

**AUBURN AREA RECREATION AND PARK DISTRICT  
MEETING OF THE ACQUISITION AND DEVELOPMENT COMMITTEE AGENDA**

**MONDAY, JUNE 17, 2019, 4:00 PM**

**CANYON VIEW COMMUNITY CENTER, 471 MAIDU DRIVE  
AUBURN, CA 95603**

Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet are available for public inspection in the District's Office at 471 Maidu Drive, Auburn, CA 95603 during normal business hours. In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (530) 537-2187. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

**1.0 CALL TO ORDER**

Gray \_\_\_\_ Ferris \_\_\_\_

**2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL**

**3.0 PUBLIC COMMENT – This is the time wherein any person may comment on any item not on the agenda within the subject matter jurisdiction of the Committee Chairperson, please state your name and address for the record (optional). There is a time limitation of three minutes.**

**4.0 BUSINESS**

**4.1 Approval of Minutes from the May 20, 2019 Acquisition & Development Meeting**

**Recommendation:** Review and approve minutes.

**4.2 Resolution Number 2019-17, A Resolution of the Board of Directors of the Auburn Area Recreation and Park District, Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2019-2010 for the Atwood Ranch III Landscaping and Lighting Assessment District**

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors approve and adopt Resolution Number 2019-17 that would approve the Engineer's Report, confirm the diagram and assessment, and order the continuation of assessment for fiscal year 2019-17 for Atwood Ranch III Landscaping and Lighting Assessment District as the final step in levying the continued assessments?

**4.3 Resolution Number 2019-18 Indemnifying Placer County for Collection of Atwood III Assessments**

Shall the Auburn Area Recreation and Park District (ARD) adopt a resolution defending and indemnifying Placer County for collection of Atwood III assessments?

**4.4 Resolution Number 2019-19: James Field Renovation**

Shall the Auburn Area Recreation and Park District (ARD) adopt Resolution Number 2019-19, approving Notice of Categorical Exemption from CEQA for the James Baseball Field renovation project?

**Discussion items:**

1. Discussion of Dog Run Area at old dump area - see attachment.
2. Discussion of electric car charging stations.
3. 2019 – 2020 Project Activity Report.

**5.0 ITEMS TO BE CONSIDERED AT FUTURE ACQUISITION & DEVELOPMENT MEETINGS**

**6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH ADJOURNMENT**

AUBURN AREA RECREATION AND PARK DISTRICT  
This agenda is hereby certified to have been posted as follows:

6-14-19  
Date

1:05pm  
Time

P. Larson  
Secretary to the Board

**Auburn Area Recreation and Park District  
Minutes of the Acquisition & Development Committee Meeting  
Monday, May 20, 2019, 4:00 PM  
Canyon View Community Center, Board Room  
471 Maidu Drive, Auburn, CA 95603**

**1.0 CALL TO ORDER**

The meeting of the Acquisition & Development Committee was called to order at 4:02 p.m.

**ROLL CALL**

Directors Gray and Ferris were present.

**2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL**

The agenda was approved by the Committee.

**3.0 PUBLIC COMMENT-** This is the time wherein any person may comment on any item not on the agenda within the subject matter jurisdiction of the Committee. After you are recognized by the Committee Chairperson, please state your name and address for the record (optional). There is a time limitation of three minutes.

**4.0 BUSINESS**

**4.1 Approval of Minutes from the April 15, 2019 Acquisition & Development Meeting**

The minutes from the April 15, 2019 Acquisition & Development Meeting were reviewed and approved by Directors Gray and Ferris.

**4.2 Atwood Ranch III, Resolution Number 2019-11, Resolution of Intention to Levy Annual Assessment, Preliminarily Accepting Engineer's Report**

Directors Gray and Ferris reviewed and approved Resolution Number 2019-11, Resolution of Intention to Levy Annual Assessment, Preliminarily Accepting Engineer's Report and forwarded this item to the Board of Directors for adoption with a positive recommendation.

**Discussion Items:**

1. Discussion of Dog Run Area at Railhead Park – it was discussed to explore other options for a dog run at the old dump site.
2. 2019-2020 Project Activity Report – this item was reviewed with the Committee by Landscape Architect Mike Scheele.

**5.0 ITEMS TO BE CONSIDERED AT FUTURE ACQUISITION & DEVELOPMENT MEETINGS**

None.

**6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH**

None.

**ADJOURNED**

As there was no further business, the meeting was adjourned at 4:39 p.m.

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Date

**Item 4.2 Cover Sheet: Resolution Number 2019-17, A Resolution of the Board of Directors of the Auburn Area Recreation & Park District, Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2019 – 2020 for the Atwood Ranch III Landscaping & Lighting Assessment District**

**The Issue**

Shall the Auburn Area Recreation and Park District (ARD) approve and adopt Resolution 2019-17 that would approve the Engineer's Report, confirm the diagram and assessment, and order the continuation of assessment for fiscal year 2019-17 for Atwood Ranch III Landscaping and Lighting Assessment District as the final step in levying the continued assessments?

**BACKGROUND**

In 2004, after gaining property owner ballot support, the benefit assessments were first established to provide funding the installation, maintenance and servicing of landscaping, park and recreation facilities in the Auburn Area Recreation and Park District (Atwood Ranch III).

- **Balloting Conducted:** November-December 2004
- **Ballot Results:** 100.0 % of the weighted returned ballots were in support of the proposed assessment
- **Board Approval of 1<sup>st</sup> Year Assessment Levies:** Dec. 16, 2004
- **Fiscal Year 2005-06 Approved Rate:** \$148.62 per single family equivalent benefit unit (SFE)
- **Annual CPI:** In each subsequent year, the maximum assessment rate increases by the annual change in the Consumer Price Index, not to exceed 5% per year.
- **Fiscal Year 2018-19 Approved Rate:** \$168.28 per single family equivalent benefit unit (SFE)

In order to continue to levy the assessments each year, the Board first adopts a resolution initiating the assessment proceedings for the year and directing the engineer of work, SCI Consulting Group, to prepare the annual Engineer's Report for the District. The Board approved this resolution #2019-03 at the February 28, 2019 Board meeting.

SCI Consulting Group prepared the Engineer's Report that includes the special and general benefits from the assessments, the proposed budget for the continued assessments for fiscal year 2019-20, the updated proposed assessments for each parcel in the District, and the proposed assessments per single family equivalent benefit unit for the fiscal year. At the May 30, 2019 Board meeting, the Board reviewed the Engineer's Report and adopted resolution #2019-11 to declare its intention to levy the assessments, preliminarily approve the Engineer's Report, and provide for notice of the annual public hearing.

Each year, in order to continue to levy the assessments for the coming fiscal year, the Board conducts a noticed public hearing and receives public input on the proposed assessments and the services that they would fund. After hearing the public testimony, the Board may take final action on setting the assessment

rate, establishing the services and improvements to be funded and ordering the levy of the continued assessments for fiscal year 2019-20.

**PROPOSED RATE AND CPI HISTORY**

The assessments can be levied annually and can be increased by the change in the San Francisco Bay Area Consumer Price Index, not to exceed 5% per year. The following table summarizes the maximum authorized assessment rates and CPI history:

<b>Fiscal Year</b>	<b>Max CPI Allowed</b>	<b>Max Rate allowed</b>
FY 05-06		\$148.62
FY 06-07	1.95%	\$151.51
FY 07-08	3.44%	\$156.73
FY 08-09	3.84%	\$162.74
FY 09-10	0.01%	\$162.76
FY 10-11	2.61%	\$167.01
FY 11-12	1.52%	\$169.55
FY 12-13	2.92%	\$174.50
FY 13-14	2.22%	\$178.37
FY 14-15	2.57%	\$182.96
FY 15-16	2.67%	\$187.84
FY 16-17	3.17%	\$193.80
FY 17-18	3.53%	\$200.64
FY 18-19	2.94%	\$206.54
FY 19-20	4.49%	\$215.81

The following lists the historical revenues and rates for the assessments.

<b>Fiscal Year</b>	<b>Rate / SFE</b>	<b>Annual Revenues</b>
FY 05-06	\$148.62	\$21,252
FY 06-07	\$148.62	\$21,252
FY 07-08	\$148.62	\$21,252
FY 08-09	\$148.62	\$21,252
FY 09-10	\$148.62	\$21,252
FY 10-11	\$148.62	\$21,252
FY 11-12	\$148.62	\$21,252
FY 12-13	\$148.62	\$21,252
FY 13-14	\$162.72	\$23,269
FY 14-15	\$182.12	\$26,043
FY 15-16	\$182.12	\$26,043
FY 16-17	\$155.10	\$22,179
FY 17-18	\$155.10	\$22,179
FY 18-19	\$168.28	\$24,064
FY 19-20	\$176.68	\$25,265

Since levying the initial assessments in fiscal year 2005-06, the assessments were not raised until fiscal year 2013-14, in spite of higher costs for maintenance and operations that had been incurred. These increased costs included labor costs to maintain the park and preserve. These higher labor costs were due to the following items:

- 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, cutting lawn
- Weed control in new bark areas
- Removal of invasive tree species

However, in Fiscal Year 2015-16 the maintenance costs for the Assessment District were reduced significantly due to the following factors:

- Reduction in maintenance in the nature preserve: per the Management Plan for the nature preserve, the Auburn Area RPD is permitted to mow the property once every five years. The RPD had previously been mowing and string trimming the preserve on an annual basis. Beginning in Fiscal Year 2015-16, the RPD modified that activity to comply with the Plan and began only mowing/trimming a 25' wide strip against all houses. This 25' strip was negotiated with the Placer County Resources Conservation District, the agency that holds the conservation easement on the property. This reduction in mowing/trimming led to reduced maintenance costs.
- Reduction in water use based on California's drought: the RPD irrigates the lawn and adjacent landscaping with potable water. The state mandated reduction has resulted in less water usage.

Therefore, due to reduced maintenance costs as well as a sizable beginning fund balance that was available to offset unforeseen expenses, a reduced assessment rate was adopted for Fiscal Year 2016-17.

In Fiscal Year 2017-18, the Auburn Area RPD undertook a large, unanticipated landscaping project that depleted the District's General Fund. In Fiscal Year 2017-18, the Auburn Area RPD undertook a large, unanticipated landscaping project that depleted the District's General Fund. In Fiscal Year 2018-19, the RPD transferred approximately \$14,600 from the Equipment Replacement Fund into the General Fund to reduce the resulting negative balance. Also, beginning in Fiscal Year 2018-19, the RPD included amounts in the Assessment District budget to be transferred into the General Fund to further reduce the negative balance. In future years, the assessments will continue to replenish the Equipment Replacement Reserve by approximately \$4,000 per year to rebuild it to levels that will be sufficient for its intended purpose by the time the facilities are expected to be in need of replacement. The necessity to repay the funds borrowed from the General Fund is a major factor requiring the assessment rate increase in Fiscal Year 2019-20.

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.

Because maintenance needs and requirements may fluctuate over time, in accordance with Proposition 218 the assessments may increase in any given fiscal year up to the maximum allowable rate, even following a year in which a lower rate was assessed.

**PROPOSED FY 2019-20 BUDGET, SERVICES & IMPROVEMENTS**

The following table summarizes the revenues and costs projected for FY 2019-20.

<b>Summary of revenue and total cost</b>	<b>FY 2019-20</b>
Revenue	\$25,265
Costs:	
Services	\$22,300
Incidentals/Admin Costs	\$4,300

- Parks maintained:
  - a. Maintenance of a neighborhood park and tot lot within the development area known as Atwood Ranch III
- Other Services:
  - a. Maintenance of trails in the wetlands preserve area
  - b. Irrigation and turf of a small grass area adjacent to the tot lot
  - c. Monitoring of 10.69 acres of wetlands preserve area with associated riparian scrub land, seeps, floodplains and drainage areas to a stormwater detention area
  - d. Reporting one time yearly to the Army Corps of Engineers, including biology reports and project management reports

**RECOMMENDATION**

It is recommended that the Board hold a public hearing, consider all public comments, and subsequently approve Resolution 2019-17 that would approve the Engineer's Report, confirm the diagram and assessment, and order the continuation of assessment for fiscal year 2019-20 for Atwood Ranch III Landscaping and Lighting Assessment District as the final step in levying the continued assessments.

**RESULT OF RECOMMENDED ACTION**



The Board will order the levy of the continued assessments for fiscal year 2019-20, at the rate of \$176.68, and will cause those levies to be submitted by SCI Consulting Group to the County Auditor to be included on the 2019-20 property tax bills.

**ATTACHMENTS:**

Resolution Number 2019-17  
Atwood III 2019 – 20 Engineer’s Report

**RESOLUTION NO. 2019-17**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AUBURN  
AREA RECREATION AND PARK DISTRICT, APPROVING  
ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT  
AND ORDERING THE CONTINUATION OF ASSESSMENTS FOR  
FISCAL YEAR 2019-20 FOR THE ATWOOD RANCH III  
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT**

WHEREAS, on January 27<sup>th</sup>, 2005, by its Resolution No. 2005-01, after receiving a weighted majority of ballots in support of the proposed assessment, this Board ordered the formation of and levied the first assessment within the Auburn Area Recreation and Park District, Atwood Ranch III Landscaping and Lighting Assessment District (the "Assessment District") pursuant to the provisions of Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof); and

WHEREAS, the purpose of the Assessment District is for the installation, maintenance and servicing of improvements within the Assessment District as described in the annual Engineer's Report; and

WHEREAS, the first Engineer's Report for Fiscal Year 2005-06 described how the assessment district would be established, determined the uses of the assessment funds, established the methodology by which the assessments would be applied to properties in the District, established that the assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the San Francisco Bay Area, and stated that the assessment would continue year-to-year until terminated by the District Board of Directors; and

WHEREAS, although the methodology by which the assessments are applied to properties in the District does not change from year to year, a new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District, including but not limited to use changes, parcel subdivisions, and/or parcel consolidations; and

WHEREAS, by Resolution No. 2019-03, the District Board ordered the preparation of an Engineer's Report for the Atwood Ranch III Landscaping and Lighting Assessment District (the "District") for fiscal year 2019-20; and

WHEREAS, pursuant to said Resolution, the Engineer's Report was prepared by SCI Consulting Group, Engineer of Work, in accordance with Section 22565, et seq., of the Streets and Highways Code (the "Report") and Article XIID of the California Constitution; and

WHEREAS, by Resolution No. 2019-11, the District Board preliminarily approved the Engineer's Report for said District and set a date for a Public Hearing; and

WHEREAS, said report was duly made and filed with the Clerk of the Board and duly considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 27<sup>th</sup>, 2019, at the hour of 6:00 p.m. in the Board Room of the District Office, located at 471 Maidu Drive, Auburn, California, 95603 were appointed as the time and place for a hearing by this Board on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the continuation of assessment were fully heard and considered by the Board, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Board thereby acquired jurisdiction to order the continuation of assessment and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AUBURN AREA RECREATION AND PARK DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The public interest, convenience and necessity require that the levy be made.

SECTION 2. The Assessment District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Clerk of the Board, which map is made a part hereof by reference thereto.

SECTION 3. The assessment is levied without regard to property valuation.

SECTION 4. The Engineer's Report as a whole and each part thereof, to wit:

(a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and

(c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels,

respectively, from the maintenance, and of the expenses incidental thereto;

are finally approved and confirmed.

**SECTION 5.** Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Board.

**SECTION 6.** That assessments for fiscal year 2019-20 shall be continued at the rate of one hundred seventy-six dollars and sixty-eight cents (\$176.68) per single family equivalent benefit unit as specified in the Engineer's Report for fiscal year 2019-20, with estimated total annual assessment revenues as set forth in the Engineer's Report; and

**SECTION 7.** The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2019-20 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Engineer's Report.

**SECTION 8.** Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Board expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

**SECTION 9.** Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the Clerk of the Board shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Placer. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Atwood Ranch III Landscaping and Lighting Assessment District.

**SECTION 10.** Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the District Treasury to the credit of the improvement fund previously established under the distinctive designation of the Assessment

District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

SECTION 11. The Clerk of the Board shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

SECTION 12. The Board of Directors of the Auburn Area Recreation and Park District hereby certifies that the assessments to be placed on the fiscal year 2019-20 property tax bills meet the requirements of Proposition 218 that added Articles XIII C and XIII D to the California Constitution.

PASSED AND ADOPTED this 27<sup>th</sup> day of June, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

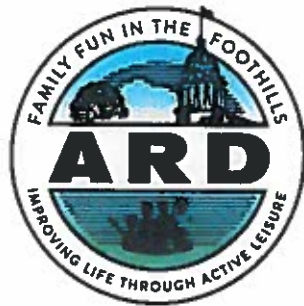
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Jim Ferris  
Chair, Board of Directors

ATTEST:

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Pat Larson  
Clerk of the Board



## **AUBURN AREA RECREATION & PARK DISTRICT**

**ATWOOD RANCH III LANDSCAPING AND  
LIGHTING ASSESSMENT DISTRICT**

### **ENGINEER'S REPORT**

APRIL, 2019

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

ENGINEER OF WORK:  
**SCIConsultingGroup**  
4745 MANGELS BLVD.  
FAIRFIELD, CALIFORNIA 94534  
PHONE 707.430-4300  
FAX 707.430-4319  
WWW.SCI-CG.COM

**AUBURN AREA RECREATION AND PARK DISTRICT**

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**BOARD OF DIRECTORS**

Jim Ferris, Chairman  
H. Gordon Ainsleigh, Director  
James A. Gray, Director  
Scott R. Holbrook, Director  
Mike Lynch, Director

**DISTRICT ADMINISTRATOR**

Kahl Muscott

**ADMINISTRATIVE SERVICES MANAGER**

Veona Galbraith

**CLERK/SECRETARY OF THE BOARD AND TO THE DISTRICT ADMINISTRATOR**

Pat Larson

**DISTRICT LEGAL COUNSEL**

Derek Cole

**ENGINEER OF WORK**

SCI Consulting Group  
Lead Assessment Engineer, John Bliss, M. Eng., P.E.

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## INTRODUCTION

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### 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 possible assessment rate for Fiscal Year 2018-19 was \$206.54 per single family equivalent benefit unit. The annual change in the CPI from December 2017 to December 2018 was 4.49%. Therefore, the maximum authorized assessment rate for Fiscal Year 2019-20 has been increased from \$206.54 to \$215.81 per single family equivalent benefit unit. However, the estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2019-20 at the rate of \$176.68 per single family equivalent benefit unit, which is less than the maximum authorized assessment rate.

### **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. 2019-03 adopted on February 28<sup>th</sup>, 2019.

This Engineer's Report ("Report") was prepared to establish the budget for the continued improvements and services that would be funded by the proposed 2019-20 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 XIID 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 27<sup>th</sup>, 2019 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 2019-20. If the assessments are so confirmed and approved, the levies will be submitted to the County Auditor/Controller in June 2019 for inclusion on the property tax roll for Fiscal Year 2019-20.

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 XIIC and XIID 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 4<sup>th</sup> 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 1<sup>st</sup> 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 XIIC and XIID 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

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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.

<b>Final Level of Service</b>	=	<b>Baseline Level of Service (zero, pre-development)</b>	+	<b>Enhanced Level of Service</b>
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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 2019-20 ESTIMATE OF COST AND BUDGET**

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**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 once 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 2019-20	
Beginning Fund Balance, June 30, 2019	(\$1,507.66)
Equipment Replacement Reserve Balance, June 30, 2019 <sup>1</sup>	\$5,003.66
<b>Installation, Maintenance &amp; Servicing Costs</b>	
Maintenance Labor (Incl. Roll-Ups)	\$8,300.00
Water Costs	\$4,300.00
Park Improvements (turf, irrigation)	\$2,700.00
Preserve Monitoring	\$4,000.00
Repayment to General Fund for Landscape Installation <sup>2</sup>	\$3,000.00
Subtotal - Installation, Maintenance and Servicing	\$22,300.00
<b>Administrative Costs</b>	
County Collection Charges	\$250.00
Insurance	\$450.00
Administration Costs	\$3,600.00
Subtotal - Administration	\$4,300.00
<b>Totals for Installation, Maintenance, Servicing and Administration</b>	<b>\$26,600.00</b>
<b>Total Benefit of Improvements</b>	<b>\$26,600.00</b>
Equivalent Dwelling Units (EDU)	143
<b>Benefit Received per Equivalent Dwelling Unit</b>	<b>\$186.01</b>
Less:	
Contribution from Other Sources for General Benefit	(\$1,334.76)
<b>Net Cost of Installation, Maintenance, Servicing and Administration</b>	<b>\$25,265.24</b>
<b>Budget Allocation to Property</b>	
<b>Total Assessment Budget</b>	<b>\$25,265.24</b>
Total Equivalent Dwelling Units	143
<b>Assessment per Equivalent Dwelling Unit</b>	<b>\$176.68</b>



<sup>1, 2</sup> The item "Equipment Replacement Reserve Balance" refers to funds maintained for future replacement of playground equipment and picnic tables. In Fiscal Year 2017-18, the Auburn Area RPD undertook a large, unanticipated landscaping project that depleted the District's General Fund. In Fiscal Year 2018-19, the RPD transferred approximately \$14,600 from the Equipment Replacement Fund into the General Fund to reduce the resulting negative balance. Also, beginning in Fiscal Year 2018-19, the RPD included amounts in the Assessment District budget to be transferred into the General Fund to further reduce the negative balance. In future years, the assessments will continue to replenish the Equipment Replacement Reserve by approximately \$4,000 per year to rebuild it to levels that will be sufficient for its intended purpose by the time the facilities are expected to be in need of replacement. The necessity to repay the funds borrowed from the General Fund is a major factor requiring the assessment rate increase in Fiscal Year 2019-20.

**NOTES:**

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 Fiscal Year 2015-16 the maintenance costs for the Assessment District were reduced significantly due to the following factors:

- Reduction in maintenance in the nature preserve: per the Management Plan for the nature preserve, the Auburn Area RPD is permitted to mow the property once every five years. The RPD had previously been mowing and string trimming the preserve on an annual basis. Beginning in Fiscal Year 2015-16, the RPD modified that activity to comply with the Plan and began only mowing/trimming a 25' wide strip against all houses. This 25' strip was negotiated with the Placer County Resources Conservation District, the agency that holds the conservation easement on the property. This reduction in mowing/trimming led to reduced maintenance costs.
- Reduction in water use based on California's drought: the RPD irrigates the lawn and adjacent landscaping with potable water. The state mandated reduction has resulted in less water usage.

Because maintenance needs and requirements may fluctuate over time, in accordance with Proposition 218 the assessments may increase in any given fiscal year up to the maximum allowable rate, even following a year in which a lower rate was assessed.

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.

## **METHOD OF APPORTIONMENT**

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### **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**

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WHEREAS, the Board of Directors of the Auburn Area Recreation & Park District, County of Placer, California, by its Resolution No. 2019-03 adopted on February 28<sup>th</sup>, 2019, ordered the initiation of proceedings for the continuation of the assessments for the Atwood Ranch III Landscaping and Lighting Assessment District for Fiscal Year 2019-20, 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 2019-20, 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 2019-20**

	<i>FY 2019-20</i> <u>BUDGET</u>
Park Maintenance & Improvements	\$15,300
Preserve Maintenance and Monitoring	\$4,000
Repayment to General Fund	\$3,000
Incidental Expenses	<u>\$4,300</u>
<b>TOTAL BUDGET</b>	<b>\$26,600</b>
 Less:	
Contribution from Other Sources for General Benefit	(\$1,335)
 <b>NET AMOUNT TO ASSESSMENTS</b>	 <u><b>\$25,265</b></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 2018-19 was \$206.54 per single family equivalent benefit unit. The annual change in the CPI from December 2017 to December 2018 was 4.49%. Therefore, the maximum authorized assessment rate for Fiscal Year 2019-20 has been increased from \$206.54 to \$215.81 per single family equivalent benefit unit. However, the estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2019-20 at the rate of \$176.68 per single family equivalent benefit unit, which is less than the maximum authorized assessment rate.

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 2019-20. 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 2019-20 for each parcel or lot of land within the said Atwood Ranch III Landscaping and Lighting Assessment District.

Dated: May 17, 2019

Engineer of Work

By 

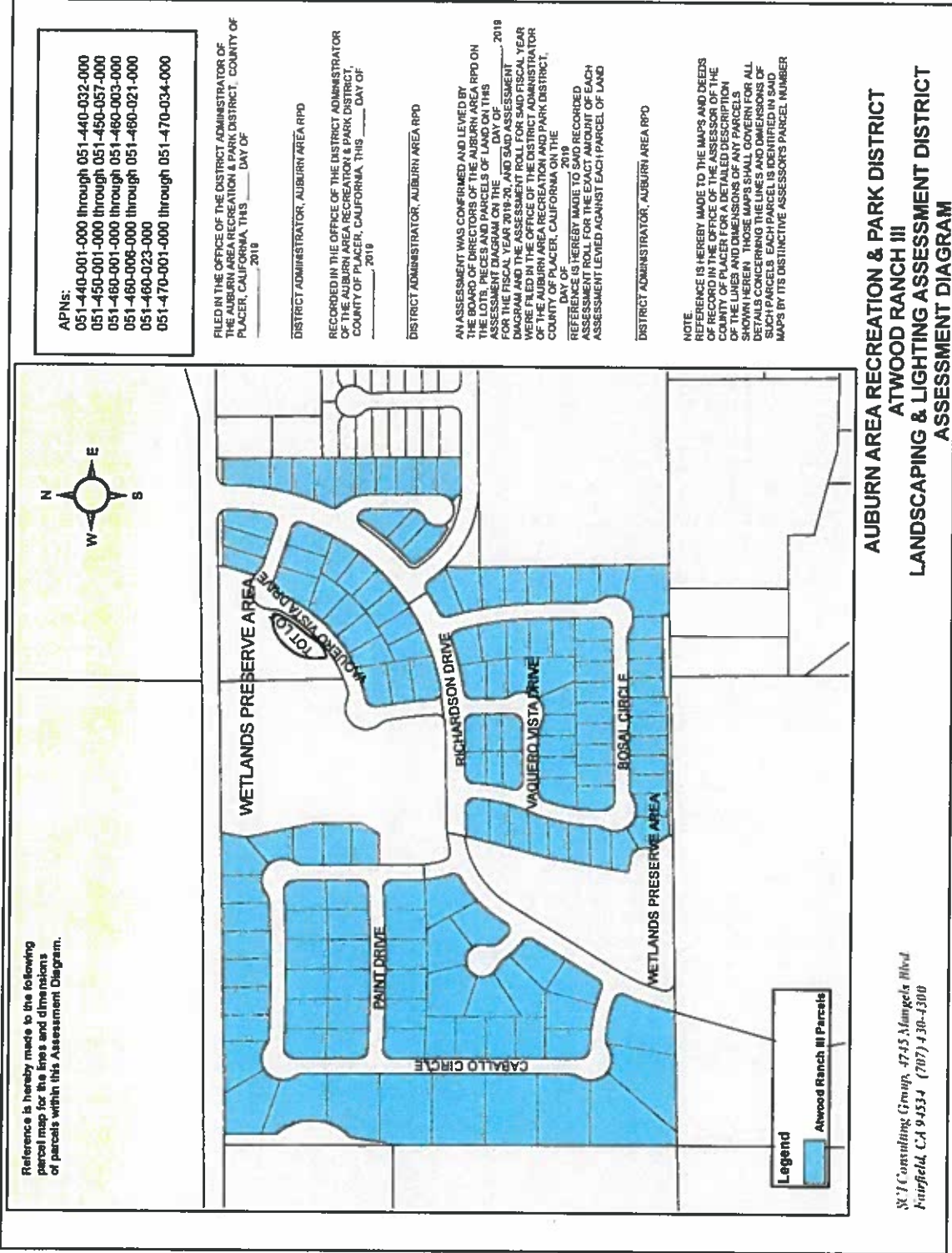
John W. Bliss, License No. C52091



## **ASSESSMENT DIAGRAM**

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



**AUBURN AREA RECREATION & PARK DISTRICT  
 ATWOOD RANCH III ASSESSMENT DISTRICT  
 ENGINEER'S REPORT, FY 2019-20**

## **APPENDIX A – ASSESSMENT ROLL, FY 2019-20**

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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 2019-20  
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
051440001	KUNKEL KIMERLY A	11365 SPUR	1.00	178.68	051450028	AYERS LARRY &	11210 BOSAL	1.00	178.68
051440002	BAILEY DEBORAH E	11345 SPUR	1.00	178.68	051450027	CONDY BEVERLY R	11206 BOSAL	1.00	178.68
051440003	GREENE MICHAEL D &	11335 SPUR	1.00	178.68	051450028	SEISA CUSTODIO &	11200 BOSAL	1.00	178.68
051440004	CRAG INC	11325 SPUR	1.00	178.68	051450029	TAYLOR DEBBIE E	11201 BOSAL	1.00	178.68
051440005	SHEPARD JEREMY ET	11315 SPUR	1.00	178.68	051450030	PLATZ LISELOTTE TR	11205 BOSAL	1.00	178.68
051440006	LEEP KENNETH &	11305 SPUR	1.00	178.68	051450031	GARLICK SHARON &	11209 BOSAL	1.00	178.68
051440007	MCGOURTY DANIEL	2678	1.00	178.68	051450032	SCOTT KEVIN A &	2570 VAQUERO	1.00	178.68
051440008	CROSBY DAVID E &	2684	1.00	178.68	051450033	MADSEN GERAM &	2566 VAQUERO	1.00	178.68
051440009	RAMIREZ JOSE CRUZ	2690	1.00	178.68	051450034	SMITH DEBRA A TR	2560 VAQUERO	1.00	178.68
051440010	AYALA RAQUEL &	2696	1.00	178.68	051450035	BARNHOUSE JUSTIN	2565 VAQUERO	1.00	178.68
051440011	JONES BRENDA L	2500 VAQUERO	1.00	178.68	051450036	MOHS GREG & MOHS	2569 VAQUERO	1.00	178.68
051440012	WATSON JUANITA E &	2508 VAQUERO	1.00	178.68	051450037	MCDONALD MICHAEL	2575 VAQUERO	1.00	178.68
051440013	BOVE JOSHUA S &	2510 VAQUERO	1.00	178.68	051450038	NELSON DAVID R &	2579 VAQUERO	1.00	178.68
051440014	SCHULZ ZACHARY	2509 VAQUERO	1.00	178.68	051450039	COOK KEVIN	2583 VAQUERO	1.00	178.68
051440015	KJER VIRGINIA M TR	2505 VAQUERO	1.00	178.68	051450040	RING KEVIN P & RING	2587 VAQUERO	1.00	178.68
051440016	JENSEN CHARLES E &	2501 VAQUERO	1.00	178.68	051450041	WORTON JEFF &	2591 VAQUERO	1.00	178.68
051440017	RODGERS SHANE C	11320 SPUR	1.00	178.68	051450042	GEORGE ADAM DAVID	2595 VAQUERO	1.00	178.68
051440018	FRANKLIN PEGGY J	11340 SPUR	1.00	178.68	051450043	PRICE JERRITT D &	2599 VAQUERO	1.00	178.68
051440019	JONES BRENTON &	11350 SPUR	1.00	178.68	051450044	BUCKMEYER ROBERT	11245 BOSAL	1.00	178.68
051440020	HENRIQUES CARLENE	2673	1.00	178.68	051450045	FEIN MARY HELEN TR	11251 BOSAL	1.00	178.68
051440021	KELLY FRANK LIND &	2667	1.00	178.68	051450046	GETZ CHRISTINE D &	11259 BOSAL	1.00	178.68
051440022	SPAIN-TRUBIA JUDY	2661	1.00	178.68	051450047	CULWELL CLARENCE	11261 BOSAL	1.00	178.68
051440023	REXUS JAMES N JR &	2655	1.00	178.68	051450048	BRINK SCOTT	11269 BOSAL	1.00	178.68
051440024	ANDERSON DONALD	2649	1.00	178.68	051450049	GARCIA WILLIAM R TR	11271 BOSAL	1.00	178.68
051440025	BALOTE MAUREEN	2643	1.00	178.68	051450050	SINGH BHUPINDER	11279 BOSAL	1.00	178.68
051440026	BROXTERMAN	2539 VAQUERO	1.00	178.68	051450051	KOENIG CARL	11285 BOSAL	1.00	178.68
051440027	ALBERTAZZI	2535 VAQUERO	1.00	178.68	051450052	GONZALEZ ANNER	11289 BOSAL	1.00	178.68
051440028	GREENHALGH	2531 VAQUERO	1.00	178.68	051450053	DAVISON SHAWN W	11309 BOSAL	1.00	178.68
051440029	HUCKINS CHARLES E	2525 VAQUERO	1.00	178.68	051450054	SHERMAN STEPHEN	11313 BOSAL	1.00	178.68
051440030	HIRSCH WILLIAM E &	2527 VAQUERO	1.00	178.68	051450055	FEIN MARY HELEN TR	11319 BOSAL	1.00	178.68
051440031	SKRABER GEOFFREY	2519 VAQUERO	1.00	178.68	051450056	WATSON MASON &	11323 BOSAL	1.00	178.68
051440032	TORPY JAN & TORPY	2515 VAQUERO	1.00	178.68	051450057	DURR BRYAN J &	11333 BOSAL	1.00	178.68
051450001	HARRIS MICHAEL &	11338 BOSAL	1.00	178.68	051450059	AUBURN UNION		0.00	0.00
051450002	MORGAN JEFFREY H	11330 BOSAL	1.00	178.68	051460001	STILLMAN JANET M &	11029 CABALLO	1.00	178.68
051450003	MAY HAYDEN E	11328 BOSAL	1.00	178.68	051460002	JOHNSGRUD MATTHEW	11023 CABALLO	1.00	178.68
051450004	DILGER MATTHEW &	11322 BOSAL	1.00	178.68	051460003	AYERS LARRY DALE	11017 CABALLO	1.00	178.68
051450005	KEMPAIN CLAYTON	11318 BOSAL	1.00	178.68	051460006	TAYLOR SUSAN A	11003 CABALLO	1.00	178.68
051450006	BRANSON JANA M &	11310 BOSAL	1.00	178.68	051460007	WERNTZ RICHARD S	11000 CABALLO	1.00	178.68
051450007	HATASHITA JASON D	11306 BOSAL	1.00	178.68	051460008	CEHAN E GREGORY &	11004 CABALLO	1.00	178.68
051450008	NEWMAN-BARRERA	11300 BOSAL	1.00	178.68	051460009	BOEZIEN TIMOTHY JR	11008 CABALLO	1.00	178.68
051450009	COLLOM CRAIG D &	11296 BOSAL	1.00	178.68	051460010	PARSON RUSSELL	11020 CABALLO	1.00	178.68
051450010	AVELAR LAURA &	11290 BOSAL	1.00	178.68	051460011	ELLIS RICHARD E &	11024 CABALLO	1.00	178.68
051450011	WILLIAMS ELIZABETH	11288 BOSAL	1.00	178.68	051460012	LANNING DAVID &	11028 CABALLO	1.00	178.68
051450012	RAMIREZ CHRISTINE	11280 BOSAL	1.00	178.68	051460013	MOORE GAVIN &	11032 CABALLO	1.00	178.68
051450013	HINSHAW DAVID M TR	11278 BOSAL	1.00	178.68	051460014	EVANS DONALD &	11100 CABALLO	1.00	178.68
051450014	PLATT DAVID V &	11270 BOSAL	1.00	178.68	051460015	CLIFTON SCOTT &	2810 ORBECK	1.00	178.68
051450015	NISSEN FRANK J JR	11268 BOSAL	1.00	178.68	051460016	MELICK ANN	2820 ORBECK	1.00	178.68
051450016	MITCHELL KATHLEEN	11260 BOSAL	1.00	178.68	051460017	FEATHERSTON	2830 ORBECK	1.00	178.68
051450017	DONOVAN CAROLE	11258 BOSAL	1.00	178.68	051460018	SHARP GLEN &	2825 ORBECK	1.00	178.68
051450018	PERILLOUX BRUCE E	11250 BOSAL	1.00	178.68	051460019	BORGES KRISTEN A	2815 ORBECK	1.00	178.68
051450019	BARRY SCOTT	11248 BOSAL	1.00	178.68	051460020	KEARNS KEN &	2805 ORBECK	1.00	178.68
051450020	STORMENT RALPH L	11240 BOSAL	1.00	178.68	051460021	HUMPHREY LORI E TR	11013 CABALLO	1.00	178.68
051450021	MUNKHBAT TSOLMON	11236 BOSAL	1.00	178.68	051460023	RANKIN JOANNE &	11009 CABALLO	1.00	178.68
051450022	JOHL RAVINDER &	11230 BOSAL	1.00	178.68	051470001	YETKA NELLIE	11085 CABALLO	1.00	178.68
051450023	MALIG JOCELYN N	11228 BOSAL	1.00	178.68	051470002	SALVATION ARMY A	11091 CABALLO	1.00	178.68
051450024	SAPETA GARY C TR	11220 BOSAL	1.00	178.68	051470003	PICAMAN JERRY A &	11087 CABALLO	1.00	178.68
051450025	MARSHALL LORETTA	11216 BOSAL	1.00	178.68	051470004	FONTES SYLVIA ANN	11083 CABALLO	1.00	178.68

**AUBURN AREA RECREATION AND PARK DISTRICT  
Atwood Ranch III Landscaping and Lighting Assessment District  
Assessment Roll 2019-20**

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
051470005	KNIGHT WILLIAM D &	11079 CABALLO	1.00	176.68					
051470006	MAHER ROSALIE R TR	11075 CABALLO	1.00	176.68					
051470007	ADAMS NANCY J &	11071 CABALLO	1.00	176.68					
051470008	SMOTHERS JOSEPH E	11067 CABALLO	1.00	176.68					
051470009	HUNG JAMIE Y	11063 CABALLO	1.00	176.68					
051470010	LONICKI SYLVESTER	11059 CABALLO	1.00	176.68					
051470011	WOLFF JONATHAN I &	11055 CABALLO	1.00	176.68					
051470012	DELPINAL ALICE TR	11051 CABALLO	1.00	176.68					
051470013	TOMBS JULIE ANN	11047 CABALLO	1.00	176.68					
051470014	SIM DARRAN D &	11043 CABALLO	1.00	176.68					
051470015	REILLY KATHLEEN M	11039 CABALLO	1.00	176.68					
051470016	MORALES MELISSA &	11035 CABALLO	1.00	176.68					
051470017	FERGUSON DONALD	2755 PAINT	1.00	176.68					
051470018	ROUSSELET	2745 PAINT	1.00	176.68					
051470019	YETKA MATTHEW &	2735 PAINT	1.00	176.68					
051470020	MOORE THOMAS	2725 PAINT	1.00	176.68					
051470021	FONTAINE RODOLPHE	2715 PAINT	1.00	176.68					
051470022	FLETCHER MARC A	2705 PAINT	1.00	176.68					
051470023	CAESAR-WALKER	2750 PAINT	1.00	176.68					
051470024	KUNKEL KIMBERLY A	2740 PAINT	1.00	176.68					
051470025	YAMZON GIL P &	2730 PAINT	1.00	176.68					
051470026	LEE CARIN	2720 PAINT	1.00	176.68					
051470027	CANNON BRANDON L	2710 PAINT	1.00	176.68					
051470028	WALKER KENNETH L	2700 PAINT	1.00	176.68					
051470029	FORSTER RAMONA S	11076 CABALLO	1.00	176.68					
051470030	BETZ JAMES D &	11070 CABALLO	1.00	176.68					
051470031	RONALD FRANCINE P	11066 CABALLO	1.00	176.68					
051470032	BAYNE VALERIE L	11062 CABALLO	1.00	176.68					
051470033	BUIE KARRY S ET AL	11058 CABALLO	1.00	176.68					
051470034	SMIL TYLER &	11054 CABALLO	1.00	176.68					

SFE Assessment

TOTALS: 143.0 25285.24

## **Item 4.3 Cover Sheet: Resolution #2019-18 Indemnifying Placer County for Collection of Atwood III Assessments**

**Auburn Area Recreation and Park District Acquisition and Development Committee Meeting, June 2019**

### **THE ISSUE:**

Shall the Auburn Area Recreation and Park District (ARD) adopt a resolution defending and indemnifying Placer County for collection of Atwood III assessments?

### **BACKGROUND:**

Placer County collects the assessment for the Atwood III Lighting and Landscape District on behalf of ARD. Placer County requires that agencies such as ARD (in this case) defend and indemnify the County from any legal challenges to the assessment.

### **RECOMMENDATION FOR THE BOARD OF DIRECTORS**

The A&D Committee recommended that the ARD Board of Directors review, adopt and approve Resolution #2019-18, a resolution defending and indemnifying Placer County for collection of Atwood III assessments.

Staff recommends the same.

### **FISCAL IMPACT**

There is no fiscal impact to approving this resolution. Not approving the resolution could have fiscal impacts due to possible non-collection.

### **ATTACHMENTS:**

Resolution 2019-18

RESOLUTION NO. 2019-18

REQUESTING COLLECTION OF CHARGES ON TAX ROLL  
FOR TAX YEAR 2019-20

TAX CODE NUMBER: 84150

DIRECT CHARGE NAME: Auburn Area Recreation and Park District, Atwood Ranch III  
Landscaping and Lighting Assessment District

Whereas, the Auburn Area Recreation and Park District (hereinafter "District") requests the County of Placer collect on the County tax rolls certain charges which have been imposed pursuant to Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, by the District, attached hereto, and

Whereas, the County has required as a condition of the collection of said charges that the District warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

Now, Therefore, Be It Hereby Resolved by the Board of Directors of District that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.
2. The District warrants and represents that the taxes, assessments, fees and/or charges imposed by the District and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to Articles XIIC and XIID of the California Constitution (Proposition 218).
3. The District releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County on the property tax roll of any taxes, assessments, fees and/or charges on behalf of District.
4. In consideration for the County's collection of the charge through the County's property tax roll, the District agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's said taxes, assessments, fees and/or charges requested to be collected by County for District, or in any manner arising out of District's establishment and imposition of said taxes, assessments, fees and/or charges. District agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's taxes, assessments, fees and/or charges, the County may offset the amount

of the judgment from any other monies collected by County on behalf of District, including property taxes.

5. The District agrees that its officers, agents and employees will cooperate with the County by responding to all inquiries referred to District by County from any person concerning the District's taxes, assessments, fees and/or charges, and that District will not refer such persons to County officers and employees for response.
6. The District agrees to pay the County for the reasonable and ordinary charges to recoup its costs of placement and collection on the tax rolls at the agreed upon rate of 1% of the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by District this 27<sup>th</sup> day of June, 2019, by the following vote on roll call:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Jim Ferris  
CHAIR, BOARD OF DIRECTORS

ATTEST:

---

Pat Larson  
SECRETARY TO THE BOARD OF DIRECTORS

## **Item 4.4 Cover sheet – Resolution #2019-19: James Field Renovation**

**Auburn Area Recreation and Park District Acquisition and Development Meeting (A&D) June 17, 2019**

**The Issue:** Shall the Auburn Area Recreation and Park District (ARD) adopt Resolution #2019-19, approving Notice of Categorical Exemption from CEQA for the James Baseball Field renovation project?

### **Background:**

ARD will be renovating James Field. A brief description of the work is as follows:

Work includes but may not be necessarily be limited to: Removal and disposal of existing turf and irrigation system, stockpiling and re-use of existing infield mix and warning track mix, minor concrete paving and concrete block demolition, re-grading of entire field, new storm drain system, new irrigation system, installation 2” of “Dura Edge” engineered infield fines mix, new hybrid Bermuda sod infield and stolon-planted outfield/dugout areas plus 60 day maintenance period as described in the contract documents.

This project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Article 19:

### **15302. Replacement or Reconstruction**

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

### **Recommendation:**

Staff recommends the ARD Board of Directors adopt Resolution #2019-19, approving Notice of Categorical Exemption from CEQA for the James Field Renovation Project.

**Fiscal Impacts:** There is a nominal filing fee with Placer County and the State Clearinghouse of approximately \$50.00 each.

### **Attachments:**

- Notice of Categorical Exemption – James Field Renovation
- Resolution #2019-19

**NOTICE OF CATEGORICAL EXEMPTION**

**To:**

Office of Planning and Research  
Or  
 County Clerk-Recorder-Registrar  
Placer County  
2954 Richardson Drive  
Auburn, CA 95603

**From:**

Auburn Recreation District  
471 Maidu Drive #200  
Auburn, CA 94603

**Project Title:** James Baseball Field Renovation Project

**Project Location:** Recreation Park, 123 Recreation Drive, Auburn, CA 95603

**APN:** 004-250-001

**Project Location - County:** Placer

**Project Description:**

Re-grade and renovate existing little league baseball field including new irrigation system.

**Lead Agency:** Auburn Recreation District

**Exempt Status:** (check one)

- Ministerial Project  
 Declared Emergency  
 Categorical Exemption. Section 15302 Replacement or Reconstruction  
 State Code section number:

**Reason why project is exempt:** The project is within an existing developed park area and would not have a significant effect on the environment and none of the exceptions to the applicability of a Categorical Exemption (Section 15300.2 of the CEQA Guidelines) apply to the project. An existing facility, Recreation Park functions as a community park serving the Auburn/South Auburn region of the County. Applicable CEQA criteria for a Categorical Exemption includes: 1) **Article 19, Section 15302 Replacement or Reconstruction** which allows for the replacement or reconstruction of existing facilities keeping the same purpose or capacity. This project will not result in expansion of an existing use.

**Lead Agency Contact Person:** Kahl Muscott, District Administrator

**Telephone:** 530-537-2186

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Title**

**Date Received for Filing:** \_\_\_\_\_, 2019

(Clerk Stamp Here)

County Clerk

RESOLUTION NUMBER 2019-19

A RESOLUTION OF THE GOVERNING BOARD OF DIRECTORS OF THE AUBURN AREA RECREATION AND PARK DISTRICT APPROVING A NOTICE OF CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE JAMES BASEBALL FIELD RENOVATION AT RECREATION PARK

WHEREAS, The Auburn Area Recreation and Park District (ARD) owns and maintains Recreation Park (123 Recreation Dr. Auburn, CA 95603), and

WHEREAS, James Baseball Field is situated at Recreation Park, and

WHEREAS, ARD has determined that James field needs a renovation, a renovation that includes but may not be necessarily be limited to: Removal and disposal of existing turf and irrigation system, stockpiling and re-use of existing infield mix and warning track mix, minor concrete paving and concrete block demolition, re-grading of entire field, new storm drain system, new irrigation system, installation 2" of "Dura Edge" engineered infield fines mix, new hybrid Bermuda sod infield and stolon-planted outfield/dugout areas plus 60 day maintenance period as described in the contract documents, and

WHEREAS, the James Baseball Field Renovation is Categorically Exempt from CEQA under Article 19, Section 15302 (Replacement or Reconstruction of Existing Facilities).

NOW, THEREFORE BE IT RESOLVED that the Auburn Area Recreation and Park District Board of Directors approves Notice of Exemption from CEQA for the James Baseball Field Renovation Project.

APPROVED, PASSED, AND ADOPTED ON June 27, 2019 by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

---

James S. Ferris  
Chairman of the Governing Board

ATTEST:

---

Clerk to the Governing Board



## **Discussion Item #1: Cover sheet – Dog Run Area at Railhead Park**

Auburn Area Recreation and Park District (ARD) Board of Director’s Meeting November, 2018; A&D Committee meeting December, 2018; **May 20, 2019; June 2019**

### **The Issue**

A discussion about creating a dog run (“Dog Park”) area at Railhead Park. Director Ainsleigh has requested that this item be considered.

### **Background**

Director Ainsleigh had requested that the Board consider creating a dog run-type area at the northeast end of Railhead Park. Director Ainsleigh suggested that this area be dragged/raked to remove large rocks and possibly fenced off. The area would be mowed for annual natural grasses, but otherwise would not be irrigated.

The ARD Board of Directors considered this item at the November, 2018 Board meeting and sent it back to A&D for consideration.

ARD Ordinance #1, Section L (2) states the following:

2. Dogs may be permitted on all non-athletic fields while under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length. Dogs may be allowed without a leash in areas specifically designated which are posted as such. Specially trained service animals which are being used by totally or partially blind, deaf, hearing impaired or physically or emotionally handicapped persons to aid and/or guide them in their movements shall be permitted in all areas, provided they remain with and are restrained by the people they serve, to include a leash or chain as described above.

Peter Clark, a member of the public and Railhead Park user, approached the Board at the April 25<sup>th</sup>, 2019 Board meeting to have this area reconsidered for creation of a dog run area. Suggestions were made to keep it natural and just blade it for rocks or to blade it then cover the area in mulch or woodchips.

### **Recommendation for the Acquisition and Development Committee**

Review and provide direction.

It was suggested that the area could just be bladed and raked for rocks, with no fencing, thereby reducing the cost of establishing this area.

### **Fiscal Impact**

The following is a rough estimate of costs:

320 feet of four-foot chain-link fence	\$12,800
Shade structure	\$5,000

### **Attachments**

Aerial showing area to be considered



Area proposed for fenced dog run

Railroad Park

## **Discussion Item # 2. COVER SHEET – Electric Car Charging Stations**

Auburn Area Recreation and Park District (ARD) Acquisition and Development Committee June, 2019

### **The Issue**

A discussion about adding donated electric vehicle charging stations at ARD parks.

### **Background**

Clipper Creek, an Auburn based manufacturer of electric vehicle charging stations (and major sponsor of several ARD events) has offered free charging stations to ARD for use in parks and at community centers. Jason France, President, Founder and Sole Owner of Clipper Creek will donate as many charging stations as ARD would like. Jason has already donated charging stations to the City of Auburn (in use at City Hall) and to the Placer County Library. These charging stations do not have the capability to charge users – all charging done at the stations would be free of cost to the user.

The cost to install a station would depend greatly on the location and available power. A broad estimate of the install costs would be \$2,000 - \$20,000 per station. Grant funding through the Placer County Air Pollution Control District, or other agencies, may be available to help with this cost.

CA Govt. Code 14678 states, in part:

The use of electricity by state government and other government entities, state officers and employees, or other persons for the charging of an electric vehicle in a department maintained or joint use motor vehicle parking facility is not a gift of public funds by the department that is prohibited by Section 6 of Article XVI of the California Constitution.

A discussion about the appropriateness of providing free energy to park visitors needs to take place.

Staff asked the CSDA On-line forum for their thoughts. The responses are attached.

### **Recommendation for the Acquisition and Development Committee**

Review and discuss

### **Fiscal Impact**

One hour of use at a charging station uses approximately 7.7 kW. The estimated kWh rate (special rate for vehicle charging) is .11 One hour of charging would result in an approximate cost of \$.85 to ARD.

### **Attachments:**

Brochures on Clipper Creek's charging stations  
Responses from CSDA on-line forum re:

**4.4 Resolution Number 2019-19: James Field Renovation**

Shall the Auburn Area Recreation and Park District (ARD) adopt Resolution Number 2019-19, approving Notice of Categorical Exemption from CEQA for the James Baseball Field renovation project?

**Discussion items:**

1. Discussion of Dog Run Area at old dump area - see attachment.
2. Discussion of electric car charging stations.
3. 2019 – 2020 Project Activity Report.

**5.0 ITEMS TO BE CONSIDERED AT FUTURE ACQUISITION & DEVELOPMENT MEETINGS**

**6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH ADJOURNMENT**

AUBURN AREA RECREATION AND PARK DISTRICT  
This agenda is hereby certified to have been posted as follows:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Secretary to the Board

# HCS PEDESTAL MOUNT



Single-Mount Kit

Dual-Mount Kit

Quad-Mount Kit

**RUGGED, CONVENIENT INSTALLATION.** ClipperCreek's single, dual or quad mounted charging system suits all commercial HCS installation needs at an affordable price.

- **LOW COST** - Minimize your installation costs and mount one to four units on a single pedestal
- **UNIVERSAL** - Industry standard bolt platform pattern to replace outdated charging stations
- **TOUGH** - Powder coated steel pedestal with NEMA 4, fully sealed charging stations
- **RELIABLE** - Backed by ClipperCreek's one-year warranty
- **CONVENIENT** - All units come equipped with 2 knockouts positioned for 120V convenience outlets

# HCS PEDESTAL MOUNT

## PRODUCT OVERVIEW

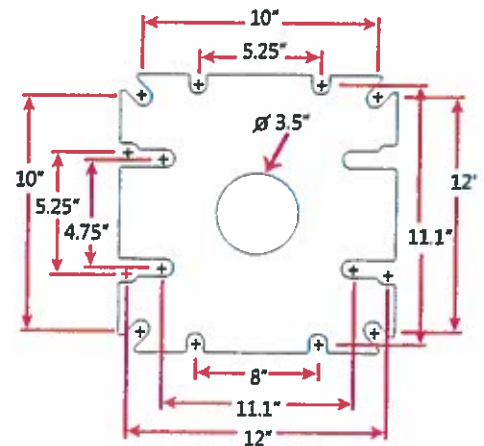
### FEATURES

- Pedestal can accommodate 1-4 EVSE
- Industry standard bolt pattern to easily replace outdated charging stations
- 4" steel pedestal post - 1/8" thick
- Steel pedestal base - 1/4" thick
- Powder-coated with primer undercoat for environmental durability
- Pedestal doubles as an electrical raceway with a ground lug
- Slim, modern profile
- Pedestal supports optional extension and retractor cable management system

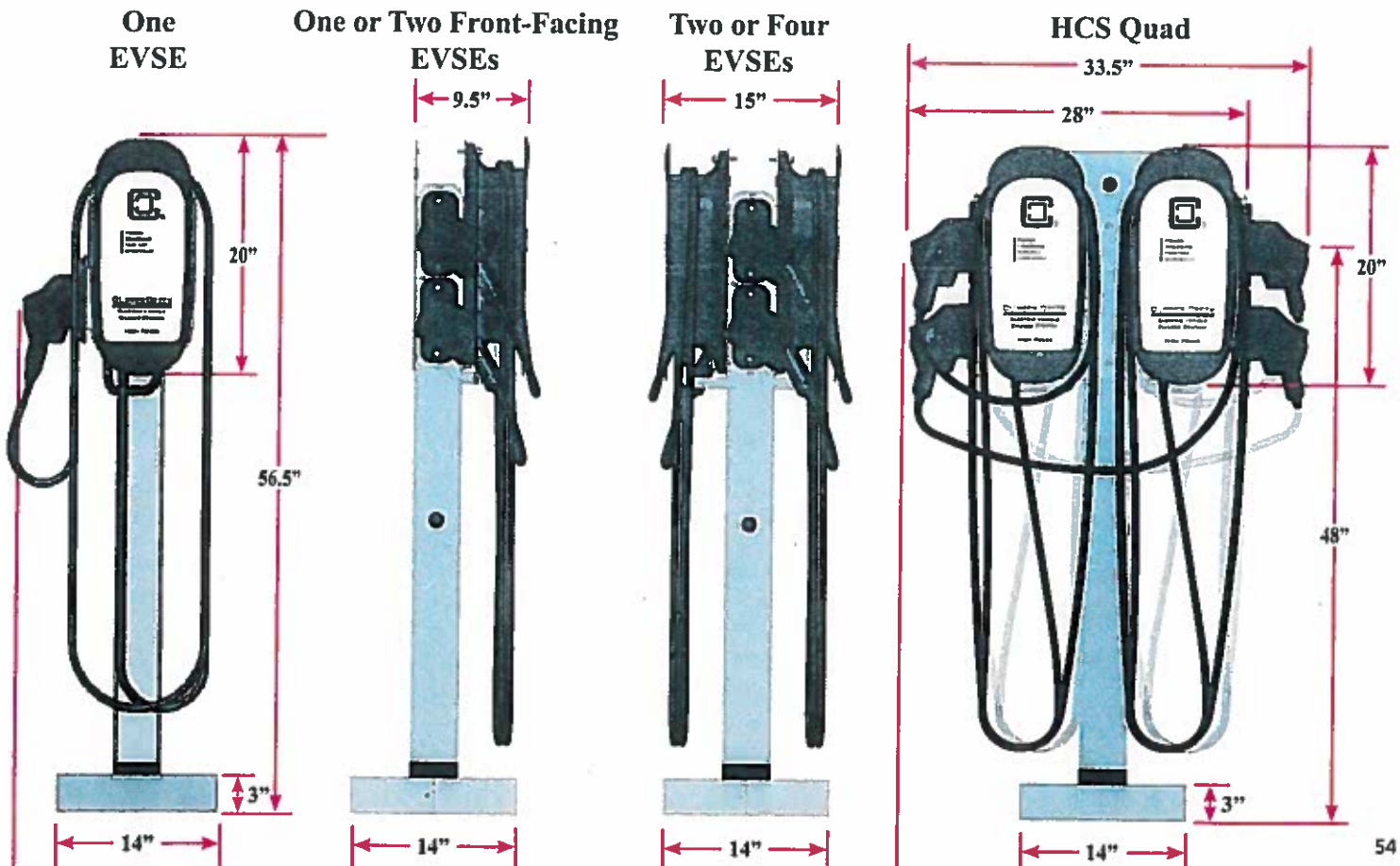
We also offer a Pedestal Extension Kit that offers a cable management system for this product!  
Call ClipperCreek Today!  
(877) 694-4194 or visit us at [www.clippercreek.com/cable-management](http://www.clippercreek.com/cable-management)

### PARTS INCLUDED

- 3/4" conduit
- Pedestal cap
- Base plate vanity cover
- Station mounting hardware (concrete bolts not included)



Industry standard bolt pattern and pedestal base dimensions



- 1. Electric car charging stations and free electricity

0 **RECOMMEND**



Kahl Muscott

Happy Summer!

A local manufacturer of electric car charging stations has graciously offered to donate as many charging stations as we would like at our parks. He has currently donated units to the library and to city hall. While he does have units that require a credit card for use, he is an advocate for adding free charging stations to public areas (like he did at the library and city hall).

My concerns are about giving away free electricity. While the financial hit would be relatively small, it still seems like giving away the electricity, in any capacity, could be problematic. Has anyone added charging stations, and if so, are they free to use? If they are free, how do you justify the free electricity.

Thank you in advance for your thoughts.

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Kahl Muscott  
District Administrator  
Auburn Area Recreation and Park District  
Auburn CA  
(530) 885-8461 ext. 102  
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- 2. RE: Electric car charging stations and free electricity

[REPLY INLINE](#) Options Dropdown

From a public policy perspective, I think it is a very bad idea for the taxpayers to be providing free fuel to a select group of car owners.

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Jeff Beatty  
Finance Manager  
Mammoth Community Water District  
Mammoth Lakes CA  
(760) 934-2596  
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- 3. RE: Electric car charging stations and free electricity

You might want to talk with Steven Poncelet of Truckee Donner PUD. He was involved with his district getting electric charging stations. [stevenponcelet@tdpud.org](mailto:stevenponcelet@tdpud.org); (530) 448-4451

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Cheri Sprunck  
Agency Secretary/Clerk to the Board  
Placer County Water Agency  
Auburn CA  
(530) 823-4860  
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4. RE: Electric car charging stations and free electricity

You may want to read AB 2414 Chapter 215 as it dealt directly with this in 2014.  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB2414](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2414)

14678 as it now stands:

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=14678.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=14678)

"The use of electricity by state government and other government entities, state officers and employees, or other persons for the charging of an electric vehicle in a department maintained or joint use motor vehicle parking facility is not a gift of public funds by the department that is prohibited by Section 6 of Article XVI of the California Constitution."

Wolff Bloss  
Public Safety Systems Supervisor  
Santa Cruz Regional 9-1-1

• 5. RE: Electric car charging stations and free electricity

To clarify it is perception at issue: below is the state rule determining that it is not a gift of public funds for employees or officials to charge their EVs at work at no additional charge. Below that is a link showing that agencies may establish a policy to provide free EV charging, and below that is another helpful refence.

[http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab\\_2401-2450/ab\\_2414\\_cfa\\_20140625\\_113834\\_sen\\_floor.html](http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2401-2450/ab_2414_cfa_20140625_113834_sen_floor.html)

[https://www.documents.dgs.ca.gov/osp/sam/mmemos/MM16\\_07.pdf](https://www.documents.dgs.ca.gov/osp/sam/mmemos/MM16_07.pdf)

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201320140SB454](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB454)

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Heather Abrams  
General Manager  
Tamalpais Community Services District  
Mill Valley CA

- 6. RE: Electric car charging stations and free electricity

We own/operate several EV charging stations that we purchased with competitive grant funding and we charge for their use to cover the cost of electricity, maintenance, network connectivity, etc. O&M costs other than electricity can add up. Our experience is that EV drivers expect to pay for charging and are happy to do so- except for Tesla drivers ;-)

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Lori Biondini  
Director, Business Development & Planning  
Redwood Coast Energy Authority  
Eureka CA  
(707) 269-1700

- 7. RE: Electric car charging stations and free electricity

Would that be considered a gift of public funds?

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Colin Miller  
District Administrator  
Arden Park Recreation and Park District  
Sacramento CA  
(916) 483-6069  
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- 8. RE: Electric car charging stations and free electricity

I did install EV chargers at my last agency, they were ChargePoint so they had the ability to be fee based, and we started with free charging. I'm an EV driver and so are many of my current and former Board Members. Our recommendation is to charge a fee for charging. You're correct that the cost of electricity is very low, and even charger maintenance doesn't cost much. The public perception that certain services should be free or conversely that EV drivers are getting a free ride is the issue. Collection and administration of the fee is very simple, with the variety of EV

charger systems that I have seen. Also, some free chargers can become the full time home of a local EV driver, but if you charge a fee, people will use it when they need it and charge at home at other times. EV drivers won't mind paying a small fee to allow you to recoup your costs, the fee will make it more likely to be available when someone needs it, and there's no equity worries.  
Best of luck!

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Heather Abrams  
General Manager  
Tamalpais Community Services District  
Mill Valley CA  
(415) 388-6393

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**ORIGINAL MESSAGE**

- 9. RE: Electric car charging stations and free electricity

A few years ago, a teacher at one of our schools purchased an electric car. It was plugged in at the school without anyone else knowing. The school noticed an increase in their electric use and cost. It was tracked to the car and the teacher was told to no longer charge their car at work.

So does the cost of the electricity come out of the library's budget? I find it hard to justify the use of public funds to fill gas tanks.

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Paula Deel  
Vice President  
Newberry Community Services District  
Newberry Springs CA

Whether you decides to offer free or fee based Electric Vehicle (EV) charging, it is important to contact your electric utility to be sure you are on the optimal rate plan for EVs . If you're on a Time of Use (TOU) plan, you can expect to find great rates in the morning, early afternoon, and overnight. So Cal Edison offers multiple rate plans designed for businesses and residential customers.

<https://www.sce.com/business/rates/electric-car-business-rates/business/rates/electric-car-business-rates>

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Haig Kartounian  
Public Affairs Manager  
Southern California Edison (SCE)  
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Attachment(s)



[TOU-EV-7 8 9 Rate Fact Sheet WCAG 0.pdf](#) 391K 1 version

2019/2020 PROJECT ACTIVITY REPORT		UPDATED 6/13/19		EST. COMPLETED
PROJECT	EST. COST	NOTES		
<b>RECREATION PARK</b>				
James Ballfield Renovation Project (2019)	250,000.00	Project construction documents were completed and the project was put out to bid on June 9th. Pre-bid walk is set for June 27th. Bids open July 9th. Engineers Estimate is \$410,000.00.		OCTOBER/NOVEMBER 2019
Recreation Park South Parking Lot Accessible Parking Stall Project (2019)	15,000.00	Simpson & Simpson Inc. paving contractors were the low bid for this project coming in at \$9,878.00. Work will be done the week of June 24th and should only take two days. Signs will be posted in the area alerting the public of the impending project and ARD customer service has been alerted as well.		JUNE 2019
<b>LACER HILLS POOL</b>				
ADA Path of Travel (2016/2017)	10,000.00	Sidewalk path of travel has been found to be in acceptable ADA shape but the parking lot asphalt and ADA striping could use renovation. Additionally there is a significant drainage problem trapping a large puddle of water that needs to be studied.		JULY 2019
<b>REGIONAL PARK</b>				
New Playground (130K-completed) and New ADA path of travel from parking lot project (40K) (2017/2018)	170,000.00	Preliminary pricing indicated this project could be put out to informal bid and the last of the three bids was received on 6/13. Central Valley Engineering and Asphalt Inc. was the low bid coming in at \$19,500.00. Work will be scheduled as soon as possible and signs will be posted at the job site before work commences.		JUNE/JULY 2019
Investigation Pump Replacement (2017/2018)	160,000.00	The pump concrete pad and electrical line conduits/trenches have been installed and the contractor is now just waiting for the pump to be delivered. Both the District and the contractor have asked the vendor to expedite delivery and push for a June install. Right now delivery is scheduled for July 2nd with install week of July 10th.		JUNE/JULY 2019
<b>VERLOOK PARK</b>				
Restroom ADA Upgrades (2018/2019)	35,000.00	Staff planning on hiring consultant to prepare construction documents in the Summer 2019 with bidding and construction in the Fall.		DECEMBER 2019

<p><b>4 ACRE PROPERTY</b></p> <p>Statewide Park Development and Community Revitalization Program Round 3 Grant) (2018/2019)</p>	<p>0.00</p>	<p>Staff is working with a grant consultant to obtain monies for the property. A grant requirement includes preparing a timeline for 5 community meetings to take place in the next month or two to re-visit the current master plan for the property and insure that the plan meets current community desires. Grant applications are due August 5, 2019. As of printing, 4 out of 5 public meetings have taken place with staff obtaining required input on the current master plan drawing. CEQA Compliance documentation is due within three months of the Grant Application Deadline.</p>	<p>AUGUST-OCTOBER 2019</p>
<p><b>CVCC</b></p> <p>Bike Park - Design, CEQA, NEPA etc. 2014/2015)</p>	<p>100,000.00</p>	<p>The signed FONSI (Finding Of No Significant Impact) from the USBOR was finally received July 2nd.</p>	<p>JULY 2018</p>
<p>Bike Park - Construction (2015/2016)</p>	<p>320,000.00</p>	<p>Project was broken into two phases, construction documents were revised accordingly and phase one was put out for bid on May 9th. Phase 1 Engineers Estimate was \$278,000.00. Staff made additional effort to reach out to as many contractors as possible and the pre-bid walk-through was made mandatory vs. optional. Eleven different contractors showed up at the pre-bid walk on May 30th but on bid opening day only one bid was again received. Low bid was from Frank LoDuca Inc. out of Stockton Ca. in the amount of \$282,548.00. Special Board meeting was set for June 13th to award the project. Work anticipated to begin last week of June or first week of July. New information regarding optimum pump track soil blend was just received from the bike park consultant (DG/Clay mix vs. Clay Loam mix) and staff is researching whether it can be purchased for similar cost as the currently specified clay loam for potential switch.</p>	<p>JULY/AUGUST 2019</p>
<p>Maidu Drive Repair (2018/2019)</p>	<p>25,000.00</p>	<p>The Bureau asked both ARD and PCWA to get additional budget cost estimates for the entire stretch of their portion of Maidu Drive (South of CVCC towards Auburn Folsom Road ending at the edge of the housing development) This is in addition to the estimates already received for the more damaged portion by CVCC. At some point the project(s) will need to be put out to formal bid. ARD is offering \$25K towards the re-paving of the bad section by CVCC/Bike Park. Staff obtained the additional cost estimates from the paving contractor and forwarded them off to the Bureau. Next steps by the Bureau are currently unknown.</p>	<p>TBD</p>
<p><b>MEADOW VISTA PARK</b></p> <p>Parking Lot Re-seal/Re-Stripe (2018/2019)</p>	<p>10,000.00</p>	<p>Parking lot maintenance project is planned for Fall 2019.</p>	<p>FALL 2019</p>

<b>MULTI-PARK ITEMS</b>			
Streambed Alteration Agreement 2016/2017)	44,000.00	The Draft Vegetative Management Plan IS/MND (Initial Study/Mitigated Negative Declaration) was accepted by the Board in December 2018 and the Agreement is now in place.	Agreement in place, project on-going
Carry over projects from 2018/2019 list in BELLOW			
<b>Fiscal Year Projects Total:</b>	<b>874,000.00</b>		