

TO: GCSB Board of Directors

FROM: Peter Kampa, General Manager

DATE: June 8, 2021

SUBJECT: Agenda Item 7B. Adoption of a Resolution of Intention for the Formation of a Community Facilities District (CFD) within the GCSB Boundaries to Provide Funding for Fire and Park Services from New Development Projects

RECOMMENDED ACTION:

Staff recommends the following action:

I move to adopt Resolution 18-2021 of Intention for the Formation of a Community Facilities District (CFD) within the GCSB Boundaries to Provide Funding for Fire and Park Services from New Development Projects.

BACKGROUND:

The board of directors has directed staff to work with a professional municipal finance consulting firm, NBS, in the preparation of the fiscal impact analysis (FIA) which evaluates the financial burden that new land development projects place on the district fire and park services. The purpose of the FIA is to establish a dollar amount to be charged in a special tax which will be levied on the property of the new development. The county's approval of new land development projects are proposed to be conditioned on annexation into a community facilities district (CFD) established by GCSB. The special tax amount identified in the FIA will then be levied on all properties that annex into the CFD. This funding is an annual tax to fund the additional operating cost of providing fire and park services to these new projects.

Individual parcels securing building permits, lot splits/combinations, and parcel maps of 5 parcels or less will not be required to annex into the CFD. Annexation to the CFD will be required for subdivisions of more than 5 lots, new commercial developments, properties receiving Conditional Use Permits for commercial development through the county and other similar entitlements. A document detailing the types of projects required to annex into the CFD will be reviewed by the Board at its July 2021 meeting.

NBS prepared the draft FIA which was reviewed by a Board Ad-Hoc Committee and then the full Board at its special meeting on May 20th, 2021. The next step in the process of creation of a community facilities district is the adoption of a resolution of intention, attached to this agenda item. NBS staff will be in attendance at the meeting virtually, to answer questions.

ATTACHMENTS:

Resolution 18-2021

FINANCIAL IMPACT:

There is no direct cost associated with the adoption of this resolution, and the 2020/21 budget and prior Board approvals contains funds adequate to cover the NBS consulting costs as well as anticipated document review legal expenses.

RESOLUTION NO. 18-2021

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT INITIALLY CONSISTING SOLELY OF TERRITORY PROPOSED FOR ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT IN THE FUTURE AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

GROVELAND COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(PUBLIC SERVICES)

WHEREAS, under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”), the Board of Directors (the “Board”) of the Groveland Community Services District (the “District”) may commence proceedings for the establishment of a community facilities district, and

WHEREAS, Section 53328.1 of the Act provides for an alternate and independent procedure for forming a community facilities district, in which the Board may form a community facilities district that initially consists solely of territory proposed for annexation to the community facilities district in the future, with the condition that a parcel or parcels within that territory may be annexed to the community facilities district and subjected to the special tax only with the unanimous approval of the owner or owners of the parcel or parcels at the time that the parcel or parcels are annexed, and

WHEREAS, on June 8, 2021, the Board adopted local goals and policies concerning the use of the Act; and

WHEREAS, the Board desires to commence proceedings to establish a community facilities district, as described herein, to provide for the costs of fire protection and suppression services, ambulance and paramedic services, and park maintenance services; and

WHEREAS, under the Act, the Board is the legislative body for the proposed community facilities district and is empowered with the authority to establish and levy special taxes within a community facilities district; and

WHEREAS, the Board now desires to proceed with the actions necessary to consider the establishment of a community facilities district.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The Board proposes to begin the proceedings necessary to establish a community facilities district pursuant to the Act.
2. The name of the proposed community facilities district is Groveland Community Services District Community Facilities District No. 2021-1 (Public Services) (the “CFD”).

3. The proposed boundaries of the CFD are as shown on the map of the CFD on file with the Board Secretary, a copy of which is attached hereto as Exhibit A, which Exhibit is by this reference incorporated herein. The proposed boundaries are hereby preliminarily approved. The Board Secretary is hereby directed to record, or cause to be recorded, the map of the boundaries of the CFD in the office of the Tuolumne County Recorder as soon as practicable after the adoption of this Resolution.

4. The type of services proposed to be financed by the CFD and pursuant to the Act shall consist of those services described in Exhibit B hereto, which Exhibit is by this reference incorporated herein (the "Services").

5. The rate shall be established in an amount required to finance the authorized Services and to pay the CFD's administrative expenses. The maximum rate of special tax applicable to a parcel or parcels shall be specified in the unanimous approval relating to the parcel or parcels.

6. The Board may, by ordinance, provide for the levy of the special taxes on parcels that will annex to the CFD at the rate or rates to be approved unanimously by the owner or owners of each parcel or parcels to be annexed to the CFD and for apportionment and collection of the special taxes in the manner specified in the resolution of formation. No further ordinance shall be required even though no parcels may then have annexed to the CFD.

7. The Board finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the CFD.

8. Tuesday, July 13, 2021, at 10:00 a.m., or as soon thereafter as the matter may be heard, at the Board Chambers, 18966 Ferretti Road, Groveland, California, and the same are hereby appointed and fixed as the time and place when and where this Board of Directors, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the levy of said special tax. If 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be annexed to the CFD in the future, or if the owners of one-half or more of the area of land proposed to be annexed in the future and not exempt from the special tax, file written protests against establishment of the CFD, and protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings to form the CFD shall be undertaken for a period of one year from the date of decision of the Board on the issues discussed at the hearing. If the majority protests of the registered voters or of the landowners are only against the furnishing of a specified type or types of services within the CFD, or against levying a specified special tax, those types of services or the specified special tax shall be eliminated from the resolution of formation.

9. The Board Secretary is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. The notice shall be substantially in the form of Exhibit C hereto.

10. This Resolution shall take effect upon its adoption.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on June 8, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Rachel Pearlman, Board Secretary

Janice Kwiatkowski, President – Board of Directors

CERTIFICATE OF SECRETARY

I, Jennifer Flores, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on June 8, 2021.

DATED: _____

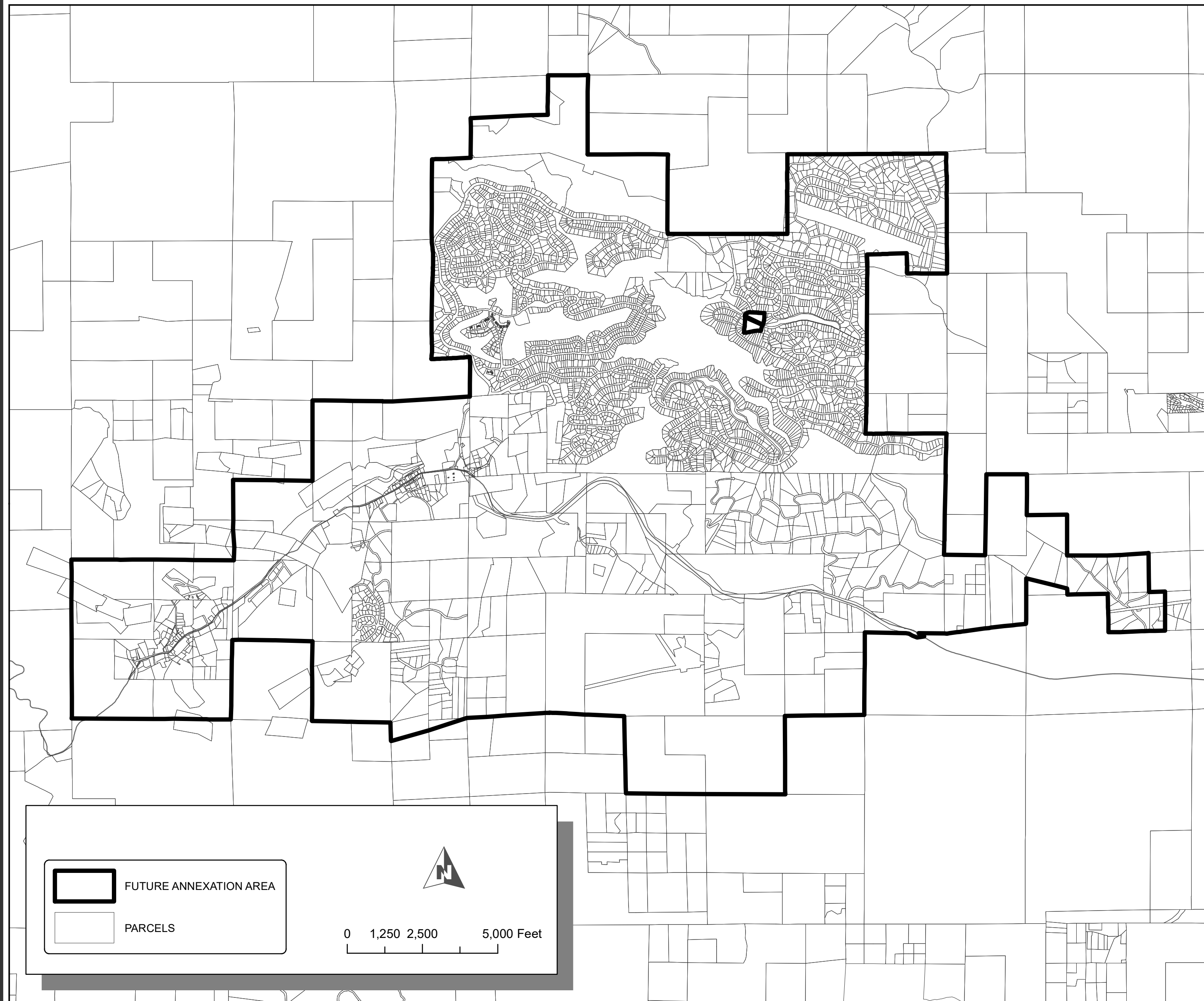
EXHIBIT A

GROVELAND COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(PUBLIC SERVICES)

PROPOSED BOUNDARIES OF THE FUTURE ANNEXATION AREA OF THE CFD

PROPOSED BOUNDARIES OF FUTURE ANNEXATION AREA OF COMMUNITY FACILITIES DISTRICT NO. 2021-1 (PUBLIC SERVICES)

GROVELAND COMMUNITY SERVICES DISTRICT
COUNTY OF TUOLUMNE
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE DISTRICT SECRETARY OF THE GROVELAND COMMUNITY SERVICES DISTRICT THIS
____ DAY OF _____, 20__.

DISTRICT SECRETARY _____

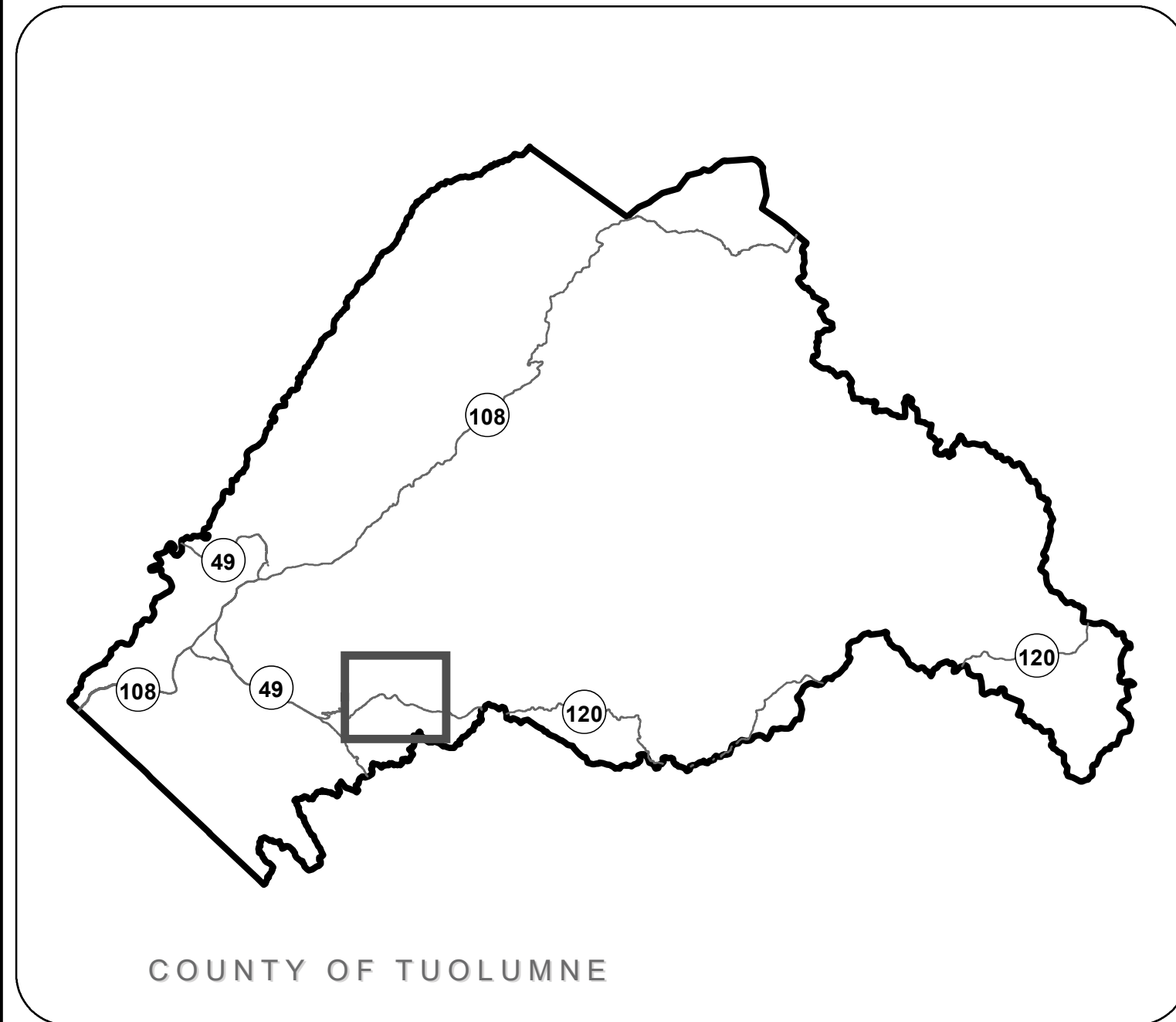
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF FUTURE ANNEXATION AREA OF
COMMUNITY FACILITIES DISTRICT NO. 2021-1 (PUBLIC SERVICES), GROVELAND COMMUNITY SERVICES DISTRICT,
COUNTY OF TUOLUMNE, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF DIRECTORS OF THE
GROVELAND COMMUNITY SERVICES DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF
_____, 20__, BY ITS RESOLUTION NO. _____.

DISTRICT SECRETARY _____

FILED THIS ____ DAY OF _____, 20__, AT THE HOUR OF ____ O'CLOCK ____ M, IN BOOK _____ OF MAPS OF
ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, IN THE OFFICE OF THE COUNTY
RECORDER IN THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA.

COUNTY RECORDER _____
COUNTY OF TUOLUMNE

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS
OF THE ASSESSOR, COUNTY OF TUOLUMNE, STATE OF CALIFORNIA.



Source: Tuolumne County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California III FIPS 0403 Feet



EXHIBIT B

GROVELAND COMMUNITY SERVICES DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2021-1 (PUBLIC SERVICES)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

Services:

The services to be funded, in whole or in part, by the community facilities district (the "CFD") consist of all services authorized under Section 53313 of the Government Code, including, but not be limited to, fire protection and suppression services, ambulance and paramedic services, and park maintenance and landscaping services (the "Services"). The Services include all direct and incidental costs related to providing for the maintenance of public infrastructure within the area of the CFD and areas adjacent to or in the vicinity of such areas. The CFD may fund any of the following related to the Services: furnishing, operating and maintaining equipment, apparatus or facilities related to providing the services and/ or equipment, apparatus, facilities or fixtures in areas to be maintained, paying the salaries and benefits of personnel necessary or convenient to provide the Services, payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of Services. It is expected that the Services will be provided by the Groveland Community Services District (the "District"), either with its own employees or by contract with third parties, or any combination thereof.

The Services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD is created.

Administrative Expenses:

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the District in carrying out its duties with respect to the CFD (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County of Tuolumne related to the CFD or the collection of special taxes, an allocable share of the salaries of the District staff directly related thereto and a proportionate amount of the District's general administrative overhead related thereto, any amounts paid by the District from its general fund with respect to the CFD or the services authorized to be financed by the CFD, and expenses incurred by the District in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the District in any way related to the CFD.

Other:

The incidental expenses that may be funded by the CFD include, in addition to the administrative expenses identified above, the payment or reimbursement to the District of all costs associated with the establishment and administration of the CFD.

EXHIBIT C

GROVELAND COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(PUBLIC SERVICES)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Directors of Groveland Community Services District will conduct a public hearing on Tuesday, July 13, 2021, at 10:00 a.m. or as soon thereafter as the matter may be heard, at the Board Chambers, 18966 Ferretti Road, Groveland, California, to consider the following:

GROVELAND COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(PUBLIC SERVICES)

On June 8, 2021, the Board of Directors (the "Board") of Groveland Community Services District (the "District") adopted a Resolution entitled "A Resolution of the Board of Directors of Groveland Community Services District, Declaring Its Intention to Establish a Community Facilities District Initially Consisting Solely of Territory Proposed for Annexation to the Community Facilities District in the Future and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intention"). Reference is hereby made to the Resolution of Intention on file in the office of the Board Secretary for further particulars.

In the Resolution of Intention, the Board declared its intention to form the Groveland Community Services District Community Facilities District No. 2021-1 (Public Services) (the "CFD") to finance the costs of fire protection and suppression services, ambulance and paramedic services, and park maintenance and landscaping services, as further identified in an exhibit to the Resolution of Intention. The proposed boundaries of the Future Annexation Area of the CFD were identified in another exhibit to the Resolution of Intention.

In the Resolution of Intention, the Board provided that the levy of the special tax will be subject to the unanimous approval of an owner or owners of a parcel or parcels at the time that such parcel or parcels are annexed to the CFD, and the Board called for a public hearing on the CFD.

At the hearing, the testimony of all interested persons or taxpayers for or against the establishment of the CFD, the extent of the CFD or the furnishing of specified types of services will be heard. Any person interested may file a protest in writing with the Board Secretary. If 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be annexed to the CFD in the future, or if the owners of one-half or more of the area of land proposed to be annexed in the future and not exempt from the special tax, file written protests against establishment of the CFD, and protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings to form the CFD shall be undertaken for a period of one year from the date of decision of the Board on the issues discussed at the hearing. If the majority protests of the registered voters or of the landowners are only against the furnishing of a specified type or types of services within the CFD, or against levying a specified special tax, those types of services or the specified

special tax shall be eliminated from the resolution of formation.

Any person interested in these matters is invited to attend and present testimony either for or against the above item. If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Board during or prior to the public hearing.

Board Secretary
Groveland Community Services District