



PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 6.4.96

1.12  
11.4

NEIGHBORHOOD SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
SUITE 400  
SACRAMENTO, CA  
95814-2977

May 15, 1996

PH 916-264-5200  
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City Council  
Sacramento California

Honorable Members in Session:

**SUBJECT PROCEDURAL ORDINANCE FOR THE ESTABLISHMENT OF A FRANKLIN  
VILLA NEIGHBORHOOD REVITALIZATION ASSESSMENT DISTRICT**

**LOCATION** Franklin Villa Subdivisions - bordered by Franklin Boulevard, Brookfield Drive and  
Morrison Creek. District 8.

**RECOMMENDATION**

This report recommends that the item be passed for publication of title, pursuant to City Charter Section 32, and continued to June 4, 1996.

**CONTACT**

Gary L. Little, Director - Area 2, 264-8220

**FOR COUNCIL MEETING OF** May 28, 1996

**SUMMARY**

In an effort to facilitate the revitalization of the Franklin Villa community, staff is proposing the adoption of a procedural ordinance that would allow the City Council, by a four-fifth (4/5) vote, to create an assessment district at Franklin Villa to finance various security services and/or items.

Respectfully submitted,  
*Gary L. Little*  
Gary L. Little  
Director, Area 2



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**LOCATION** Franklin Villa Subdivisions - bordered by Franklin Boulevard, Brookfield Drive and  
Morrison Creek. District 8.

### RECOMMENDATION

It is recommended that the City Council adopt the attached procedural ordinance to allow the Council to establish a Franklin Villa Neighborhood Revitalization Assessment District.

### CONTACT

Gary L. Little, Director - Area 2, 264-8220

**FOR COUNCIL MEETING OF** June 4, 1996 - Evening

### SUMMARY

In an effort to facilitate the revitalization of the Franklin Villa community, staff is proposing the adoption of a procedural ordinance that would allow the City Council, by a four-fifth (4/5) vote, to create an assessment district at Franklin Villa to finance various security services and/or items.

### COMMITTEE ACTION

On July 18, 1995, staff presented to the Law and Legislation Committee a report recommending committee support for a proposed Neighborhood Revitalization Assessment District Enabling Ordinance (NRADEO). Because of concerns that the community had not been sufficiently notified about the proposal, and limited

time on the committee's agenda to discuss the measure, staff was directed to conduct a minimum of four community meetings on the proposal. In response, staff presented the draft NRADEO at 11 Community and Neighborhood Association meetings between July and December 1995. As a result of comments received at those meetings (and further review of the NRADEO language), staff has modified the proposal. It previously had a citywide focus. The measure now pertains only to Franklin Villa.

As a result of increased security problems in Franklin Villa, Councilmember Sam Pannell requested that this item go directly to the full Council instead of returning to the Law and Legislation Committee.

## **BACKGROUND**

On July 18, 1995, staff presented to the Law and Legislation Committee a report recommending committee support for a proposed Neighborhood Revitalization Assessment District Enabling Ordinance (NRADEO). Because of concerns that the community had not been sufficiently notified about the proposal, and limited time on the committee's agenda to discuss the measure, staff was directed to conduct a minimum of four community meetings on the proposal. In response, staff presented the draft NRADEO at 11 Community and Neighborhood Association meetings between July and December 1995. As a result of comments received at those meetings (and further review of the NRADEO language), staff has modified the proposal. It previously had a citywide focus. The measure now pertains only to Franklin Villa. The proposed ordinance has also been retitled to the "Franklin Villa Neighborhood Revitalization and Related Services Assessment District Procedural Ordinance" (FVO). Although it has been retitled and the area of coverage reduced, most provisions contained in the old NRADEO remain, with a few notable exceptions that will be discussed below.

The purpose of the NRADEO and the FVO now before the Council is to allow the City Council to establish an assessment district in Franklin Villa to fund various services, primarily security related services, for that community. These services could include the hiring of private security, the installation of security devices, the hiring of Neighborhood Police Officers and other security related measures. In staff's opinion, additional security services are needed for the Franklin Villa Community to address ongoing problems with gangs, drugs and other illegal activity in that community.

The five homeowners' associations in Franklin Villa have, on various occasions, jointly and individually contracted for private security for their community. They have individually contracted for "roving" security and on one occasion, all five associations hired a single company to provide security coverage at the ingress and egress points. Unfortunately, relying on the homeowners' associations to fund security out of their association fees has been problematic. They are in various degrees of financial instability and implement different procedures and standards or execute security in ways that conflict with other association security measures. An assessment district formed under the FVO would allow the City to contract with one or more associations to provide security, or the City could contract directly with a security company.

Under the FVO, an assessment district could be initiated in one of two ways: 1) A petition signed by at least 60 percent (60%) of the property owners within the proposed Franklin Villa Assessment District; or 2) A motion approved by a four-fifth (4/5) vote of the City Council. In the event the City was to receive written protests from more than 50% of the property owners within the boundaries, the proceedings would be abandoned unless the City Council was to override the protest by a four-fifth (4/5) vote.

### **Issues from the Community meetings**

In short, the initial NRADEO proposal generated significant controversy. Some of the key concerns from community opponents were: 1) Opposition to a citywide enabling ordinance; 2) Opposition to granting the City Council authority to initiate the proceedings with a four-fifth (4/5) vote; 3) Opposition to the City Council having the ability to override a majority protest; and 4) Opposition to having any surplus funds being deposited into the City's General Fund in the event a district is dissolved. There were also concerns made over the concept of allowing property owners to petition for an assessment district and/or file written protests, yet there is no formal role for non-property owner residents to initiate or oppose a district.

There were sentiments raised against assessment districts in general. Some attendees felt the costs for addressing security and related problems should be borne by all taxpayers rather than having property owners within a district shoulder that responsibility.

On the other hand, there were attendees who felt the original NRADEO did not go far enough. One neighborhood representative in particular, asked the staff to modify the proposal to eliminate the "health and safety" nexus. That individual would like the City to use the assessment district process to allow neighborhoods to address non-health and safety related items in their area (e.g., additional tree maintenance).

In most of the meetings, the opposition to the concept of an assessment district to fund health and safety services and/or items lessened when attendees were asked their opinions on having the enabling ordinance apply to Franklin Villa only. Although some expressed concern that Franklin Villa would be a "pilot" that could lay the groundwork for assessment districts being extended to other neighborhoods, others had no problem with the City attempting to rectify the problems in Franklin Villa through the assessment process.

After carefully considering the comments from the community meetings, staff reevaluated the proposal and modified it to apply only to Franklin Villa. The FVO also more clearly defines the type of health and safety measures that can be financed through an assessment district formed under its provisions. Two of the controversial components [1. The Council's ability to initiate a proceeding with a four-fifth (4/5) vote; and 2. The Council's ability to override a majority protest with a four-fifth (4/5) vote] have been retained due to staff concerns that one or both of the provisions may be needed to implement an assessment district in Franklin Villa. Another controversial provision (having the surplus being deposited to the General Fund when a district is dissolved) was removed.

**FINANCIAL CONSIDERATIONS**

The procedural ordinance would allow the establishment of an assessment district at Franklin Villa. This district would serve as a funding mechanism to support activities to address critical health and safety issues in Franklin Villa. The assessment would support the costs associated with the services provided in the district including the associated administrative costs. Staff will return to City Council with more specific information regarding the assessment fees and administrative costs.

**ENVIRONMENTAL CONSIDERATIONS**

The procedural ordinance would allow the City Council, by a four-fifth (4/5) vote, to create an assessment district at Franklin Villa to finance various security services and/or items. The project is exempt pursuant to Section 15061 (b) (3) of the California Environmental Quality Act (CEQA) Guidelines. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity (an ordinance to allow creation of an assessment district) may have a significant effect on the environment, it is not subject to CEQA.

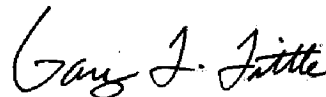
**POLICY CONSIDERATIONS**

This recommendation is consistent with the policy of neighborhood improvement within the revitalization strategy approved by the City Council. The ordinance provides the Council with the ability to create an assessment district in Franklin Villa.

**MBE/WBE**

None. This report does not request the purchase of any goods or services.

Respectfully submitted,



Gary L. Little  
Director, Area 2

**RECOMMENDATION APPROVED:**



William H. Edgar  
City Manager

**ORDINANCE NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE ESTABLISHING PROCEDURES FOR LEVYING ASSESSMENTS IN THE FRANKLIN VILLA ESTATES SUBDIVISION FOR THE PURPOSE OF FINANCING SPECIFIC NEIGHBORHOOD REVITALIZATION SERVICES WHICH PROVIDE DIRECT AND SPECIAL BENEFIT TO REAL PROPERTY PARCELS LOCATED WITHIN THE DISTRICT, AND WHICH ARE NEEDED TO ADDRESS SIGNIFICANT ISSUES OF PUBLIC HEALTH AND SAFETY**

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

**SECTION 1.**

Title 84 is added to the Sacramento City Code, to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_ **6**

DATE ADOPTED: \_\_\_\_\_

**Title 84. FRANKLIN VILLA NEIGHBORHOOD  
REVITALIZATION AND RELATED  
SERVICES ASSESSMENT DISTRICT  
PROCEDURAL ORDINANCE**

**Chapter 84.01 General Provisions**

**84.01.010 Findings.**

The City Council finds that the Franklin Villa Estates subdivision is in need of certain neighborhood revitalization and related services (hereafter termed "Services") furnished by the City. The City Council further finds that these Services relate particularly to the protection of real property and the preservation of property values. The Services which are defined in detail in Section 84.02.170, are over and above, and are in addition to the basic services funded by general fund resources of the City. In addition, the City Council finds and determines that certain real property located in the Franklin Villa Estates subdivision shall receive a direct and special benefit from these Services, and that the cost thereof should be borne by the benefitted real property itself.

**84.01.020 Short Title; Authority.**

This Title shall be known and may be cited as the "Franklin Villa Neighborhood Revitalization and Related Services Assessment District Procedural Ordinance."

This Title is enacted by the City Council pursuant to its powers as a chartered city under Article XI of the California Constitution.

**84.01.030 Assessment District; Benefitted Territory.**

The Franklin Villa Assessment District when and if formed pursuant to this Title shall consist of all territory which, as determined by the City Council, will be directly and specially benefitted by the Services, and is to be assessed to pay the costs therefor.

The Franklin Villa Assessment District when and if formed pursuant to this Title shall consist of all property located in the Franklin Villa Estates subdivision. This area is bounded by Franklin Boulevard on the west, Brookfield Drive on the south and Morrison Creek on the north and west.

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**84.01.040 Reference to Plan or Map on File and Open to Public Inspection; Construction.**

Any resolution, notice, report, diagram or assessment which is required to contain a description of the Services, the boundaries of the Franklin Villa Assessment District or any zones therein, or the lines and dimensions of any lot or parcel of land may, for a full and detailed description thereof, refer to any plan or map which is on file with the city clerk, the county auditor, or the county assessor and which is open to public inspection. The plan or map so referred to shall govern for all details of the description.

**84.01.050 Liberal Construction of Part; Validity; Finality.**

This Title shall be liberally construed to effectuate its purpose of providing a safe and healthy neighborhood in the Franklin Villa Estates subdivision, which in turn will provide direct and special benefit to all properties within the Franklin Villa Assessment District. Any proceedings taken under this Title and the assessment levied pursuant thereto shall not be invalidated for failure to comply with the provisions of this Title if such failure does not substantially and adversely affect the rights of any person. All determinations made by the City Council pursuant to this Title shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion. The exclusive remedy of any person aggrieved thereby shall be by appeal to the City Council in accordance with the provisions of this Title.

**84.01.0560 Purpose.**

The amounts required to be paid as a result of this Title are assessed pursuant to the powers available under the Sacramento City Charter, and are for the purpose of providing the Services, in order to improve the health, safety, and welfare of the residents of the Franklin Villa Estates subdivision, thereby in turn preserving and enhancing the value of real property, preserving the ownership rights therein, and protecting its integrity, all of which constitutes a direct and special benefit to the Franklin Villa Assessment District.

**84.01.070 Public Property.**

Public property owned by any public agency shall not be subject to assessment under this Title unless the resolution of intention expressly provides that it shall be assessed, or the public agency submits a written request to be part of the Franklin Villa Assessment District.

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**Chapter 84.02 Definitions**

**84.02.100 Definitions--Generally.**

The definitions contained in this Title govern the construction of this Title unless the context otherwise requires. The definition of a word or phrase applies to any variants thereof.

**84.02.110 Franklin Villa Assessment District.**

"Franklin Villa Assessment District" or "District" means an assessment district formed in the area herein described as the Franklin Villa Estates subdivision pursuant to this Title.

**84.02.120 Clerk.**

"Clerk" means City Clerk of the City of Sacramento.

**84.02.130 City Manager.**

"City Manager" means the City Manager of the City of Sacramento.

**84.02.140 Finance Director.**

"Finance Director" means the Finance Director of the City of Sacramento.

**84.02.150 Fiscal Year.**

"Fiscal Year" means a twelve-month period commencing on July 1 and ending on the following June 30.

**84.02.160 Residential Unit.**

"Residential Unit" means any single family residential unit within any parcel, halfplex or condominium.

**84.02.170 Property Owner.**

"Property Owner" or "owner" means any person shown as the owner of the residential unit on the last equalized county assessment roll; when such person is no longer the owner, then any

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person entitled to be shown as owner on the next county assessment roll, if such person is known to the City; where the residential unit is subject to a recorded written agreement of sale, any person shown therein as purchaser.

**84.02.180 Services.**

"Services" includes but is not limited to special neighborhood police officer services, private security services which do not replace the duties normally carried out by the police department, and related activities and services which relate to real property and/or equipment, or the maintenance thereof, which provide direct and special benefit to the district in the form of increased neighborhood health, safety, welfare, protection, security, and/or ownership preservation.

**84.02.190 Resolution.**

"Resolution" includes an ordinance.

**84.02.200 Notice.**

"Notice" means any resolution, order, notice, or other instrument authorized or required by this Title to be published or mailed.

**84.02.210 Improvement or Public Improvement.**

"Improvement" or "Public Improvement" means any public improvement of a local nature, including without limitation any improvement described in the Improvement Act of 1911 or the Municipal Improvement Act of 1913 of the State of California.

**84.02.220 Maintenance.**

"Maintenance" means the maintenance, servicing, repair, replacement and operation of an Improvement, including without limitation the furnishing of power, water, heat and other utilities as may be required.

**84.02.230 Public Works Director**

"Public Works Director" means the Director of the City of Sacramento Department of Public Works, or designee.

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## Chapter 84.03 Notices

### 84.03.300 Notice.

Wherever notice is required in this Title, such notice shall be given pursuant to the provisions of Government Code Section 54954.6.

### 84.03.310 Failure to Mail or Receive Notice; Validity of Proceedings.

The failure of the City Clerk to mail any notice or the failure of any person to receive such notice shall not affect the validity of any proceedings taken under this Title, nor prevent the City Council from proceeding with any noticed hearing.

## Chapter 84.04 Reports

### 84.04.400 Reports--Generally.

The City Manager shall prepare the following reports in accordance with Sections 84.04.410 through 84.04.460 inclusive. The City Manager may delegate this function to the Director of the Department of Public Works, or such other Departmental Director as the City Manager determines appropriate under the circumstances.

### 84.04.410 Fiscal Year Report.

In accordance with the provisions of this Title, a report shall be prepared for purposes of Franklin Villa Assessment District formation proceedings, and for each fiscal year for which assessments are to be levied and collected to pay the costs of the Services, Improvements and Maintenance described in the report.

### 84.04.420 Contents of Report.

A report on Franklin Villa shall specify the fiscal year to which the report applies and, with respect to that year, shall contain:

- (a) A description of the Services to be provided.

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- (b) A description of any Improvement provided or Maintenance thereof, together with plans and specifications, where applicable.
- (c) An estimate of the cost of the Services or Maintenance for the period covered by the report, or if an Improvement is proposed, the estimated cost thereof.
- (d) A diagram for the Franklin-Villa Assessment District.
- (e) An analysis of the method utilized for spreading or apportioning the costs.
- (f) An assessment roll, but only where in the judgment of the City Manager the proposed district is of sufficiently small size to warrant production of such a roll.

**84.04.430 Description of Services.**

The description of Services shall be sufficient if it shows or describes the general nature and extent of the Services. If the Franklin Villa Assessment District is divided into zones, the description shall indicate the type of Services to be provided for each such zone. The description may be prepared as a separate instrument or may be incorporated in the diagram as a combined instrument.

**84.04.440 Estimate of Costs; Contents.**

The estimated costs of the Services for the fiscal year shall contain estimates for the following:

- (a) The total cost of the Services including personnel, equipment and expenses, and the costs associated with preparation, levy and collection of assessments, including legal administrative costs.
- (b) The cost of any Improvement provided.
- (c) The amount of any surplus or deficit in the fund to be carried over from a previous fiscal year.
- (d) The amount of any contributions, if any, to be made from sources other than assessments levied pursuant to this Title.
- (e) The net amount to be assessed upon assessable lands within the Franklin Villa Assessment District, being the total costs, as referred to in Subsection (a), increased

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or decreased, as the case may be, by any of the amounts referred to in Subsections (b), (c) and/or (d).

- (f) The maximum assessment proposed to be assessed upon parcels within the Franklin Villa Assessment District, based upon land use categories or such other relevant factors or combination of factors selected as the methodology for spreading and allocating assessments.

**84.04.450 Diagram of District.**

The diagram of the Franklin Villa Assessment District shall show (1) the exterior boundaries of the Franklin Villa Assessment District, (2) the boundaries of any zones within the District, (3) the lines and dimensions of each lot or parcel of land within the District, and (4) the location of each residential unit within the District. Each residential unit shall be identified by a distinctive number or letter.

The lines and dimensions of each lot or parcel of land shown on the diagram shall conform to those shown on the county assessor's maps for the fiscal year to which the report applies. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps shall govern for all details concerning the lines and dimensions of such lots or parcels. The diagram may consist of one or more sheets and may be included in the report or filed with the report although separately bound.

**84.04.460 Assessment Roll; Reference to Fiscal Year; Contents.**

The assessment roll, where required, shall refer to the fiscal year to which it applies and shall:

- (a) Contain the assessment number of each residential unit to be specially assessed, and the amount of each proposed assessment for the present or forthcoming fiscal year. If the county assessor's parcel number is not used as the assessment number, the assessment roll shall also contain the county assessor's parcel number.
- (b) Contain an explanation of the method or formula by which it is proposed to divide the cost of the Services among the residential units to be specially assessed. The cost may be apportioned by any method or formula which fairly distributes the cost on the basis of estimated benefits to be received by each residential unit from the Services. For this purpose the Franklin Villa Assessment District may be divided into zones of benefit, the boundaries of which shall then be shown on the diagram.

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- (c) Contain a list of the names and address of all owners of the residential units shown on the diagram and in the assessment roll, as shown on the last equalized assessment roll for county taxes or as known to the city clerk.

### Chapter 84.05 Formation Proceedings

#### 84.05.500 Initiation of Proceedings; Resolution.

- (a) Manner of initiation:

Proceedings for formation of the Franklin Villa Assessment District may be initiated in one of the following two ways:

- (i) A petition signed by at least sixty percent (60%) of the owners within the Franklin Villa Assessment District, as shown on the last equalized assessment roll for taxes of the county; or
- (ii) a motion approved by a four-fifths (4/5) vote of the City Council.

In the event that the requirements of subsection (i) or (ii) of this subsection have been satisfied, the City Council shall not commence proceedings pursuant to subsection (b) unless it finds and determines, based upon evidence contained in the staff report, the oral presentations, or other documents and records of the City which are submitted at the hearing, that the proposed services are needed within the District in order to attempt to resolve significant concerns of public health and safety. This finding may be set forth in a separate resolution, or may be set forth in the resolution enacted pursuant to subsection (b) of this section.

- (b) If the requirements of subsection (a) of this section have been satisfied, proceedings for the formation of the Franklin Villa Assessment District shall be initiated by resolution, which may be adopted at the same time as the resolution of intention required under Section 84.05.520. The resolution shall:
  - (i) Propose the formation of the Franklin Villa Assessment District pursuant to this Title.
  - (ii) Describe the Services to be provided.

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- (iii) Describe the Franklin Villa Assessment District and specify a distinctive designation for the District.
- (iv) Order the City Manager to prepare and file a report in accordance with Sections 84.04.410 through 84.04.460 inclusive.

The Service description need not be detailed but shall be sufficient if it enables the City Manager to generally identify the nature and extent of the Services.

**84.05.510 Filing of Report; Submission to Legislative Body; Modification; Approval.**

Upon completion, the City Manager shall file the report with the clerk for submission to the City Council. The City Council may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

**84.05.520 Resolution of Intention; Contents.**

After approval of the report, either as filed or as modified, the City Council shall adopt a resolution of intention. The resolution shall:

- (a) Declare the intention of the City Council to order the formation of the Franklin Villa Assessment District and to levy and collect assessments pursuant to this Title.
- (b) Generally describe the Services to be provided, together with any proposed Improvements.
- (c) Refer to the Franklin Villa Assessment District by its distinctive designation and indicate the location of the district.
- (d) Refer to the report of the City Manager, on file with the clerk, for a full and detailed description of the Services, the boundaries of the Franklin Villa Assessment District and any zones therein, and the proposed assessments upon the residential units within the District.
- (e) Direct the City Clerk to give notice of, and fix a time and place for, a hearing by the City Council on the question of the formation of the Franklin Villa Assessment District and the levy of the proposed assessment.

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- (f) State that any owner may, before the time set for hearing, file a written protest against the formation of the Franklin Villa Assessment District, the boundaries of the District, the proposed services and/or improvements or the amount of the owner's assessment for the first year; and that any owner or other interested person, whether or not filing a written protest, may be heard by the City Council at the public hearing.
- (g) State the name and telephone number of the city employee or department where questions about the Franklin Villa Assessment District will be received.

In addition, notices by mail (where required) shall contain the county assessor's parcel number and the amount of the proposed annual assessment on the land of the owner to whom the notice is mailed.

**84.05.530 Notice of Hearing.**

The City Clerk shall give notice of hearing as required by law, and pursuant to section 84.03.300 of this Title.

**84.05.540 Protests.**

Any owner may file a written protest with the City Clerk before the time set for the hearing. No written protests will be accepted by the City Clerk after the opening of the hearing. Any written protest may be withdrawn in writing by the owner at any time before the conclusion of the hearing. Each written protest shall state the name of the owner, a description of the owner's land sufficient to identify it, and the specific grounds on which the protest is made. Oral protests may be made at the time of and during the hearing. Any written or oral protest not made at the time and in the manner provided in this section shall be deemed to be waived voluntarily by any person who might have made such protest and such person shall be deemed to have consented to the formation and extent of the Franklin Villa Assessment District, the proposed assessment and any other act, determination, or proceeding on which protest could be made.

**84.05.550 Hearing; Conduct.**

At the time set for the public hearing on the engineer's report, the City Council shall consider all written protests and shall hear and consider all protests made orally. All interested persons shall be provided an opportunity to be heard, subject to reasonable limitations imposed by the presiding officer.

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Any irregularity of documentation or procedure not specified in the protests shall be deemed waived. The hearing may be continued from time to time. During the hearing or at its conclusion, the City Council may exclude land from the boundaries of the Franklin Villa Assessment District, may decrease the amount of the assessment and may modify the scope of the Services.

**84.05.560 Changes by City Council; Exclusions and Inclusions of Territory.**

- (a) The City Council may not include additional land within the boundaries of the Franklin Villa Assessment District or increase the amount of the assessment except with the written consent of the owner of the land to be assessed or except after an additional hearing for which the owner has been given notice by mail at least forty-five (45) days before the additional hearing.
- (b) Provided, however, that except as otherwise provided in subparagraph (a), during the course or upon the conclusion of the hearing, the City Council may order changes in any of the matters provided in the report, including changes in the Services, the boundaries of the Franklin Villa Assessment District and any zones therein, and the proposed diagram or the proposed assessment. The City Council may, without further notice, order the exclusion of territory from the District.

**84.05.570 Majority Protest.**

If, at the conclusion of the hearing, written protests not withdrawn have been filed by more than fifty percent (50%) of the owners within the District, the City Council shall abandon the proceedings for the formation of the Franklin Villa Assessment District and shall not reinstitute proceedings to form substantially the same district for a period of one year from the date on which the hearing is concluded, unless the protests have been overruled by the affirmative vote of not less than four-fifths of the members of the City Council.

**84.05.580 Adoption of Resolution; Formation of District; Effect.**

At the conclusion of the public hearing on the engineer's report, unless proceedings for formation of the Franklin Villa Assessment District have been abandoned, the City Council may adopt a resolution ordering the formation of the district, confirming the diagram and assessment as originally proposed in the engineer's report or as modified by the City Council, and establishing a district budget for the fiscal year referred to in the report. The adoption of the resolution shall constitute the levy of the confirmed assessment.

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**84.05.590 Neighborhood Representatives.**

- (a) In establishing the initial scope of Services to be provided, together with any revisions thereto made in connection with annual assessment proceedings, City staff shall consult with neighborhood representatives or associations within the Franklin Villa Assessment District, and with homeowners associations.
- (b) When appropriate, the City may, upon City Council approval, enter into contracts with any qualifying neighborhood or homeowner association to administer funds generated by the district, in carrying out certain of the specified services. For this purpose, a "qualifying" association is one which has official nonprofit status and has obtained IRC 501(c)(3) certification.

**Chapter 84.06 Annual Levy**

**84.06.600 District Budget; Annual Levy.**

After the formation of the Franklin Villa Assessment District and levy of the initial assessment, the district budget shall be established annually by the City Council as a part of the regular budget approval process for the City as a whole. For this purpose, the City Manager shall annually prepare or cause to be prepared a report containing the information set forth in Chapter 84.04 of this Title. Upon completion, this report shall be filed with the City Clerk for consideration by the City Council. If this report is accepted, either as submitted or as modified, the City Council shall set a time and place for a public hearing on the report and shall direct that notice of the hearing be given as required by law, before the day set for the hearing. The notice shall:

- (a) State that the City Council intends to levy an annual special assessment on each residential unit within the Franklin Villa Assessment District to pay the cost of the Services specified, during the present or forthcoming fiscal year.
- (b) Describe in general the Services to be provided, together with any proposed Improvements or Maintenance.
- (c) Describe in general the location and boundaries of the Franklin Villa Assessment District.
- (d) State that the City Manager's report is on file with the City Clerk and is open to public inspection.

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**FOR CITY CLERK USE ONLY**

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- (e) State the time and place of the public hearing on the City Manager's report.
- (f) State that any owner may, before the time set for hearing, file a written protest and any owner or other interested person, whether or not filing a written protest, may be heard by the City Council at the public hearing, provided the hearing shall be limited to protest or objections to the amounts of the proposed assessments or any change in the method or formula by which such assessments were determined.
- (g) State the name and telephone number of the City employee or department where questions about the Franklin Villa Assessment District will be received.

At the time set for the hearing, the City Council shall consider any written protests and any oral protests concerning the amounts of the proposed assessments or any change in the method or formula by which these assessments were determined. Upon conclusion of the hearing, the City Council may adopt a resolution confirming the diagram and assessment, either as originally proposed in the City Manager's report or as modified by the City Council, and establishing the district budget for the fiscal year referred to in the report. Adoption of this resolution shall constitute the levy of the confirmed assessment. A surplus or a deficit in the district's account at the end of a fiscal year shall be carried over to the following fiscal year. The City may make a contribution or a loan to the District's account at any time from other lawfully available funds of the City.

### **Chapter 84.07 Organizational Changes**

#### **84.07.700 Changes of Organization of District.**

The City Council, either in single proceeding or by separate proceedings, may order one or any combination of the following changes of organization:

- (a) The detachment of territory from the Franklin Villa Assessment District;
- (b) The dissolution of the Franklin Villa Assessment District;
- (c) The consolidation of the Franklin Villa Assessment District into a single assessment district with any other district with the same or similar function formed pursuant to the laws of the State of California or any procedural ordinance of the City of Sacramento.

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**84.07.710 Proceedings.**

Proceedings for a change of organization may be:

- (a) Undertaken at any time subsequent to proceedings for the formation of the Franklin Villa Assessment District under Chapter 84.05. Any or all such proceedings may be conditioned on the completion of any other or all such proceedings;
- (b) Combined with proceedings for the formation of the Franklin Villa Assessment District under Chapter 84.05. In such case, any of the several resolutions, reports, notices, or other instruments provided for in this Article may be combined into single documents.

**84.07.720 Provisions Governing.**

Except as otherwise provided in this Title, proceedings for a change of organization shall be initiated, conducted, and completed in substantial compliance with the procedure provided in Chapter 84.05 for the formation of the Franklin Villa Assessment District.

**84.07.730 Detachment.**

In detachment proceedings, the resolutions, report, notices of hearing, and right of majority protest shall be limited to the territory proposed to be detached. The City Council may dispense with:

- (a) The resolution and report required by Chapter 84.05 and may initiate proceedings by the adoption of the resolution of intention;
- (b) Any otherwise required notice of hearing.

**84.07.740 Dissolution.**

In dissolution proceedings, the City Council may dispense with the resolution and report required by Chapter 84.05 and may initiate dissolution proceedings by the adoption of the resolution of intention. The City Council may dispense with any otherwise required notice of hearing. If the City Council orders the dissolution of the Franklin Villa Assessment District, any moneys in the fund shall first be used to pay all obligations and costs of administration incurred on behalf of the District. Thereafter, the City shall return all remaining District funds to the owners of the assessed properties in amounts proportionate to the amounts of assessments they paid for the District.

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_ **20**

DATE ADOPTED: \_\_\_\_\_

**Chapter 84.08 Completion of Proceedings;  
Collection of Assessments**

**84.08.800 Recordation; Collection.**

Upon levying an assessment as provided in this Title, the City Council shall direct the City Clerk to execute and record in the office of the county recorder a notice of assessment in substantially the form described in Section 3114 of the California Streets and Highways Code. Each special assessment levied under this Title shall thereupon be a lien upon the land on which it is levied. This lien shall be paramount to all other liens, except prior assessments and taxation. The City Council may provide for collection of the assessment by the City through the office of the director of finance or on behalf of the City through the office of the county auditor. All proceeds of collection shall be placed into a separate account or fund of the City and shall be expended only for the purposes specified in the assessment report.

**84.08.810 Collection by the County.**

In the event the City Council directs that the assessment be collected on behalf of the City by the county auditor, the City Clerk shall file with the county auditor a certified copy of the assessment and diagram, with a request that the assessments be posted to the county roll for general property taxes. This filing shall occur on or before August 1 of the fiscal year in which the assessments are to be collected. The assessments shall be collected at the same time and in the same manner and shall be subject to the same late charges and penalties for delinquency as general property taxes and all laws providing for the collection and enforcement of such property taxes shall apply to the collection and enforcement of the assessments.

**84.08.820 Collection by the City.**

In the event the City Council directs that the assessment be collected by the City, the City Clerk shall file the adopted diagram and assessment with the director of finance who shall, within thirty (30) days thereafter, cause all of the owners subject to assessment to be billed by mail for the amounts shown on the adopted diagram and assessment. Payment of the assessments shall be due no later than thirty (30) days after the date on which the bills are mailed. Any assessment or portion thereof not paid within this period shall be deemed delinquent and shall be subject to a penalty for delinquency in the amount of ten percent of the delinquent amount plus one percent of the delinquent amount or portion thereof for each thirty days of delinquency.

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In the event of a delinquency, the director of finance may initiate collection proceedings by filing a report of delinquent assessment with the City Council. Upon receipt of this report, the Council shall fix a time, date and place for a hearing on the report and any protests or objections thereto. Notice of the hearing shall be mailed to the owner of the delinquent property not less than ten (10) days prior to the date of the hearing. At the hearing, the City Council shall consider the report and any objections thereto. The City Council may accept the report as submitted, modify the report and accept it as modified, or reject the report. The decision of the City Council on the report and all protests or objections thereto shall be final and conclusive.

Upon confirmation of the report, the director of finance shall be authorized to refer the City's claim in the amount of the delinquent assessment plus any applicable penalties to the county auditor with a request that this amount be posted to the county roll for general property taxes and collected in the manner described in Section 84.08.820 of this Title.

### **Chapter 84.09. Surplus; Deficit; Contributions**

#### **84.09.900 Surplus or Deficit; Effect on Next Assessment.**

If there is a surplus or a deficit in the fund of the Franklin Villa Assessment District at the end of any fiscal year, the surplus or deficit shall be carried forward to the next annual assessment to be levied within the Franklin Villa Assessment District and applied as a credit or a debit, as the case may be, against such assessment.

#### **84.09.910 Deficit; Provision for Contributions and Advances.**

If there is a deficit in the fund of the Franklin Villa Assessment District during any fiscal year, the City Council, from any available and unencumbered funds of the City, may provide for:

- (a) A contribution to the fund;
- (b) A temporary advance to the fund and direct that the advance be repaid from the next annual assessments levied and collected within the Franklin Villa Assessment District.

#### **84.09.920 Contributions; Acceptance; Deposit.**

The City Council may accept contributions from any source toward payment of Service costs. The City Council, at any time either before or after the confirmation of the assessment, may provide for contributions towards payment of such costs from the funds of the City. All contributions shall

be deposited in the fund of the Franklin Villa Assessment District for which the contribution was provided.

**84.09.930 Contributions; Deduction from Costs.**

All contributions authorized prior to the confirmation of an assessment shall be deducted from the total costs to be assessed within the Franklin Villa Assessment District.

**Chapter 84.10 Assessments Payable in Installments**

**84.10.1000 Annual Installment Assessments; Costs in Excess of Single Assessment; Resolution.**

The City Council may by resolution determine that the estimated cost of specified proposed Services including costs of equipment, improvements, and/or personnel is greater than can be conveniently raised from a single annual assessment and order that such estimated cost shall be raised by an assessment levied and collected in installments over a period not to exceed five fiscal years. The resolution shall generally describe the proposed services, set forth the estimated cost thereof, specify the number of annual installments and the fiscal years during which they are to be collected, and fix or determine the total amount of each annual installment. Such annual assessments may be levied in addition to the regular initial annual assessment for Services.

**84.10.1010 Annual Installment Assessments; Report by City Manager.**

After adoption of a resolution providing for annual installment assessments, the City Manager in preparing reports required by Chapters 84.05 and 84.06 of this Title, shall include in the estimate and the assessment for each fiscal year specified in the resolution the total amount of the annual installment assessment fixed or determined for such year.

**84.10.1020 Annual Installment Assessments; Accumulation of Funds; Temporary Advances.**

If a resolution providing for annual installment payments has been adopted, in the resolution or subsequent thereto, the City Council may provide for:

- (a) The accumulation of the moneys collected from the annual installments in a specified annual installment assessment fund until there shall be sufficient moneys to pay all or part of the cost of the services described in the resolution;

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- (b) A temporary advance to the said fund from any available and unencumbered funds of the City to pay all or part of the cost of the services described in the resolution and direct that the advance be repaid from the annual installment assessments levied and collected during the fiscal years designated in the resolution.

**Chapter 84.11 Exemptions; Invalidation; Contest of  
Validity; Consolidation.**

**84.11.1100 Exemptions.**

- (a) Nothing in this Title shall be construed as permitting the levy of an assessment upon any property when such levy would be in violation of either the Constitution of the United States or the State of California.
- (b) Assessments permitted pursuant to the authority of this Title shall not be levied upon the federal government, the state government, any state agency or any local governmental agency or any other firm or entity which is otherwise exempt by the State Constitution or state law from the payment of ad valorem property taxes. However, any government entity may make a contribution to the Franklin Villa Assessment District.

**84.11.1110 Invalidation Provision.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Title are severable, and if any phrase, clause, sentence, paragraph or section of this Title shall be declared invalid by the valid judgment or decree of a court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Title.

**84.11.1120 Contest of Validity.**

The validity of the assessment levied under this Title shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the assessment is levied. Any appeal from a final judgment in such an action or proceeding shall be perfected within 30 days after the entry of judgment.

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**84.11.1120 Consolidation of Procedures.**

Procedures for the formation of the Franklin Villa Assessment District pursuant to this part may be consolidated with procedures for the construction or acquisition of improvements pursuant to any other provision of this code or pursuant to any law of the State of California, including the Municipal Improvement Act of 1913, the Landscaping and Lighting Act of 1972, and other similar statutes.

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DATE ADOPTED: \_\_\_\_\_

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State of California )  
County of Sacramento ) ss

AD 8193

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date of May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

06/04/96

EXECUTED ON : 06/04/96  
AT LOS ANGELES, CALIFORNIA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

  
.....  
Signature

City of Sacramento  
Ordinances

On May 28, 1996, the following ordinance(s) were considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of June 4, 1996. In accordance with Sacramento City Charter Section 32, the titles are herein published:

An Ordinance establishing procedures for levying assessments in the Franklin Villa Estates Subdivision for the purpose of financing specific neighborhood revitalization services which provide direct and special benefit to real property parcels located within the district, and which are needed to address significant issues of public health and safety.

Anyone interested in the full text of the above ordinance(s) may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 304, phone (916) 264-5426.  
SACRAMENTO CITY COUNCIL  
BY: VALERIE A. BURROWES  
CITY CLERK  
SAC-DJC8914152/AD 8193  
06/04