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**DEPARTMENT OF
PUBLIC WORKS**

DEVELOPMENT SERVICES
DIVISION

**CITY OF SACRAMENTO
CALIFORNIA**

Special Districts
1231 I Street, Room 300
Sacramento, CA 95814

May 13, 2003

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: ANNEXATION #3 TO THE NEIGHBORHOOD PARK MAINTENANCE
COMMUNITY FACILITIES DISTRICT NO. 2002-02 –ORDINANCE TO LEVY A
SPECIAL TAX**

LOCATION AND COUNCIL DISTRICT:

The Neighborhood Park Maintenance Community Facilities District (CFD) No. 2002-02 is located citywide. Annexation No. 3 will include 10 separate areas located in Council Districts 1, 2, 7 & 8 (see attachment A).

RECOMMENDATION:

This report recommends that City Council adopt the attached Ordinance to levy a Special Tax.

CONTACT PERSONS:

Ron Wicky, Project Manager, 264-5628

Robert G. Overstreet, Parks & Recreation Director, 264-1190

FOR COUNCIL MEETING OF: June 3, 2003

SUMMARY:

This CFD was completed on May 27, 2003. The Special Tax levy will pay for authorized park maintenance and services for all years.

Department of
PUBLICWORKS
CITY OF
SACRAMENTO

PH 916-264-7113
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APPROVED

JUN 3 2003

OFFICE OF THE
CITY CLERK

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On May 8, 2003, City Council approved Annexation No. 3 to the Neighborhood Park Maintenance CFD and completed the annexation process on May 27, 2003. This CFD provides a funding mechanism to help the Parks 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 on Dayton Street, Shore Side Drive, 65th Ave/29th Street, Still Breeze Drive (Yeh & Lai PM), El Macero Way (N.R. Homes PM), Natomas Crossing III, Garden Oaks, Meadowview Estates, Meadowview Estates North and Beth Estates.

The above projects comprise 676 units, bringing the total to 9173 residential units.

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 65-70% 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.

Existing parks and all community parks, regional parks, open space, trails and buffer areas are not covered by this CFD.

ENVIRONMENTAL CONSIDERATIONS:

City Council's action in approving this ordinance is solely for the purpose of levying a special tax, and is itself therefore, not a project for the purposes of the California Environmental Quality Act.

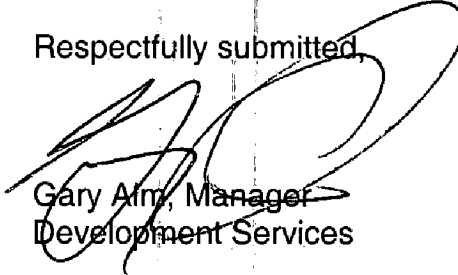
POLICY CONSIDERATIONS:

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 the Neighborhood Park Maintenance District is consistent with the City's Strategic Plan in preserving and enhancing the City's neighborhoods and quality of life.

ESBD CONSIDERATIONS:


City Council adoption of the attached resolution is not affected by City policy related to ESBD.

Respectfully submitted,




Gary Alm, Manager
Development Services

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:

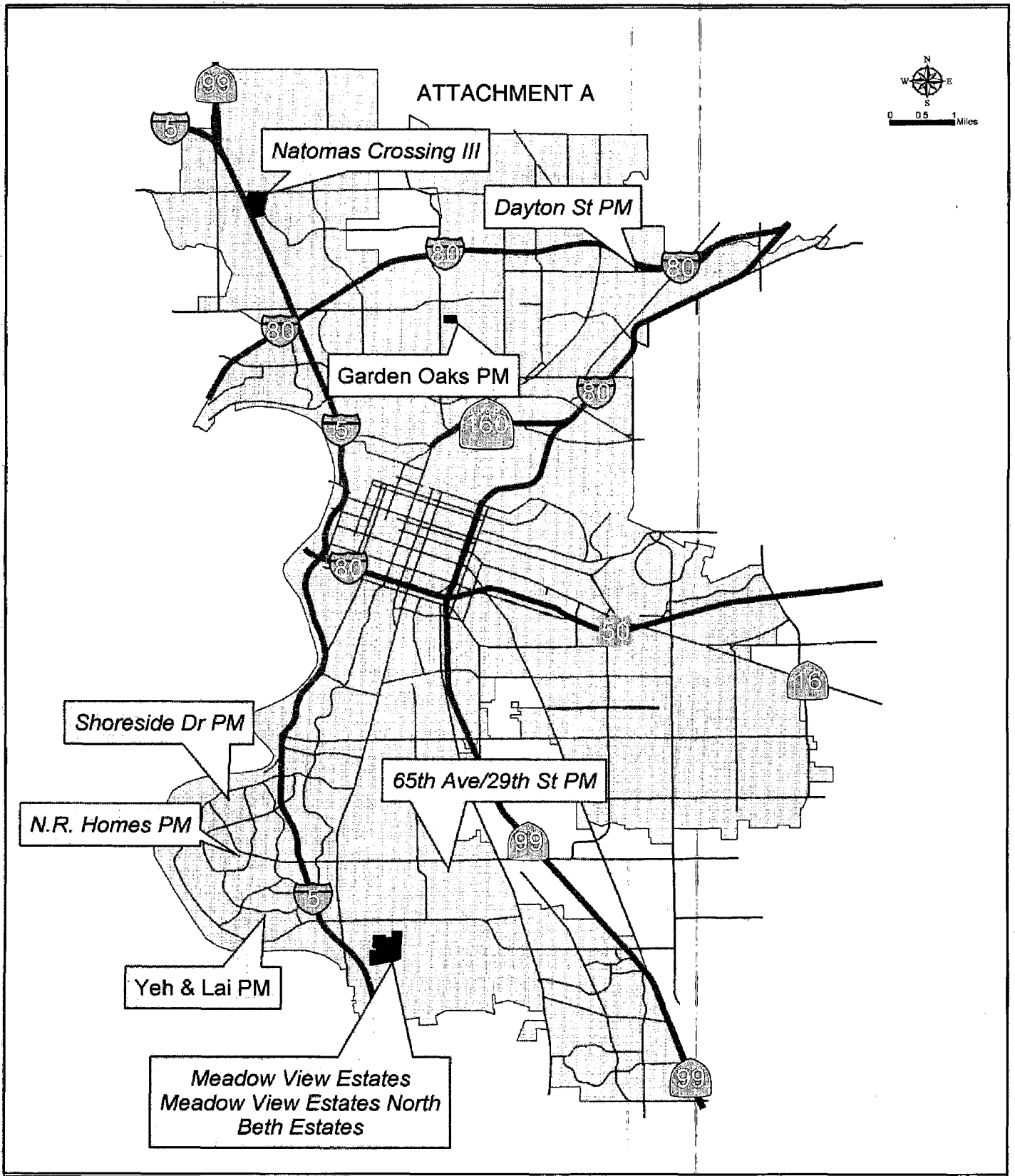


Thomas V. Lee
Deputy City Manager

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ANNEXATION #3 - NEIGHBORHOOD PARK MAINTENANCE CFD

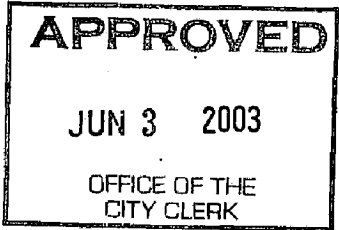


Department of
PUBLICWORKS
CITY OF SACRAMENTO
Development Services & Special Districts

ATTACHMENT B

**ANNEXATION #3 TO THE NEIGHBORHOOD PARK MAINTENANCE COMMUNITY
FACILITIES DISTRICT (CFD) NO. 2000-02 SCHEDULE**

April 1, 2003	City Council – Resolution of Intention
April 2, 2003	Mail Notice of Hearing
May 8, 2003	City Council - Hearing, Call for Special Election
May 9, 2003	Mail Ballots (Waiver of 90-day period)
May 21, 2003	Ballots Due
May 27, 2003	City Council - Election Results & Pass for Publication Ordinance to Levy Tax
May 30, 2003	Record Notice of “Special Tax”
June 3, 2003	City Council - Adopt Ordinance to Levy Tax



ORDINANCE NO. 2003-023

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FOLLOWING TAX YEARS SOLELY WITHIN AND RELATING TO THE CITY OF SACRAMENTO NEIGHBORHOOD PARK MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2002-02, ANNEXATION NO. 3, FOR NEIGHBORHOOD PARK MAINTENANCE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO, AS FOLLOWS:

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 the City of Sacramento Neighborhood Park Maintenance Community Facilities District No. 2002-02, Annexation No. 3 ("CFD No. 2002-02, Annexation No. 3") (Resolution 2003-260 adopted by this Council on May 8, 2003), a special tax is hereby levied on all taxable parcels within the City of Sacramento Neighborhood Park Maintenance Community Facilities District No. 2002-02, Annexation No. 3 for the 2003-2004 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 this Council.

The Director of the Department of Public Works ("Director") 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 B of Resolution No.2003-260 establishing Annexation No. 3 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 B 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; provided that, as provided in said Resolution No.2003-260 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.

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.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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.

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 Manger, 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 the 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.

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.

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.

This ordinance shall take effect and be in force immediately as a tax measure.

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 _____, 2003.

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____