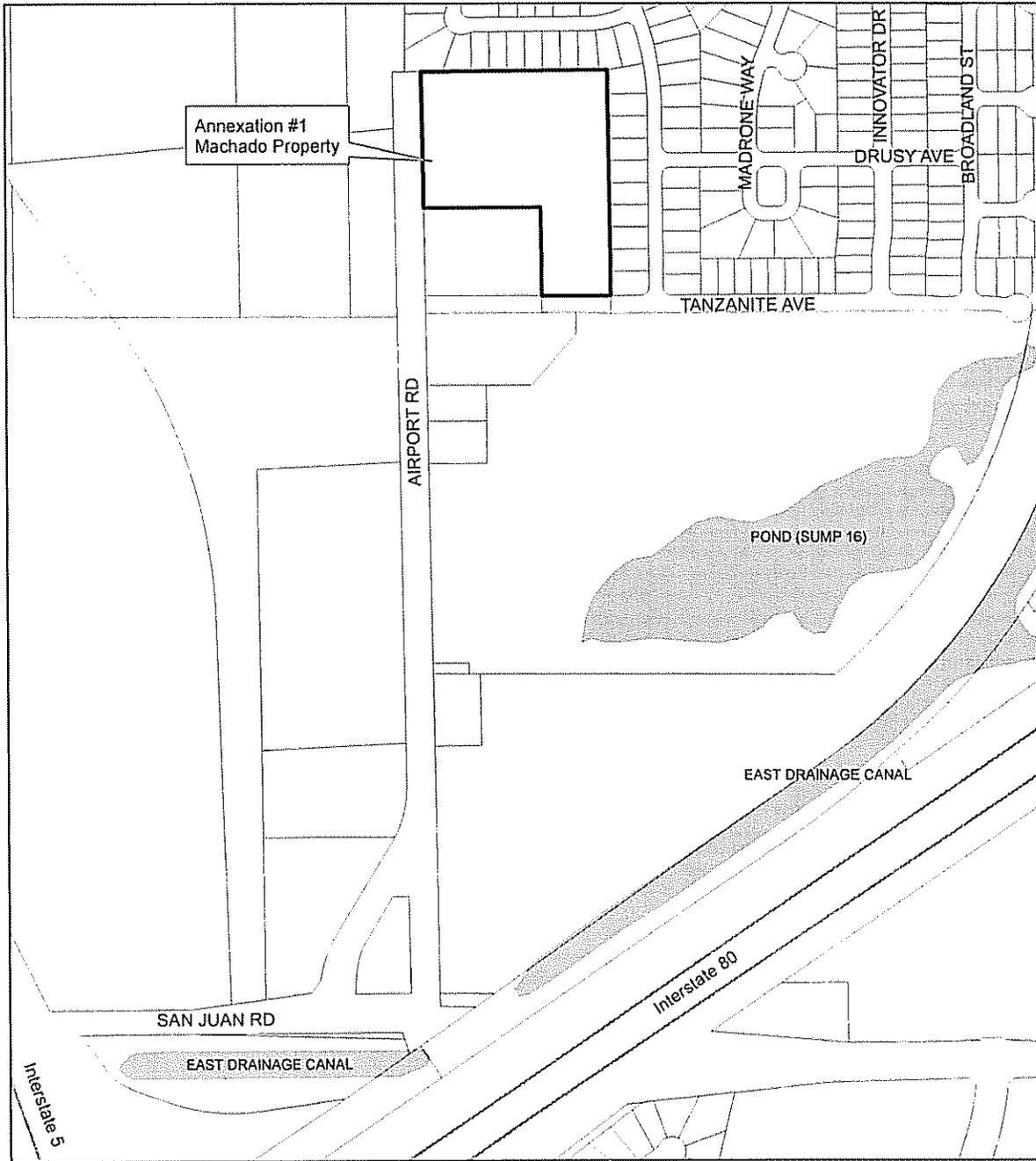

RAY KERRIDGE
Interim City Manager

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ATTACHMENT A

Location Map



ATTACHMENT B

ANNEXATION NO. 1 TO THE NORTH COMMUNITY FACILITIES DISTRICT (CFD) NO. 2 SCHEDULE

October 25, 2005	City Council – Resolution of Intention
October 26, 2005	Mail Notice of Hearing
November 29, 2005	City Council – Hearing, Call for Special Election
November 30, 2005	Mail Ballots
December 21, 2005	Ballots Due

January 10, 2006	City Council – Election Results & Pass for Publication Ordinance to Levy Tax
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January 11, 2006	Record Notice of "Special Tax"
January 17, 2006	City Council - Adopt Ordinance to Levy Tax

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

RESOLUTION DETERMINING RESULTS OF THE SPECIAL MAILED-BALLOT ELECTION HELD IN THE NORTH NATOMAS COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 1 ON DECEMBER 21, 2005

BACKGROUND: At the special mailed-ballot election held on December 21, 2005, in the City of Sacramento, North Natomas Community Facilities District No. 2, Annexation No. 1 ("Annexation No. 1"), the qualified electors voted on the proposition set forth below. The City Clerk has duly canvassed the votes cast and has certified to this City Council the result of the special mailed-ballot election. That certification is now on file in the office of the City Clerk.

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

Section 1. The statements in the Background are accurate.

Section 2. The City Council approves and confirms the canvass of the votes cast at the special mailed-ballot election held in Annexation No. 1 on December 21, 2005, as shown by the City Clerk's certification.

Section 3. At the special mailed-ballot election, the following proposition was submitted to the qualified electors of Annexation No. 1, and the number of votes cast for and against the proposition, as set forth in the canvass, is determined to be as follows:

Shall the City of Sacramento North Natomas Community Facilities District No. 2 Annexation No. 1 be authorized to finance drainage improvements including pipes, collection drains and channels, pump stations, detention basins, and outfall drains, plus all necessary appurtenances to these facilities and all rights in real and personal property needed for these facilities and shall an appropriations limit in the amount of \$34,000 per fiscal year in connection therewith be established for the maximum rate and method of apportionment as provided in Resolution No. 2005-866 adopted by the City Council on November 29, 2005, which is incorporated herein by reference.

**Number of
votes YES**

**Number of
votes NO**

Section 4. The total number of votes cast in at the special mailed-ballot election was and is set forth in the canvass.

Section 5. More than two-thirds 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 City Council's minutes, and that entry shall constitute the official declaration of the result of the special mailed-ballot election. The City Clerk is further directed and authorized to record a notice of special tax lien in accordance with section 3114.5 of the Streets and Highways Code.

ORDINANCE NO. 2006-

Adopted by the Sacramento City Council

**AN ORDINANCE LEVYING A SPECIAL TAX FOR THE
PROPERTY-TAX YEAR 2005-2006 AND FOLLOWING TAX YEARS
SOLELY WITHIN AND RELATING TO THE CITY OF SACRAMENTO
NORTH NATOMAS COMMUNITY FACILITIES DISTRICT NO. 2,
ANNEXATION NO. 1 TO FINANCE DRAINAGE FACILITIES**

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

Section 1. Pursuant to Government Code sections 53328, 53339 through 53339.9, and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax attached as Exhibit B to Resolution No. 2005-866, adopted by the City Council on November 29, 2005, a Special Tax is levied on all taxable parcels within the City of Sacramento North Natomas Community Facilities District No. 2, Annexation No. 1 for the 2005-2006 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 the City Council.

Section 2. The Director of Development Services or his designee (Director) is authorized and directed, with the aid of other appropriate officers and agents of the City, to do the following:

- (a) Determine the Special Tax Requirement (defined in Exhibit B of Resolution No. 2005-866) each year without further action of the City Council.
- (b) Prepare the annual special tax roll in the amount of the Special Tax Requirement, in accordance with Exhibit B of Resolution No. 2005-866.
- (c) Provide, without further action of the City Council, 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. The City Council has reserved the right to use any method of collecting the special tax that it determines, from time to time, to be in the City's best interests, including, but not limited to, direct billing to the property owners and supplemental billing, as provided in Resolution No. 2005-866 and in Government Code sections 53339 through 53339.9 and 53340.

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. If the Special Tax is collected on the secured tax roll of the County, then the County may deduct from the amounts collected, prior to remitting the Special Tax collections to the City, its reasonable and agreed charges for collecting the Special Tax.

Section 5. In accordance with section 8 of the Rate and Method of Apportionment of the Special Tax, any taxpayer may contest the levy of the Special Tax by filing with the Director a written notice of appeal setting forth the grounds for appeal with specificity. Grounds for appeal are limited to: (a) clerical errors in assigning an amount of tax to a parcel, and (b) errors in defining the use of a parcel or its classification. No other appeals will be allowed. The Director shall promptly review the appeal and, if necessary, meet with the taxpayer. If the Director's findings verify that the Special Tax should be modified or changed, then a recommendation to that effect shall be made to this council and, as appropriate, the Special Tax levy shall be corrected and, if applicable, a credit for next year's Special Tax levy shall be granted. If the Director denies the appeal, then the taxpayer may file an appeal of the denial with the City Council within 14 calendar days after the Director mails notice of the denial; failure to file within this time constitutes a bar to appeal. The appeal to the City Council must be in writing and must fully explain the grounds of appeal. In accordance with chapter 1.24 of the Sacramento City Code, the City Council may hear the appeal or refer it to a hearing officer. The hearing shall be conducted not more than 30 calendar days following the filing of the appeal. The failure of the City Council or the hearing officer to timely hear the appeal, or to render a decision within 30 calendar days following the conclusion of the hearing, constitutes a denial of the appeal. The determination of the City Council or the hearing officer on the appeal shall be final for all purposes. The filing of a notice of appeal shall not relieve the taxpayer of the obligation to pay the Special Tax when due.

Section 6. If, for any cause, a court of competent jurisdiction finds that any portion of this ordinance is invalid or that the Special Tax is inapplicable to a particular parcel, the balance of this ordinance and the application of the Special Tax to the remaining parcels shall not be affected.

Section 7. This ordinance is tax measure and shall take effect and be in force immediately.

Section 8. 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 City Council. Publication shall occur at least three days before the adoption of this ordinance, in accordance with section 32(c) of the Sacramento City Charter. This council finds that the title of this ordinance was published on _____, 2006, in _____, a newspaper of general circulation published in the City of Sacramento.