



CITY COUNCIL STAFF REPORT

DATE: November 5, 2014

CONSENT CALENDAR

SUBJECT: APPROVE RESOLUTIONS OF INTENTION AND PROPOSED BOUNDARY MAP TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 5, ANNEXATION NO. 6, AND ANNEXATION NO. 7:

FROM: David H. Ready, City Manager

BY: Chief of Staff/City Clerk

SUMMARY

The City Council formed a Community Facilities District (CFD) to provide a financing mechanism to sustain the delivery of public safety services to new residential developments. The initial CFD was formed in November, 2005. This action declares the City Council's intention to annex new residential developments into the CFD, and will set a public hearing date for this purpose.

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY, TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 [PUBLIC SAFETY SERVICES] AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN." (Annexation No. 5)
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY, TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 [PUBLIC SAFETY SERVICES] AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN." (Annexation No. 6)
3. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY, TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 [PUBLIC SAFETY SERVICES] AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN." (Annexation No. 7)

ITEM NO. 2. a.

4. Set the public hearing for 6:00 p.m. on December 17, 2014, for public comment and for the filing of written protest by any property owner regarding the annexation of territory to Community Facilities District 2005-1, the levy of a special tax for public safety services, and a special landowner election.

STAFF ANALYSIS:

The City Council created a Community Facilities District (CFD) to assist in the financing of police, fire and life safety services to new residential development. This type of financing program, which is authorized under the Mello-Roos Community Facilities Act of 1982, envisioned the participation of all future new development projects, either by formation of new districts or annexation into the existing CFD.

Since the formation of the initial CFD, a number of residential developments have been annexed to the CFD by the City Council. Three additional developments are ready for annexation—Sofia (9 multi-family units) Tract 36715, SOL (46 single family residences) Tract 36525 and Dakota (39 single family residences) Tract 36548.

Each project listed above has, as a condition of project approval, a requirement to participate in the process of annexing into the CFD for public safety services. Although the City could form separate CFDs for each development, it is simpler and less costly to annex these projects into the existing CFD since the Rate and Method of Apportionment established for CFD 2005-1 governs the levy of special taxes not only within the original boundaries of the CFD but, also, within all subsequent annexations.

In order to commence the annexation process, the City Council must adopt a Resolution of Intention for each annexation. This resolution sets forth terms and conditions for annexing territory into the CFD and includes the rate and apportionment of the special tax to be levied. The Resolution of Intention also establishes a date for a public hearing on the proposed annexation. The public hearing date, which by statute must be held within 30-60 days following the adoption of the Resolution of Intention, is scheduled for December 17, 2014. Pursuant to the Mello-Roos Community Facilities Act of 1982, there are less than twelve (12) registered voters in the territory proposed to be annexed; therefore, the special election will be a landowner vote.

The City Council has imposed, as a condition of development, a requirement to participate in the process of annexing into the CFD for public safety services. Directly prior to the Public Hearing, each property owner will return a Consent and Waiver to the City, waiving certain timing and noticing requirements related to election code, which will enable the City to expedite the annexation process by conducting the special election immediately after the December 17, 2014, Public Hearing.

Included with each Resolution of Intention, the City Council must establish the boundaries of the territory to be annexed to the CFD. Each Resolution of Intention

identifies the territory to be annexed into the CFD, which will be recorded with the County Assessor's Office upon completion of the annexation process.


The special tax that is currently being assessed on properties within the CFD is based upon a Fiscal Impact Analysis that was prepared by MuniFinancial. Based on this analysis, the current special tax for single-family residence is \$408.43 per year, multi-family residence is \$ 344.25, and may increase by the annual escalation factor, but cannot exceed a maximum of \$500 per year. The special tax is collected as part of the annual property tax.

Assuming the City does not receive a majority protest against annexation from the affected landowners at the public hearing, the City will then be able to conduct a special landowner election, and levy the special tax on all affected parcels within the annexed areas beginning in fiscal year 2015-16.

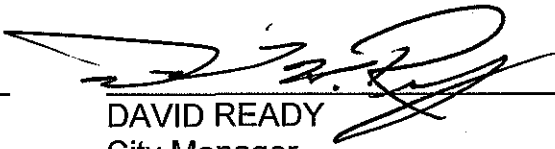
FISCAL IMPACT:

At build-out, the three (3) developments identified above will generate an additional \$37,815 per year for public safety services.

CFD funds can only be used for public safety services. In fiscal year 2014-15 a total of 1,275 parcels are in the CFD and were levied a total amount of \$414,732.



JAMES THOMPSON
Chief of Staff/City Clerk



DAVID READY
City Manager

Attachments:
Resolutions of Intention
Rate and Apportionment

**CITY OF PALM SPRINGS
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SAFETY SERVICES)
RATE AND METHOD OF APPORTIONMENT**

A Special Tax of Community Facilities District No. 2005-1 (Public Safety Services) of the City of Palm Springs (the "District") shall be levied on all Assessor's Parcels in the District and collected each Fiscal Year commencing in Fiscal Year 2006-07 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the District, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre of Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California, as amended, which authorizes the establishment of the District to finance: a) police protection services, and b) fire protection and suppression services, and life safety services including but not limited to ambulance and paramedic services.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the District to determine, levy and collect the Special Taxes, including the proportionate amount of the salaries and benefits of City employees whose duties are directly related to administration of the District and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the District as determined by the City.

"Annual Escalation Factor" means the greater of the increase in the annual percentage change of the All Urban Consumers Consumer Price Index (CPI) or the percent increase of salaries and benefits for public safety employees as stated in the Memorandum of Understanding for the fiscal year of the Special Tax. The annual CPI used shall be for the area of Los Angeles-Riverside-Orange County, CA as reflected in the then-current April update. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and

Research (www.dir.ca.gov/dlsr). If the foregoing index is not available, the CFD Administrator shall select a reasonably comparable index.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2007.

"City" means the City of Palm Springs.

"Council" means the City Council of the City of Palm Springs, acting as the legislative body of the District.

"County" means the County of Riverside, California.

"Developed Multi-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, town homes, condominiums, and apartment units.

"Developed Property" means all Taxable Property, exclusive of Property Owner Association Property, Non-Residential Property, or Public Property, for which a building permit was issued after January 1, 2006 and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Developed Single-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one single-family residential dwelling unit.

"District Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"District" means Community Facilities District No. 2005-1 (Public Safety Services) of the City of Palm Springs.

"Entitled Property" means an Assessor's Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term "Entitled Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential

development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the District Administrator.

"Final Map" means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the District in any Fiscal Year on any Assessor's Parcel.

"Non-Residential Property" means all Assessors' Parcels for which a building permit(s) has been issued for a non-residential used and does not contain any residential units as defined under Developed Single Family Residence or Developed Multi-Family Residence.

"Property Owner Association Property" means any property within the boundaries of the District that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

"Proportionately" means in a manner such that the ration of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

"Public Property" means any property within the boundaries of the District that is, at the time of the District formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Public Safety Service Costs" means the estimated and reasonable costs of providing police services and fire protection and suppression services and life safety services, including but not limited to (i) the costs of contracting services, (ii) equipment, vehicles, ambulances, and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff that directly provide police services and fire protection and suppression services and life safety services, respectively, and (iv) City overhead costs associated with providing such services within the District. On each July 1 following the Base Year the increases attributed to salaries and benefits shall be calculated and limited to the increase based on the Annual Escalation Factor. The Special Tax provides only partial funding for police, fire and life safety services.

“Special Tax” means the Special Tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“Special Tax Requirement” means that amount required in any Fiscal Year for the District to: (i) pay for Public Safety Service Costs; (ii) pay reasonable Administrative Expenses; (iii) pay any amounts required to establish or replenish any reserve funds; and (iv) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year’s Special Tax levy.

“State” means the State of California.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of the District and any future annexation to the District that are not exempt from the Special Tax pursuant to law or as defined herein.

“Tax-Exempt Property” means an Assessor’s Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, (iii) Non-Residential Property, and (iv) property designated by the City or District Administrator as Tax-Exempt Property.

“Undeveloped Property” means, for each Fiscal year, all Assessor’s Parcels of Taxable Property not classified as Developed Property or Entitled Property, including an Assessor’s Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final documents and/or maps available to the District Administrator.

“Unit” means any separate residential dwelling unit in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the District shall be classified as Developed Property, Entitled Property, or Undeveloped Property. Developed Property shall be further classified as Developed Single-Family Residence or Developed Multi-Family Residence. Commencing with the Base Year and for each subsequent Fiscal Year, all Taxable Property shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

TABLE 1
Maximum Special Tax for Developed Property
Community Facilities District No. 2005-1
(Public Safety Services)

Land Use Class	Description	Maximum Special Tax Per Unit
1	Developed Single-Family Residence	\$350 per Unit
2	Developed Multi-Family Residence	\$295 per Unit

On each July 1 following the Base Year (i.e., July 1, 2007), the Maximum Special Tax Rates in Table 1 shall be increased in accordance with the Annual Escalation Factor. Once the Maximum Special Tax per Unit is equal to \$500 per Unit, no further Annual Escalation Factor shall be applied and the Maximum Special Tax per Unit shall not exceed \$500.

2. Entitled Property

Table 2
Maximum Special Tax for Entitled Property
Community Facilities District No. 2005-1
(Public Safety Services)

Land Use Class	Description	Maximum Special Tax Per Lot
3	Entitled Property	\$100 per Lot

No Annual Escalation Factor shall be applied to the maximum Special Tax per Lot for Entitled Property.

3. Undeveloped Property

Undeveloped Property will be assigned a Maximum Special Tax Rate of \$500 per acre or portion thereof, with a minimum rate of \$100 for Undeveloped Property less than or equal to one-fourth (1/4) of an Acre as described in table 3.

Table 3
Maximum Special Tax for Undeveloped Property
Community Facilities District No. 2005-1
(Public Safety Services)

Land Use Class	Description	Maximum Special Tax Per Parcel/Acre
4	Undeveloped Property less than or equal to ¼ Acre	\$100 per Assessor's Parcel
5	Undeveloped Property > ¼ Acre	\$500 per Acre

No Annual Escalation Factor shall be applied to the Maximum Special Tax per Parcel/Acre for Undeveloped Property.

4. Tax-Exempt Property

No Special Tax shall be levied on Tax-Exempt Property.

5. Multiple Land Use Classes

In some instances an Assessor's Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2006-07, and for each subsequent Fiscal Year, the District Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax as follows until the amount of the Special Tax levied equals the Special Tax Requirement. First, the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property Proportionately between Developed Single-Family Residence and Developed Multi-Family Residence up to 100% of the applicable Maximum Special Tax. Second, if the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Entitled Property up to 100% of the applicable Maximum Special Tax for Entitled Property. Lastly, if the first two steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

E. APPEALS

Any tax payer that believes that the amount of the Special Tax assigned to an Assessor's Parcel is in error may file a written notice with the District Administrator appealing the levy of the Special Tax. This notice is required to be filed with the District Administrator during the Fiscal Year the error is believed to have occurred. The District Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the District Administrator verifies that the tax should be changed the Special Tax Levy shall be corrected and, if applicable in any case, a refund shall be granted.

F. EXEMPTIONS

1. Residential Property

Residential Properties which annually meet one or more of the following standards shall be exempt from payment of the Special Tax:

- a. A Residential Property consisting of one or two person(s) earning \$15,300 or less gross income per year, upon complying with procedures to establish such exemption, or
- b. A Residential Property consisting of three persons earning \$17,900 or less gross income per year, upon complying with procedures to establish such exemption, or
- c. A Residential Property which qualifies for either the Low Income Rate Assistance (LIRA) exemption for electrical or gas services or the Lifeline exemption for telephone services.

The City is authorized and directed to promulgate administrative rules and procedures for verification of eligibility for the exemptions referred to in section F.

G. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the District Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the District or as otherwise determined appropriate by the District Administrator.

H. TERM OF SPECIAL TAX

Every Five years after the establishment of the District, the City Council may reexamine, if deemed necessary by City Council, the necessity of the continuance of the Special Tax through the preparation of a Fiscal Impact Analysis, otherwise the Special Tax shall be levied in perpetuity.