

RESOLUTION NO. 2016-111

A RESOLUTION OF THE CITY OF MARINA CONFIRMING LEVY OF A SPECIAL TAX FOR THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2007-2 AS AUTHORIZED BY ORDINANCE NO. 2007-09 FOR FISCAL YEAR 2016-17

WHEREAS, Ordinance 2007-09 authorized the levy of a special tax for the benefit of The City of Marina Community Facilities District 2007-2 starting in Fiscal Year 2008-09, and increasing each year by two percent (2%); and

WHEREAS the special tax has been levied each fiscal year as authorized, but was temporarily reduced to zero for Fiscal Years 2013/14, 2014/15 and 2015/16; and

WHEREAS the Administrator has calculated the maximum Fiscal Year 2016/17 special tax to be \$1,052.86, and;

WHEREAS, the CFD administrator having further considered the special tax requirements in accordance with Exhibit A to Ordinance 2007-09, by which Community Facilities District 2007-2 was established and continues, has determined that a special tax for fiscal year 2016-17 be assessed at \$420 per parcel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$420.00 for FY 2016-17 assessment for the Locke Paddon Community Facilities District No. 2007-2.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of Community Facilities District No. 2007-2 shall be repaid from the next annual assessments levied and collected within Community Facilities District No. 2007-2.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 1, 2016.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 19th day of July 2016, by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Brown, Morton, O'Connell, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2016-112

A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL TAXES ON BEHALF OF CITY OF MARINA COMMUNITY
FACILITIES DISTRICT NO. 2007-2 FOR FISCAL YEAR 2016-2017

WHEREAS, the City of Marina “Public Agency” requests that the Monterey County Auditor-Controller enter those general or special taxes, assessments, or property-related Fees or charges identified in Exhibit “A” on the tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2016-17

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Public Agency hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the general or special taxes, assessments, or property-related fees or charges identified in Exhibit “A”, regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable law of the State of California.
2. The Public Agency further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees, and agents, with regards to the handling of the Cd or electronic file identified as Exhibit “A”, the Public Agency shall be solely liable and responsible for defending, at its sole expense, cost, and risk, each and every action, suit, or other proceeding brought against the County of Monterey, its officers, employees, and agents for every claim, demand, or challenge to the levying or imposition of the general or special taxes, assessments, or property –related fees or charges identified in Exhibit “A” and that it shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees, and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees and court costs, and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 19th day of July 2016, by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Brown, Morton, O’Connell, Delgado

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT "A"

**TO
RESOLUTION 2016-112 OF THE CITY OF MARINA, COUNTY
OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH STATE LAW
WITH RESPECT TO THE LEVYING OF SPECIAL TAXES FOR
FISCAL YEAR 2016-2017**

PER-PARCEL SPECIAL TAX:

DIAGRAM & LOT NO.	ASSESSOR'S PARCEL NUMBER	SPECIAL TAX ASSESSMENT
1	033-135-001-000	\$ 420.00
2	033-135-002-000	\$ 420.00
3	033-135-003-000	\$ 420.00
4	033-135-004-000	\$ 420.00
5	033-135-005-000	\$ 420.00
6	033-135-006-000	\$ 420.00
7	033-135-007-000	\$ 420.00
8	033-135-008-000	\$ 420.00
9	033-135-009-000	\$ 420.00
10	033-135-010-000	\$ 420.00
11	033-135-011-000	\$ 420.00
12	033-135-012-000	\$ 420.00
13	033-135-013-000	\$ 420.00
14	033-135-014-000	\$ 420.00
15	033-135-015-000	\$ 420.00

July 12, 2016

Item No. **8f(3)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 19, 2016

CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2016-, CONFIRMING LEVY OF THE SPECIAL TAX FOR THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2007-2 FOR FISCAL YEAR 2016-17 AS AUTHORIZED BY ORDINANCE NO. 2007-09; AND RESOLUTION NO. 2016-, CERTIFYING CITY OF MARINA COMPLIANCE WITH STATE LAW (PROPOSITION 218) WITH RESPECT TO A SPECIAL TAX FOR THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2007-2 AS AUTHORIZED BY ORDINANCE NO. 2007-09 FOR FISCAL YEAR 2016-17

RECOMMENDATION:

It is requested that the City Council:

1. Consider adopting Resolution No. 2016-, confirming levy of the special tax for the City of Marina Community Facilities District No. 2007-2 for Fiscal Year 2016-17 as authorized by Ordinance No. 2007-09, and;
2. Resolution No. 2016-, certifying City of Marina compliance with State law (Proposition 218) with respect to a special tax for the City of Marina Community Facilities District No. 2007-2 as authorized by Ordinance No. 2007-09 for Fiscal Year 2016-17

BACKGROUND:

Pursuant to a special election held on July 17, 2007, on August 7, 2007, the City Council unanimously passed Ordinance No. 2007-09, forming the City of Marina Community Facilities District No. 2007-2 (commonly referred to as Locke-Paddon CFD). Ordinance 2007-09 also authorized an annual special tax levy for the purpose of landscape and park maintenance. The special tax was first levied for fiscal year 2008-09, in the amount of \$898.58 for each of the fifteen (15) assessed properties. Each subsequent year, Ordinance 2007-09 requires the special tax to be increased by two percent (2.00%) from the previous approved Maximum Special Tax.

For fiscal years 2013/14, 2014/15 and 2015/16, the special tax was temporarily reduced to zero. The City Council Resolutions affirmed that for future calculations, the full, authorized, maximum rate would continue to increase per Ordinance 2007-09. Accordingly, the special tax for each fiscal year since inception has been as follows (NOTE: Monterey County requires that rates be divisible by 2 for placement on the rolls, so calculations are rounded each year):

Fiscal Year	Max. Per Parcel Tax	Actual Levy	Total Special (to be) Collected
FY 08/09	\$898.58	\$ 898.58	\$ 13,478.70
FY 09/10	\$916.56	\$ 916.56	\$ 13,748.40
FY 10/11	\$934.90	\$ 934.90	\$ 14,023.50
FY 11/12	\$953.60	\$ 953.60	\$ 14,304.00
FY 12/13	\$972.68	\$ 972.68	\$ 14,590.20
FY 13/14	\$992.14	\$ -	\$ -
FY 14/15	\$1,011.98	\$ -	\$ -
FY 15/16	\$1,032.22	\$ -	\$ -
FY 16/17	\$1,052.86	\$ 420.00	\$ 6,300.00

ANALYSIS:

Each year's special tax is collected by the Monterey County Tax Collector, and then distributed to the City. When received by the City, special taxes are credited in the accounting system to Fund 251 - CFD No. 2007-2 Locke Paddon. Likewise, as expenditures and costs are incurred on behalf of the District, invoices are coded by City Staff, paid through the Accounts Payable system, and posted to Fund 251 expenditure accounts. At June 30, 2016, the unexpended fund balance in Fund 251 (cumulative tax revenue in excess of expenditures since inception) is projected to be approximately \$3,529. Expected landscaping, utilities and administrative expenditures for this coming fiscal year (2016-2017) will be \$7,410.00 (“**Exhibit B**”).

Section 2 of Ordinance 2007-09 requires the CFD Administrator (the City Manager) “...to determine each year, without further action of this Council, the Special Tax...and...without further action of this Council, to provide all necessary and appropriate information to the Monterey County Auditor...necessary to effect the correct and timely billing and collection of the Special Tax... .” Upon evaluation of the anticipated expenditures of the District for the upcoming Fiscal Year 16/17, it is the opinion of the CFD Administrator to assess a special tax of \$420 per parcel to maintain an adequate fund balance for any potential unforeseen extraordinary maintenance projects.

However, Monterey County will not impose or collect the special tax on the District's behalf unless the City submits, in a form provided by the County, a certification of compliance with State Law (Proposition 218) that includes a hold harmless and indemnification provision for administrative expenses of the County associated with collection of the City's taxes, assessments, fees or charges, other than the Constitutionally authorized 1% ad valorem tax.

Attached is a resolution which, if adopted by the Council will satisfy the County's certification, hold-harmless and indemnification requirements with respect to the City of Marina Community Facilities District No. 2007-2 Special Tax for the 2016-17 fiscal year.

FISCAL IMPACT:

Special assessments finance the CFD's approved landscape maintenance services. Total to be credited to the district is as follows:

Fund 251 Community Facilities District No. 2007-2	\$ 6,300.00
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CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata, P.E.
Acting City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina