



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

CONSENT  
**August 5, 2010**

**Honorable Mayor and  
Members of the City Council**

**Title: Village Garden Landscape Maintenance District No. 2010-03 – Ballot  
Results**

**Location/Council District:** North Sacramento, Council District 2. Includes Village Garden North Subdivision, Units 1 through 5 (Exhibit B-1, Page 13).

**Recommendation:** 1) Receive report on the tabulation of assessment ballots submitted and not withdrawn before the public hearing closed on July 27, 2010; and 2) based on the results of the tabulation: adopt a **Resolution** abandoning the proceedings associated with the Village Garden Landscape Maintenance District No. 2010-03 and dissolving the existing Village Garden Landscape Maintenance District No. 1987-01.

**Contact:** Brian Wong, Program Specialist, (916) 808-5778; Mark Griffin, Fiscal Manager, (916) 808-8788

**Presenter:** Not Applicable

**Department:** Finance

**Division:** Public Improvement Financing

**Organization No:** 06001321

### **Description/Analysis**

**Issue:** The existing Village Garden Landscape Maintenance District No. 87-01 (District 87-01) was formed on December 8, 1987 to provide funding for frontage landscaping maintenance and improvements within District 87-01. At the time of District 87-01 formation, a maximum authorized assessment of \$100.00 per residential parcel was established. This maximum authorized assessment did not contain a provision to allow flexibility to adjust the assessment cap on an ongoing or as needed basis. The assessment is now at the maximum and the fund balance is nearly depleted, requiring the re-formation of District 87-01 with an adequate assessment to cover the cost of required services and annual adjustment mechanism.

In response, staff initiated proceedings on June 1, 2010 to form the proposed Village Garden Landscape Maintenance District No. 2010-03 (District 10-03). City Council adopted a resolution on June 1, 2010 that: (1) directed staff to mail assessment ballots and notices of public hearing to the owners of real property within the proposed District 10-03 and (2) set July 27, 2010, as the date for a public hearing on the proposed District 10-03 and assessment. At the conclusion of the public hearing, the City Clerk tabulated the assessment ballots submitted and not withdrawn to determine whether there was a majority protest over the proposed formation and assessment of District 10-03.

Based on the results of the tabulation, there is a majority protest. As such, staff recommends that the City Council adopt a resolution declaring the results of the majority protest proceedings and abandon proceedings associated with the proposed District 10-03.

District 87-01 will be dissolved and landscape maintenance services will cease, beginning September 1, 2010.

**Policy Considerations:** The formation proceedings are being conducted in accordance with the Landscaping and Lighting Act of 1972 (California Streets and Highways Code Section 22585, et seq.), Section XIID of the California Constitution, and the Proposition 218 Omnibus Implementation Act. This action is consistent with the Strategic Planning Focus Area of Sustainability and Livability.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Under the California Environmental Quality Act (CEQA) guidelines, administration and formation of District 10-03 does not constitute a project, and therefore is exempt from review.

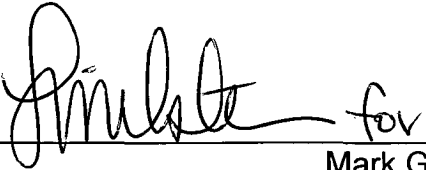
**Sustainability Considerations:** There are no sustainability considerations applicable to the formation or renewal and administration of an assessment district.

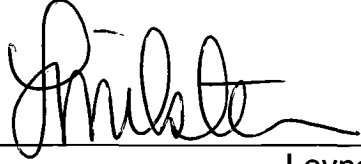
**Committee/Commission:** None

**Rationale for Recommendation:** The actions are required by Section 22588 of the California Streets and Highways Code, Article XIID of the California Constitution, and the Proposition 218 Omnibus Implementation Act.

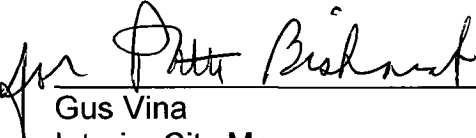
**Financial Considerations:** The proposed District 10-03 assessment failed to receive approval by the majority of property owners who submitted and did not withdraw their ballots; therefore, there is no financial impact. Approval of District 10-03 would have authorized the City to collect approximately \$29,237 in assessments to provide funding for landscape maintenance in the Village Garden subdivisions.

**Emerging Small Business Development (ESBD):** None. No goods or services are being purchased with this action.

Respectfully Submitted by:  for  
Mark Griffin  
Fiscal Manager, Finance Department

Approved by:   
Leyne Milstein  
Director, Finance Department

Recommendation Approved:

  
Gus Vina  
Interim City Manager

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## **BACKGROUND**

On December 8, 1987, the City Council adopted Resolution No. 87-1012 ordering the formation of the Village Garden North Landscaping and Lighting Assessment District No. 1987-01 (District 87-01). During the annual proceedings for Fiscal Year (FY) 2001/02, Council changed the name of the district to Village Garden Landscape Maintenance District. District 87-01 provides funding to maintain frontage landscaping for 208 residential parcels.

At the time of the District 87-01 formation, a maximum authorized assessment of \$100.00 per residential parcel was established. The maximum authorized assessment did not contain a provision to allow flexibility in adjusting the assessment cap on an ongoing or as needed basis. Since FY2008/09, the actual assessment of property owners in District 87-01 has been set at the maximum authorized level. However, with rising operating costs, actual maintenance and operating expenses of District 87-01 continue to outpace District 87-01 revenue. The District 87-01 fund balance has been used over the last several years to cover the imbalance between District 87-01 revenue and expenses, but unfortunately, the District 87-01 fund balance has nearly been depleted and is insufficient to cover the projected financial shortfall in FY2010/11. Staff has reviewed all possible options to reduce costs and have determined that an increase in the assessment is necessary to fund the required maintenance services.

### Public Hearing and Tabulation of Assessment

On June 1, 2010, City Council directed staff to complete the actions necessary to form the proposed Village Garden Landscape Maintenance District No. 2010-03 (District 10-03). On June 4, 2010, staff mailed out assessment ballots and notices of public hearing to the owners of property in the proposed District 10-03. Ballots must be submitted no later than the close of the public hearing to be counted. At the close of the public hearing on July 27, 2010, the assessment ballots were tabulated to determine whether a majority protest exists.

The City Clerk's tabulation of ballots found that 45.31% of ballots were in favor of forming District 10-03. The assessment ballots are equally weighted for each property in the proposed District 10-03. The actual ballot count is a result of assessment value for all ballots cast. The total assessment value is approximately \$29,237. The ballots cast represent \$8,995.84 which is a turnout of approximately 31%. Of the ballots returned and not withdrawn, the amount cast in favor of the assessment was \$4,076.24 and the amount cast in opposition to the assessment was \$4,919.60.

Based on the tabulation results, a majority protest does exist – that is, the ballots submitted in opposition to the assessment do exceed the ballots submitted in favor of it – therefore, the proceedings to levy the assessment will not continue.

**SCHEDULE OF PROCEEDINGS**  
**VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 2010-03**  
**FY2010/11**

June 1, 2010	Council Considers Resolution of Intention and Sets Date for Public Hearing
June 4, 2010	Mailing of Ballots and Notices of Public Hearing
July 27, 2010	Public Hearing and Tabulation of Ballots – City Council

<b>August 5, 2010</b>	<b>Ballot Results – City Council</b>
	If reformation is approved: Resolution ordering assessments for District 10-03 for FY2010/11
	If reformation is not approved: Resolution dissolving District 87-01

If the proposed District 10-03 is approved:

August 2010	New assessments are placed on the County Tax Roll for Tax Year 2010/11
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## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **ABANDONING PROCEEDINGS IN VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 2010-03 AND AUTHORIZING AND DIRECTING RELATED ACTIONS, AND DISSOLUTION OF VILLAGE GARDEN LANDSCAPE MAINTENANCE DISTRICT NO. 1987-01**

#### **BACKGROUND:**

- A.** The City Council has taken a series of actions preliminary to considering the levy of assessment to provide continued landscape maintenance services within the boundaries of Village Garden North Subdivision Units one through five through the Village Garden Landscape Maintenance District No. 2010-03, in the City of Sacramento, County of Sacramento, State of California (District 10-03).
- B.** At the direction of the City Council, the Supervising Engineer of the City's Department of Transportation, as Engineer, filed with the City Clerk the report prescribed in the California Constitution Article XIID (Engineer's Report).
- C.** By Resolution Nos. 2010-292, 2010-293, and 2010-294, adopted on June 1, 2010, the City Council in accordance with law initiated proceedings and preliminarily approved the Engineer's Report, scheduled the public hearing for July 27, 2010, and provided for notice of the public hearing to be mailed to the owners of property within District 10-03, along with protest ballots.
- D.** The Public Hearing was conducted as scheduled on July 27, 2010, 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.
- E.** The City Clerk has received, been given custody of, and has tabulated the assessment ballots returned and not withdrawn by the owners of property located within District 10-03, and has reported the results of the count by her written Certificate, to the City Council.
- F.** By Resolution No. 2010-294, adopted on June 1, 2010, the City Council preliminarily authorized the dissolution of the existing Village Garden Landscape Maintenance District No. 1987-01 (District 87-01).
- G.** 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.** That the Background statements A through G are true and correct.
- Section 2.** The City Council accepts the City Clerk's Certificate of Ballot Procedure Results and, in accordance therewith, finds and determines that a majority protest exists under Section 53753(e) (2) of the California Government Code, and therefore, under Section 53753(e) (3), the City Council may not impose the proposed assessment. Accordingly, the proceedings for the District 10-03 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 5, 2010.
  - (b) The date of adoption of the Resolution of Intention was June 1, 2010.
  - (c) The boundary map for District 10-03 was filed for record in the office of the County Recorder of Sacramento County on July, 9, 2010, in Book 111, page 0019.
- Section 4.** The City Council authorizes the dissolution of the existing Assessment District effective September 1, 2010.
- Section 5.** This resolution takes effect when adopted.