



Agenda Item

43

DATE: February 24, 2015

TO: Board of Supervisors

FROM: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: County-Wide Mello Roos Community Facilities District 2006-01 Annexation No. 8A; Conduct Second Reading of and Adopt Ordinance Levying a Special Tax for Enhanced Police Protection Services in that District.

RECOMMENDED ACTION:

Conduct second reading of "An Ordinance of the County of Fresno Levying a Special Tax within Annexation Territory 8A of Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno" and waive the reading of the proposed Ordinance in its entirety.

The recommended actions will allow your Board to annually impose a Special Tax on real property located within the Annexation Territory 8A (Annexation 8A) County-Wide Community Facilities District (CFD) No. 2006-01 (Police Protection Services) (CFD 2006-01) for enhanced police protection services (referred to below as "Police Protection Services") in Tentative Tract No. 5955 (Tract 5955), Assessor's Parcel Number (APN) 580-020-13; in accordance with the California Constitution and California Government Code Section 53311 and following.

ALTERNATIVE ACTION(s):

If the recommended action is not approved, the County will not be able to levy a special tax for Police Protection Services within the Annexation 8A and therefore, the conditions of approval for the subject tract will not have been met.

FISCAL IMPACT:

There will be no net County cost associated with the recommended actions. All annexation costs are paid by the Developers/Landowners. The applicant has made an initial deposit of

ADMINISTRATIVE OFFICE REVIEW _____

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APPROVED AS RECOMMENDED

Official Action of
Board of Supervisors

Deputy

UNANIMOUS _____ BORGEAS _____ X _____ MENDES _____ X _____ PACHECO _____ X _____ PEREA _____ X _____ POOCHIGIAN _____ NO _____

\$12,000.00 to cover costs incurred by the County to conduct Annexation 8A proceedings. The Developer's deposit is in Trust/Special Revenue Fund 2400/ subclass 34132. The Developer has entered into agreement with the County to deposit additional funds as necessary to cover any cost incurred beyond the initial deposit. Any funds remaining after the Annexation 8A proceedings are concluded will be returned to the Developer.

DISCUSSION:

On February 9, 1993, your Board adopted a policy for the use of the Mello-Roos Community Facilities District Act of 1982 (Act) for bond financing of public facilities for private development projects.

The 2000 update to the Fresno County General Plan established, under Policy PF-G.2, that the County is to strive to maintain a minimum level of Police Protection services at two sworn officers per 1000 population in the unincorporated areas (excluding support positions, and sworn officers serving Countywide population, contract cities and grant specific populations). To provide funding for this service, various mechanisms of ongoing financing were reviewed to find the most equitable means for the users of the service to pay for the service in developing areas of the County. The Act provides the needed funding mechanism for the Police Protection Services.

The Department, on September 14, 2004, was directed to use the Act to fund Police Protection Services in developing unincorporated areas of the County, including later annexations, such as the area of the proposed Annexation 8A.

On October 28, 2014, your Board directed staff to return and detail the process, timeline, and costs necessary to implement the Board's direction to amend the County's General Plan to address Policies PF-G.2 and PF-G.4, dissolve existing Community Facility Districts (CFD), remove conditions of approval/mitigation measures on existing approved subdivision maps, and rescind Board Resolution No. 11-018 relating to Statement of Goals and Policies for the use of the Mello-Roos Community Facilities Act of 1982 to finance Police Protection services.

On December 9, 2014, staff returned to your Board to present the information requested at the October 28, 2014 Board hearing. At the December 9, 2014 Board hearing, your Board directed staff to review the impact that eliminating or otherwise amending either PF-G.2 or PF-G.4 would have on the County's General Plan and to return to your Board at a later date. No action was taken to remove the requirement that, as a condition of map approval, the territory represented by Tract 5955 still needs to be annexed into CFD 2006-01. Therefore, at the request of the Developer, the Department is proceeding with Annexation 8A. On December 16, 2014, your Board adopted a Resolution of Intention, which authorized the Department of Public Works and Planning (Department) to proceed with the annexation process. Your Board also accepted and approved an Agreement with the developers/landowners, who petitioned for the annexation to the existing CFD 2006-01 for Tract 5955 and waived time limits and requirements for the protest hearing and special election. The Agreement also required that all proceedings to annex to the District and record the amendment to the Notice of Special Tax Lien be completed no later than March 28, 2015.

On January 29, 2015, the Notice of Public Hearing was published in a newspaper of general circulation, and on January 26, 2015, the Notice of Public Hearing was mailed to the affected landowner. It should be noted that the Sheriff's Department was notified on January 6, 2015, of your Board's approval of the Resolution of Intention on December 16, 2014, which authorized the Department to proceed with today's hearing for the annexation of the subject territory.

On February 10, 2015, your Board took the following actions:

- Conducted the public protest hearing of qualified landowner-voters (there was no majority protest).
- Approved the Resolution calling for a special election of landowners in the Annexation Territory.
- Conducted a special election of qualified landowner-voters (100 percent approval by Omega Developers, LLC, the only landowner).
- Directed the recordation of an Amendment to Notice of Special Tax Lien.
- Conducted the first reading of the proposed Ordinance to Levy a Special Tax (waiving reading of the entire Ordinance) that will finance the Police Protection services in Annexation Territory 8A.
- Set February 24, 2015 as the date for the second reading and approval of the proposed Ordinance.

The Amendment to Notice of Special Tax Lien was recorded after the Board direction on February 10, 2015. Prospective purchasers of parcels in Annexation Territory 8A and title companies doing title searches prior to transfers or sales of those parcels will have a notice of such lien in the public record of the County Recorder's Office.

The proposed Ordinance authorizes the annual levy and collection of the special tax, commencing County Fiscal Year 2014-15, as noted above, and allows for the annual determination of the maximum amount to be levied up to the maximum rates authorized by your Board in its prior actions, in perpetuity or until the Board terminates the special tax. The Ordinance also notes that the tax shall be collected in the same manner as ordinary ad valorem taxes unless otherwise determined by the CFD Administrator (i.e., the Sheriff or his/her Designee), such as by direct billing to taxpayers, to meet CFD 2006-01 financial obligations, and places the responsibility for annual determination and tax roll inclusion on the CFD Administrator.

A copy of the proposed Ordinance has been on file with the Clerk to your Board since the first reading of this Ordinance by your Board. The special tax rate and method of apportionment for the special tax, including the initial dollar amounts of the special tax rates above, has been, as of the first reading, included as an exhibit to this Ordinance.

All of these special tax procedures have met all of the requirements of the California Constitution and the California Government Code sections governing the Mello-Roos Community Facilities Act of 1982 (Government Code, Sections 53311 and following).

The County timely published the notice of the proposed adoption of this Ordinance by your Board.

If your Board approves the proposed Ordinance, it will provide the basis for your Board's future annual levy of the special tax within Annexation Territory 8A, which may be done either by resolution or ordinance (or by other action if permitted by then applicable law). It is anticipated that such action would be done by resolution.

REFERENCE MATERIAL:

BAI #21, September 14, 2004
BAI #12, February 1, 2005 – Resolutions R-05-058 and R-05-059
BAI #34, March 28, 2006 – Resolution R-06-196
BAI #21, May 2, 2006 – Resolution R-06-293 and R-06-294
BAI #61, May 23, 2006 – Resolution R-06-366
BAI #16, July 19, 2011
BAI #31, August 9, 2011 – Resolution R-11-283
BAI #27, September 18, 2012 – Resolution R-12-342
BAI #11, October 28, 2014
BAI #06, December 9, 2014
BAI #44, December 16, 2014 – Resolution R-14-476
BAI #15 , February 10, 2015 – First Reading of Ordinance

EXHIBIT A

ANNEXATION MAP NO. 8A OF COMMUNITY FACILITIES DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES), COUNTY OF FRESNO, CALIFORNIA

REDWOOD PARK
BK. 5, PG. 4 OF RECORD OF SURVEYS, F.C.R.
SHEET 1 OF 1
SITE 1

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING BOUNDARIES OF ANNEXATION NO. 8A OF
COUNTY OF FRESNO, CALIFORNIA, DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES), COUNTY OF FRESNO,
STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO
AT A REGULAR MEETING HELD ON THE 11th DAY OF SEPTEMBER, 2014 BY ITS
RESOLUTION NO. 14-116.

FILED IN THE OFFICE OF THE CLERK TO THE BOARD OF SUPERVISORS THE 11 DAY OF
SEPTEMBER 2014

David Luyt
CLERK TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO

FILED THIS 21st DAY OF JAN 2015 AT THE HOUR OF 4:55 O'CLOCK A.M. IN BOOK 44
PAGE(S) 31 DAY OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS
INSTRUMENT NO. 2005-017219 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY
OF FRESNO, STATE OF CALIFORNIA.

PAUL DETTMER, CPA, COUNTY ASSESSOR-RECORDER
OF THE COUNTY OF FRESNO

Deborah Rodriguez
DEPUTY RECORDER
FRESNO COUNTY RECORDER

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE
LISTED AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSOR'S MAP FOR THOSE PARCELS
LISTED.

THE FRESNO COUNTY ASSESSOR'S MAP SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND
DIMENSIONS OF SUCH LOTS AND PARCELS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO APPROVED THE ORIGINAL BOUNDARY MAP
FOR THE DISTRICT OF FRESNO, CALIFORNIA, DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES),
COUNTY OF FRESNO, STATE OF CALIFORNIA, WHICH WAS
FILED PURSUANT TO SECTION 3111 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, ON APRIL 3,
2006, IN BOOK 41, AT PAGES 80 AND 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES
DISTRICTS AND AS INSTRUMENT NO. 2006-008943.

PARCEL NO. 2705, F.C.R.

PARCEL MAP NO. 2705, F.C.R.

BOOK 17, PAGE 35 OF PARCEL MAPS, F.C.R.

PARCEL NO. 7615, F.C.R.

PARCEL MAP NO. 7615, F.C.R.

BOOK 56, PAGE 55 OF PARCEL MAPS, F.C.R.

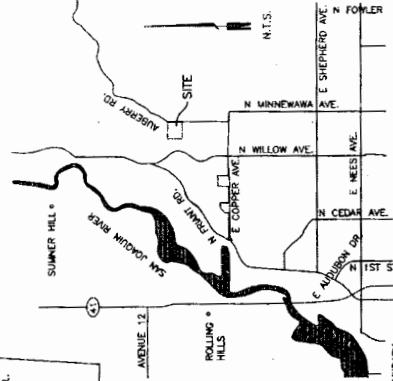


LEGEND

- TRACT NO 5655 BOUNDARY/OTD BOUNDARY
- TRACT NO 5655 LOT LINES
- ASSESSMENT NUMBER

1

VICINITY MAP



GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
1118 N STREET
FRESNO, CA 93728
(509) 384-3590

ASST. NO.	ASSESSOR'S PARCEL NO.	SITE NO.	TRACT MAP NO.
1	560-020-13	1	5655

WOL. 62, POS. 70-79 OF PLATS, F.C.R.
TRACT NO. 4351
MOUNT VERNON ESTATES