



REPORT TO COUNCIL

City of Sacramento 7

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

CONSENT
August 24, 2010

Honorable Mayor and
Members of the City Council

Title: Redding Avenue Landscaping Community Facilities District (CFD) No. 2010-04 – Mail Ballot Election Results and Pass for Publication an Ordinance to Levy a Special Tax

Location/Council District: Redding Avenue, Districts 3 and 6 (Map: Page 3).

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 2011-2012 and following tax years solely within and relating to the City of Sacramento Redding Avenue Landscaping Community Facilities District (CFD) No. 2010-04; and 3) pass for publication the **ordinance** title as required by Sacramento City Charter section 32(c), with the ordinance to be adopted on **August 31, 2010**.

Contact: Mark Griffin, Fiscal Manager, Finance (916) 808-8788

Presenters: Mark Griffin

Department: Finance

Division: Public Improvement Financing

Organization No: 06001321

Description/Analysis

Issue: Property owners on Redding Avenue have requested the formation of the Redding Avenue Landscaping Community Facilities District (the District). Approval of this formation will authorize the City to collect special taxes in an amount sufficient to provide funding for maintenance of landscaped areas to be constructed along the Redding Avenue corridor.

Policy Considerations: The procedures under which the District is being formed are set forth in Government Code sections 53311-53368.3, the Mello-Roos Community Facilities Act of 1982 (the Act). The recommended action is consistent with the Strategic Focus Area of Sustainability and Livability.

Environmental Considerations: Under California Environmental Quality Act,

administration and formation of the District does not constitute a project and therefore is exempt from review. (*Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464.)

Committee/Commission Action: None

Rationale for Recommendation: The property owners have unanimously petitioned for creation of the District. The actions in the recommended Resolution are required by Act for formation of the District.

Financial Considerations: There will be no cost to the City or the General Fund. The maximum annual special tax rate on parcel acreage for FY 2010/11 will be \$3.1042 per linear foot of landscaped frontage. The property owners will pay all costs associated with the District. Because, however, the landscaping to be constructed will be warranted for one year, the levy will not be placed until the 2011-2012 tax year.

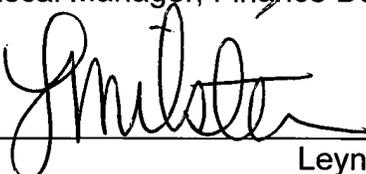
Each year the special tax will increase according to the Consumer Price Index – Urban Wage Earners and Clerical Workers (San Francisco / Oakland / San Jose), with a maximum increase in any year of 4%.

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

Respectfully Submitted by: _____


Mark Griffin
Fiscal Manager, Finance Department

Approved by: _____


Leyne Milstein
Director, Finance Department

Recommendation Approved:

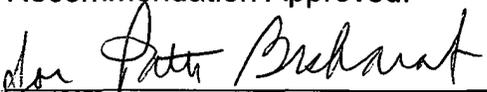

Gus Vina
Interim City Manager

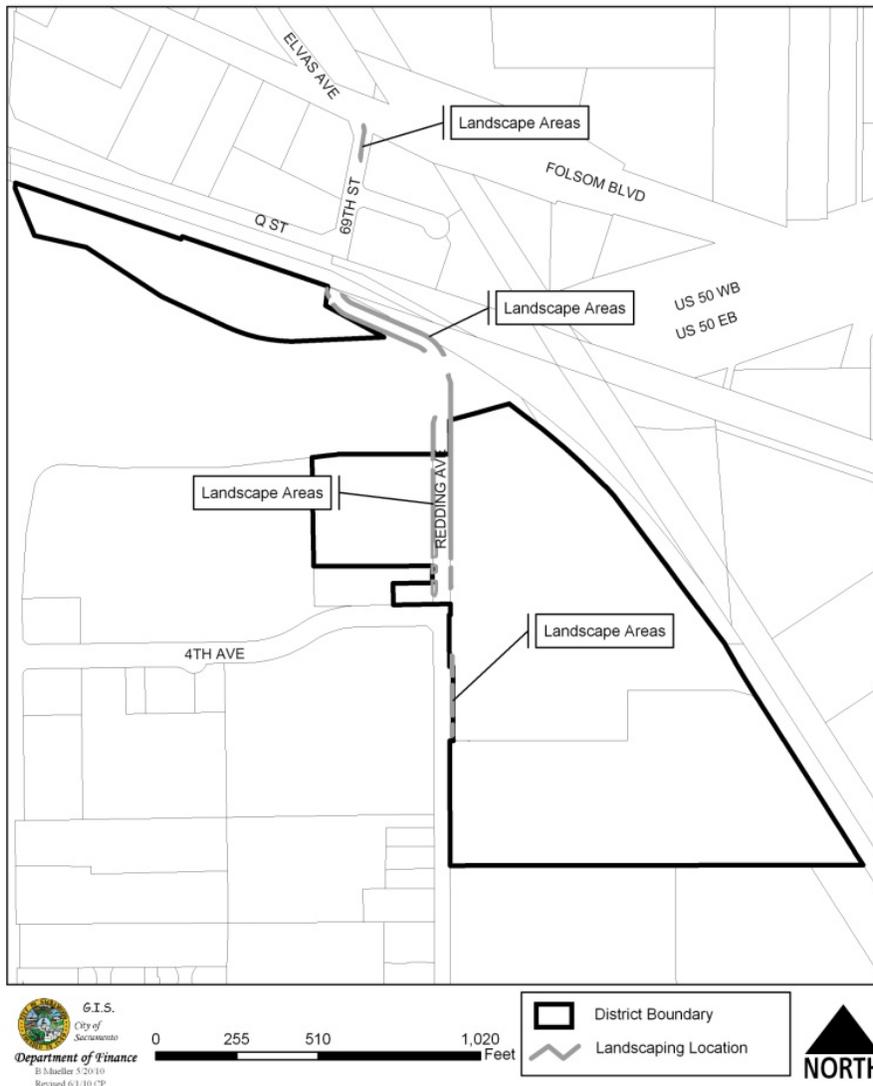
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BACKGROUND

Five owners of property on Redding Avenue have requested the establishment of a community facilities district to provide for the maintenance of landscaping improvements along Redding Avenue in excess of the City’s basic landscaping maintenance. The improvements extend from Folsom Boulevard south along 69th Street with the majority of improvements on Redding Avenue beginning at the light-rail tracks and extending to a point roughly 300 feet south of 4th Avenue.

Proposed Redding Avenue Landscaping CFD No. 2010-04



The District will be named “Redding Avenue Landscaping Community Facilities District No. 2010-04.” When other parcel or subdivision maps are approved for this area, additional landowners could be conditioned to annex to the District.

SCHEDULE OF PROCEEDINGS

REDDING AVENUE LANDSCAPING COMMUNITY FACILITIES DISTRICT (CFD) NO. 2010-04 SCHEDULE

June 15, 2010	City Council – Resolution of Intention
June 16, 2010	Mail Notice of Hearing
July 20, 2010	Public Hearing Continued to August 5
August 5, 2010	City Council - Hearing, Call for Special Election
August 6, 2010	Mail Ballots
August 13, 2010	Ballots Due
August 24, 2010	City Council - Election Results & Pass for Publication Ordinance to Levy Tax
August 25, 2010	Record Notice of “Special Tax”
August 31, 2010	City Council - Adopt Ordinance to Levy Tax

RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING THE RESULT OF THE SPECIAL MAILED-BALLOT ELECTION HELD ON AUGUST 13, 2010, WITHIN THE CITY OF SACRAMENTO REDDING AVENUE LANDSCAPING COMMUNITY FACILITIES DISTRICT NO. 2010-04

BACKGROUND:

- A.** The City Clerk has duly canvassed the votes cast by the qualified electors within the City of Sacramento Redding Avenue Landscaping Community Facilities District No. 2010-04 (the District) at the special mailed-ballot election held within the District on August 13, 2010, 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:

Shall the City of Sacramento Redding Avenue Landscaping Community Facilities District No. 2010-04 ("the CFD") be authorized to finance the maintenance of landscaped areas to be constructed along the Redding Avenue corridor, as more fully described in Resolution No. 2010-326 adopted by the City Council on June 15, 2010, and incorporated herein by reference; and shall an appropriations limit in the amount of \$10,000 per fiscal year in connection therewith be established for the CFD; and shall a special tax with a maximum rate and method of apportionment as provided in Resolution No. 2010-326 be levied to pay for the maintenance of the landscaped areas?

Section 3. The canvass of the votes cast at the special mailed-ballot election held in the District on August 13, 2010, 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: 7,000 Votes For: 6,944 Votes Against: 56

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.

ORDINANCE NO. 2007-

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**LEVYING A SPECIAL TAX FOR THE
PROPERTY-TAX YEAR 2011-2012 AND FOLLOWING TAX YEARS
SOLELY WITHIN AND RELATING TO THE CITY OF SACRAMENTO
REDDING AVENUE LANDSCAPING COMMUNITY FACILITIES
DISTRICT NO. 2010-04, FOR THE MAINTENANCE OF LANDSCAPED
AREAS IN THE REDDING AVENUE CORRIDOR**

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

Section 1. In accordance with sections 53328, 53340, and 53339 et seq. of the California Government Code (“the Code”), and in accordance with the Rate and Method of Apportionment of Special Tax as shown on Exhibit C to the Resolution Establishing the City of Sacramento Redding Avenue Landscaping Community Facilities District No. 2010-04 (Resolution No. 2010-326 adopted by this Council on June 15, 2010), a special tax is hereby levied on all taxable parcels within the City of Sacramento Redding Avenue Landscaping Community Facilities District No. 2010-04 for the 2011-2012 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 Finance Department of the City of Sacramento (“the City”), or his/her designee, 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. 2010-326 establishing the Redding Avenue Landscaping Community Facilities District No. 2010-04); to prepare the annual special-tax roll in the amount of the Special Tax Requirement in accordance with Exhibit C; and, without further action of this Council, to provide all necessary and appropriate information to the Sacramento County Auditor-Controller 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 Sacramento County (“the County”). As provided in Resolution No. 2010-326 and Sections 53339 et seq. and 53340 of the Code, this Council has reserved the right to utilize any method of collecting the special tax that it determines, from time to time, 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, if 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 in accordance with section 7 of the Rate and Method of Apportionment of the Special Tax. A notice of appeal must be filed within 30 calendar days following the formation of the District or the 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: (a) clerical errors in assigning an amount of tax to a parcel and (b) an error in defining the use of a parcel or its classification. No other appeals will be allowed. The City Manager, or his/her designee, shall promptly review the appeal and, if necessary, meet with the appellant. If the findings of the City Manager, or his/her 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 his/her designee, denies the appeal, the taxpayer may file an appeal of that determination with the Council within 14 calendar days of the mailing of notification of the denial; 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 in accordance with chapter 1.24 of the Sacramento City Code. The hearing on the appeal is to be conducted not more than 30 calendar days following the filing of the appeal. The failure of the Council or the appointed hearing officer to timely hear the appeal or render a decision within 30 calendar days following the conclusion of the hearing thereon will constitute a denial of the appeal. The determination of the Council or hearing officer on the appeal will be final for all purposes.

Section 6. The filing of written notice contesting the levy of the special tax or an appeal will 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 will not be affected.

Section 8. In accordance with section 32(c) of the Sacramento City Charter, after the Council has passed this ordinance for publication the City Clerk shall have the title of this ordinance, and only the title, published at least once in a newspaper of general circulation that is published in the City and designated by the Council as the official newspaper of the City, with the publication to occur at least three days before the Council adopts this ordinance. 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 _____, 2010.