



Agenda Date: 01/27/2015

Agenda Item: 3.3

STAFF REPORT

Date: Tuesday, January 27, 2015
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, Public Works Director/City Engineer
SUBJECT: Approve second reading of Ordinance No. 03-15 levying a special tax for Fiscal Year 2015-16 and ensuing fiscal years solely within and relating to the City of Oakley Community Facilities District No. 2015-1 at the Emerson Ranch Subdivision, located north of E. Cypress Rd and west of Sellers Ave

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On September 14, 2010, the City Council approved Resolution 107-10 to subdivide the Emerson Ranch property into 567 single family parcels and one 22.88 acre commercial parcel through Vesting Tentative Map 9032. In 2013, Resolution 35-13 approved an amendment to the Emerson Ranch Final Development Plan to make minor modifications to the internal street circulation, park configuration, and lot sizes.

The Emerson Ranch property is located on the northwest corner of East Cypress Road and Sellers Avenue. Emerson Ranch, when completed, will include a new 5 acre public park, street lighting, a stormwater detention basin, trails, and roadside and median landscaping. This development will require a financing mechanism to fund the annual costs of operating and maintaining these facilities as well as community parks and the regional parks.

On December 9, 2014 by Resolution 127-14, (the "Resolution of Intention"), the City Council declared its intention to establish the CFD to provide funding for administration of the CFD and the operation and maintenance of neighborhood parks and street lighting, community parks, neighborhood landscaping, regional parks and stormwater facilities.

A complete list of authorized services (the "Authorized Services") was approved in the Resolution of Intention.

On January 13, 2015 by City Resolution Nos. 05-15, and 06-15, the Oakley City Council passed resolutions establishing the City of Oakley Community Facilities District No. 2015- 1, providing for the levy of a special tax therein. In addition, City Council approved Resolution No. 07-15 determining the results of the special election for CFD No. 2015- 1. City Council also introduced an Ordinance Levying a Special Tax for Fiscal Year 2015-16 and following fiscal years solely within and relating to CFD No. 2015- 1.

A Notice of Special Tax lien was recorded on January 14, 2015, Document Number 2015-0006788-00, that includes the one existing parcel known as the Emerson Ranch project.

Final publication of the ordinance would then take place within 15 days of adoption of the Ordinance, completing the formation of CFD No. 2015-1.

Fiscal Impact

Development of the Emerson Ranch project will require a funding mechanism to maintain neighborhood parks, community parks, regional parks, street lighting, landscaping, and stormwater detention facilities. CFD No. 2015-1 is a financing mechanism that will authorize an annual Special Tax to be levied to pay for these services.

Recommended Action

Staff recommends City Council approve the second reading of Ordinance No. 03-15 levying a Special Tax for Fiscal Year 2015-16 and ensuing fiscal years solely within and relating to the City of Oakley Community Facilities District (CFD) No. 2015-1 (Emerson Ranch Maintenance).

Attachments

Attachment 1: Ordinance No. 03-15 Levying Special Taxes

ORDINANCE NO. 03-15

**AN ORDINANCE OF THE CITY OF OAKLEY LEVYING SPECIAL TAX WITHIN
COMMUNITY FACILITIES DISTRICT**

**CITY OF OAKLEY
Community Facilities District No. 2015-1
(Emerson Ranch Maintenance)**

SECTION 1. FINDINGS

A. On December 9, 2014, this Council adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish "City of Oakley Community Facilities District No. 2015-1 (Emerson Ranch Maintenance)" (the "CFD") pursuant to the Mello-Roos Community Facilities Act, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to finance certain municipal services (the "Services") as provided in the Act;

B. Pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held;

C. Upon the conclusion of the hearing, this Council adopted its "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), pursuant to which it completed the Proceedings for the establishment of the CFD, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively; and

D. On January 13, 2015, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Council.

SECTION 2. By the passage of this Ordinance, the Council hereby authorizes and levies the Special Tax within the CFD pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation which rate and method is by this reference incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter to pay for the Services for the CFD, as contemplated by the Resolution of Formation and the Proceedings and all costs of administering the CFD.

SECTION 3. The City's Finance Manager or designee, or an employee or consultant of the City, is hereby authorized and directed each fiscal year to determine the specific Special Tax to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in the manner and as provided in the Resolution of Formation.

SECTION 4. Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the CFD in excess of the maximum Special Tax specified in the Resolution of Formation.

SECTION 5. All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the Special Tax.

SECTION 6. The Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the Council may provide for other appropriate methods of collection by resolution(s) of the Council. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent Special Tax payments. The Finance Manager of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the County of Contra Costa for fiscal year 2015-16 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

SECTION 7. If for any reason any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation circulated in the City.

SECTION 9. This Ordinance shall take effect 30 days from the date of final passage.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oakley held on the 13th day of January, 2015, by Councilmember _____ who moved its adoption and passage, which motion being duly seconded by Councilmember _____ was upon voice vote carried and ordered posted by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

City Clerk