

RESOLUTION NO. 2022-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA CERTIFYING COMPLIANCE WITH STATE LAW (PROPOSITION 218) WITH RESPECT TO LEVYING OF SPECIAL TAXES ON BEHALF OF CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2007-2 FOR FISCAL YEAR 2022-2023 AS AUTHORIZED BY ORDINANCE NO. 2007-09

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 2022-2023.

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 7th day of June 2022, by the following vote:

AYES: COUNCIL MEMBERS: Burnett, Berkley, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Medina Dirksen

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT “A”

**TO RESOLUTION NO. 2022-67 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 2022-2023**

PER-PARCEL SPECIAL TAX:

DIAGRAM & LOT NO.	ASSESSOR'S PARCEL NUMBER	SPECIAL TAX ASSESSMENT
1	033-135-001-000	\$ 1,100.00
2	033-135-002-000	\$ 1,100.00
3	033-135-003-000	\$ 1,100.00
4	033-135-004-000	\$ 1,100.00
5	033-135-005-000	\$ 1,100.00
6	033-135-006-000	\$ 1,100.00
7	033-135-007-000	\$ 1,100.00
8	033-135-008-000	\$ 1,100.00
9	033-135-009-000	\$ 1,100.00
10	033-135-010-000	\$ 1,100.00
11	033-135-011-000	\$ 1,100.00
12	033-135-012-000	\$ 1,100.00
13	033-135-013-000	\$ 1,100.00
14	033-135-014-000	\$ 1,100.00
15	033-135-015-000	\$ 1,100.00

RESOLUTION NO. 2022-66

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA CONFIRMING
LEVY OF A SPECIAL TAX FOR THE CITY OF MARINA COMMUNITY FACILITIES
DISTRICT NO. 2007-2 (LOCKE PADDON) FOR FISCAL YEAR 2022-2023 AS
AUTHORIZED BY ORDINANCE NO. 2007-09**

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 2008-2009, 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 2022-2023 special tax to be \$1,209.40, 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 2022-2023 be assessed at \$1,100.00 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, \$1,100.00 per parcel for FY 2022-2023 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, 2022.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 7th day of June 2022, by the following vote:

AYES: COUNCIL MEMBERS: Burnett, Berkley, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Medina Dirksen

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

May 25, 2022

Item No. **8f(4)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 7, 2022

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2022-,
CONFIRMING LEVY OF A SPECIAL TAX FOR THE CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2007-2 (LOCKE PADDON)
FOR FISCAL YEAR 2022-2023 AS AUTHORIZED BY ORDINANCE NO.
2007-09; AND RESOLUTION NO. 2022-, CERTIFYING CITY OF MARINA
COMPLIANCE WITH STATE LAW (PROPOSITION 218) WITH RESPECT
TO LEVYING OF SPECIAL TAXES ON BEHALF OF THE CITY OF
MARINA COMMUNITY FACILITIES DISTRICT NO. 2007-2 FOR FISCAL
YEAR 2022-2023 AS AUTHORIZED BY ORDINANCE NO. 2007-09**

RECOMMENDATION:

It is requested that the City Council:

1. Consider adopting Resolution No. 2022-, confirming levy of a special tax for the City of Marina Community Facilities District No. 2007-2 (Locke Paddon) for Fiscal Year 2022-2023 as authorized by Ordinance No. 2007-09, and;
2. Consider adopting Resolution No. 2022-, certifying City of Marina compliance with State law (Proposition 218) with respect to levying of special taxes for the City of Marina Community Facilities District No. 2007-2 for Fiscal Year 2022-2023 as authorized by Ordinance No. 2007-09

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, see “**EXHIBIT B**”). 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	Approved Levy	Total Special Tax
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
FY 17/18	\$1,073.92	\$ 475.00	\$ 7,125.00 [\$6,652 actual]
FY 18/19	\$1,095.40	\$ 450.00	\$ 6,750.00 [\$6,284 actual]
FY 19/20	\$1,117.30	\$ 488.00	\$ 7,320.00
FY 20/21	\$1,139.64	\$ 785.00	\$ 11,775.00
FY 21/22	\$1,162.44	\$ 820.00	\$ 12,300.00
FY 22/23	\$1,209.40	\$ 1,100.00	\$ 16,500.00

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, expenditures and costs incurred on behalf of the District are paid out of Fund 251 expenditure. It is estimated that by June 30, 2022, the unexpended fund balance in Fund 251 (cumulative tax revenue in excess of expenditures since inception) is projected to be approximately \$4,330. On May 5th, City staff met with residents to discuss requested additional improvements and maintenance including: decorative fencing repair, lighting replacements, dog waste station, root barrier installation, irrigation repairs and other improvements. Expected landscaping, utilities, extraordinary maintenance, and City service expenditures for this coming fiscal year (2022-23) will be approximately \$16,610 (**"EXHIBIT C"**).

Due to the age of the site improvements at the District, a fund balance of \$4,221 will be maintained for replacement costs of site improvements as they reach the end of their life expectancy (e.g. street light fixtures, irrigation system) and for tree removal/replacement as needed.

The cost allocation charges adopted in July 2018 for this District was identified to be \$5,234.94. Staff had presented this cost figure to the City Council during the last assessment process for future consideration. These charges are associated with the expenses incurred by the City for administering the special tax assessment. As the District has not paid cost allocation charges in prior years, the additional charges would be a significant burden to the current budget. Staff is recommending a phased appropriation of cost allocation charges over a four-year period as shown in Exhibit C (See Note C).

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 22/23, it is the opinion of the CFD Administrator to assess a special tax of \$1,100.00 per parcel to maintain an adequate fund balance for any potential unforeseen extraordinary maintenance projects.

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 2022-23 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	\$16,500.00
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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
Public Works Department
City of Marina

REVIEWED/CONCUR:

Juan Lopez
Finance Director
City of Marina

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina