

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

June 29, 2016 – Agenda Item IV__

Resolution No. 16-90

RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY DECLARING INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT

Community Facilities District No. 2016-1
(Fire Prevention, Wildlife Corridor and Open Space Protection)

WHEREAS, the Governing Board of the Mountains Recreation and Conservation Authority (the "MRCA") hereby adopts this resolution of intention to establish a community facilities district as follows:

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code, the MRCA is authorized to establish a community facilities district and to act as the legislative body for such community facilities district; and

WHEREAS, this Board, as the legislative body of the MRCA, has determined that it is in the best interests of the MRCA to institute proceedings for the establishment of a community facilities district pursuant to the Act in order to finance the acquisition, maintenance, improvement, servicing, protection, and preservation of open space, natural or other lands and facilities owned or managed by the MRCA within the CFD, and the reduction of the risk of wildfires (the "Services and Facilities"), including administrative or incidental expenses thereto, as more particularly described herein; and

WHEREAS, on June 27, 2012 by Resolution 12-83, the Governing Board adopted Local Goals and Policies concerning the use of the Act pursuant to Section 53312.7 of the Act and on October 7, 2015 the Governing Board adopted Resolution 15-139 amending said Local Goals and Policies.

NOW, THEREFORE, BE IT RESOLVED:

1. The MRCA hereby declares its intent to initiate proceedings to establish a community facilities district pursuant to the Act, by adopting this resolution of intention to establish a community facilities district pursuant to Section 53321 of the Act.

2. The name proposed for the community facilities district is: "Mountains Recreation and Conservation Authority Community Facilities District No. 2016-1 (Fire Prevention, Wildlife Corridor and Open Space Protection)," referenced herein as the CFD.
3. The proposed boundaries of the CFD are as shown on the map attached hereto as Exhibit A, and incorporated herein.
4. The public facilities and services proposed to be financed by the CFD are described in the document titled "Description of Services and Facilities to be Financed by the CFD," attached hereto as Exhibit B and incorporated herein.
5. Except to the extent that funds are otherwise available to the CFD to pay for the Services and Facilities, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes levied within the CFD. The proposed rate and method of apportionment of the Special Tax are described in the document titled "Rate and Method of Apportionment of Special Tax," attached hereto as Exhibit C and incorporated herein.
6. A public hearing on the establishment of the CFD and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 11:00 a.m., or as soon thereafter as practicable, on Wednesday, August 3, 2016, at a special meeting place of the MRCA Board, located at Franklin Canyon Park, 2600 Franklin Canyon Drive, Beverly Hills, California, such time being not less than 30 or more than 60 days following the adoption of this resolution. Notice of the hearing shall be published in accordance with all applicable requirements of Section 53322 of the Act, including a summary of this resolution. .
7. If the Board proceeds with formation of the CFD the special tax shall be submitted to a vote of the registered voters within the proposed CFD in the next general election or special election, in accordance with Section 53326 of the Act. Each voter shall have one vote.

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Chairperson

AYES:

NOS:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the forgoing resolution was adopted at a special meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 29th day of June, 2016.

Date:

Executive Officer

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EXHIBIT A

Boundary Map

For the Fire Prevention, Wildlife Corridor and Open Space Protection Measure

**MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
Community Facilities District No. 2016-1**

EXHIBIT A

EXHIBIT B

DESCRIPTION OF SERVICES AND FACILITIES TO BE FINANCED BY THE CFD

For the Fire Prevention, Wildlife Corridor and Open Space Protection Measure

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY Community Facilities District No. 2016-1

The services and facilities described below are proposed to be financed by Community Facilities District No. 2016-1 (the "CFD") of the Mountain Recreation and Conservation Authority (the "MRCA"):

The types of services and facilities to be financed by the CFD ("Services and Facilities") shall include acquisition, maintenance, improvement, servicing, protection, and preservation of open space, natural or other lands and facilities owned or managed by the MRCA within the CFD; park ranger and security patrols; the reduction of the risk of wildfires including fire protection and suppression; the collection and accumulation of reserves for the acquisition, maintenance, improvement, servicing, protection, and preservation of open space, natural or other lands and facilities owned or managed by the MRCA within the CFD; including administrative or incidental expenses thereto.

"Improvements," as used herein, means facilities, buildings, fixed equipment, trails, roads, parking lots and other man-made structures on or alterations to lands owned or managed by the MRCA.

"Maintenance," as used herein, means the furnishing of services and materials for the routine, recurring, and usual work for the preservation or protection of Improvements for their intended purposes. Maintenance includes, but is not limited to, the repair, removal or replacement of all or any part of any Improvements; providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other structural Improvements to remove or cover graffiti; fire prevention services; and safety and security services.

"Servicing," as used herein, means the furnishing of electric current, gas, or other form of energy for any public lighting facilities or for the lighting or operation of any other Improvements; and water for uses including, but not limited to, the irrigation of any landscaping, the operation of any fountains, or the Maintenance of any other Improvements.

EXHIBIT C

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

For the Fire Prevention, Wildlife Corridor and Open Space Protection Measure

MOUNTAINS RECREATION CONSERVATION AUTHORITY Community Facilities District No. 2016-1

This document defines the rate and method of apportionment for an annual special tax (the "Special Tax") proposed to be collected by the Mountains Recreation and Conservation Authority (the "MRCA") to be used to maintain, improve, acquire, protect and preserve open space and natural lands owned or managed by the MRCA.

If approved by voters, the Special Tax, determined as shown below, may be levied annually by the Governing Board (the "Board") of the Mountains Recreation and Conservation MRCA within the boundaries of Community Facilities District No. 2016-1 (the "CFD"):

A. DEFINITIONS

"Developed Property" means real property with improvements for residential, commercial or other purposes.

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

"Non-Taxable Property" means real property not subject to property taxation.

"Undeveloped Property" means real property without improvements which is designated as vacant by the County Assessor as of July 1 of the current Fiscal Year.

B. PROPERTY CATEGORIES AND ANNUAL SPECIAL TAX RATES

Each property within the CFD shall be classified, as of July 1 of the Fiscal Year, into one of the following property uses, and the Special Tax shall be levied as set forth below:

1. Developed Property: Maximum of \$35.00 per parcel
2. Undeveloped Property: No Special Tax
3. Non-Taxable Property: No Special Tax

The Special Tax listed above shall be levied annually beginning in Fiscal Year 2017-18 for a period not to exceed 10 years.

C. LIMITATIONS

The per parcel maximum established above shall not be increased over time. The Special Tax shall not be collected after Fiscal Year 2026-2027, except for any amount that remains delinquent in subsequent years. Under no circumstances will the Special Tax levied in a Fiscal Year against any parcel be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the CFD by more than 10 percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

D. COLLECTION OF THE SPECIAL TAX

The Special Tax shall be collected each Fiscal Year in the same manner and at the same time as ad valorem property taxes are collected and in the case of delinquency, shall be subject to the same penalties and lien priorities that apply to ad valorem taxes levied within the CFD. The MRCA intends that the Special Tax be included in the County Auditor's annual billing for ad valorem taxes.

E. CITIZEN'S OVERSIGHT AND ACCOUNTABILITY PROVISIONS

The proceeds of the Special Tax shall be only used to maintain, improve, acquire, protect and preserve open space and natural lands owned or managed by the MRCA; to reduce the risk of wildfires; and for administrative costs for the collection and use of the Special Taxes. The proceeds of the Special Tax shall be deposited into a fund, which shall be kept separate and apart from other funds of the MRCA. No later than January 1 of the following Fiscal Year for which the Special Tax is in effect, the MRCA shall prepare a report, for review and approval of the Board, detailing the amount of funds collected and expended, and the status of any project authorized to be funded by the Special Tax.

In addition, an advisory committee of citizens shall be appointed or designated by the Board to ensure that the Special Tax proceeds are spent for their authorized purposes, and to report annually to the Board and the public regarding the expenditure of such funds. The Board shall establish the composition and duties of the advisory committee and shall make all necessary appointments so that the advisory committee may convene within 6 months following the election authorizing the Special Tax.

F. APPEALS AND INTERPRETATION PROCEDURE

Any property owner within the CFD who believes that the portion of the Special Tax levied on the subject property is in error, may file a written appeal no later than June 30 of the Fiscal Year in which the levy occurred, with the Executive Officer or his or her designee, appealing the levy of the Special Tax on the subject property. The Executive Officer or his or her designee will promptly review the appeal, and, if necessary, meet with the applicant, and decide the merits of the appeal. If the findings of the Executive Officer or his or her designee verify that the Special Tax levied should be modified, the Special Tax levy for future Fiscal Years shall be corrected, and a credit against future Special Taxes shall be arranged, if applicable. Any dispute over the decision of the Executive Officer or his or her designee shall be referred to the Board and the decision of the Board shall be final.