



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens
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MEMORANDUM

TO: The Governing Board

FROM: 
Joseph T. Edmiston, FAICP, Executive Officer

DATE: May 2, 2018

SUBJECT: **Agenda Item XIII: Public hearing regarding the establishment of Community Facilities District 2018-1 (Santa Susana Mountains).**

Staff Recommendation: That the Governing Board of the Mountains Recreation and Conservation Authority (MRCA) hold a public hearing on the establishment of Community Facilities District No. 2018-1 (Santa Susana Mountains) and the proposed rate and method of apportionment, and manner of collection of the special tax at 2:00pm, or as soon thereafter as practicable, on Wednesday, May 2, 2018, at the meeting place of the Governing Board, 403 West Hillcrest Drive, Thousand Oaks, California.

Background: On March 7, 2018, the Governing Board adopted Resolution 18-50 declaring its intention to establish Community Facilities District (CFD) 2018-1 (Santa Susana Mountains) and authorize the levy of special taxes within said CFD pursuant to California Government code Section 53311 et seq. And set the date and time for a public hearing on the proposed CFD.

Notice of this hearing, including a summary of the resolution, was published in the Los Angeles Daily News on April 20, 2018 in accordance with all applicable requirements of Government Code Section 53322.

The Mountains Recreation and Conservation Authority (MRCA) negotiated an agreement requiring annual ongoing funding for open space maintenance and security services to a portion of the MRCA Property in the Santa Susana Mountains as a part of development of Tract 53138. The agreement requires the property owner to form a Community Facilities District (CFD) in order to provide an ongoing funding source.

The complete description of services proposed to be financed by the CFD and the rate and method of apportionment of special tax to be levied within the CFD are on file with the Board Secretary.

The CFD proposes for a special tax (Special Tax A) to be levied annually in perpetuity unless terminated earlier by the MRCA. Upon full build out of the Tract 53138, Special Tax A provides for a maximum annual rate of \$304.00 per parcel. A separate special tax (Special Tax B) will be levied annually as needed (ten years) to maintain the Plant Establishment Area to be owned or managed by the MRCA. Special Tax B provides for a maximum annual rate of \$80.47 per parcel. Both special taxes would generate \$123,030 annually.

The maximum Special Tax A and maximum Special Tax B shall be increased annually, commencing July 1, 2019, based on the percentage increase in the Consumer Price Index with a maximum annual increase of three percent (3%) and a minimum annual increase of one percent (1%) of the maximum Special Tax in effect in the previous Fiscal Year.

Pursuant to Government Code Section 53321.5, a report (the Public Hearing Report) of the proposed services has been prepared and filed with the Board Secretary. The Public Hearing Report presents 1) a description of the services which will be required to adequately meet the needs of the CFD, and 2) an estimate of the fair and reasonable cost of the services and the cost of incidental expenses in connection therewith. The Public Hearing Report has been made part of the record of the public hearing specified in Section 8 of Resolution 18-50, adopted by the Governing Board on March 7, 2018.

Pursuant to Government Code Section 53323, at the public hearing, the Governing Board must hear testimony of all interested persons or taxpayers for or against the establishment of the CFD, the extent of the CFD or the furnishing of the specified types of public facilities. At the hearing, protests against the establishment of the CFD, the extent of the CFD, or the furnishing of the specified types of public facilities or services within the CFD may be made orally or in writing by any interested person. However, any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must be filed with the Board Secretary of the Governing Board. The Governing Board may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

Pursuant to Government Code Section 53324, if 50 percent (50%) or more of the qualified voters residing within the territory proposed to be included in the CFD, or the owners of one-half ($\frac{1}{2}$) or more of the area of the land in the territory proposed to be included in the CFD and not exempt from the special tax, file written protests against the establishment of the CFD, and such protests are not withdrawn so as to reduce the value of the protests to less than such a majority, no further proceedings to establish the CFD or to levy such special tax shall be taken for a period of one (1) year from the date of the public hearing, except that if the majority protests of the qualified voters or the landowners are only against

providing a specified type or types of any of the services proposed for the CFD, those protested services must be eliminated from the resolution of formation of the CFD.

If the Governing Board proceeds with formation of the CFD, by adopting a resolution of formation, the special tax may be submitted to a vote of qualified voters within the proposed CFD in a special tax election. The number of votes of each qualified voter shall be based upon the number of acres of land or portion thereof which he or she owns within the CFD. In order for the special tax to pass, at least two-thirds of the votes cast on the proposition must be in favor of the special tax.