

AUBURN AREA RECREATION & PARK DISTRICT

ATWOOD RANCH III LANDSCAPING AND
LIGHTING ASSESSMENT DISTRICT

ENGINEER'S REPORT - PRELIMINARY

MAY, 2015

PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

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INTRODUCTION

ASSESSMENT BACKGROUND

The Auburn Area Recreation and Park District, Atwood Ranch III Landscaping and Lighting Assessment District (the "Assessment District"), was formed by a mailed ballot proceeding in 2004 to provide funding for the maintenance and improvement of the neighborhood park facilities and wetlands preserve areas adjacent to the properties in the Atwood Ranch III subdivision that forms the Assessment District (the "Improvements"). The Atwood Ranch III subdivision is located south of Atwood Road, generally to the northwest of the intersection of Bean Road and Kemper Road. The subdivision is comprised of 143 single family residences. This Assessment District formation resulted from agreements or conditions of development approval between the Auburn Area Recreation and Park District ("RPD") and the property owner, Morrison Homes, Inc., whereby the RPD and property owner agreed on neighborhood park maintenance to improve the appeal of the community, and maintenance of wetlands preserve areas pursuant to Army Corps of Engineers mandates.

ASSESSMENT PROCESS

In 2004, the Auburn Area Recreation and Park District Board of Directors (the "Board") conducted an assessment ballot proceeding pursuant to the requirements of Article XIID of the California Constitution ("The Taxpayer's Right to Vote on Taxes Act") and the Landscaping and Lighting Act of 1972. During this ballot proceeding, property owners in the Assessment District were mailed a notice and ballot for the proposed Assessment District. A 45-day period was provided for balloting and a public hearing was conducted on December 16, 2004. After the close of the public input portion of the public hearing, all ballots returned within the 45-day balloting period were tabulated.

The tabulation results determined that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (with each ballot weighted by the proportional financial obligation of the property for which the ballot was submitted).

As a result, the Board gained the authority to approve the levy of the assessments for fiscal year 2005-06 and to continue to levy them in future years. The initial, maximum assessment rate balloted and established in Fiscal Year 2005-06 was \$148.62 per single family equivalent benefit unit. The levies were submitted to the Placer County Auditor for inclusion on the property tax rolls for fiscal year 2005-06. The assessments may be continued in future years and may be increased in future years by an annual adjustment tied to the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year, with the maximum annual adjustment not to exceed 5%. Any change in the CPI in excess of 5% shall be cumulatively reserved as the "Unused CPI" and may be used to increase the maximum authorized assessment rate in years in which the CPI is less than 5%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied, adjusted annually by the minimum of 1) 5% or 2) the change in the CPI plus any Unused CPI as described above. Based on the preceding annual

adjustments, the maximum assessment rate for Fiscal Year 2014-15 was \$182.96 per single family equivalent benefit unit. The annual change in the CPI from December 2013 to December 2014 was 2.67%. Therefore, the maximum authorized assessment rate for Fiscal Year 2015-16 has been increased by 2.67%, from \$182.96 to \$187.84 per single family equivalent benefit unit. However, the estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2015-16 at the rate of \$182.12 per single family equivalent benefit unit, which is less than the maximum authorized assessment rate and is the same rate as that levied in the previous fiscal year.

ENGINEER'S REPORT AND CONTINUATION OF ASSESSMENTS

In each subsequent year for which the assessments will be continued, the Board must direct the preparation of an Engineer's Report, budgets and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the Board may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the Board by Resolution No. 2015-01 adopted on February 26th, 2015.

This Engineer's Report ("Report") was prepared to establish the budget for the continued improvements and services that would be funded by the proposed 2015-16 assessments, determine the benefits received from the assessments and the method of assessment apportionment to lots and parcels within this area. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIIIID of the California Constitution (the "Article"). This Report is the detailed Engineer's Report required by the Article and the report required by Section 22565 of the Act.

Following submittal of this Report to the Board for preliminary approval, the Board may, by Resolution, call for the Public Hearing on the continued assessments for park maintenance and improvements. This hearing is scheduled for June 25th, 2015 at 6:00 p.m. After the close of the hearing, the Board may take action to approve the continuation of the assessments for fiscal year 2015-16. If the assessments are so confirmed and approved, the levies will be submitted to the County Auditor/Controller in June 2015 for inclusion on the property tax roll for Fiscal Year 2015-16.

The maintenance of 10.69 acres of wetlands preserve areas was provided by the developer for the first five years after the Assessment District was formed in Fiscal Year 2005-06. Following that time period, the wetlands preserve areas maintenance services were to be provided by the Auburn Area Recreation and Park District. Maintenance of the wetlands preserve areas is now provided by the Auburn Area RPD.

LEGAL ANALYSIS

PROPOSITION 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based on in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeals issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the *SVTA* decision because the improvements to be funded are clearly defined; the benefiting property in the Assessment District enjoys close and unique proximity, access and views to the Improvements; the Improvements serve as an extension of usable land area for benefiting properties in the Assessment District; and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. In addition, the improvements are directly available to and will directly benefit property in the Assessment District; and the improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Services will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the assessments. Moreover, while *Dahms* could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more conservative measure of general benefits.

The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the improvements and proportional special benefit to each property.

PLANS & SPECIFICATIONS

Following is a description of the Services that are provided for the benefit of property in the Assessment District. This Assessment District was created as a condition of development for the corresponding developments. Accordingly, prior to these developments, the level of Service in these areas was effectively zero. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre-development) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

Final Level of Service	=	Baseline Level of Service (zero, pre-development)	+	Enhanced Level of Service
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The work and improvements ("Improvements") proposed to be undertaken by the Auburn Area Recreation & Park District and the Atwood Ranch III Landscaping and Lighting Assessment District, (the "Assessment District") and the costs thereof paid from the levy of the annual assessments provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972, (the "Act") the work and improvements are generally described as follows:

Installation, maintenance and servicing of public improvements, including but not limited to, labor, materials, supplies, utilities and equipment, as applicable, for property within the Assessment District that is owned or maintained by the Auburn Area Recreation & Park District. Any plans and specifications for these improvements will be filed with the District Administrator of the Auburn Area Recreation & Park District and are incorporated herein by reference.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, 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 improvements to remove or cover graffiti.

"Servicing" means the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

FISCAL YEAR 2015-16 ESTIMATE OF COST AND BUDGET

ATWOOD RANCH III LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT

DESCRIPTION OF IMPROVEMENTS

Within the Assessment District, the existing and proposed improvements are generally described as maintenance of a neighborhood park and tot lot within the development area known as Atwood Ranch III, as well as trails in the wetlands preserve area; irrigation and turf of a small grass area adjacent to the tot lot; monitoring of 10.69 acres of wetlands preserve area (located within the area currently known as Lots B and C) with associated riparian scrub land, seeps, floodplains and drainage areas to a stormwater detention area; and reporting four times yearly to the Army Corps of Engineers, including biology reports and project management reports.

FIGURE 1 – ESTIMATE OF COST

Auburn Area Recreation and Park District Atwood Ranch III Landscaping & Lighting Assessment District Estimate of Cost 2015-16		
Beginning Fund Balance, June 30, 2015		\$10,583.49
Equipment Replacement Reserve Balance, June 30, 2015		\$15,603.66
Installation, Maintenance & Servicing Costs		
Maintenance Labor (Incl. Roll-Ups)	\$9,432.00	
Water Costs	\$4,000.00	
Park Equipment Replacement	\$0.00	
Park Improvements (turf, irrigation)	\$3,700.00	
Preserve Monitoring	\$6,650.00	
Subtotal		<u>\$23,782.00</u>
Incidental Costs		
County Collection Charges	\$260.43	
Insurance	\$450.00	
Administrative Costs	\$3,000.00	
Subtotal		<u>\$3,710.43</u>
Total Costs		<u>\$27,492.43</u>
Less:		
Contribution from Other Sources for General Benefit		(\$1,449.27)
Total Improvement District Budget (Net Amount to be Assessed)		<u><u>\$26,043.16</u></u>
Budget to Assessment		
Total Budget	\$26,043.16	
Total EDU Units	143	
Rate per EDU Unit		<u><u>\$182.12</u></u>

NOTE: The maintenance of 10.69 acres of wetlands preserve areas was provided by the developer for the first five years after the Assessment District was formed, beginning in Fiscal Year 2005-06. The wetlands preserve area maintenance is now provided by the Auburn Area RPD.

Beginning in 2012, the Auburn Area RPD, by agreement with the Homeowners' Association, commenced maintenance of additional improvements installed and paid for by the HOA in the former "natural turf" area adjacent to the tot lot, including installation and maintenance of irrigation and turf.

As evidenced in the profit/loss history for the Auburn Area RPD, costs to provide maintenance within the Assessment District increased significantly in Fiscal Year 2013-14. This escalation in costs was directly related to the increase in labor costs necessary to maintain the park and preserve, and necessitated increases to the assessment rates for Fiscal Years 2013-14 and 2014-15. Specifically, the Auburn Area RPD experienced higher labor costs due to:

- Increased time eliminating weeds in an effort to keep a fire break along the houses that border the preserve.
- Increased costs in removing invasive Himalayan blackberry bushes in the preserve.
- Increased costs eliminating weeds in the preserve. These weeds have increased in size and quantity due to better fuel load reduction management.
- Increased time removing weeds from the landscape areas.
- Increased maintenance time in new landscaped area, mowing turf areas.
- Weed control in new bark areas.
- Removal of invasive tree species.

In 2015 the Auburn Area RPD entered into another agreement with the Homeowners' Association to make a one-time contribution of \$2,500 towards further maintenance of the wetlands preserve area, particularly to eliminate issues of stagnant water. This amount is contained in the budget item, "Park Improvements" for Fiscal Year 2015-16. In spite of this contribution, due to other cost controls within the projected budget, an assessment rate increase was not necessary for Fiscal Year 2015-16.

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of neighborhood park improvements and wetlands preserve areas; and the methodology used to apportion the total assessment to properties within the Atwood Ranch III Landscaping and Lighting Assessment District.

The Atwood Ranch III Landscaping and Lighting Assessment District consists of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Atwood Ranch III Landscaping and Lighting Assessment District, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Assessment District's neighborhood parks or wetlands preserve areas, or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of lighting improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by

property from maintenance and improvements such as those proposed by the Auburn Area Recreation & Park District and the Atwood Ranch III Landscaping and Lighting Assessment District. These types of special benefit are summarized as follows:

- A. PROXIMITY TO IMPROVED PARK AREAS WITHIN THE ASSESSMENT DISTRICT.
- B. ACCESS TO IMPROVED PARK AREAS WITHIN THE ASSESSMENT DISTRICT.
- C. IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT.
- D. EXTENSION OF A PROPERTY'S OUTDOOR AREAS AND GREEN SPACES FOR PROPERTIES WITHIN CLOSE PROXIMITY TO THE IMPROVEMENTS.
- E. CREATION OF INDIVIDUAL LOTS FOR RESIDENTIAL USE THAT, IN ABSENCE OF THE ASSESSMENTS, WOULD NOT HAVE BEEN CREATED.

In this case, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park that is improved by an assessment:

The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).

Proximity, improved access and views, in addition to the other special benefits listed above further strengthen the basis of these assessments.

BENEFIT FACTORS

The special benefits from the Improvements are further detailed below:

PROXIMITY TO IMPROVED PARK AREAS WITHIN THE ASSESSMENT DISTRICT

Only the specific properties within close proximity to the Improvements are included in the Assessment District. Therefore, property in the Assessment District enjoys unique and valuable proximity and access to the Improvements that the public at large and property outside the Assessment District do not share.

In absence of the assessments, the Improvements would not be provided and the park areas in the Assessment District would be degraded due to insufficient funding for maintenance, upkeep and repair. Therefore, the assessments provide Improvements that are over and above what otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits but when combined with the unique proximity and access enjoyed by parcels in the Assessment District, they provide a direct advantage and special benefit to property in the Assessment District.

ACCESS TO IMPROVED PARK AREAS WITHIN THE ASSESSMENT DISTRICT

Since the parcels in the Assessment District are nearly the only parcels that enjoy close access to the Improvements, they directly benefit from the unique close access to improved park areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT

The RPD, by maintaining these park areas, provides improved views to properties in the Assessment District. The properties in the Assessment District enjoy close and unique proximity, access and views of the Improvements; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District.

EXTENSION OF A PROPERTY'S OUTDOOR AREAS AND GREEN SPACES FOR PROPERTIES WITHIN CLOSE PROXIMITY TO THE IMPROVEMENTS

In large part because it is cost prohibitive to provide large open land areas on property in the Assessment District, the residential and other benefiting properties in the Assessment District do not have large outdoor areas and green spaces. The park areas within the Assessment District provide additional outdoor areas that serve as an effective extension of the land area for proximate properties because the Improvements are uniquely proximate and accessible to property in close proximity to the Improvements. The Improvements, therefore, provide an important, valuable and desirable extension of usable land area for the direct advantage and special benefit of properties with good and close proximity to the Improvements.

CREATION OF INDIVIDUAL LOTS FOR RESIDENTIAL USE THAT, IN ABSENCE OF THE ASSESSMENTS, WOULD NOT HAVE BEEN CREATED

Typically, the original owner/developer of the property within the Assessment District agreed to the assessments. As parcels were sold, new owners were informed of the assessments through the title reports, and in some cases, through Department of Real Estate "White Paper" reports that the parcels were subject to assessment. Purchase of property was also an "agreement" to pay the assessment. Moreover, in absence of the assessments, the lots within the Assessment District would not have been created. These lots, and the improvements they support, are a special benefit to the property owners.

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the Atwood Ranch III Landscaping and Lighting Assessment District would be used to fund improvements and increased levels of maintenance to the amenities adjoining the properties in the Assessment District. In absence of the Atwood Ranch III Landscaping and Lighting Assessment District, such improvements would not be provided and the properties would not be subdivided and improved to the same extent. The Assessment District is specifically proposed to provide additional and improved public resources in the Assessment District. The park improvements provided by the Atwood Ranch III Landscaping and Lighting Assessment District increase recreational opportunities to the homes within the Atwood Ranch III development, providing benefit to the development itself and are deemed to be of special benefit. In absence of the assessments, these public resources would not be created and revenues would not be available for their continued maintenance and improvement. Therefore, the assessments solely provide special benefit to property in the Assessment District over and above the general benefits conferred by the general facilities of the Assessment District.

Although these Improvements may be available to the general public at large, the park area within the Assessment District is specifically designed, located and created to provide additional and improved public resources for property inside the Assessment District, and not the public at large. Other properties that are either outside the Assessment District or within the Assessment District and not assessed, do not enjoy the unique proximity, access, views and other special benefit factors described previously. These Improvements are of special benefit to properties located within the Assessment District because they provide a direct advantage to properties in the Assessment District that would not be provided in absence of the Assessments.

There is no widely-accepted or statutory formula for calculating general benefit. General benefits are benefits from improvements or services that are not special in nature, are not "particular and distinct" and are not "over and above" benefits received by other properties. The SVTA vs. SCCOSA decision provides some clarification by indicating that general benefits provide "an indirect, derivative advantage" and are not necessarily proximate to the improvements.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund improvements and services directly provided within the Assessment District and every benefiting property in the Assessment District enjoys proximity and access to the Improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments.

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments - the funding must come from other sources.

One measure of general benefits from park and recreation Improvements is the percentage of time such park and recreation Improvements are used by individuals who are not residents, employees, customers or property owners in the Assessment District. Field surveys conducted by SCI in many other similar communities in California have found that for similar local parks such as those within the Assessment District, typically 5% of the park users do not live or work within the Assessment District. This is a measure of the general benefits to the public at large.

5%	(General Benefit)
+ 95%	(Special Benefit)
= 100%	(Total Benefit)

The maintenance and servicing of these improvements is also partially funded, directly and indirectly from other sources including the Auburn Area Recreation and Park District, and Placer County as well as other public agencies. This funding comes in the form of grants, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g., curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the assessment district. The sum total of this contribution exceeds the 5% minimum needed to offset any general benefit, as noted above.

METHOD OF ASSESSMENT

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Equivalent Dwelling Units (EDU). This EDU methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an EDU value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Equivalent Dwelling Unit or one EDU.

ASSESSMENT APPORTIONMENT

The proposed assessments for the Atwood Ranch III Landscaping and Lighting Assessment District would provide direct and special benefit to properties in this Assessment District. Atwood Ranch III is a residential single family development project consisting of 143 single family homes. As such, each residential property receives similar benefit from the proposed

improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit basis. All improved properties or properties proposed for development are assigned an EDU factor equal to the number of dwelling units developed or planned for the property. The assessments are listed on the Assessment Roll in Appendix A.

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the District Administrator or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the District Administrator or his or her designee will promptly review the appeal and any information provided by the property owner. If the District Administrator or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the District Administrator or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the District Administrator or her or his designee, may refer their appeal to the Board of Directors of the Auburn Area Recreation & Park District and the decision of the Board of Directors of the Auburn Area Recreation & Park District shall be final.

ASSESSMENT

WHEREAS, the Board of Directors of the Auburn Area Recreation & Park District, County of Placer, California, by its Resolution No. 2015-01 adopted on February 26th, 2015, ordered the initiation of proceedings for the continuation of the assessments for the Atwood Ranch III Landscaping and Lighting Assessment District for Fiscal Year 2015-16, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act");

WHEREAS, said Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the improvements upon all assessable parcels within the Assessment District, to which Resolution and the description of said proposed improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Board of said Auburn Area Recreation & Park District, hereby make the following assessment to cover the portion of the estimated cost of said improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Atwood Ranch III Landscaping and Lighting Assessment District for the fiscal year 2015-16, is generally as follows in Figure 2 on the next page.

SUMMARY COST ESTIMATES

FIGURE 2 - ATWOOD RANCH III LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT SUMMARY COST ESTIMATES, FISCAL YEAR 2015-16

	<i>FY 2015-16</i>
	<u>BUDGET</u>
Park Maintenance & Improvements	\$17,132
Preserve Maintenance and Monitoring	\$6,650
Incidental Expenses	\$3,710
TOTAL BUDGET	<u>\$27,492</u>
Less:	
Contribution from Other Sources for General Benefit	<u>(\$1,449)</u>
NET AMOUNT TO ASSESSMENTS	<u><u>\$26,043</u></u>

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Atwood Ranch III Landscaping and Lighting Assessment District. The distinctive number of each parcel or lot of land in the said Atwood Ranch III Landscaping and Lighting Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of said improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Atwood Ranch III Landscaping and Lighting Assessment District, in accordance with the special benefits to be received by each parcel or lot from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the Atwood Ranch III Landscaping and Lighting Assessment District, in proportion to the special benefits to be received by the parcels or lots of land, from said improvements.

The assessment is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 5%. Any change in the CPI in excess of 5% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 5%. The maximum

authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 5% or 2) the change in the CPI plus any Unused CPI as described above.

Property owners in the Assessment District, in an assessment ballot proceeding, approved the initial fiscal year benefit assessment for special benefits to their property including the CPI adjustment schedule, so the assessment may continue to be levied annually and may be adjusted by up to the maximum annual CPI adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Based on the preceding annual adjustments, the maximum possible assessment rate for Fiscal Year 2014-15 was \$182.96 per single family equivalent benefit unit. The annual change in the CPI from December 2013 to December 2014 was 2.67%. Therefore, the maximum authorized assessment rate for Fiscal Year 2015-16 has been increased by 2.67%, from \$182.96 to \$187.84 per single family equivalent benefit unit. However, the estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2015-16 at the rate of \$182.12 per single family equivalent benefit unit, which is less than the maximum authorized assessment rate and is the same rate as that levied in the previous fiscal year.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Placer for the fiscal year 2015-16. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2015-16 for each parcel or lot of land within the said Atwood Ranch III Landscaping and Lighting Assessment District.

Dated: April 30, 2015

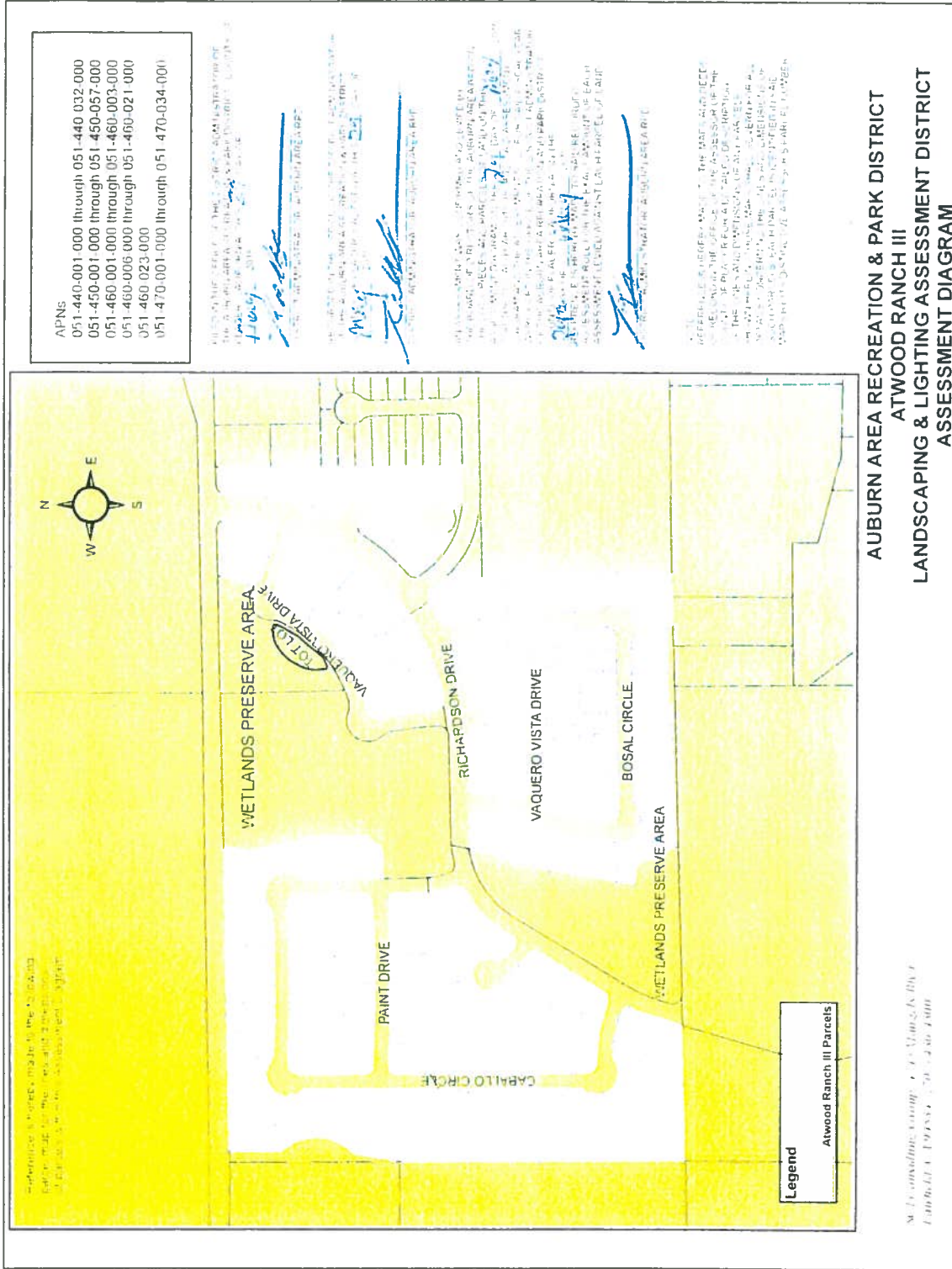
Engineer of Work

By _____

John W. Bliss, License No. C52091

ASSESSMENT DIAGRAM

The boundaries of the Atwood Ranch III Landscaping and Lighting Assessment District are displayed on the following Assessment Diagrams.



APNS
 051-440-001-000 through 051-440-032-000
 051-450-001-000 through 051-450-057-000
 051-460-001-000 through 051-460-003-000
 051-460-006-000 through 051-460-021-000
 051-460-023-000
 051-470-001-000 through 051-470-034-000

APNS 051-440-001-000 through 051-440-032-000
 051-450-001-000 through 051-450-057-000
 051-460-001-000 through 051-460-003-000
 051-460-006-000 through 051-460-021-000
 051-460-023-000
 051-470-001-000 through 051-470-034-000

APNS 051-440-001-000 through 051-440-032-000
 051-450-001-000 through 051-450-057-000
 051-460-001-000 through 051-460-003-000
 051-460-006-000 through 051-460-021-000
 051-460-023-000
 051-470-001-000 through 051-470-034-000

APNS 051-440-001-000 through 051-440-032-000
 051-450-001-000 through 051-450-057-000
 051-460-001-000 through 051-460-003-000
 051-460-006-000 through 051-460-021-000
 051-460-023-000
 051-470-001-000 through 051-470-034-000

APNS 051-440-001-000 through 051-440-032-000
 051-450-001-000 through 051-450-057-000
 051-460-001-000 through 051-460-003-000
 051-460-006-000 through 051-460-021-000
 051-460-023-000
 051-470-001-000 through 051-470-034-000

APNS 051-440-001-000 through 051-440-032-000
 051-450-001-000 through 051-450-057-000
 051-460-001-000 through 051-460-003-000
 051-460-006-000 through 051-460-021-000
 051-460-023-000
 051-470-001-000 through 051-470-034-000

APPENDIX A – ASSESSMENT ROLL, FY 2015-16

The Assessment Roll (a listing of all parcels assessed within the Atwood Ranch III Landscaping and Lighting Assessment District, and the amount of the assessments) will be filed with the Clerk of the Board and is, by reference, made part of this report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern for all details concerning the description of the lots or parcels.

AUBURN AREA RECREATION AND PARK DISTRICT
Atwood Ranch III Landscaping and Lighting Assessment District
Assessment Roll 2015-16
Sorted by Assessor's Parcel Number Order

Assessment Number & Assessor					Assessment Number & Assessor				
Parcel Number	Owner Name(s)	Site Address	SFE	Assmnt	Parcel Number	Owner Name(s)	Site Address	SFE	Assmnt
051443001	KUNKEL KIMBERLY A	11355 SPUR	1.00	162.12	051450326	AYERS LARRY S	11210 BOGAL	1.00	162.12
051443002	GARREN DALE C S	11345 SPUR	1.00	162.12	051450327	CONBY BEVERLY R	11205 BOGAL	1.00	162.12
051443003	GREENE MICHAEL D S	11332 SPUR	1.00	162.12	051450328	DEBA SUSTODIO E	11200 BOGAL	1.00	162.12
051443004	LYONS ANNE NTR ET	11325 SPUR	1.00	162.12	051450329	TAYLOR DEBBIE E	11201 BOGAL	1.00	162.12
051443005	TAYLOR ZACHARY S	11312 SPUR	1.00	162.12	051450330	PLATZ LISE-LOTTE	11205 BOGAL	1.00	162.12
051443006	LEBP KENNETH S	11205 SPUR	1.00	162.12	051450331	STOLZE JANELLE ET	11209 BOGAL	1.00	162.12
051443007	MCGOURTY DANIEL	0678	1.00	162.12	051450332	SCOTT KEVIN A S	2572 VAQUERO	1.00	162.12
051443008	CROSBY DAVID E S	0684	1.00	162.12	051450333	SWEET DEREK R S	2568 VAQUERO	1.00	162.12
051443009	RAMIREZ JOSE ORUC	0690	1.00	162.12	051450334	JOHNSON JERRY S	2560 VAQUERO	1.00	162.12
051443010	CARTER CLARENE	0695	1.00	162.12	051450335	SARNTHOUSE JUSTIN	2565 VAQUERO	1.00	162.12
051443011	JONES BRENDA L	0610 VAQUERO	1.00	162.12	051450336	PERILLONX BRUCE E	2569 VAQUERO	1.00	162.12
051443012	WATSON JUANITA E S	0506 VAQUERO	1.00	162.12	051450337	KANE VICTORIA L	2575 VAQUERO	1.00	162.12
051443013	BOVE JOSHUA D S	0510 VAQUERO	1.00	162.12	051450338	NELSON DAVID R S	2575 VAQUERO	1.00	162.12
051443014	SCHULZ ZACHARY	0509 VAQUERO	1.00	162.12	051450339	DI LUCCI MARCO S	2580 VAQUERO	1.00	162.12
051443015	SEWELL VICTORIA D	0505 VAQUERO	1.00	162.12	051450340	BENNETT DAVID S	2585 VAQUERO	1.00	162.12
051443016	JENSEN CHARLES E S	0501 VAQUERO	1.00	162.12	051450341	ROSE DAWN Y ET AL	2591 VAQUERO	1.00	162.12
051443017	RODGERS DHANE G	11320 SPUR	1.00	162.12	051450342	MEACHAM WILLIAM N	2595 VAQUERO	1.00	162.12
051443018	REDLICH MARK S	11340 SPUR	1.00	162.12	051450343	PRICE JEFFRETT D S	2595 VAQUERO	1.00	162.12
051443019	JONES BRENTON S	11351 SPUR	1.00	162.12	051450344	BUCKMEYER ROBERT	11245 BOGAL	1.00	162.12
051443020	BAKER ALLEN E TR	0673	1.00	162.12	051450345	HARD CHRIS TR	11251 BOGAL	1.00	162.12
051443021	CAMMIN KRISTEN	0667	1.00	162.12	051450346	GETZ CHRISTINE D S	11250 BOGAL	1.00	162.12
051443022	CRAN TR JEW JUDY	0661	1.00	162.12	051450347	GULWELL CLARENCE	11251 BOGAL	1.00	162.12
051443023	SPRINGS JAMES N JR S	0655	1.00	162.12	051450348	BRINK SCOTT M S	11259 BOGAL	1.00	162.12
051443024	WRIGHT SCHNIEBEL	0649	1.00	162.12	051450349	GARCIA WILLIAM R TR	11271 BOGAL	1.00	162.12
051443025	BAUTE MAUREEN	0643	1.00	162.12	051450350	MARSHALL ROBERT J	11279 BOGAL	1.00	162.12
051443026	SCHINDLER CRAIG R	0539 VAQUERO	1.00	162.12	051450351	KOENIG CARL	11285 BOGAL	1.00	162.12
051443027	ALBERTAZZI	0535 VAQUERO	1.00	162.12	051450352	GONZALEZ ANNER	11289 BOGAL	1.00	162.12
051443028	GREENHALGH	0571 VAQUERO	1.00	162.12	051450353	DAWSON SHAWN W	11309 BOGAL	1.00	162.12
051443029	HUCKING CHARLES E	0525 VAQUERO	1.00	162.12	051450354	SHERMAN STEPHEN	11313 BOGAL	1.00	162.12
051443030	HIRSCH WILLIAM E S	0507 VAQUERO	1.00	162.12	051450355	WELBY DANIEL D S	11319 BOGAL	1.00	162.12
051443031	SKRABER GEOFFREY	0509 VAQUERO	1.00	162.12	051450356	WATSON WAGON S	11323 BOGAL	1.00	162.12
051443032	POVARCA ANTHONY	0515 VAQUERO	1.00	162.12	051450357	VILLER LYNDA J S	11333 BOGAL	1.00	162.12
051450001	HARRIS MICHAEL S	11235 EGGAL	1.00	162.12	051450358	STILLMAN JANET M S	11029 CABALLO	1.00	162.12
051450002	MCDONALD	11201 EGGAL	1.00	162.12	051450359	LOWE FREDERICK S	11033 CABALLO	1.00	162.12
051450003	WY HAYDEN E	11225 EGGAL	1.00	162.12	051450360	AYERS LARRY DALE	11017 CABALLO	1.00	162.12
051450004	DILGER MATTHEW S	11222 EGGAL	1.00	162.12	051450361	TAYLOR SUGAN A	11033 CABALLO	1.00	162.12
051450005	GAYRE TIMOTHY S	11215 EGGAL	1.00	162.12	051450362	WEINTE RICHARD B	11000 CABALLO	1.00	162.12
051450006	FRANCON JANA V S	11210 EGGAL	1.00	162.12	051450363	CEHAM E GREGORY S	11004 CABALLO	1.00	162.12
051450007	HATASHITA JASON D	11205 EGGAL	1.00	162.12	051450364	BOZIENTIMOTHY JR	11003 CABALLO	1.00	162.12
051450008	NEWMAN-BARRERA	11201 EGGAL	1.00	162.12	051450365	PARSON RUSSELL	11000 CABALLO	1.00	162.12
051450009	ROOT KEVIN	11205 EGGAL	1.00	162.12	051450366	TABER DONALD E S	11004 CABALLO	1.00	162.12
051450010	EALLARD TRACY E	11291 EGGAL	1.00	162.12	051450367	VANCEAU JOE S	11025 CABALLO	1.00	162.12
051450011	KEARNS KENNETH S	11265 EGGAL	1.00	162.12	051450368	MOORE GAWN S	11032 CABALLO	1.00	162.12
051450012	RAMIREZ CHRISTINE	11261 EGGAL	1.00	162.12	051450369	EVANS DONALD S	11100 CABALLO	1.00	162.12
051450013	HINGHAW DAVID V TR	11275 EGGAL	1.00	162.12	051450370	CLIFTON SCOTT S	2510 ORSECK	1.00	162.12
051450014	PLATT DAVID W S	11270 EGGAL	1.00	162.12	051450371	MELICH ANH	2520 ORSECK	1.00	162.12
051450015	NICSEN FRANK J JR	11265 EGGAL	1.00	162.12	051450372	FEATHERSTON	2530 ORSECK	1.00	162.12
051450016	CANILLUCCI ROBERT	11261 EGGAL	1.00	162.12	051450373	SHELL BONNIE K ET	2525 ORSECK	1.00	162.12
051450017	JOHNSON ALYDA S	11255 EGGAL	1.00	162.12	051450374	BORGES KRISTEN A	2515 ORSECK	1.00	162.12
051450018	PERILLONX BRUCE E	11251 EGGAL	1.00	162.12	051450375	BUTLER HOWARD S	2505 ORSECK	1.00	162.12
051450019	BARRY SCOTT	11245 EGGAL	1.00	162.12	051450376	CHAPPELL MARTIN W		1.00	162.12
051450020	STORMENT RALPH L	11241 EGGAL	1.00	162.12	051450377	CHAPPELL CYNTHIA		1.00	162.12
051450021	KILOAY JENNIFER T	11235 EGGAL	1.00	162.12	051470001	YETKA NELUE	11055 CABALLO	1.00	162.12
051450022	JOHL RAWINDER S	11231 EGGAL	1.00	162.12	051470002	BALVATON ARMY A	11051 CABALLO	1.00	162.12
051450023	MALIG JOCELYN N	11225 EGGAL	1.00	162.12	051470003	PIDAMAN JERRY A S	11057 CABALLO	1.00	162.12
051450024	CAFETA GARY C TR	11221 EGGAL	1.00	162.12	051470004	ROCHA EUGENET S	11053 CABALLO	1.00	162.12
051450025	MARSHALL LOPETTA	11215 EGGAL	1.00	162.12	051470005	KNIGHT WILLIAM D S	11079 CABALLO	1.00	162.12

AUBURN AREA RECREATION AND PARK DISTRICT
Atwood Ranch III Landscaping and Lighting Assessment District
Assessment Roll 2015-16

Sorted by Assessor's Parcel Number Order

Assessment Number & Assessor					Assessment Number & Assessor			
Parcel Number	Owner Name(s)	Site Address	SFE	Assmnt	Parcel Number	Owner Name(s)	Site Address	SFE Assmnt
051473006	MAHER JOHN S	11379 CABALLO	1.03	162.12				
051473007	TORNELL MITCHELL C	11371 CABALLO	1.03	162.12				
051473008	CAVOTHERE LOUISE E	11367 CABALLO	1.03	162.12				
051473009	NELSON MATTHEW W	11363 CABALLO	1.03	162.12				
051473010	COSS DONALD S	11359 CABALLO	1.03	162.12				
051473011	WOLFF JONATHAN Z	11355 CABALLO	1.03	162.12				
051473012	DELFONAL ALICE TR	11351 CABALLO	1.03	162.12				
051473013	TOMES JOSHUA	11347 CABALLO	1.03	162.12				
051473014	DIV DARRAN C S	11343 CABALLO	1.03	162.12				
051473015	DELAHOYE JAMES E	11339 CABALLO	1.03	162.12				
051473016	MORALES MELISSA S	11335 CABALLO	1.03	162.12				
051473017	KISH JILL & KISH KAY	2755 FAINT	1.03	162.12				
051473018	ROUSSELET	2745 FAINT	1.03	162.12				
051473019	YETKA MATTHEW S	2735 FAINT	1.03	162.12				
051473020	DIQUATTRO PAUL A S	2725 FAINT	1.03	162.12				
051473021	FONTAINE RODOLPHE	2715 FAINT	1.03	162.12				
051473022	FLETCHER MARC A	2705 FAINT	1.03	162.12				
051473023	THOMAS JACOB D S	2750 FAINT	1.03	162.12				
051473024	KUNNEL KIMBERLY A	2740 FAINT	1.03	162.12				
051473025	ERWIN JENNIFER A	2730 FAINT	1.03	162.12				
051473026	LEE CARIN	2720 FAINT	1.03	162.12				
051473027	CANNON BRANDON L	2710 FAINT	1.03	162.12				
051473028	NELSON DIANA TR	2700 FAINT	1.03	162.12				
051473029	FORSTER MARK A S	11378 CABALLO	1.03	162.12				
051473030	BETZ JAMES D S	11370 CABALLO	1.03	162.12				
051473031	MCCAFFREY HAROLD	11368 CABALLO	1.03	162.12				
051473032	BAYNE VALERIE L	11362 CABALLO	1.03	162.12				
051473033	PLUTY CARLOS S	11358 CABALLO	1.03	162.12				
051473034	OWIL TYLER S	11354 CABALLO	1.03	162.12				

SFE Assessment

TOTALS

143 II 26343.16

Item 8.1 Cover sheet – ARD Board Vacancy

Auburn Area Recreation and Park District Board of Directors meeting May 28, 2015

The Issue

The Auburn Area Recreation and Park District (ARD) has a vacancy on the Board. Shall the Board of Directors call for a special election or appoint a resident to serve the remainder of the term?

Background

A vacancy was created on the ARD Board with the passing of Director Smith on May 18th, 2015. California Government Code Section 1780 provides the laws and process for filling a vacancy on a special district board. A copy of CA Government Code Section 1780 is attached.

The two most common methods of filling a vacancy are as follows:

- 1) The remaining members of the Board can call for and hold a special election. The costs involved with this method are estimated to be \$200,000 (approximately \$8/registered voter; the costs per registered voter in a regular ARD election is approximately \$1.25/voter).
- 2) The remaining members of the Board can Board appoint an individual to fill the vacancy. In choosing this method, the Board has certain milestones and requirements, including
 - A) Fifteen (15) days prior to the appointment, ARD must post notice of the vacancy in three or more conspicuous places in the district.
 - B) The ARD Board must make the appointment within 60 days of the vacancy
 - C) ARD must notify Placer County Elections within 15 days after the Board makes its appointment.

Due to the timing involved with this vacancy, the appointed individual will serve the remainder of Director Smith's term (until November, 2016).

A timeline for the appointment process is attached.

A proposed questionnaire for individuals interested in the appointment is attached.

Recommendation for the Board of Directors

Staff recommends the following:

- 1) Choose the appointment option. The costs for a special election are far too great.
- 2) Review and approve the questionnaire to be used for all interested individuals. Approval of this questionnaire also approves of the dates, timelines and milestones associated with the questionnaire.

If the ARD Board chooses to appoint a director and move forward with the questionnaire/interview process, a press release will go out May 29th. This press release will contain information regarding the appointment process and how interested individuals can participate.

Staff will also have the questionnaire posted on the ARD website and will post the notice of vacancy in three conspicuous locations around the District.

Alternatives Available to the Board of Directors

- 1) Call for a special election
- 2) Appoint an individual without going through the questionnaire/interview process
- 3) Take no action and allow for the Placer County Board of Supervisors to appoint the new Board member.

Fiscal Impact

There are minimal fiscal impacts to appointing a director.

The fiscal impacts of calling for a special election are approximately \$200,000.

Attachments

California Government Code Section 1780

What to do with that empty seat? Informational document from CSDA

ARD Board Vacancy – appointment timeline

Questionnaire for individuals interested in being appointed to the vacant ARD Board seat

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 1780

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

What to do with that empty seat? Options districts have to fill vacancies and rules they must follow

Authored by Jennifer Faught and Michael Dean, Meyers Nave



At some point, most special district boards will face the task of filling a vacant seat. For districts with appointed boards, vacancies are typically filled by the “appointing authority,” which is often the county board of supervisors. (Gov. Code § 1779.)

Districts with elected boards generally have several options for filling vacancies, including appointing an individual to fill the vacancy, calling an election, or allowing the city council or county board of supervisors to make an appointment. (Gov. Code § 1780.) Not surprisingly, many boards choose to appoint a new member rather than incur the expense of an election or cede control to the city or county.

Nuts and Bolts

First, no matter what option the board chooses, the district must notify the county elections official of the vacancy no later than 15 days after either the date on which the board is notified of the vacancy, or the effective date of the vacancy, whichever is later.

After notifying the County, a majority of the remaining members may take one of the following actions:

- 1. Appoint an individual to fill the vacancy.** This popular choice for filling a vacancy requires the following:
 - Fifteen days prior to the appointment, the district must post notice of the vacancy in three or more conspicuous places in the district.
 - The board must make the appointment within 60 days of either the date on which the board is notified of the vacancy, or the effective date of the vacancy, whichever is later.

- The district must notify the county elections official within 15 days after the board makes its appointment.

How long the appointed individual holds office depends on when the vacancy occurs.

- If the vacancy occurs in the first half of the term of office, and the date that the board is notified of the vacancy is more than 130 days before the “next general district election,” then the vacancy is filled partly by appointment and partly by election. The person that the board appoints holds office only until after the next general district election and until the person who is elected to fill the vacancy has been qualified. The person elected then holds the office for the remainder of the term of office.
- If the vacancy occurs in the second half of the term of office, or in the first half but less than 130 days before the next general district election, the person appointed by the board serves for the remainder of the term of office.

General district elections are held in November of odd-numbered years, unless the district’s principal act or another statute provides otherwise, or unless the district has chosen to consolidate its elections with statewide general elections. (Elec. Code § 1303.)

2. Call an election to fill the vacancy. If the board wishes to hold an election instead of making an appointment, the board must call the election within 60 days of the date the board is notified of the vacancy, or the effective date of the vacancy, whichever is later. The election would then be held at the “next established election date” that is 130 or more days after the date the board calls the election. (If possible, the board may wish to time the calling of the election to avoid the pricier special elections.)

3. Allow the city council or the county board of supervisors to take action. The board may choose to take no action and allow the city council or county board of supervisors to fill the seat. If the district is wholly located within a city, the city council makes the appointment. If the district is not wholly located within a city, then the county board of supervisors

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makes the appointment. (If a district is in more than one county, the appointing body is the board of supervisors of the county in which the largest part of the district is located.) In addition, instead of making the appointment, the city council or the board of supervisors could order the district to call an election.

If the city council or board of supervisors fails to fill the seat within 90 days of the district board being notified of the vacancy or the effective date of the vacancy, the district must call an election at the "next established election date" that is 130 or more days after the date the district board calls the election. (Although the statute does not provide a deadline for calling the election, the district should consider calling the election at its first board meeting following the expiration of the 90-day period.)

4. Do not fill the vacant seat, and reduce the number of board seats. If by virtue of a consolidation or reorganization of districts your district has more than five board seats, another option for the board is to choose not to fill the vacancy. In that case, the total membership of the board is reduced by one board member. This option is statutorily authorized for certain special districts. If your district board has more than five seats, consult with your legal counsel to determine if the option is available.

If because of multiple vacancies the number of remaining board members comprise less than a quorum, then the board of supervisors or city council must, promptly and by appointment, fill only enough vacancies to provide the board with a quorum. ■



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Auburn Area Recreation and Park District Board vacancy

Timeline

Per CA Govt. Code 1780, the remaining ARD Board of Directors have 60 days to appoint a new director (by July 16, 2015)

May 18, 2015: Vacancy created

May 19, 2015: Placer County Elections notified of vacancy

May 28, 2015: ARD Board of Directors to decide special election vs. appointment
Board approves questionnaire to be used

May 29, 2015: Press release goes out announcing vacancy and appointment procedures
Notice posted of vacancy (CVCC, Rec, Regional)
Questionnaire and information posted online and available at CVCC

June 19, 2015: Last day to submit questionnaire (by 4pm)

June 22, 2015: Special Board meeting – Board interviews candidates

June 25, 2015: Board of Directors makes appointment
Appointee sworn in; **serves until General Election in November, 2016**

June 26, 2015: ARD notifies Placer County Elections of the appointment

Nov. 2016: Appointed seat goes on the ballot, separate from the 3 seats that are scheduled to be on the ballot; Elected individual **serves 2 years** until November, 2018

Nov. 2018: Seat back on the ballot in its regular rotation



Questionnaire/Application for Appointment to the Auburn Area Recreation and Park District (ARD) Board of Directors

Instructions

If you are interested in serving on the Board for the Auburn Area Recreation and Park District (ARD), please complete and return this questionnaire to:

Pat Larson, Clerk to the ARD Board of Directors

Questionnaires can be returned in the following ways:

- 1) **Mailed or Hand Delivered to:**
ARD Administrative Offices
471 Maidu Dr. Ste. 200
Auburn, CA 95603
Attn: Pat Larson
- 2) **Faxed to (530) 885-0703**
- 3) **Emailed to Pat Larson at plarson@auburnrec.com**

Questionnaire Due Date: No later than 4:00 p.m. June 19, 2015. Questionnaires received late will not be accepted. ARD will not be responsible for delays due to mail delivery.

The ARD Board of Directors will be conducting interviews of all prospective appointees on Monday, June 22nd at 6pm. Interviews will take place in the Board Room at the Canyon View Community Center (471 Maidu Dr., Auburn).

The ARD Board of Directors is scheduled to make the appointment at the June 25, 2015 Board of Directors meeting.

The appointed Board member will serve until the general election in November, 2016. The appointed Board member may then put his/her name on the November, 2016 general election ballot.

Please note, serving on the board will require a commitment to attend monthly Board Meetings the last Thursday of each month (holiday schedules may apply) and Committee Meetings. Other requirements include, but are not limited to, the following:

- Ethics Training, per CA AB1234
- Sexual Harassment Training, per CA AB1825

- Annual Statement of Economic Interests (Form 700) reporting per the California Fair Political Practices Commission

We encourage all applicants to review the ARD Board of Directors Procedures and Responsibility Manual, as well as the California Special District Association's Board Member / Trustee Handbook prior to submitting your request for consideration.

If you have any questions or require additional information, please call the District Offices at 530-885-0611, Extension 102

NAME: _____ AGE (optional): _____

RESIDENCE ADDRESS: _____

BUSINESS OR MAILING ADDRESS: _____

PHONE (DAYTIME): _____ PHONE (EVENING): _____

E-MAIL: _____

ARE YOU A REGISTERED VOTER WITHIN THE DISTRICT? Yes _____ No _____

Please answer the following questions

1. Provide a description of your educational work and/ or public service background.

2. What do you hope to accomplish as a member of the Board of Directors?

3. What skills, abilities, and experience would you bring to the Board assist in carrying out its responsibilities?

4. List your involvement in activities that demonstrate your understanding and support for recreation in our community, such as membership on committees/ organizations, offices held, volunteer work, and community services.

5. List in order of importance, the major issues that you believe are confronting the Auburn Area Recreation and Park District.

6. Explain what you believe to be the mission of the Auburn Area Recreation and Park District.

7. Please share any additional information that you would like to include for consideration.

CERTIFICATION:

I certify that the information contained in this questionnaire is true and correct. I authorize the verification of the information in this questionnaire.

Please note: This questionnaire and all responses are considered a public document and is therefore subject to the Public Records Act.

Signature

Date

Item 8.2 Cover sheet – Amending 2015/2016 Project List

Auburn Area Recreation and Park District Acquisition and Development Committee May, 2015; Board of Directors meeting May, 2015

The Issue

Shall the Auburn Recreation District amend the existing 2015/2016 Project List to include preliminary planning on the 24 acre property and the addition of a permanent stage to Regional Park?

Background

The ARD Board of Directors approved the 2015/2016 Project List in April, 2015. At that time, the Board asked staff and the A&D Committee to review and consider several other projects for possible inclusion on the list.

After review, staff and the A&D Committee recommended adding the following projects:

- 1) Preliminary planning on the 24 acre site. This involves developing a concept plan for the property and a preliminary review of possible environmental factors. This process would be contracted out and would involve public input. This process would help to identify opportunities and liabilities associated with developing the property. This process would not provide full environmental review.

Background information: The Auburn Area Recreation and Park District (ARD) purchased 24 acres of land adjacent to Regional Park in September of 2004. The property was purchased from the Placer Union High School District.

In 2008, ARD entered into an agreement with Western Care Construction Company, Inc. (WCCC) wherein WCCC would build a +/- .75 mile natural surface trail on the 24 acres in exchange for ARD allowing the enhancements of the wetlands on the property. This wetlands enhancement was part of the mitigations needed for WCCC to develop the 92 acre property directly south of the 24 acres. As of the writing of this report, WCCC has yet to break ground on the 92 acres.

In 2010 and again in 2011, ARD applied for a grant from the Statewide Park Program, also known as the Prop 84 grant. This was a competitive grant, with grant funds being awarded to agencies that had the greatest economic and physical needs. ARD's application requested \$2.9 million to develop the 24 acres at Regional Park. Ultimately, ARD was not chosen as a recipient for either of the two grants.

Currently the 24 acre property is only used by ARD during the running of the Great Obstacle Race, an obstacle course race that uses all sections of Regional Park.

Recently, ARD has been working with or heard from several community groups regarding their desires for new facilities. Those groups include:

- Bike Park enthusiasts
- Bocce ball enthusiasts
- Pickle ball enthusiasts
- Roller derby enthusiasts

We have also heard from current groups such as soccer that additional field space would help with their scheduling.

While looking into the possibilities of working with these groups and researching possible locations, it has been noted that ARD has run out of space at our current, developed facilities. We have looked at trying to “squeeze” facilities into certain developed parks.

The 24 acre property has much potential. It is located near our largest park and has decent access from Hwy. 49.

The biggest hurdle in developing the 24 acres are the costs. The roughly estimated costs to develop the property as drawn up conceptually for the 2010/2011 grants was \$2.9 million.

Other hurdles include, but are not limited to:

- Funding for the additional staff needed to maintain a developed park
- Auburn airport overflight zone restrictions
- Concerns of neighbors in the Deer Ridge development
- The loss of many trees that development would require

A conceptual drawing of possible improvements for the 24 acre site, first used when pursuing Prop 84 grant funding, is attached. A preliminary break down of costs and possible funding sources is also attached.

- 2) Building a permanent stage at Regional Park. The middle section of Regional Park has a natural amphitheater setting (see attached photos and aerial map). This natural setting has helped provide the location for events such as ARD’s Party in the Park, the upcoming Ain’t Necessarily Dead Festival, and couple of events staged by third party renters.

Staff has identified several uses for a permanent stage:

- ARD events, including the existing Party in the Park event
- ARD programs and classes (theater classes)
- Theater troupe rentals
- School events (AUSD has indicated that they would use such a facility)
- Event rentals by third party renters
- Graduation events
- Community groups ceremonies (Girl/Boy Scouts; Rotary; Lions, etc.)
- Youth sports group ceremonies
- Political rallies/events
- Church events (ex. Easter Sunrise Service)
- Weddings
- Social rentals

Staff has also identified obstacles to constructing a permanent stage. They include:

- Disruption to the Disc Golf Course. A permanent stage would be an obstacle as it would likely be situated near an existing fairway and hole. It is possible to shift the hole, however the stage would still be an obstacle. A local disc golfer shared that some will look at a stage as an obstacle that is just part of play. Others will be unhappy. One concern that all disc golfers would have is that they will need to alter their play when an event is taking place as it is not safe to throw a disc into a group.
- Noise to park neighbors. This would need to be mitigated through a CEQA review.

District Policy, Section H states:

3. Project List: The yearly Project List may include all funded items from that Fiscal Year's Capital Improvement Plan plus all planned General Fund projects costing an estimated \$5,000 or more. The Project List may be amended throughout the year if a project is identified after the creation and approval of the list. The Project List should be presented to the Board for approval by May of each Fiscal Year.

Recommendation

Staff recommends amending the 2015/2016 Project List to include the preliminary planning for the 24 acre site and the permanent stage at Regional Park.

The ARD Acquisition and Development Committee recommends the same.

Alternatives available to the Board of Directors

- 1) Do not approve the Project List Amendment.

Fiscal Impact

The estimated costs and proposed funding for each project are included on the project list.

Attachments

FY 2015/2016 Project List with updates (highlighted)

24 acre aerial photograph

24 Acre site conceptual development plan

Note: this highly conceptualized design is only meant to represent possible facilities/features that could be incorporated on the property. Any and all designs/facilities/features would need to go through proper CEQA review and Board approval

Estimated costs and potential funding sources to develop the 24 acres

Note: costs estimates are based on similar information from estimates from other projects and the Prop 84 grant requests.

Aerial of possible location for a new stage

Pictures of different types of stages

Photos from Party in the Park

Auburn Recreation District Ten Year Project List

2015/2016

Estimated balance

55,031 649,928 441,800 192,435

PROJECT	Est. Cost	ADA	Reserve	Cnty. Mit.	City Mit.	Grants	In Kind
Recreation Park							
Bocce Ball ³	100,000			40,000	60,000		
Regional Park							
Dry Creek Picnic ADA improvements	15,000	15,000					
Reg Shop POT	30,000	30,000					
Pickleball court conversion ³	23,250		15,000				8,250
Permanent Stage	100,000		35,000	65,000			
24 Acres							
Preliminary planning	35,000		35,000				
Railhead Park							
Playground (incl. USBR fee) ¹	61,218		5,218	38,000	18,000		
Shade Struct.;hardscape; incl. USBR ¹	125,000	10,000	3,200	83,800	28,000		
Railhead bathroom ADA compliance	25,000			15,000	10,000		
Operation & Development Plan							
CEQA/NEPA costs (continued)	20,000		20,000				
Bell Rd²							
Planning/CEQA/Const. docs/permits	337,150					337,150	
CVCC							
Bike Park - Design, CEQA (continued)	50,000		45,000				5,000
Bike Park construction	175,000			87,300			87,700
TOTAL	1,096,618	55,000	158,418	329,100	116,000	337,150	100,950

Estimated Balance Remaining

31 491,510 112,700 76,435

Note: Assumes \$50,000/year in County Mitigation Fees

Note: Assumes \$5000/year in ADA reserve funds

Note: Assumes \$10,000/year in city mitigation

Note: Assumes \$25,000 added to FCC per year

Note¹: Forwarded from FY 13/14 Project List

Note²: assumes money being available from the Stewardship Council and other grant sources



Golden Chan Hwy
Hook earth
Park Dr

Main St
Amley Dr
Stan Ave

Dry Lake Ln

Sapphire Dr

Galena Dr

Richardson Dr
JG 21st Dr

24 Acre Property

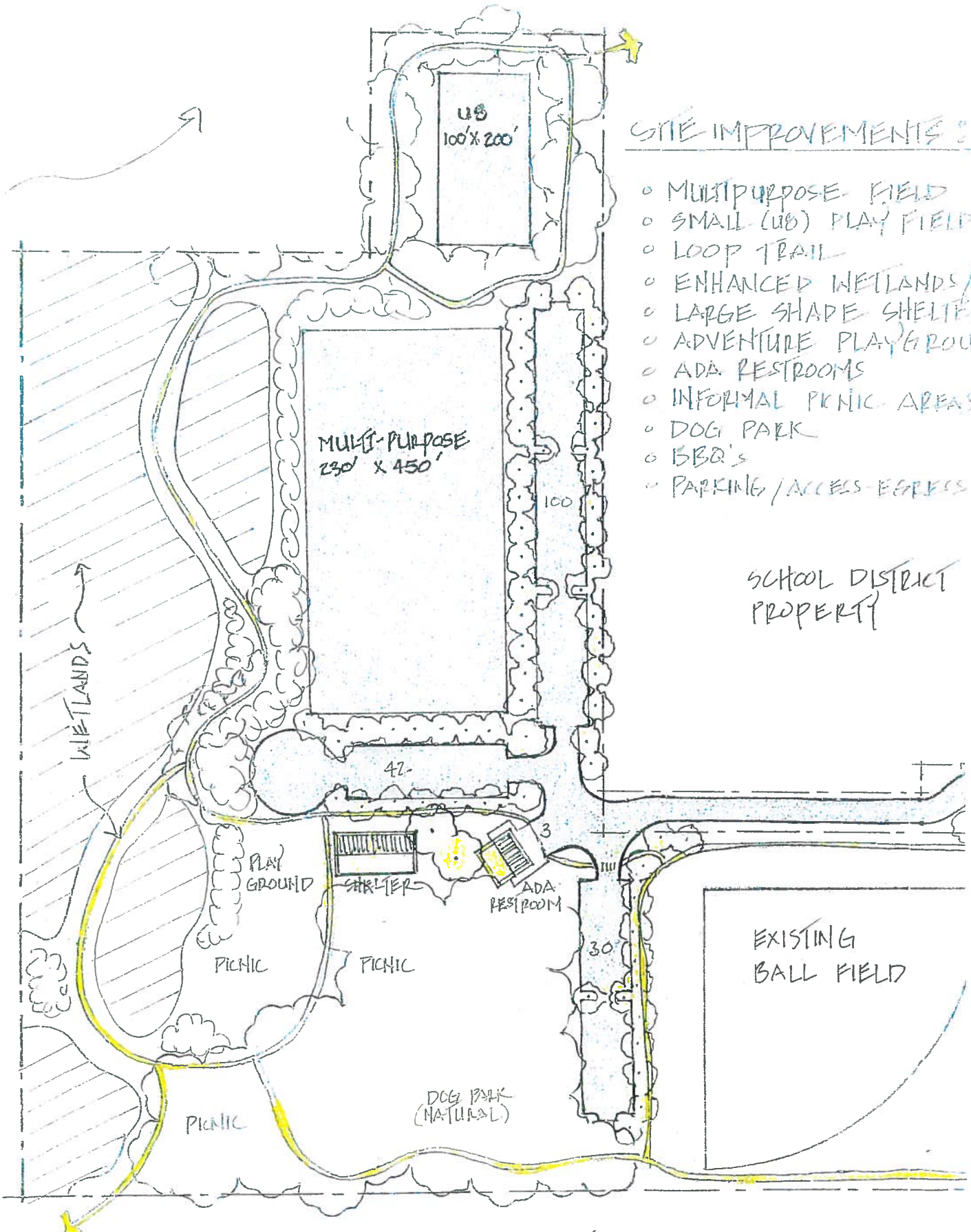
+/- 1,100 feet

+/- 875 feet

Slip Fox Ct

Swan Creek Ct

Silverhawk Way



SITE IMPROVEMENTS:

- o MULTIPURPOSE FIELD
- o SMALL (US) PLAY FIELD
- o LOOP TRAIL
- o ENHANCED WETLANDS/BUFFER
- o LARGE SHADE SHELTER
- o ADVENTURE PLAYGROUND
- o ADA RESTROOMS
- o INFORMAL PICNIC AREAS
- o DOG PARK
- o BBQ'S
- o PARKING/ACCESS EGRESS

SCHOOL DISTRICT
PROPERTY

FUTURE DEVELOPMENT

24 Acre Development - Costs and potential funding sources

Estimated Costs

Planning, CEQA, permits	500,000
Infrastructure - roads, parking, utilities, bathroom	1,500,000
Park improvements	1,000,000
Total estimated costs	3,000,000

Potential funding sources

ARD Future Capital Reserves	500,000
Placer County Mitigation Fees	200,000
2016 State Park Bond	500,000
Loan	1,800,000
Total	3,000,000

Other potential funding sources

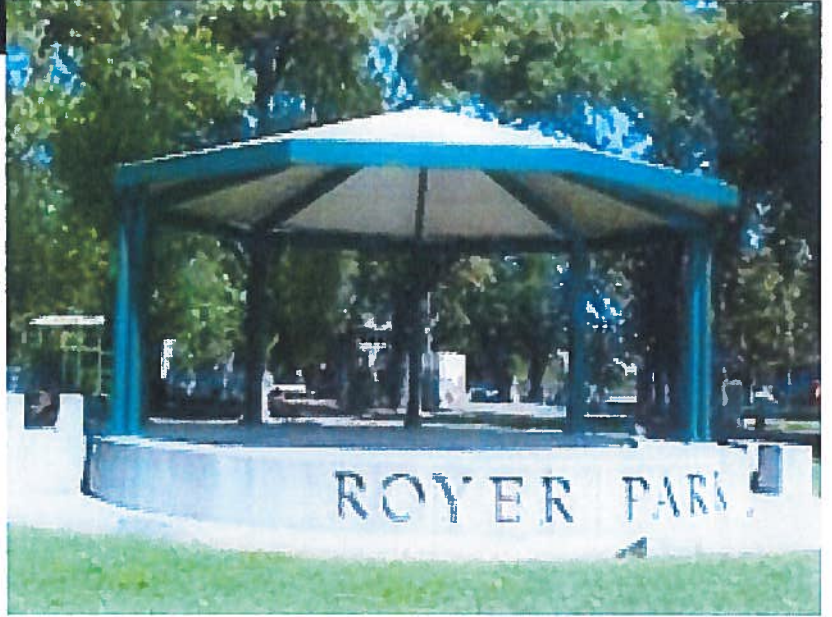
Grants (LWCF, State Bond competitive grants)

"Fronted" Mitigation Fees



General location for a permanent stage

Richardson-Dr







Pictures from Party in the Park



Pictures from Party in the Park



Item 8.3 Cover sheet – Termination of Fee Title Transfer Process – Bell Rd. Property

Auburn Area Recreation and Park District Acquisition and Development Committee May, 2015; Board of Directors meeting May, 2015

The Issue

Shall the Auburn Area Recreation and Park District (ARD) terminate the Fee Title transfer process for the Bell Rd. property? Director Holbrook has requested that this item be considered.

Background

ARD staff has been working with PG&E, the Stewardship Council and Placer Land Trust to acquire +/- 26 acres of land through a fee title transfer. This property is located off of Bell Rd. and New Airport Rd. and has been referred to as the “Bell Rd. property”.

The Stewardship Council’s is a private, nonprofit foundation responsible for developing and implementing a land conservation plan for 140,000 + acres of land owned by PG&E. As part of this plan, PG&E made portions of the 140,000 acres available for fee title donation to organizations interested in preserving and enhancing the lands consistent with six Beneficial Public Values (BPV). Those six BPV are:

- Habitat protection
- Preservation of open space
- Outdoor public recreation
- Sustainable forestry
- Agricultural uses
- Cultural and historical resources

The Bell Rd. property will come with some limitations on development. Approximately 1/3 of the property will be considered the “Building Envelope”. ARD will be able to make several different kinds of improvements in the Building Envelope. Language from Exhibit E of the DRAFT Conservation Easement Language (attached) lists these possible improvements.

Outside of the Building Envelope, ARD will have limited improvement opportunities, mainly limited to natural surface trails, boardwalks and/or bridges.

Recommendation for the Board of Directors

Staff does not support terminating the Fee Title Transfer process for the Bell Rd. property. Staff feels that this park would be an asset to the community, and the strong possibility of Stewardship Council funding for the majority of the improvements makes the acquisition and development of the property even more appealing.

The Acquisition and Development Committee does not recommend terminating the Fee Title Transfer process for the Bell Rd. property.

Fiscal Impact

While nothing has been committed in writing, there is a good chance that the Stewardship Council will pay for the majority of improvements to the property. To date, the Stewardship Council has funded over \$50,000 worth of studies and due diligence work on the property.

Regarding maintenance of a park at Bell Rd: While it is hard to estimate the exact amount of maintenance needed on a park that is still to be designed, an estimate based on staff discussions determined that it would take approximately 1,000 hours per year to maintain the park (approximately \$25,000 in staffing costs). Some of that time could be absorbed by existing staff and some would need to be picked up by new staffing. Currently, the FY 15/16 budget includes funding for a 2,000 hour employee. That position is still unfilled, as the Facilities and Grounds staff has been able to adequately maintain the parks with the current staffing levels.

Attachments

Exhibit E of the DRAFT Bell Rd. Conservation Easement