



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 11.1e

Meeting Date: August 4, 2011

Subject: Resolution No. 2670 - Approving the Sacramento City Unified School District Community Facilities District No. 2 Tax Report for Fiscal Year 2011 – 2012 and Levying and Apportioning the Special Tax as Provided Therein

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Learning Support Unit/Department: Capital Asset Management Services

Recommendation: Approve Resolution No. 2670 Sacramento City Unified School District Community Facilities District No. 2 Tax Report for Fiscal Year 2011 – 2012 and Levying and Apportioning the Special Tax

Background/Rationale: On January 27, 1992, the Sacramento City Unified School District, Board of Education, adopted Resolution 1588 establishing Sacramento City Unified School District Community Facilities District (CFD) No. 2 for the purpose of providing for the financing of certain facilities in and for CFD No. 2 and providing for the levy of a special tax in and for CFD No. 2.

Pursuant to Section 53340 of the Government Code of the State of California, the special tax is levied at the rates specified in the Tax Report and shall be collected by the Tax Collector of the County of Sacramento in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same procedure, sale, and lien priorities in case of delinquency as is provided for ad valorem taxes, subject to all other conditions set forth in the Resolution.

Financial Considerations: Additional revenue to the District (\$1,216,806.23)

Documents Attached:

1. Resolution No.2670
2. CFD No. 2 Special Tax Report

Estimated Time of Presentation:

Submitted by: James C. Dobson, Director II – Planning, Construction and Operations

Approved by: Jonathan P. Raymond, Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 2670

**A RESOLUTION APPROVING THE SACRAMENTO CITY
UNIFIED SCHOOL DISTRICT COMMUNITY FACILITIES
DISTRICT NO. 2 TAX REPORT FOR FISCAL YEAR 2011-12
AND LEVYING AND APPORTIONING THE SPECIAL TAX
AS PROVIDED THEREIN**

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2**

WHEREAS, the Governing Board of the Sacramento City Unified School District (the "Board") on January 27, 1992 duly adopted Resolution No. 1588 (the "Resolution") establishing Sacramento City Unified School District Community Facilities District No. 2 (the "Community Facilities District," or "CFD No. 2") for the purpose of providing for the financing of certain facilities in and for CFD No. 2 and providing for the levy of a special Cor CFD No. .e

WHEREAS, the(Sacram)831(ento City D)77(n)4.5nified Schooh

Section 5. The Superintendent and his designees are hereby authorized to make changes to the Tax Report in response to appeals from taxpayers or otherwise in order to correct errors that may, from time to time, arise in the application of the special tax to particular parcels. Claims for refund of the tax shall comply with the following and any additional procedures as established by the Board:



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT No. 2

SPECIAL TAX REPORT

FISCAL YEAR 2011-12
JULY 2011

PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

ENGINEER OF WORK:

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SUMMARY

The Sacramento City Unified School District formed Sacramento City Unified School District Community Facilities District No. 2 (CFD #2) for the purpose of financing new and improved school facilities for students generated by new development within the District. CFD #2 was formed after receiving over two-thirds support (on an acreage voting basis) from property owners included within the Community Facilities District. The special tax proceeds from this CFD are being used primarily to finance school construction bonds. This Report summarizes the fiscal year 2011-12 Special Tax, Method of Apportionment, and other related data.

There are currently 1,298 parcels in CFD #2, which includes both subdivided and non-subdivided parcels. As of June 30, 2011 1,189 building permits for new homes within the Community Facility District have been issued, 16 parcels have prepaid their CFD #2 tax obligation in full. The total annual special tax to be collected within CFD #2 for fiscal year 2011-12 is \$1,216,806.23. Table 1 summarizes the current and historical Special Tax data by year.

Table 1

Summary of Special Tax Levies by Year

| Fiscal Year | Total Parcels | Total Parcels Taxed | Total Tax ¹ |
|----------------------|------------------|------------------------|------------------------|
| 1997-98 | 409 | 254 | \$126,570.65 |
| 1998-99 | 469 | 393 | \$196,990.14 |
| 1999-00 | 580 | 404 | \$203,171.20 |
| 2000-01 | 579 | 415 | \$221,988.44 |
| 2001-02 | 581 | 474 | \$280,281.20 |
| 2002-03 | 578 | 536 | \$343,608.30 |
| 2003-04 | 671 | 620 | \$454,881.34 |
| 2004-05 | 953 | 861 | \$753,486.22 |
| 2005-06 | 1202 | 1091 | \$970,726.79 |
| 2006-07 | 1202 | 1150 | \$1,060,729.52 |
| 2007-08 | 1205 | 1166 | \$1,087,599.74 |
| 2008-09 | 1302 | 1181 | \$1,156,744.20 |
| 2009-10 | 1299 | 1186 | \$1,210,796.34 |
| 2010-11 ² | 1299 | 1184 | \$1,182,605.48 |
| 2011-12 | 1299 | 1189 | \$1,216,806.23 |

¹The total tax listed are the amounts submitted to the County Auditors (after any revisions for property changes).

² An audit of residential square footage resulted in a reduction in residential square footage of 214 parcels. In addition 11 homes prepaid their CFD 2 tax in full during fiscal year 2009-10.

ADMINISTRATION OF COMMUNITY FACILITIES DISTRICT

GENERAL ADMINISTRATIVE REQUIREMENTS

The Mello-Roos Community Facilities District Act of 1982 (the Act) requires that a Special Tax

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annually determined by the Board at the time taxes are levied and to be used to calculate the Mitigation Rate.

- H. "Fiscal Year" means the period starting on July 1 and ending on the following June 30, except that the first Fiscal Year shall commence on the date the Board adopts the Resolution of intention to form CFD No. 2 and shall end on the next succeeding June 30.
- I. "Mitigation Rate" means, for calculations of the Special Tax payable in the first Fiscal Year, with respect to Multifamily Residential Property, \$2.42 per square foot of Assessable Space and, with respect to Single Family Residential Property, \$4.15 per square foot of Assessable Space and, for calculations of the Special Tax payable in each Fiscal Year thereafter, such amounts increased each Fiscal Year by the Escalation Factor and otherwise adjusted as provided in Section (B) hereof.
- J. "Multifamily Residential Property" means Residential Property for which a building permit for multifamily dwelling units is expected to be issued.
- K. "Residential Property" ("Property") means an Assessor's Parcel within CFD No. 2 that is zoned for residential use.
- L. "Single Family Residential Property" means Residential Property for which a building permit for a single family detached dwelling unit is expected to be issued.
- M. "Special Tax" means the special tax or special taxes authorized to be levied within CFD No. 2.
- N. "Superintendent" means the District Superintendent or the Superintendent's designee.
- O. "Tax Collection Schedule" means document to be prepared annually by the Superintendent for use by the Sacramento County Auditor in collecting the annual installments of the Special Tax each Fiscal Year.
- P. "Tax-Exempt Property" means any property within CFD No. 2 that in accordance with Section 2 hereof will not be taxed.
- Q. "Territory to be Annexed" means any territory that is within District boundaries but not included within the boundaries of CFD No. 2 upon formation.

Board shall levy the Special Tax in an amount equal to the product of the Mitigation Rate and the Assessable Space of such Parcel.

If, after the annual levy and before a building permit is issued, a Parcel ceases to be or becomes Tax-Exempt Property or changes its classification from Single Family Residential Property to Multifamily Residential Property or from Multifamily Residential Property to Single Family Residential Property, then the Board shall revise the Special Tax to be levied against such Parcel.

4. Payment of the Special Tax.

- A. The Special Tax is due upon the issuance of a building permit, or similar authorization for mobilehomes, for any Residential Property. Payment shall be made to the Superintendent by cashier's check or certified check payable to the CFD, and the Superintendent shall issue a receipt for payment showing the date and amount. If the Special Tax is not paid in Full, or if the owner elects (in accordance with the requirements of subsection B below) to pay all or part of the amount due in annual installments, the amount of the Special Tax that remains unpaid (the "Carryover Amount") shall be payable in annual installments (with interest) over a thirty-year period, calculated as described in subsection C below.
- B. A Parcel owner may elect to pay the Special Tax in annual installments. Such election shall be made at the time a building permit or similar authorization for the Parcel is issued, shall be in writing on a form provided by the Superintendent, and shall be accompanied by payment of any part of the Special Tax that such owner elects to pay immediately.
- C. If all or part of the Special Tax will be paid in annual installments, the amount payable in each year after the Special Tax has become due shall be the product of the Carryover Amount and the installment factor listed in the table below for such year:



8. Claim for Refund.

All claims for refund of Special Tax (or annual installment thereof) collected on behalf of the CFD shall be filed with the Superintendent not later than one year after the date the Special Tax (or annual installment) has been paid to the County or to the Superintendent on behalf of the CFD in cases where the tax is not collected by the County. The claimant shall file the claim within this time period, and the claim shall be finally acted upon by the Board as a prerequisite to the claimant's bringing suit thereon. Pursuant to Government Code section 935(b), the claim shall be subject to the provisions of Government Code sections 945.6 and 946.

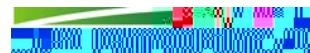
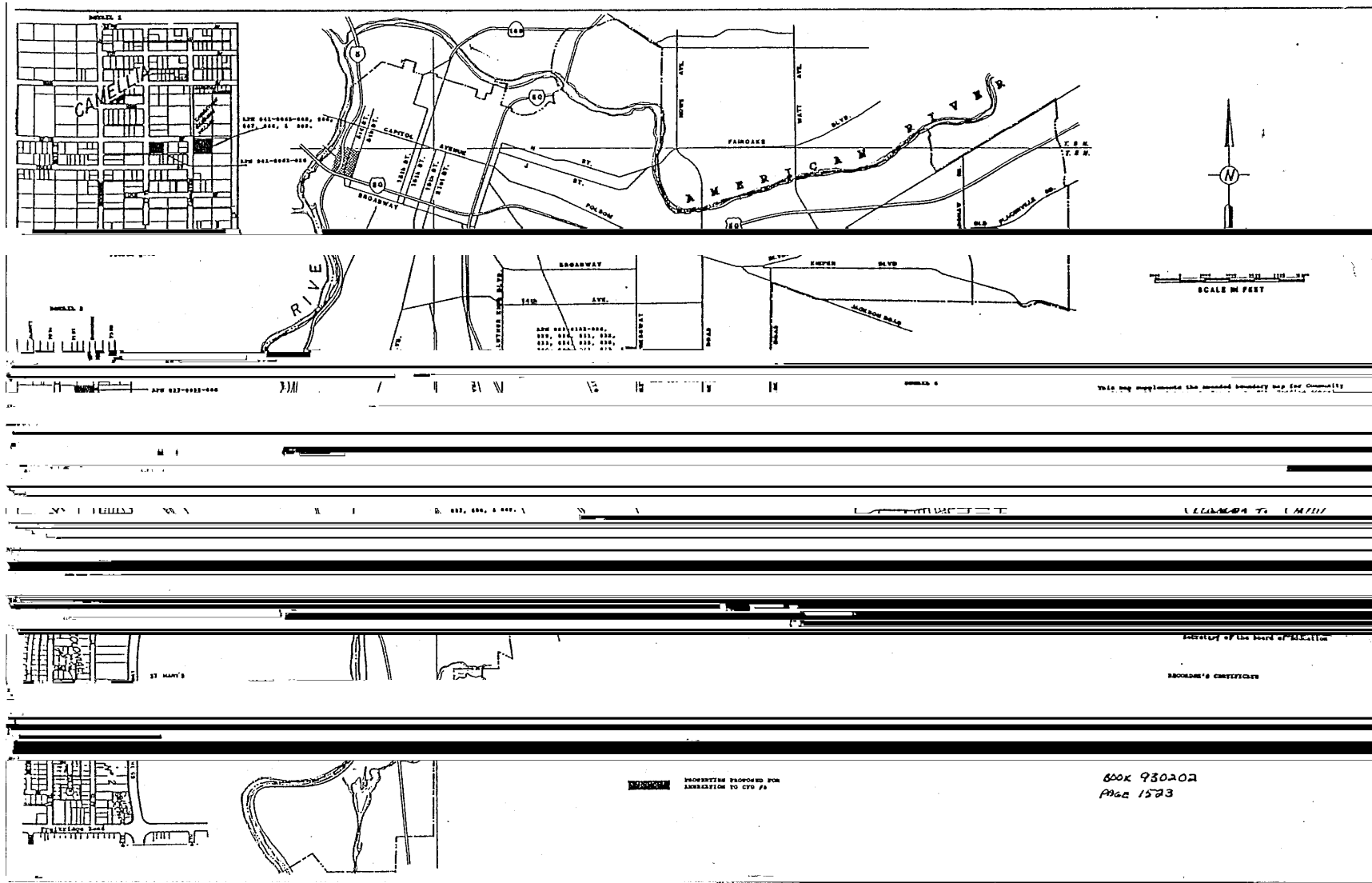
The Board acting on its own behalf and on behalf of the CFD shall respond to a timely claim within the time period required and in the manner specified by Government Code sections 912.4 and 912.6. Should said sections be amended or repealed, they shall apply according to their terms in effect on July 1, 1991.

The procedure described herein shall be the exclusive procedure for claimants' seeking a refund of Special Tax (or annual installments thereof). The decision of the District in response to any claim for refund shall be final.

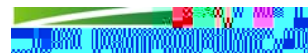
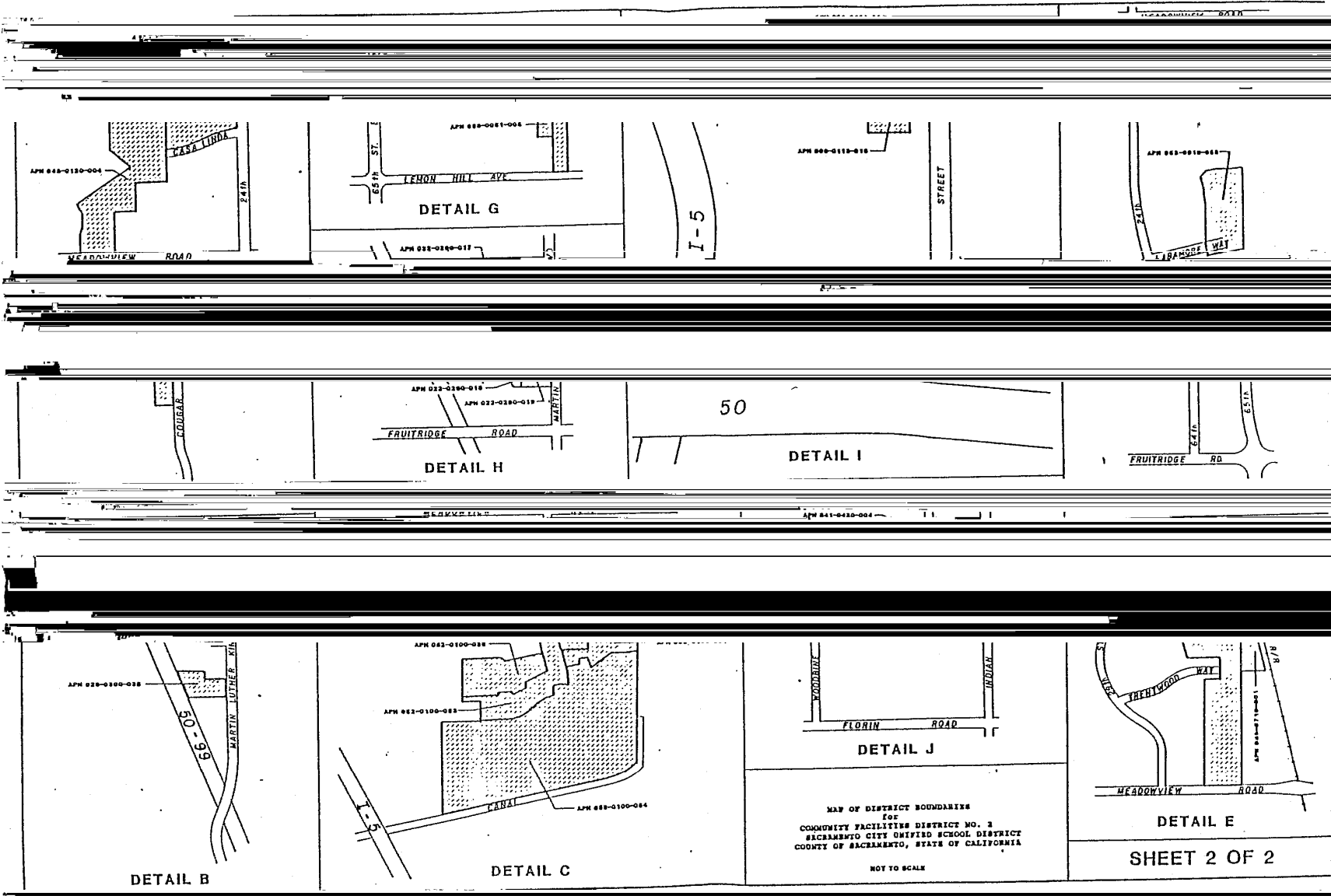
9. Annexation of Territory.

Any territory to be annexed to the CFD shall, in addition to payment of Special Taxes at the rates set forth above, be subject to payment of any costs incurred by the CFD and District in conducting the annexation process and such additional tax within the territory to be annexed as may be necessary to compensate for the interest and principal previously paid by the existing community facilities district; provided that in no event shall the additional tax authorized herein be allowed to exceed the Special Tax applicable to the Parcels being annexed.

DISTRICT BOUNDARY DIAGRAMS



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT No. 2
SPECIAL TAX

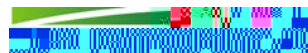


SECRETARY'S MAP FILING STATEMENT

MAP OF PROPOSED BOUNDARY
ANNEXATION NO. 4

COMMUNITY FACILITIES DISTRICT NO. 2
CITY OF SACRAMENTO, SACRAMENTO COUNTY,

City Consultants, Inc.



CERTIFICATES

1. The undersigned respectfully submits the enclosed Tax Report and does hereby certify that this Tax Report has been computed by me in accordance with the Rate and Method of Apportionment for the Sacramento City Unified School District Community Facilities District No. 2.

SCI Consulting Group

2. I, the County Auditor of the County of Sacramento, California, hereby certify that the Tax Roll and tax levies for the Sacramento City Unified School District Community Facilities District No. 2 for
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NOTICE OF SPECIAL TAX

COMMUNITY FACILITIES DISTRICT NO. 2

[REDACTED]

IF YOU HAVE A CONTRACT TO PURCHASE OR DEPOSIT THE CONTRACT WITHIN THREE DAYS AFTER RECEIVING THIS NOTICE IN PERSON OR MAIL. IF NOT, IT MUST BE DEPOSITED IN THE MAIL BY GIVING WRITTEN NOTICE OF THAT TERMINAL AGENT SELLING THE PROPERTY.

DATE _____
