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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

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DEVELOPMENT SERVICES DIVISION

March 11, 2004

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT
NO. 95-01 ANNEXATION #2 – ELECTION RESULTS**

LOCATION AND COUNCIL DISTRICT:

Properties included in this annexation are located in Council District 8 (see Attachment A).

RECOMMENDATION:

This report recommends that City Council adopt the following:

- Resolution determining the results of the special mail ballot election.

CONTACT PERSON: Sini Makasini, Administrative Analyst, 808-7967

FOR COUNCIL MEETING OF: March 30, 2004

SUMMARY:

This Community Facility District has completed the resolution of intention, public hearing and election phases of the formation proceedings. This council report and resolution completes the formation process by reciting the results of the mail ballot election.

Department of
PUBLICWORKS
CITY OF
SACRAMENTO

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On March 16, 2004, City Council approved Annexation #2 of the Development Fee Financing CFD 95-01. The Development Fee Financing CFD was formed on April 6, 1995 by adoption of Resolution No. 95-38. The purpose of the district is to allow developers to be reimbursed for certain development fees. Fees eligible for financing are those, which are directly related to public improvements (e.g. major street construction tax, sewer, water, school, Regional Sanitation and SMUD fees). Development fees used to pay for operating costs of the public agencies are not included (e.g. building permit, plan check, business operations tax, processing and planning fees). Financing of fees is accomplished by issuing Mello-Roos bonds in the amount of the fees plus issuance costs. The original district included five commercial/industrial properties. The district was set up so that other properties could periodically annex to the district. This will be the first residential project annexed into the district.

Proposed Annexation

The proposed annexation included six parcels representing a total of 519 residential units to be taxed annually at \$1,080.00 per unit. The total acreage to be annexed is approximately 129 acres. The annexation for public hearing to call for a special election took place March 16, 2004 as shown on the attached schedule (see Attachment B).

FINANCIAL CONSIDERATIONS:

The program is 100% self supported with no impact to the City's General Fund. Costs associated with the annexation process are incurred by the property owner or funded through District Fund proceeds. The annexation will authorize approximately \$5.2 million of bonds to be sold that will be paid back over a 20-year period by property owners within the district.

ENVIRONMENTAL CONSIDERATIONS:

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

POLICY CONSIDERATIONS:

The procedures under which this CFD annexation is being conducted 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 the Development Fee Financing District CFD 95-01 is consistent with the City's Strategic Plan in promoting and supporting economic vitality.

City Council
Community Facilities District No. 95-01 Annexation #2 –Election Results
March 11, 2004

ESBD CONSIDERATIONS:

None. No goods or services are being purchased.

Respectfully submitted,



For Gary Alm,
Manager, Development Services

RECOMMENDATION APPROVED:



W ROBERT P. THOMAS
City Manager

Approved:



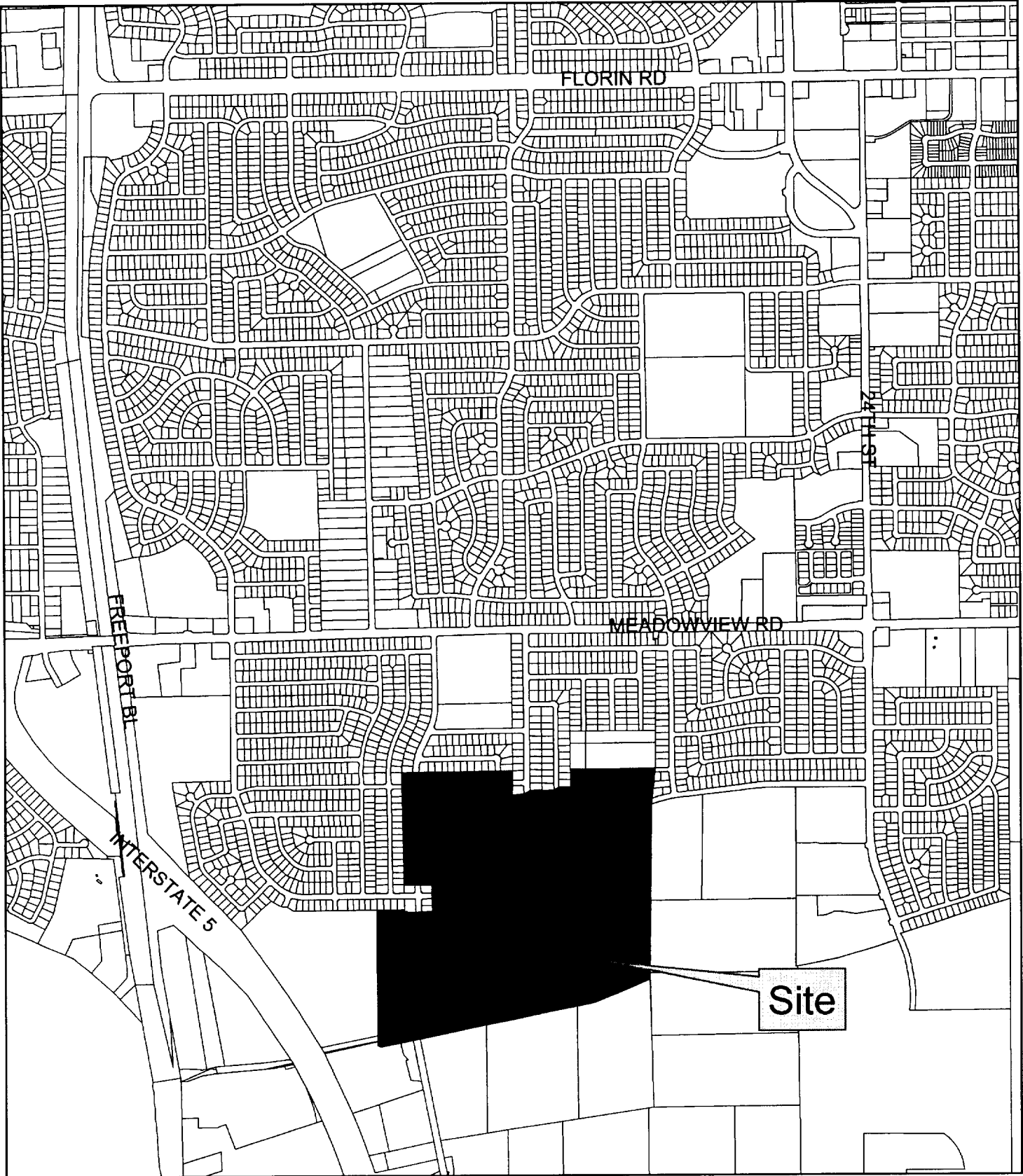
Betty Masuoka
Assistant City Manager

1. Attachment A, Map of Annexation #2 - pg. 4
2. Attachment B, Schedule of Annexation Proceedings - pg. 5
3. Resolution, Determining Election Results and authorizing Levy - pg. 6

SM/dkl

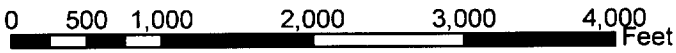
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Development Fee Financing CFD Annexation #2



Department of
PUBLICWORKS
Special Districts and
CITY OF SACRAMENTO

B Mueller
12/30/03



Attachment B

Development Fee Financing CFD Annexation No. 2 Schedule

February 3, 2004	City Council – Resolution of Intention
February 4, 2004	Mail Notice of Hearing
March 16, 2004	City Council – Hearing, Call for a Special Election
March 17, 2004	Mail Ballots (Waiver of 90 day period)
March 23, 2004	Ballots Due

March 30, 2004

**City Council – Election Results & Pass for Publication
Ordinance to Levy Tax**

March 31, 2004

Record Notice of “Special Tax”

April 20, 2004

City Council - Adopt Ordinance to Levy Tax

RESOLUTION NO. _____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO DETERMINING THE RESULT OF THE SPECIAL ELECTION TO AUTHORIZE THE LEVY OF SPECIAL TAXES IN THE TERRITORY PROPOSED FOR ANNEXATION TO DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, HELD ON MARCH 23, 2004, AND ORDERING THE ANNEXATION OF SUCH TERRITORY TO THE COMMUNITY FACILITIES DISTRICT

WHEREAS, the City Clerk of the City of Sacramento has duly canvassed the votes cast at the special election held to authorize the levy of special taxes in the Territory (the "Territory") proposed to be annexed to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "Community Facilities District") constituting Annexation No. 2 (the "Territory") on March 23, 2004, upon the proposition hereinafter set forth, and has certified to the City Council (the "City Council") of the City of Sacramento the results of the votes cast at such special election upon such proposition, which certification is now on file in the office of the City Clerk of the City of Sacramento;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO, AS FOLLOWS:

Section 1. The above recital is true and correct, and the City Council so finds and determines.

Section 2. The canvass of the votes cast at such special election held on March 23, 2004, in the Territory, as shown by said certification, is hereby approved and confirmed.

Section 3. At such special election, the following proposition was submitted to the landowners in the Territory, and the number of votes cast for and against such proposition, as set forth in said canvass, is determined to be as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

BALLOT MEASURE

Shall special taxes be authorized to be levied in the area of the Territory (as that term is defined in Resolution No. 2004-068 adopted by the City Council of the City of Sacramento on February 3, 2004) constituting Annexation No. 2 proposed to be annexed to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California, as provided in such Resolution No. 2004-068?

Number of votes
YES

Number of votes
NO

Section 4. The total number of votes cast at such special election for and against such proposition was and is set forth in said canvass, and more than two-thirds (2/3) of all the votes cast at such special election were cast in favor of authorizing the levy of special taxes in the Territory, and the City is duly authorized to annex the Territory to the Community Facilities District and to levy such special taxes in the Territory; and accordingly, the City Council hereby finds, determines and orders that the Territory proposed to be annexed to the Community Facilities District is hereby annexed to and made a part of the Community Facilities District with legal effect in the premises, and the City Council may levy the special taxes in the Territory proposed to be levied in the Territory.

Section 5. The City Clerk of the City of Sacramento is hereby directed to enter this resolution on the minutes of the City Council, which shall constitute the official declaration of the results of such special election, and is hereby further authorized and directed to record a notice of annexation to the Community Facilities District and amendment to special tax lien for the Community Facilities District in accordance with the provisions of Section 3117.5 of the Streets and Highways Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Sacramento this 30th day of March, 2004, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____