

February 27, 2019

STATEMENT OF PROCEEDINGS

The Minutes of the

***FLOOD CONTROL DISTRICT
REGULAR MEETING***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO FLOOD CONTROL DISTRICT
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, FEBRUARY 27, 2019, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

A. REGULAR SESSION: Meeting was called to order at 9:02 a.m.

PRESENT: Directors Dianne Jacob, Chairwoman; Greg Cox, Vice-Chairman; Kristin Gaspar; Nathan Fletcher; Jim Desmond also, Andrew Potter, Assistant Clerk of the Board of Supervisors.

B. Public Communication: No Speakers

C. Approval of the Statement of Proceedings/Minutes for the meeting of January 30, 2019.

ACTION:

ON MOTION of Director Gaspar, seconded by Director Fletcher, the Board of Directors of the San Diego County Flood Control District approved the Statement of Proceedings/Minutes for the meeting of January 30, 2019, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Agenda Items

Agenda # Subject

1. ADOPT RESOLUTIONS TO INITIATE PROCEEDING FOR THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE)

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 4)

1. **SUBJECT: ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) (DISTRICT: 5)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to initiate proceedings to establish Community Facilities District (CFD) No. 2019-01. The proposed CFD will provide funding for community facilities and services through the levy of a special tax on property owners within the Meadowood Master Planned Community (Meadowood) and will include an annual adjustment to offset increases in service costs. The CFD formation process includes three main components: 1) adoption of a resolution of intention to initiate proceedings; 2) adoption of a resolution of formation to form the district; and 3) adoption of an ordinance to impose a special tax, if approved by a two-thirds vote of the qualified electors. Today's hearing relates to the first step in the process.

On January 11, 2012 (3), the Board approved a Vesting Tentative Map 5354RPL4 for Meadowood (VTM) to develop up to 844 single and multi-family residential homes on 389 acres of land located northeast of State Route 76 and Interstate 15 interchange, within the Fallbrook Community Plan area. A condition of project approval for the VTM required a Landscape Maintenance District (LMD) be formed in order to levy a special assessment to provide funding for ongoing maintenance of public facilities. These facilities would be constructed as part of the Meadowood development, and would consist of public trails (5.6 miles), a public park (9.1 acres), and stormwater drainage and treatment facilities (4.0 acres detention basins and separate wetland areas). Pardee Homes (Developer) proposed a CFD instead of an LMD to fund the operations and maintenance of these public facilities. This satisfies the condition placed on the project to form an LMD because the intent of the condition was to require the developer to provide a funding mechanism for the public facilities. In addition, the proposed Meadowood CFD will fund fire protection and emergency medical services through the North County Fire Protection District within the CFD boundary to satisfy a separate Meadowood project condition.

The proposed CFD has been reviewed by staff and the total effective special tax rate was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum effective tax rate of 1.86% of the estimated sales price of the residential homes. The Developer has agreed to fund interim maintenance of facilities until CFD funds are available. Fire and emergency services will not be paid for by the CFD until the parcels are occupied.

The CFD formation process requires three hearings. The first hearing is for the Board to initiate the CFD formation process. A second hearing, scheduled for April 10, 2019, will be for the Board to provide the public an opportunity to comment on the formation of the CFD and complete the first reading of the ordinance authorizing a new tax. A third hearing, scheduled for May 1, 2019, will be for the Board to conduct a second reading of the ordinance to adopt the new tax, if approved by a two-thirds vote of the qualified electors. Today's action relates to the first hearing and includes the adoption of a resolution of intention and resolution identifying CFD boundaries to start the CFD formation process.

This item also includes a request to authorize the Clerk of the Board, acting on behalf of the San Diego County Flood Control District (District), to execute a Joint Community Facilities Agreement (JCFA) between the District and the County for maintenance of stormwater drainage and treatment facilities within the Meadowood CFD. This JCFA will allow the District to receive the annual portion of the special tax levied by the CFD and collected by the County for the maintenance of stormwater and drainage facilities. Finally, this is a request for the delegation of authority to the Director, Department of Public Works, or designee, acting on behalf of the District, to take such action as may be needed to secure interim funding for District facilities before CFD funding becomes available.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Acting as the Board of Directors, San Diego County Flood Control District (District):

1. In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15096, find that the San Diego County Flood Control District (District), as a responsible agency under CEQA, has considered the environmental effects of the project as shown in the Environmental Impact Report (EIR) for the Meadowood Project, dated January 11, 2012, State Clearinghouse Number 2004051028, on file with County of San Diego, Planning & Development Services, as Environmental Review No. 04-02-004, before reaching its own conclusions on whether and how to approve the formation of the CFD.
2. Find that the currently proposed actions are within the scope of the EIR; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the certified EIR, nor a substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the EIR (CEQA Guidelines Section 15162) was prepared.
3. Find in accordance with Section 15091(a) (2) of the CEQA Guidelines that changes or alterations to the Meadowood Project are within the responsibility and jurisdiction of the County of San Diego and not the District. The District is not the agency to approve the Meadowood CFD and is only taking this action to obtain Community Facilities District (CFD) funding for improvements required for the Meadowood project.
4. Authorize the Director, Department of Public Works, or designee, to take such action on behalf of the District as may be necessary or convenient to obtain the portion of the CFD funds for the maintenance of District facilities, negotiate and enter into an interim funding agreement to provide for at least two years of maintenance before CFD funds may become available, and authorize the Clerk of the Board on behalf of the District to execute the Agreement entitled:
JOINT COMMUNITY FACILITIES AGREEMENT BY AND BETWEEN COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY FLOOD CONTROL DISTRICT RELATING TO COUNTY OF SAN DIEGO COMMUNITY FACILITIES DISTRICT NO. 2019-01 (MEADOWOOD MAINTENANCE) (Attachment D, on file with the Clerk of the Board).

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services, the Department of Parks and Recreation, the Department of Public Works, or the San Diego County Flood Control District (District). All staff time and consultant costs incurred to establish and form the Meadowood Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by Pardee Homes (Developer). The Developer is responsible for all County, Flood Control District and consultant costs incurred in the establishment and formation of this CFD and will provide additional funds as needed.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied on each parcel based on the size of the residential units and anticipated sales price. The special tax was divided into three special tax categories to separate the funding distributed to the County (Special Tax A) for the maintenance of public trails and a public park estimated at \$423,775 annually in 2019 dollars; the District (Special Tax B) for the maintenance of stormwater drainage and treatment facilities estimated at \$252,004 annually in 2019 dollars, and the North County Fire Protection District (Special Tax C) to fund fire protection and emergency medical services estimated at \$202,385 annually in 2019 dollars. The RMA also specifies an Undeveloped Special Tax, levied on the Developer during construction phases, until all residential units are sold and homeowners begin to pay the CFD special tax (excluding Special Tax C, as this tax will be levied only on developed parcels). Additionally, the CFD special tax will fund ongoing administration costs for the CFD, estimated at \$25,000 annually in 2019 dollars for all maintenance services. The special tax will include annual adjustments pursuant to the Meadowood project conditions of approval to offset increases in service costs and ongoing administration costs of the CFD.

The annual ongoing operations and maintenance costs are consistent with Board Policies I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, to ensure all staff and consultant costs are fully covered. The service costs account for staff, services, and supplies plus administration costs. The anticipated cost of repair and replacement of equipment for the public trails, the public park, and stormwater drainage and treatment facilities is included in the service costs.

Upon approval of this and associated items by the Board of Supervisors and approval of the special taxes by the qualified electors, the ongoing operations, maintenance and administration costs, and levying of the CFD special taxes are authorized to begin in FY 2019-20 and will be included in future Operational Plans. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO BOARD OF SUPERVISORS AGENDA NO. 4)

ACTION:

ON MOTION of Director Gaspar, seconded by Director Fletcher, the Board of Directors of the San Diego County Flood Control District took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

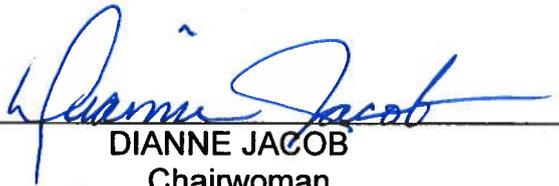
There being no further business, the Board of Directors of the San Diego County Flood Control District adjourned at 12:10 p.m.

DAVID HALL
Clerk of the Board of Directors of the
San Diego County Flood Control District

Notes: Santiago

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Flood Control District on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Directors, on Wednesday, June 26, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

02/27/19 FLOOD CONTROL DISTRICT