



# Placentia City Council

## AGENDA REPORT

**TO:** CITY COUNCIL

**VIA:** CITY ADMINISTRATOR

**FROM:** PUBLIC WORKS MANAGER

**DATE:** JUNE 3, 2014

**SUBJECT:** ADOPTION OF TWO (2) RESOLUTIONS DECLARING INTENT TO FORM LANDSCAPE MAINTENANCE DISTRICT NO. 2014-1, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, PROVIDING NOTICE OF PUBLIC HEARING AND MAILING BALLOTS AND ADOPTING PROPOSITION 218 BALLOT PROCEEDINGS PROCEDURES

**FISCAL IMPACT:** (RECOUPED THROUGH ASSESSMENTS): \$199,557  
SINGLE FAMILY EQUIVALENT RATE: \$92.00/PARCEL (Zone A)  
\$84.80/PARCEL (Zone B)  
\$64.40/PARCEL (Zone C)

### SUMMARY:

Landscape Maintenance District 92-1 (LMD 92-1) was formed in 1992. LMD 92-1 consists of 2,182 parcels and is bounded by Richfield Road to the east, Kraemer Avenue to the west, Orangethorpe to the south and Buena Vista to the north. LMD 92-1 covers perimeter and median landscaping maintenance, as well as other improvements (e.g., entrance signs, traffic and median islands, parkway vistas) within the confines of the maintenance district. The current maximum tax rate per assessment unit is \$154.87 per year. This rate cannot be increased without the approval of the property owners within the maintenance district. Currently LMD 92-1 does not collect sufficient revenues to cover the annual cost to maintain and service the facilities within the maintenance district. Consequently, the City's General Fund has had to subsidize the LMD. Since the LMD provides specific benefit to the properties within the maintenance district it needs to generate sufficient revenues to cover costs or the services within the LMD need to be reduced so the City's General Fund is not being used to cover the shortfall. This action declares the City's intention to form a new Landscape Maintenance District ("LMD") for the purpose of generating additional revenue to cover the cost of maintaining LMD 92-1.

### RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Adopt Resolution R-2014-\_\_, "A Resolution of the City Council of the City of Placentia declaring intention to form Landscape Maintenance District No. 2014-1 and levy assessments.

**1.d.**  
**June 3, 2014**

preliminarily approval of the Engineer's Report, providing notice of Public Hearing and the mailing of the assessment ballots."}; and

2. Adopt Resolution R-2014-\_\_\_\_, "A Resolution of the City Council of the City of Placentia adopting Proposition 218 assessment ballot proceedings procedures."

### **DISCUSSION:**

At the April 15<sup>th</sup> meeting, the City Council adopted Resolution No. R-2014-20 initiating proceedings for a proposed landscape maintenance district (LMD) formation and directing the preparation of the Engineer's Report. That Engineer's Report has been prepared by City's assessment engineer, SCI Consulting Group, and is included as Attachment No. 3 to this report. Also attached are the notice of public hearing (Attachment No. 4) and a sample ballot (Attachment No. 5). The notice is an informational document which announces the time and place of the Public Hearing, describes the need for the proposed District, explains the balloting process and provides additional information.

The formation of Landscape Maintenance District No. 2014-1 ("District") stems from the need for additional funding above that provided by the existing district (LMD No. 92-1) which was formed 22 years ago without a mechanism for annual cost-of-living adjustments to keep pace with rising costs of labor, materials, supplies and utilities associated with the landscape and park system it supports. Proposition 218, approved by California voters in 1996, limits the ability of local agencies to increase assessments such as LMD No. 92-1. Based on recommendations from the City's community-wide budget stabilization meetings and through discussions with the City's assessment engineer, SCI Consulting Group ("SCI"), the City has decided to create a new LMD (No. 2014-1) that would supplement the existing LMD (No. 92-1). State law requires that any increase in assessments or the formation of a new assessment district be approved by the affected community. By creating a new LMD, the existing LMD is not at risk of being voted away.

A benefit assessment is a funding mechanism outlined in Proposition 218, the "Right to Vote on Taxes Act." The benefit assessment is commonly utilized by public agencies as a local funding mechanism to provide landscaping, lighting and other services within a community. One beneficial aspect of an assessment is that it gives business owners, who normally cannot vote on local tax measures unless they are registered to vote in the City, an opportunity to protest the creation of new benefit assessment districts or any increase in the assessment rate for existing districts.

Proposition 218 requires specific guidelines for the creation of a benefit assessment:

- All special assessments are required to be supported by a detailed engineer's report prepared by a registered professional engineer.
- Properties are assessed proportionate to the special benefit provided to each property.
- Notice of the proposed assessment and ballots are mailed to all property owners subject to the proposed assessment at least forty-five (45) days prior to the date of the public hearing on the proposed assessment.

- The City will hold a public hearing at the end of the balloting period to receive public comment (currently scheduled for August 5, 2014.)
- At the conclusion of the Public Hearing, the ballots will be tabulated. In order for the LMD No. 2014-1 assessments to be imposed, a majority of the returned ballots, weighted by their proposed assessment, must be in support.

The Engineer's Report describes the structure of the benefit assessment including cost estimates for the improvements and assessment rates for the various types of land uses. Those rates are based on the single family residence (by far the most prevalent land use) by creating a single family equivalent ("SFE"), which is then applied to other land uses incorporating appropriate factors. For instance, vacant land is assessed at 0.39 SFE, (39% of a single family home) and commercial and industrial uses are converted using population and land coverage factors.

The total assessment for the proposed LMD No. 2014-1 is estimated to be \$199,557 for Fiscal Year 2014-15, based on the SFE rate ranging from \$64.40 to \$92.00, depending on Zone. The Engineer's Report also includes an annual escalation mechanism based on the Consumer Price Index ("CPI") for the region and is capped at three (3%) percent per annum. The CPI would be applied to the sum of the proposed assessment (LMD No. 2014-1) and the existing assessment (LMD No. 92-1).

The formation process is outlined in law. The major steps include the following:

1. Council considers a Resolution initiating the process to form new district, designating the Engineer of Work and directing the Engineer to prepare a preliminary Engineer's Report and supporting documents (adopted in April).
2. Council considers Resolutions preliminarily approving the Engineer's Report and calling for mailing of ballots, and adopting the Proposition 218 ballot proceedings (June 3<sup>rd</sup>).
3. After a 45-day balloting period, Council conducts a public hearing, closes the balloting period, and directs ballot tabulation (August 5<sup>th</sup>).
4. If balloting is successful, Council orders a levy of assessments (August 5<sup>th</sup>).
5. Engineer submits levies to the County (no later than August 8<sup>th</sup>).

The Proposition 218 balloting process itself is unique. For a benefit assessment such as this, each property owner of record must be mailed a notice and a ballot to mark and mail back. The ballots are required to be out at least forty-five (45) days prior to the Public Hearing, and the outcome is determined only from the ballots returned (not the total number of properties). Each ballot will show the exact amount of that property's assessment. The votes (for and against) are weighted by the amount of each property's assessment. Tabulation of the ballots will be conducted under the supervision and direction of the City Clerk. Specific procedures for the process are included in the second Resolution, which can be seen as Attachment No. 2 to this report.

**FISCAL IMPACT:**

If approved, LMD No. 2014-1 would generate approximately \$199,557 in Fiscal Year 2014-15. Combined with the estimated revenue from LMD No. 92-1 of \$427,925, the total revenue will be adequate for the annual maintenance and servicing of the District Improvements plus a dedicated reserve of \$81,071, which can be used for unforeseen expenses or for capital improvements and upgrades within the District.

Submitted by:



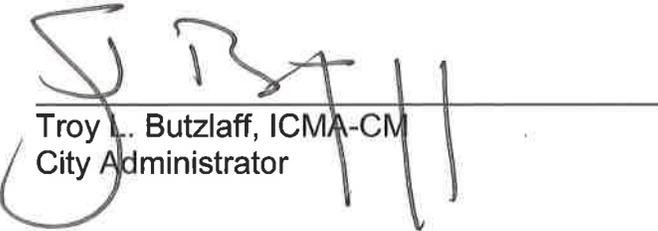
Michael McConaha  
Public Works Manager

Reviewed and approved:



Damien R. Arrula  
Assistant City Administrator

Reviewed and approved:



Troy L. Butzlaff, ICMA-CM  
City Administrator

**Attachments:**

1. Resolution R-2014-\_\_\_, "A Resolution of the City Council of the City of Placentia declaring intention to form Landscape Maintenance District No. 2014-1 and levy assessments, preliminary approval of the Engineer's Report, providing notice of Public Hearing and the mailing of the assessment ballots."
2. Resolution R-2014-\_\_\_, "A Resolution of the City Council of the City of Placentia adopting Proposition 218 assessment ballot proceedings procedures."
3. Engineer's Report, SCI Consulting Group, May 2014.
4. Sample Notice.
5. Sample Ballot.

**RESOLUTION NO. R-2014-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLACENTIA DECLARING INTENTION TO FORM LANDSCAPE MAINTENANCE DISTRICT NO. 2014-1 AND LEVY ASSESSMENTS, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, PROVIDING NOTICE OF PUBLIC HEARING AND THE MAILING OF THE ASSESSMENT BALLOTS**

**A. Recitals.**

(i). By Resolution No. R-2014-20, approved April 15, 2014, the City Council ordered the initiation of proceedings for the formation of a landscaping maintenance district pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with § 22500 thereof) ("Act").

(ii). Proposition 218 was adopted on November 6, 1996, adding Articles XIIIIC and XIIIID to the California Constitution.

(iii). Articles XIIIIC and XIIIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined).

(iv). An Engineer's Report ("Report") has been prepared by SCI Consulting Group, registered, professional engineers ("Assessment Engineer"), and submitted to the City Council, in which an assessment is proposed to fund the cost of the installation, maintenance and servicing of improvements within the District boundaries as described in § 3 below. The proposed landscaping maintenance assessment shall be described as "Landscape Maintenance District No. 2014-1" of the City of Placentia (hereinafter the "Assessment District"). Articles XIIIIC and XIIIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined).

**B. Resolution.**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. In all respects as set forth in the Recitals, Part A., of this Resolution.

2. Reference to Initiation. In accordance with direction from the City Council, SCI Consulting Group, ("Engineer of Work"), prepared an Engineer's Report ("Report") pursuant to the Act and Article XIIID of the California Constitution. The Report has been prepared, filed with the City Clerk, reviewed and duly considered by the City Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to this Resolution.

3. Description of the Improvements. The purpose of the Assessment District shall be for the installation, maintenance and servicing of improvements. Within the District, the existing and proposed improvements ("Improvements") are generally described as the installation, maintenance and servicing of public areas and public facilities, including, but not limited to, landscaping, sprinkler systems, park grounds, park facilities, landscape corridors, ground cover, shrubs and trees, street frontages, playground equipment and hardcourt areas, community centers, drainage systems, lighting, fencing, entry monuments, basketball courts, tennis courts other recreational facilities, security patrols, graffiti removal and repainting, and labor, materials, supplies, utilities and equipment, as applicable, for property owned and/or maintained by the City of Placentia. Installation means the construction of recreational improvements, including, but not limited to, land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks and drainage, lights, playground equipment, play courts, recreational facilities and public restrooms. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including (a) repair, removal, or replacement of all or part of any improvement; (b) providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; (c) the removal of trimmings, rubbish, debris, and other solid waste; and (d) the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of (a) electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements, and (b) water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

4. Reference to Engineer's Report. The Report is hereby incorporated by reference. Reference is hereby made to the Report for a full and detailed description of the Improvements, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District. Reference is also hereby made to the Report for an estimate of the costs of the Improvements proposed to be financed from the proceeds of the proposed assessment.

5. Report of the Assessment Engineer. The Report is available for public review at the City of Placentia City Hall, located at 401 East Chapman Avenue, Placentia, CA. The Engineer's Report includes:

A. A description of the Improvements to be funded with assessment proceeds, services and incidental costs;

B. An estimate of the annual cost of such Improvements;

C. A description of the assessable parcels of land within the District and proposed to be subject to the assessment;

D. A description of the proportionate special and general benefits conferred on property by the proposed assessment;

E. A description of the boundaries of the proposed Assessment District;

F. A specification of the amount to be assessed upon various types of assessable land to fund the cost of the Improvements, and;

G. The proposed method and formula of assessing the costs and expenses of the Improvements to the properties which will specially benefit from the Improvements.

6. Description of Assessment District. The Assessment District consists of the lots and parcels shown on the boundary map of the Assessment District on file with the City Clerk, and reference is hereby made to such map for further particulars.

7. Proposed Assessment Rate. It is the intention of this City Council to levy and collect assessments within the Assessment District. The estimated fiscal year 2014-15 cost of providing the Improvements is \$207,031. Said estimated cost results in a proposed assessment rate of NINETY TWO DOLLARS AND NO CENTS (\$92.00) per Single Family Equivalent ("SFE") for

fiscal year 2014-15. It is the further intention of the City to have the assessment collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.

8. Public Hearing. NOTICE IS HEREBY GIVEN THAT THE PUBLIC HEARING ON THE PROPOSED ASSESSMENT SHALL BE HELD BEFORE THE CITY COUNCIL OF THE CITY OF PLACENTIA IN THE COUNCIL CHAMBERS OF THE CITY OF PLACENTIA CITY HALL, LOCATED AT 401 EAST CHAPMAN AVENUE, PLACENTIA, CA ON TUESDAY, AUGUST 5, 2014 AT THE HOUR OF 7:00 P.M., OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD, FOR THE PURPOSE OF THIS CITY COUNCIL'S DETERMINATION OF WHETHER THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE IMPROVEMENTS AND THIS CITY COUNCIL'S FINAL ACTION UPON THE REPORT AND THE ASSESSMENTS THEREIN. All interested persons shall be afforded the opportunity to hear and be heard. Any interested person may file a written protest with the City Clerk, or, having previously filed a protest, may file a written withdrawal of that protest, prior to the conclusion of the public input portion of the public hearing. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer thereof. The City Council shall consider all oral statements and all written protests made or filed by any interested person.

9. Notice and Ballot. The City Clerk hereby is authorized and directed to cause Notice of the hearing ordered under § 8 hereof to be given in accordance with law by United States Mail, and such Notice shall be deemed to have been given when so deposited in the United States Mail. The envelope or cover of the mailing shall include the name of the City. The mailed Notice shall be given to all property owners of assessable parcels within the Assessment District by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of Orange County, or in the case of any public entity, the representative of such public entity at the address thereof known to the City Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Assessment District for fiscal year 2014-15, the assessment proposed for the owner's particular parcel(s) and the duration thereof and the reason for the assessment. Each Notice shall also contain the proposed assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, the

date, time, and location of the public hearing and a statement that the existence of a majority protest will result in the assessment not being imposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

10. Additional Information. To obtain additional information about the proposed assessments, the Assessment District or the proposed Improvements contact: Michael McConaha, Public Works Manager, 401 East Chapman Avenue, Placentia, CA 92870, telephone number (714) 993-8120. The Engineer's Report and other written material about the Assessment District may also be reviewed at the Office of the City Clerk during regular business hours.

11. Annual Assessments. The assessments are proposed to be levied annually. If the proposed assessments are approved and confirmed by the City Council, the assessments will increase in future years by an amount up to the change in the Los Angeles-Riverside-Orange County area Consumer Price Index, but not exceeding three percent (3%), multiplied by the proposed assessment plus the existing assessment for LMD No. 92-1, without a further vote or balloting process. In each subsequent year in which the assessments will be levied, an updated Engineer's Report, including a proposed budget and assessment rate, shall be prepared. The updated Engineer's Report shall be considered by the City Council at a noticed public hearing. The updated Engineer's Report shall serve as the basis for the continuation of the assessments.

PASSED, ADOPTED AND APPROVED this 3<sup>rd</sup> day of June, 2014.

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SCOTT W. NELSON,  
MAYOR

ATTEST:

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PATRICK J. MELIA,  
CITY CLERK

I, PATRICK J. MELIA, CITY CLERK of the CITY OF PLACENTIA DO HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 3<sup>rd</sup> day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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PATRICK J. MELIA, CITY CLERK

APPROVED AS TO FORM:

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ANDREW V. ARCZYNSKI,  
CITY ATTORNEY

**RESOLUTION NO. R-2014-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PLACENTIA ADOPTING PROPOSITION 218  
ASSESSMENT BALLOT PROCEEDINGS PROCEDURES**

**A. Recitals.**

(i). The City Council of the City of Placentia, California ("City") hereby finds, determines, declares, and resolves as follows:

(ii). Proposition 218 was adopted on November 6, 1996, adding Articles XIIIIC and XIIID to the California Constitution.

(iii). Article XIIID of the California Constitution imposes certain procedural and substantive requirements relating to assessments (as defined).

(iv). The City believes it to be in the best interests of the City and its property owners to confirm and memorialize the City's procedures and guidelines regarding implementation of the provisions of Proposition 218 and pertinent statutes relating to assessments.

(v). All legal prerequisites to the adoption of this Resolution have occurred.

**B. Resolution.**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. In all respects as set forth in the Recitals, Part A., of this Resolution.

2. Statement of Legislative Intent. In adopting this resolution, it is the City Council's intent to adopt assessment ballot proceedings, which are consistent and in compliance with Articles XIIIIC and XIIID of the California Constitution and with Government Code §§ 53750 through 53754. It is not the intent of the City Council to vary in any way from the requirements of either the California Constitution or the laws of the State of California. If there is any inconsistency of each between a provision of this resolution and state law, state law will govern.

3. Definition of Assessment. Proposition 218 defines "assessment" as "any levy or charge by an agency upon real property that is based upon the special benefit conferred upon the real property by a public improvement or services, that is imposed to pay the capital cost of the public improvement, the maintenance and operation expenses of the public improvement or the cost of the service being provided." "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment," and "special assessment tax."

4. Assessment Ballot Proceeding. The following procedures shall be used in an assessment ballot proceeding that follows the requirements of California Constitution, Article XIIID, § 4:

A. Amount of Assessment. Only special benefits are assessable. The amount of assessment shall be each identified parcel's proportionate share of the cost of the landscape maintenance services based upon that parcel's special benefit from the services provided. The amount shall be proportional to, and no greater than, the special benefits conferred on the property.

B. Engineer's Report. The City Council shall direct the filing of an engineer's report that shall comply with the applicable state statute(s) authorizing the assessment and with California Constitution, Article XIIID, § 4. The engineer's report shall explain the special benefits conferred by the improvements and/or services funded by the assessments. The engineer's report shall also provide the evidence upon which the City Council may find that a special benefit exists. If the improvement or service confers a general benefit, the engineer's report shall describe the general benefit and an alternative funding source for any general benefits. The engineer's report shall be prepared by a registered professional engineer certified by the State of California, ("Assessment Engineer"). The cost of preparing the engineer's report shall be included as a cost of the assessment.

C. Notice. The following guidelines shall apply to giving notice of an assessment:

(1). The record owner(s) of each parcel to be assessed shall be determined from the last equalized property tax roll. If the property tax roll indicates more than one (1) owner, each

owner shall receive notice. Only property owners shall receive notice;

(2). The notice shall be sent at least forty-five (45) days prior to the date set for the public hearing on the assessment;

(3). The notice provided by this section shall contain the following information:

(a). The total amount to be assessed for the entire assessment district;

(b). The amount to be assessed to the owner's particular parcel;

(c). The duration of the payments;

(d). The reason for the assessment;

(e). The basis upon which the amount of the proposed assessment was calculated;

(f). The date, time and location of the public hearing on the proposed assessment;

(g). A summary of the procedures for the completion, return and tabulation of the assessment ballots;

(h). A disclosure statement that the existence of a majority protest will result in the assessment not being imposed; and

(i). A ballot to be completed by the owner, as further described in section D of this resolution.

(4). The notice provided by this section and in accordance with California Code §§ 53753(b) and (c) shall supersede and be in lieu of any other statutes requiring notice to levy or increase an assessment, including but not limited to the notice required by the state statute authorizing the assessment and California Government Code § 54954.6;

(5). Failure of any person to receive notice shall not invalidate the proceedings;

(6). The cost of providing notice shall be included as a cost of the assessment.

D. Assessment Ballot. The following guidelines shall apply to the assessment ballot:

(1). The ballot required by Article XIIID, § 4(d), of the California Constitution shall be mailed to all property owners of record subject to the proposed assessment at least forty-five (45) days prior to the date of the public hearing on the proposed assessment. Said ballot shall comply with the requirements of California Government Code §§ 53753(b) and (c). The ballot shall be designed in such a way that, once sealed, its contents are concealed.

(2). All ballots must be returned either by mail or by hand delivery; not later than the date for return of ballots stated on the notice and ballot described in this section. Mailed ballots must be returned to City of Placentia, City Clerk, 401 East Chapman Avenue, Placentia, CA 92870, or, if delivered at the time and location of the public hearing, to be held at the City of Placentia City Council Chambers, located at 401 East Chapman Avenue, Placentia, CA, and handed to the City Clerk. Ballots must be returned either by mail or by hand delivery prior to the conclusion of the public input portion of the public hearing. The City Clerk shall tabulate the ballots ("Tabulator") at a time and location which will be accessible to the public.

(3). Each ballot must be signed under penalty of perjury. In the event that more than one (1) of the record owners of a parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown on the record, as established to the satisfaction of the City Council or Assessment Engineer by documentation provided by the record owners. If two (2) or more persons own a parcel subject to the assessment, any one (1) owner may cast an assessment ballot for all owners.

(4). If a parcel has multiple owners, any owner may request a proportional assessment ballot. If the ownership interest of the owner is not shown on the last equalized secured property tax assessment roll, such request must include evidence, satisfactory to the City, of the owner's proportional

rights in the parcel. The Assessment Engineer will provide the proportional ballot to the owner at the address shown on the assessment roll. Any request for a ballot to be mailed to another location must include evidence, satisfactory to the City, of the identity of the person requesting the ballot. Each proportional ballot will be marked to identify it as a proportional ballot and to indicate the owner's proportional rights in the parcel. The Assessment Engineer shall keep a record of each proportional ballot provided to an owner.

(5). The City will only accept official ballots mailed or otherwise provided to owners by the Assessment Engineer.

(6). If an assessment ballot is lost, withdrawn, destroyed or never received, the Assessment Engineer will mail or otherwise provide a replacement ballot to the owner upon receipt of a request delivered to the City or the Assessment Engineer. The replacement ballot will be marked to identify it as a replacement ballot or a replacement proportional ballot. Any request for a replacement or replacement proportional ballot to be mailed to another location must include evidence, satisfactory to the City or the Assessment Engineer, of the identity of the person requesting the ballot. The same procedure applies to replacement ballots or replacement proportional ballots, which are lost, withdrawn, destroyed, or never received.

(7). If an assessment ballot is returned by the United States Post Office as undeliverable, the Assessment Engineer may mail a redelivered ballot to the current property owner, if updated ownership or owner mailing address can be determined. The redelivered ballot will be marked to identify it as a redelivered ballot.

(8). An assessment ballot proceeding is not an election.

(9). An assessment ballot is a disclosable "public record" as that phrase is defined by California Government Code § 6252 during and after tabulation of the ballots.

(10). The California Government Code requires that assessment ballots be signed by property owners. However, property owner names and corresponding votes will remain strictly confidential, except as necessary to count the votes or as disclosure is required by California law.

(11). To complete an assessment ballot, the owner of the parcel or his or her authorized representative must (1) mark the appropriate box (or circle) supporting or opposing the proposed assessment, and (2) sign, under penalty of perjury, the statement on the ballot that the person completing the ballot is the owner of the parcel or the owner's authorized representative. Only one (1) box (or circle) may be stamped or marked on each ballot. All incomplete or improperly marked ballots shall be disqualified from balloting. The Tabulator will retain all such invalid ballots.

(12). After returning an assessment ballot to the City, or the Tabulator on behalf of the City, the person who signed the ballot may withdraw the ballot by submitting a written statement to the City directing the City to withdraw the ballot. Such statement must be received by the City or the Tabulator prior to the close of the public input portion of the public hearing on the proposed assessment. When ballots for the assessment are tabulated, the Tabulator will segregate withdrawn ballots from all other returned ballots. The Tabulator will retain all withdrawn ballots and will indicate on the face of such withdrawn ballots that they have been withdrawn.

(13). In order to change the contents of a ballot that has been submitted, the person who has signed that ballot may (1) request that such ballot be withdrawn, (2) request that a replacement ballot be issued, and (3) return the replacement ballot fully completed. Each of these steps must be completed according to the procedures set forth above.

E. Tabulating Ballots. The following guidelines shall apply to tabulating assessment ballots:

(1). Assessment ballots shall remain sealed until tabulation commences.

(2). The City Clerk shall oversee and direct the tabulation of the assessment ballots. The Tabulator shall follow the rules and procedures of the laws of the State of California, this Resolution and any other rules and procedures of the City Council. If the Tabulator needs clarification, then he or she shall inquire of the City Council, which is the final arbiter. All ballots shall be accepted as valid except those in the following categories:

(a). A photocopy of a ballot, a letter or other form of a

ballot that is not an official ballot provided by the City or the Assessment Engineer on behalf of the City;

(b). An unsigned ballot, or ballot signed by an unauthorized individual;

(c). A ballot which lacks an identifiable mark in the box for a "yes" or "no" vote or with more than one (1) box marked, will not be counted;

(d). A ballot which appears tampered with or otherwise invalid based upon its appearance or method of delivery or other circumstances;

(e). A ballot for which the barcode representing the parcel number is damaged or obstructed, unless the parcel number or property ownership information is legible and allows the Tabulator to clearly determine the property(s) identified on the ballot.

(f). A ballot received after the close of the balloting time period. The Tabulator's decision, after consultation with the City Council's legal counsel, that a ballot is invalid shall be final and may not be appealed to the City Council.

(3). If more than one (1) of the record owners of a parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the parcel shall be allocated to each ballot in proportion to the respective record ownership interests, as shown on the record or as established to the City's satisfaction by documentation provided by the record owners.

(4). In the event of a dispute regarding whether the signer of a ballot is the owner of the parcel to which the ballot applies, the City Council will make such determination from the official County Assessor records and any evidence of ownership submitted to the City Council prior to the conclusion of the public hearing. The City Council shall be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership will be final and conclusive.

(5). In the event of a dispute regarding whether the signer of a ballot is an authorized representative of the owner of the parcel, the City Council may rely on the statement on the ballot signed under penalty of perjury that the person

completing the ballot is the owner's authorized representative and any evidence submitted to the City Council prior to the conclusion of the public hearing. The City Council will be under no duty to obtain or consider any other evidence as to whether the signer of the ballot is an authorized representative of the owner and its determination will be final and conclusive.

(6). A property owner who has submitted an assessment ballot may withdraw the ballot and submit a new or changed ballot up until the conclusion of the public input portion of the public hearing on the assessment. Assessment ballots may be withdrawn and newer changed ballots submitted up until the conclusion of the public input portion of the public hearing on the assessment.

(7). A property owner's failure to receive an assessment ballot shall not invalidate the proceedings conducted under this section and California Constitution Article XIIIID, § 4.

(8). The City shall retain all ballots for a period of two (2) years from the date of the public hearing.

#### F. Public Hearing.

(1). At the public hearing, the City Council shall hear and consider all public testimony, objections and protests regarding the proposed assessment and accept ballots until the close of the public input portion of the public hearing.

(2) Reasonable time limits may be imposed on both the length of the entire hearing and the length of each speaker's testimony.

(3). At the conclusion of the public input portion of the hearing, but prior to the conclusion of the public hearing, the Tabulator shall begin tabulation of the ballots at the direction of the City Council, including those received during the public hearing.

(4). If it is not possible to tabulate the ballots on the day of the public hearing, or if additional time is necessary for public testimony, the City Council may continue the public hearing from time to time in order to receive additional testimony, information, or to finish tabulating the ballots.

(5). If, according to the final tabulation of the ballots, ballots submitted against the assessment exceed the ballots

submitted in favor of the assessment, weighted according to the proportional financial obligation of the affected property, a "majority protest" exists and the City Council shall not impose the assessment.

PASSED, ADOPTED AND APPROVED this 3<sup>rd</sup> day of June, 2014.

---

SCOTT W. NELSON,  
MAYOR

ATTEST:

---

PATRICK J. MELIA,  
CITY CLERK

I, PATRICK J. MELIA, CITY CLERK of the CITY OF PLACENTIA DO HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 3<sup>rd</sup> day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

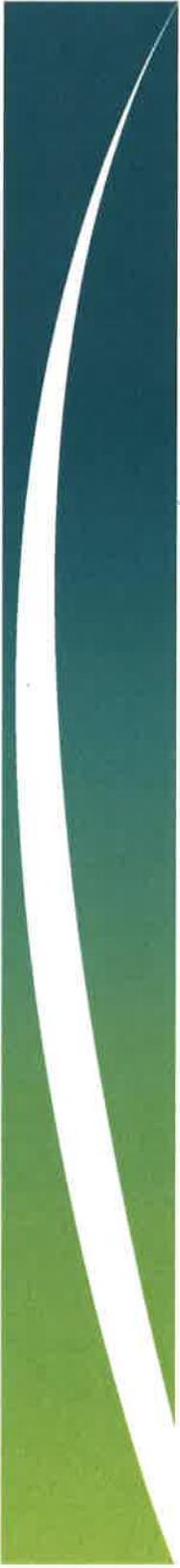
---

PATRICK J. MELIA,  
CITY CLERK

APPROVED AS TO FORM:

---

ANDREW V. ARCZYNSKI,  
CITY ATTORNEY



**CITY OF PLACENTIA**

**LANDSCAPE MAINTENANCE DISTRICT No. 2014-1**

**ENGINEER'S REPORT**

FISCAL YEAR 2014-15

MAY 2014

PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972,  
GOVERNMENT CODE AND ARTICLE XIIIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

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**CITY OF PLACENTIA**

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**CITY COUNCIL**

Scott W. Nelson, Mayor  
Joseph V. Aquirre, Mayor Pro Tem  
Constance Underhill, Councilmember  
Chad P. Wanke, Councilmember  
Jeremy B. Yamaguchi, Councilmember

**CITY ADMINISTRATOR**

Troy L. Butzlaff

**PUBLIC WORKS MANAGER**

Michael McConaha

**CITY ATTORNEY**

Andrew V. Arczynski

**ENGINEER OF WORK**

SCI Consulting Group

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## INTRODUCTION

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### OVERVIEW

The City of Placentia (the "City") services and maintains perimeter and median landscaping, and other improvements ("Improvements") to various parts of the City. This Engineer's Report ("Report") was prepared to establish the budget for the Improvements (as described below) that will be funded by the 2014-15 assessments, if approved, and other revenue, and to determine the general and special benefits received from the Improvements by property within the Improvement District ("District") and the method of assessment apportionment to lots and parcels. This Report and the 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 XIIID of the California Constitution (the "Article").

This Report is the basis for the formation of a new assessment district. The City has decided to structure this assessment to be identical to the existing Landscape Maintenance District No. 92-1 in its geographic boundaries and assessed parcels, and service the same physical improvements and facilities.

### DISTRICT'S FACILITIES

The City's landscape facilities to be funded by assessments within this District are located in various parts of the City. These facilities were built and have been serviced and maintained over the past two decades as part of new developments since the formation of a previous landscape maintenance district, No. 92-1. The improvements generally include entrance signs, traffic islands and medians, parkway vistas, public right-of-way screen planting around various oil well lots, street rights-of-way, public easements, and the Placentia Champions Sports Complex.

### ASSESSMENT BACKGROUND

The City formed Landscape Maintenance District No. 92-1 in May of 1992 to service and maintain the specific landscape facilities and improvements relevant to this report. Revenues from that district remain relatively flat - there is not a consumer price index adjustment provision - while the costs to maintain and service these facilities and improvements have risen steadily.

In order to maintain and improve the current service level while constrained by static revenues and increasing costs, the City proposes the formation of a new assessment district. If this assessment is not approved, the City will reduce the service level and defer maintenance, renovation and replacement, resulting in a continuing deterioration of the improvements.

### ASSESSMENT PROCESS

This Engineer's Report ("Report") describes Landscape Maintenance District No. 2014-1 (the "District"), along with the proposed boundaries, a description of the facilities and public

improvements to be improved, serviced and maintained by the assessments (the "Improvements"), and the proposed assessments for Fiscal Year 2014-15 (the "Assessments").

Following submittal of this Report to City of Placentia City Council ("Council") for preliminary approval, the Council may, by Resolution, call for an assessment ballot proceeding and public hearing on the proposed establishment of Assessments for the provision of the Improvements.

If the Council so directs, a notice of assessment and assessment ballot will be mailed to property owners within the District boundaries who receive special benefit from the Improvements. Such notice will include a description of the Improvements to be funded by the proposed Assessments, the proposed assessment amount for each parcel owned, and an explanation of the method of submitting a ballot on the Assessments. Each notice will include a ballot on which the property owner would mark his or her approval or disapproval of the proposed Assessments and signature, as well as a postage prepaid envelope in which to return the ballot. Ballots are tentatively scheduled to be mailed on or about Thursday, June 19, 2014.

After the ballots are mailed to property owners in the District, a minimum 45-day time period must be provided for the return of the assessment ballots. Following this 45-day time period, a public hearing must be held for the purpose of allowing public testimony regarding the proposed Assessments. The Public Hearing is tentatively scheduled for Tuesday, August 5, 2014 at 7:00 pm. At the Public Hearing, the public will have the opportunity to speak on the issue, voice any concerns or protests, and obtain further information about the proposed Assessments.

Tabulation of the returned ballots will begin after the close of the public input portion of the Public Hearing. The Public Hearing will be continued to allow time for the tabulation of the ballots until later that evening or until a date to be determined by the Council. At that time, it is anticipated the tabulation results will be announced. If it is determined that the assessment ballots submitted in opposition to the proposed Assessments do not exceed the assessment ballots submitted in favor of the Assessments (each ballot is weighted by the proportional financial obligation of the property for which the ballot is submitted) the Council may take action to approve the levying of Assessments for Fiscal Year 2014-15. If the Assessments are so confirmed and approved, the assessment information will be submitted to the County Auditor/Controller. The County Auditor/Controller will include the Assessments on the property tax roll for Fiscal Year 2014-15.

## **LEGAL REQUIREMENTS**

### **PROPOSITION 218**

This assessment will be 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 codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services,

improvements, as well as maintenance and operation expenses to a public improvement which directly benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting, for the imposition, increase and extension 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 (2008) 44 CAL. 4TH 431**

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"). This ruling is significant in that the Court clarified how Proposition 218 made changes to the determination of special benefit. The Court also found 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 Improvement District
- The assessment paid by property should be proportional to the special benefits it receives from the Improvements

**DAHMS V. DOWNTOWN POMONA PROPERTY (2009) 174 CAL. APP. 4TH 708**

In *Dahms v. Downtown Pomona Property* ("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.

**TOWN OF TIBURON V. BONANDER (2009) 180 CAL. APP. 4TH 103**

In *Town of Tiburon v. Bonander* ("Bonander"), 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 primarily on the grounds that the assessments had been apportioned to assessed property based on the costs within sub-areas of the assessment district instead of the overall cost of the improvements and the overall proportional special benefits.

**BEUTZ V. COUNTY OF RIVERSIDE (2010) 184 CAL. APP. 4TH 1516**

In *Steven Beutz v. County of Riverside* ("Beutz") the Court overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

**GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO (2011) 199 CAL. APP. 4<sup>TH</sup> 416**

In *Golden Hill Neighborhood Association v. City of San Diego* ("Golden Hill"), 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 SVTA decision and with the requirements of Article XIIC and XIID of the California Constitution because the Improvements to be funded are clearly defined; the benefiting property in the 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 District and such special benefits provide a direct advantage to property in the District that is not enjoyed by the public at large or other property.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Golden Hill* because the Improvements will directly benefit property in the Improvement District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. 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, rather than the proportional cost to the District to provide the Improvements to specific properties.

## PLANS & SPECIFICATIONS

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The City maintains landscaping and other improvements in locations within the proposed Assessment District's boundaries. The work and improvements proposed to be undertaken by the Landscape Maintenance District No. 2014-1 and the cost thereof paid from the levy of the annual Assessment provide special benefit to Assessor Parcels within the District as defined in the Method of Assessment herein. In addition to the definitions provided by the Landscaping and Lighting Act of 1972, (the "Act") the work and improvements are generally described as follows:

### ENTRANCE SIGNS

The entrance signs with landscape improvements to be maintained are to be located at the following locations within the District:

- Central Avenue at Chapman Avenue (northeast corner)
- Central Avenue at Gordon Drive
- Central Avenue at Buck Place
- Buena Vista Street at Dressel Drive
- Buena Vista Street at Petry Drive
- Alta Vista Street at Change Drive
- Alta Vista Street at Swail Drive
- Alta Vista Street at Terry Drive

### ISLANDS

The landscaped islands to be maintained by the District are located as follows:

- Kraemer Blvd from Alta Vista Street to n/o<sup>1</sup> City Hall
- Connecticut Way e/o Kraemer Blvd
- Rose Drive from Alta Vista Street to Buena Vista Street

### PARKWAY VISTAS

The landscaped parkway vistas to be maintained by the District are located as follows:

- Kraemer Blvd. e/s<sup>2</sup> (n/o City Hall to Connecticut Way)
- Kraemer Blvd. e/s (Connecticut Way to Alta Vista St.)
- Alta Vista Street n/s (from 900' w/o to 800' e/o Dunnavant Dr.)
- Alta Vista Street n/s (Rose Dr. to Jefferson St.)

---

<sup>1</sup> "n/o" refers to "north of". Similarly, "e/o", "s/o" and "w/o" refer to "east of", "south of" and "west of", respectively.

<sup>2</sup> "e/s" refers to "east side". Similarly, "n/s", "s/s" and "w/s" refer to "north side", "south side" and "west side", respectively.

- Alta Vista Street n/s (Jefferson St. to Van Buren St.)
- Alta Vista Street s/s (Kraemer Blvd. to All America Way)
- Alta Vista Street s/s (Central Ave. to Dunnivant Dr.)
- Alta Vista Street s/s (Dunnivant Dr. to Rose Dr.)
- Alta Vista Street s/s (Rose Dr. to Jefferson St.)
- Alta Vista Street s/s (Jefferson St. to Van Buren St.)
- Rose Drive w/s (Alta Vista St. to 500'+ n/o Orangethorpe Ave.)
- Rose Drive e/s (Alta Vista St. to north boundary of Shopping Center)
- Rose Drive e/s (Alta Vista St. to 200' s/o Castner Dr.)

#### **UNOCAL/FIELDSTONE OIL WELL LOTS – RIGHT-OF-WAY SCREEN PLANTING**

The landscaped screen planting areas to be maintained by the District are located as follows:

- Dressel Drive / Howard Place
- Mykannen Circle / Cisneros Lane
- Tidland Circle
- Nevin Lane / Tucker Place
- Nevin Lane / Evans Lane
- Gerhold Lane
- Hill Street / Granger Drive
- Larson Lane / Evans Lane

#### **STREET RIGHT-OF-WAY LANDSCAPING**

The street landscaping to be maintained by the District is located as follows:

- Jefferson Street e/s (Alta Vista St. to Garten Dr.)
- Buena Vista s/s (320'± w/o Petry Dr. to 500'± e/o Dressel Dr.)
- Van Buren Street w/s (750' n/o Alta Vista St. to Orchard Dr.)
- Chang Drive (Alta Vista St. to Evans Ln.)
- Dressel Drive (Buena Vista St. to Munoz Pl.)
- Central Avenue (Alta Vista St. to Chapman Ave.)
- Chapman Avenue (Central Ave. to 1130'± east)
- Chapman Avenue (Mission Way to All America Way)
- All America Way w/s (City Hall to Alta Vista St.)
- All America Way e/s (Chapman Ave. 100'± s/o Dartmouth Dr.)
- Van Buren Street e/s (Richfield Channel to 200' s/o Alta Vista St.)
- Dunnivant Drive (Alta Vista to 1300'± south) (does not include Lot "F", Tract 15139)
- Other minor areas that front non-contiguous assessed parcels

#### **EASEMENTS – PUBLIC STORM DRAIN AND SEWER**

Landscaped easements to be maintained by the District are located as follows:

- At various locations within TM 14161 (Fieldstone and Van Daele Tracts and TM 15699 Placentia Development Company)
- Does not include Lot "F," Tract 15139

#### **PLACENTIA CHAMPIONS SPORTS COMPLEX**

Maintenance and service includes (but is not limited to) the following:

- Payments for electrical energy and water usage
- Repair, replacement or enhancement of community building, parking lots, fencing, signage, lighting and fixed recreational structures such as playgrounds, play fields, courts, walkways, dugouts, bleachers, scoreboards, restrooms, drinking fountains, picnic tables and shelters, and ancillary items such as storage and utility structures
- Irrigation, cultivation, pest control and replacement of plant material, trees, shrubs, ground cover, turf, supplies
- Personnel, utility and equipment costs
- Contract services where applicable

Installation, maintenance and servicing of Improvements, may include, but are not limited to, turf and play areas, landscaping, ground cover, shrubs and trees, irrigation systems, sidewalks, parking lots, drainage systems, lighting, fencing, entry monuments, basketball courts, tennis courts, other recreational facilities, security patrols to protect the Improvements, graffiti removal and repainting, and labor, materials, supplies, utilities and equipment, as applicable, at each of the locations owned, operated or maintained by the District.

As applied herein, "Installation" means the construction of Improvements, including, but not limited to, land preparation (such as grading, leveling, cutting and filling), sod, landscaping, irrigation systems, walkways and drainage, lights, playground equipment, play courts, playing fields, recreational facilities and public restrooms.

"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, growth, 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, and 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.

Incidental expenses include all of the following: (a) The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment; (b) the costs of

printing, advertising, and the giving of published, posted, and mailed notices; (c) compensation payable to the County for collection of assessments; (d) compensation of any engineer or attorney employed to render services in proceedings pursuant to this part; (e) any other expenses incidental to the construction, installation, or maintenance and servicing of the Improvements; (f) any expenses incidental to the issuance of bonds or notes pursuant to Streets & Highways Code Section 22662.5; and (g) costs associated with any elections held for the approval of a new or increased assessment (Streets & Highways Code §22526).

Modifications to the District structure could include, but are not limited to, substantial changes or expansion of the Improvements provided, substantial changes in the service provided, modifications or restructuring of the District including annexation or detachment of specific parcels, revisions in the method of apportionment, or proposed new or increased assessments.

The assessment proceeds will be exclusively used for Improvements within the District plus incidental expenses.

## FISCAL YEAR 2014-15 ESTIMATE OF COST AND BUDGET

### BUDGET FOR FISCAL YEAR 2014-15

The following budget shows the cost of the Improvements that would be funded by the District in Fiscal Year 2014-15.

**TABLE 1 – ESTIMATE OF COSTS  
LANDSCAPE MAINTENANCE DISTRICT No. 2014-1**

<b>Expenditure Item</b>	<b>Amount</b>
Salaries & Benefits	\$135,761
Legal Services	1,500
Engineering Services	19,650
Special Studies	10,000
Other Professional Services	0
Landscaping	166,000
Repair / Maintenance Services	20,000
Construction Services	0
Telephone	10,000
Advertising	500
City Administrative Services	0
Electricity	30,000
Water	153,000
<b>Estimated Expenditures</b>	<b>\$546,411</b>
<b>Reveue Item</b>	<b>Amount</b>
Direct Benefit Assessments FY 2014/15	\$199,557
Other Assessments (LMD 92-1)	\$427,925
General Fund Contribution	\$0
Amount from (to) Dedicated Reserves	(\$81,071)
<b>Estimated Revenues</b>	<b>\$546,411</b>
<b>Budget Allocation to Parcels</b>	<b>Amount</b>
Total Assessment Budget <sup>1</sup>	\$199,557
Single Family Equivalents - Zone A	1759.910
Single Family Equivalents - Zone B	329.430
Single Family Equivalents - Zone C	161.000
Total Single Family Equivalents (Zone A + 90% of Zone B + 70% of Zone C)	2,169.097
<b>Assessment per Single Family Equivalent (SFE)<sup>2</sup></b>	<b>\$92.00</b>

Notes to Estimate of Costs:

1. The Act requires that proceeds from the assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the District. Moreover, funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The District may also establish a reserve fund for contingencies and special projects as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments.

2. The rate shown here is for a single family home or its equivalent. For the definition of the term SFE and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.

## METHOD OF ASSESSMENT APPORTIONMENT

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### METHOD OF APPORTIONMENT

This section of the Engineer's Report explains the benefits to be derived from the Improvements and the methodology used to apportion the total assessment to properties within the District.

The method used for apportioning the Assessment is based upon the relative special benefits to be derived by the properties in the District over and above general benefits conferred on real property or to the public at large. The Assessment is apportioned to lots and parcels in proportion to the relative special benefit from the Improvements. 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.

This section of the Engineer's report includes a discussion of the benefits to be provided by the proposed improvements and the method of apportionment of assessments within the District. The formula below identifies the final level of service as the sum of the baseline level of service (without this proposed assessment) and the enhanced level of service to be funded by the proposed assessment.

<b>Final Level of Service</b>	=	<b>Baseline Level of Service</b>	+	<b>Enhanced Level of Service</b>
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### 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. 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 and that the value of the special benefits must exceed the cost of the assessment:

*"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 Improvements to be provided with the assessment proceeds. These types of special benefit are summarized as follows:

- A. Proximity to Improved Landscaped Areas and Other Public Improvements within the District.
- B. Access to Improved landscaped areas and Other Public Improvements within the District.
- C. Improved Views within the 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 and commercial use that, in absence of the Assessments, would not have been created.

In this case, the recent SVTA decision provides enhanced clarity to the definitions of special benefits to properties from similar improvements in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA 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 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 herein further strengthen the basis of these assessments.

Moreover, the *Dahms* decision further clarified that certain services and improvements funded by assessments, that are over and above what otherwise would be provided and that other property in general and the public do not share or receive are 100% special

benefit. The assessment-funded services upheld by *Dahms* included streetscape maintenance and security services.

## **BENEFIT FACTORS**

The special benefits from the Improvements are further detailed below:

### **PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE DISTRICT**

Only the specific properties within close proximity to the Improvements are included in the District. The District has been narrowly drawn to include the properties that receive special benefits from the Improvements. Therefore, property in the District enjoys unique and valuable proximity and access to the Improvements that the public at large and property outside the District do not share.

In absence of the Assessments, the Improvements would not be provided and the public improvements funded in the 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 District, they provide a direct advantage and special benefit to property in the District.

### **ACCESS TO IMPROVED LANDSCAPED AREAS WITHIN THE DISTRICT**

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

### **IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICTS**

The City, by maintaining permanent public improvements funded by the Assessments in the District, provides improved views to properties in the District. The properties in the District enjoy close and unique proximity, access and views of the specific Improvements funded in the District; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the 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 District, the residential, commercial and other benefiting properties in the District do not have large outdoor areas and green spaces. The Improvements within the 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 in the District because such properties have uniquely good and close proximity to the Improvements.

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

In most of the District, the original owner/developer(s) of the property within the District agreed unanimously to the Assessments. The Assessments provide the necessary funding for public improvements that were required as a condition of development and subdivision approval. Therefore, such Assessments allowed the original property to be subdivided and for development of the parcels to occur. 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. Therefore, in absence of the Assessments, the lots within most of the District would not have been created. These parcels, and the improvements that were constructed on the parcels, receive direct advantage and special benefit from the Assessments.

**GENERAL VERSUS SPECIAL BENEFIT**

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to "separate the general benefits from the special benefits conferred on a parcel." The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. An assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

<b>Total Benefit</b>	<b>=</b>	<b>General Benefit</b>	<b>+</b>	<b>Special Benefit</b>
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There is no widely-accepted or statutory formula for 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. SVTA provides some clarification by indicating that general benefits provide "an indirect, derivative advantage" and are not necessarily proximate to the improvements.

In this Report, the general benefit is liberally estimated and described, and then budgeted so that it is funded by sources other than the Assessment.

The starting point for evaluating general and special benefits is the current, baseline level of service. The Assessment will fund Improvements "over and above" this general,

baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

<b>General Benefit</b>	=	<b>Benefit to Real Property Outside the Assessment District</b>	+	<b>Benefit to Real Property Inside the Assessment District that is Indirect and Derivative</b>	+	<b>Benefit to the Public at Large</b>
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Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The *SVTA* decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In these Assessments, as noted, properties in the District have close and unique proximity, views and access to the Improvements and uniquely improved desirability from the Improvements and other properties and the public at large do not receive significant benefits because they do not have proximity, access or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and is only minimally received by property outside the Assessment Districts or the public at large.

**BENEFIT FINDING**

The District contains the Placentia Champions Sports Complex, which is distinct from other landscape improvements in the District. Due to significantly different characteristics between the two types of improvements, benefits will be discussed and calculated separately under the categories of “Park” and “Landscaping.”

**PARK – QUANTIFICATION OF GENERAL BENEFIT**

In this section, the general benefit from park Improvements is liberally estimated and described, and then budgeted so that it is funded by sources other than the Assessment. This Park section is focused on the Placentia Champions Sports Complex. Other District Improvements are discussed below in Landscaping Improvements - Quantification of General Benefit.

**PARK – BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICTS**

For the purposes of calculating benefit to properties outside the District, the Park will be considered as a neighborhood park inasmuch as it provides amenities for nearby properties. While it functions as a community (or even regional) facility for organized sports such as baseball and soccer, the general benefit derived from those activities will be discussed under the “Benefit to the General Public” below.

Properties within the District receive much of the special benefits from the park Improvements because properties in the District enjoy unique close proximity and access

to the park Improvements that is not enjoyed by other properties or the public at large. However, certain properties within the proximity/access radius of the park Improvements, but outside of the boundaries of the District, may receive some benefit from the park Improvements. Since this benefit is conferred to properties outside the District boundaries, it contributes to the overall general benefit calculation and will not be funded by the Assessments.

Since the properties outside the District but within the effective proximity radii are not assessed for their benefits because they are outside of the area that can be assessed by the District, this is a form of general benefit to other property. A 50% reduction factor is applied to these properties because they are all on only one side of the Improvements and properties in the District enjoy the advantage of over twice the average proximity to the park Improvements. The general benefit to property outside of the District is calculated as follows with the parcel and data analysis performed by SCI Consulting Group.

**ASSUMPTIONS:**

- 651 parcels outside the District but within 0.5 miles of the Park
- 2,214 parcels in the District
- 50% relative benefit compared to property with the District

**CALCULATION:**

General Benefit to property outside the District =  
 $651 / (651 + 2,214) * 0.5 = 11.36\%$

**PARK – BENEFIT TO PROPERTY *INSIDE* THE ASSESSMENT DISTRICTS THAT IS *INDIRECT AND DERIVATIVE***

The “indirect and derivative” benefit to property within the District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment Districts is special, because the Improvements are clearly “over and above” and “particular and distinct” when compared with the baseline level of service and the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the District.

Nevertheless, the SVTA decision indicates there may be general benefit “conferred on real property located in the district” A measure of the general benefits to property within the Assessment area is the percentage of land area within or directly abutting the District that is publicly owned and used for regional purposes such as major roads, rail lines and other regional facilities because such properties used for regional purposes could provide indirect benefits to the public at large. Approximately 2.91% of the land area in the District is used for such regional purposes, so this is a measure of the general benefits to property within the District.

### **PARK – BENEFIT TO THE PUBLIC AT LARGE**

The general benefit to the public at large can be estimated by the proportionate amount of time that the District's parks facilities are used and enjoyed by individuals who are not residents, employees, customers or property owners in the District. In this District, there is only one park facility: Placentia Champions Sports Complex ("Complex"). The Complex serves the needs of many people in two primary ways: as a neighborhood park serving nearby residents for shorter and more frequent visits; and as a community or regional park serving people from all over Placentia and the surrounding areas as a destination for organized sports such as soccer and baseball league play. The general benefit of the former was discussed above; the general benefit of the latter is discussed here.

When the Complex functions as a community or regional park, it becomes a destination for longer and less frequent visits (for example, scheduled league play). Of the five ways benefits are conferred (proximity, access, views, extension of a property's green space, and creation of lots), the community or regional function confers benefits only in the "access" and "extension of a property's green space" categories (proximity does not apply as these trips are from outside the District; people do not come for the views; and the facility was not tied to the creation of faraway lots). Therefore the general benefit is no more than 40%. That figure, however, is reduced by the percentage that the community or regional park benefits property owners within the district (special benefit). The City estimates that approximately 71% of participants in these organized sports are from the City of Placentia. However, only 15.11% of Placentia parcels lie inside the district, so it is estimated that (15% of 71% =) 10.73% of the users are from within the District. Conversely, 89.27% are from outside the District. Therefore (40% x 89.27% =) 35.71% of the benefits from the Parks Improvements are general benefits to the public at large.

### **PARK – TOTAL GENERAL BENEFITS**

Using a sum of these three measures of general benefit, we find that approximately 49.98% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the assessment.

<b>PARK GENERAL BENEFIT CALCULATION</b>	
11.36%	(Outside the District)
+	2.91% (Property within the District)
+	35.71% (Public at Large)
=	49.98% (Total General Benefit)

### **LANDSCAPING – QUANTIFICATION OF GENERAL BENEFIT**

In this section, the general benefit from landscaping and other types of Improvements (other than park Improvements) is liberally estimated and described, and then budgeted so that it is funded by sources other than the Assessment.

### LANDSCAPING – BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICTS

Properties within the District receive almost all of the special benefits from the other Improvements because properties in the District enjoy unique close proximity and access to the Improvements that is not enjoyed by other properties or the public at large. However, certain properties within the proximity/access radius of the Improvements, but outside of the boundaries of the District, may receive some benefit from the Improvements. Since this benefit is conferred to properties outside the District boundaries, it contributes to the overall general benefit calculation and will not be funded by the Assessments. The general benefit to property outside of the District is calculated with the parcel and data analysis performed by SCI Consulting Group.

Since the properties outside the District but with frontage abutting the Improvements cannot be assessed by the District, this is a form of general benefit to other property. The primary way that parcels outside the district benefit by the Improvements is from views. Therefore, parcels that abut the landscape areas and are not separated from the Improvements by a privacy fence are counted for this general benefit. The general benefit to property outside of the District is calculated as follows.

#### ASSUMPTIONS:

- 22 parcels outside the District
- 2,214 parcels in the District

#### CALCULATION:

$$\text{General Benefit to property outside the District} = \frac{22}{(22+2,214)} = 0.98\%$$

### LANDSCAPING – BENEFIT TO PROPERTY *INSIDE* THE ASSESSMENT DISTRICTS THAT IS *INDIRECT AND DERIVATIVE*

The “indirect and derivative” benefit to property within the District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment Districts is special, because the other Improvements are clearly “over and above” and “particular and distinct” when compared with the baseline level of service and the unique proximity, access and views of the other Improvements enjoyed by benefiting properties in the District.

Nevertheless, the SVTA decision indicates there may be general benefit “conferred on real property located in the district” A measure of the general benefits to property within the Assessment area is the percentage of land area within or directly abutting the District that is publicly owned and used for regional purposes such as major roads, rail lines and other regional facilities because such properties used for regional purposes could provide indirect benefits to the public at large. Approximately 2.91% of the land area in the District is used for such regional purposes, so this is a measure of the general benefits to property within the District.

**LANDSCAPING – BENEFIT TO THE PUBLIC AT LARGE**

The general benefit to the public at large can be estimated by the proportionate amount of time that the Assessment District's other Improvements including landscaping are used and enjoyed by individuals who are not residents, employees, customers or property owners in the District. It should be noted that these other Improvements do not attract the public at large in the same way as park improvements – and they confer far less benefit to the public at large than do similar park improvements. In essence, the public does not visit an area to enjoy setback landscaping in the same way as they may visit a park.

One way to measure the special benefit to the general public is by the car trips through an area with Improvements. Of the five ways benefits are conferred (proximity, access, views, extension of a property's green space, and creation of lots), the only benefit that is conferred by way of pass-by car trips is views, which accounts for 10% of the total benefits, since views are less critically important and are enjoyed much less often to the average non-resident driver than to a resident.

Next, the views factors are weighted by the relevant number of car trips. Using the lane miles as representative of pass-by traffic, an analysis shows that 90% of the lane miles are on arterial or collector streets where the general public has views of the landscaping. Therefore (90% of 10% =) 9.0% of the benefits from the other Improvements are general benefits to the public at large.

**LANDSCAPING – TOTAL GENERAL BENEFITS**

Using a sum of these three measures of general benefit, we find that approximately 12.89% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the assessment.

<b>LANDSCAPING GENERAL BENEFIT CALCULATION</b>	
	0.98% (Outside the District)
+	2.91% (Property within the District)
+	9.00% (Public at Large)
=	12.89% (Total General Benefit)

**TOTAL COMBINED GENERAL BENEFITS**

The total general benefit for Parks is 49.98% and for Landscaping and other Improvements is 12.89%. The City estimates that approximately 20% of its District budget is for Parks and the remainder is for Landscaping and other Improvements. It is reasonable to assume that the ratio will remain relatively constant in the foreseeable future barring significant modifications to the Improvements. Therefore, using those proportions to calculate a weighted average of the general benefits for each type of Improvement, the resulting total combined general benefit is (0.20 x 49.98%) + (0.80 x 12.89%) = 20.31%.

Although this analysis finds that 20.31% of the assessment may provide general benefits from the Improvements, the Assessment Engineer establishes a requirement for a minimum contribution from sources other than the assessments of 21%. This minimum contribution above the measure of general benefits will serve to provide additional coverage for any other general benefits.

**FINAL STEP – CALCULATE THE CURRENT GENERAL BENEFIT CONTRIBUTION FROM THE CITY**

This general benefit cannot be funded from the Assessments; it must be funded from other sources such as the City's General Fund or other non-District funds. These contributions can also be in the form of in-lieu contributions to the installation and maintenance of the Improvements such as other City assets that support and protect the Improvements. The City of Placentia will contribute both monetary and in-lieu resources to ensure that the general benefits conferred by the proposed Improvements are not funded by the District's property owners.

A summary and quantification of these other contributions from the City is discussed below:

The City of Placentia owns, maintains, rehabilitates and replaces curb and gutter along the border of the District Improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City towards general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 5%.

The City owns and maintains a storm drainage system along the border of the District Improvements. This system serves to prevent flooding and associated damage to the Improvements, and manage urban runoff including local pollutants loading from the Improvements. The contribution from the City towards general benefit from the maintenance, and operation of the local storm drainage system is conservatively estimated to be 5%.

The City owns and maintains local public streets along the border of the District Improvements. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to be 5%.

The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by non-assessment funds, this "annuity" can be used to offset general benefit costs, and is conservatively estimated to contribute 10%.

The total General Benefit is liberally quantified at 21% which is entirely offset by the conservatively quantified total non-assessment contribution towards general benefit described above of 25%. Therefore, no additional General Benefit must be funded by the City.

## ZONES OF BENEFIT

The boundaries of the District have been carefully drawn to only include the properties in Placentia that are proximate to the Improvements and that would materially benefit from the Improvements. Certain other properties surrounding the District were excluded from the Improvement area because these properties are generally less proximate to the Improvements. In other words, the boundaries of the District have been narrowly drawn to include only properties that will specially benefit from the Improvements, and would receive a declining level of service if the Assessments were not approved.

The SVTA decision indicates:

*In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be construed as being general benefits since they are not “particular and distinct” and are not “over and above” the benefits received by other properties “located in the district.”*

*We do not believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefiting from an improvement. Indeed, the ballot materials reflect otherwise. Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to 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).*

In the District, the advantage that each parcel receives from the Improvements is direct, and the boundaries are narrowly drawn to include only parcels that benefit from the Assessment. Therefore, the even spread of Assessment throughout the narrowly drawn district is indeed consistent with the SVTA decision. For the most part, the benefits from the Improvements within the District do not vary further based on proximity of the parcels to the Improvements because the increased benefits of greater proximity to the Improvements are generally offset by a parallel increase in negative factors such as higher levels of traffic, noise, etc. that comes with increased proximity.

The Improvements have previously been divided into two categories: park and landscape. In the case of the park (Placentia Champions Sports Complex), those properties that lie within approximately one half mile of the park receive special benefit of the facility as a neighborhood park. Therefore, in order to most conservatively assure that Assessments are proportional to the relative level of special benefits in the District, two zones have been created. Zone of Benefit A (or “Zone A”) consists of all of the parcels that lie within approximately one half mile of the Placentia Champions Sports Complex. Certain

adjustments have been made to the one-half mile radius to account for path-of-travel effects on access, proximity and other factors. Zone of Benefit B ("Zone B") consists of all other parcels receiving similar landscaping special benefits but are outside of Zone A. Benefits related to the park Improvements comprise approximately 20% of the total benefits imparted by the collective Improvements (both park and landscape). A 50% reduction factor of the park portion of benefit is applied to Zone B parcels due to their reduced proximity. Therefore assessments for parcels in Zone B are reduced (50% of 20% =) 10%.

The landscape improvements are spread throughout the District relatively uniformly and in close proximity to the assessed parcels. Generally the quantity and intensity of the landscape Improvements funded by the District closely relate to the size and intensity of the various neighborhoods; whether large or small, residential or commercial. However, two distinct neighborhoods provide maintenance of the abutting parkway vistas through their home-owners associations (HOA). Therefore, in order to most conservatively assure that Assessments are proportional to the relative level of special benefits funded by the District, an additional zone, Zone of Benefit C ("Zone C"), has been created. There are five categories of special benefits described above that apply to landscaping: Proximity, access, views, extension of green areas, and original creation of the parcels. The HOA funding provides for much of the special benefit of the first four items, while the final item (creation of parcels) is not associated with ongoing funding by the HOA. The parcels could not have been created without participation in the District, and that continues to underpin the viability of the other four items, lot creation is given a 75% weight factor. It follows then that a 25% reduction factor of the landscaping portion of benefit is applied to Zone C parcels due to their home owners associations' funding. Benefits related to landscaping Improvements comprise approximately 80% of the total benefits imparted by the collective improvements (both park and landscape). Therefore assessments for parcels in Zone C are reduced (25% of 80% =) 20%. Further, both Zone C neighborhoods lie outside the half-mile proximity to the park, so they will receive an additional reduction of 10% as calculated for Zone B, for a total reduction of 30%.

#### **METHOD OF ASSESSMENT**

As previously discussed, the proposed Assessments will provide comprehensive Improvements that will clearly confer special benefits to properties in the proposed District. The allocation of special benefits to property is partially based on the type of property and the size of property. These benefits can also partially be measured by the occupants on property in the District because such parcel population density is a measure of the relative benefit a parcel receives from the Improvements. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Therefore, the apportionment of benefit is reasonably based on the type of parcel, the size of parcels and the population density of parcels.

The next 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 Single Family Equivalent (SFE). This SFE 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 a SFE 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 Single Family Equivalent or one SFE.

Not only residential improved property will be assessed, because commercial, industrial and other properties also receive direct benefits from the Improvements, and will be assessed.

A fixed or flat assessment is proposed for all single family residential properties regardless of occupancy or parcel size. Assessments on multi-family residential parcels vary based on the number of dwelling units. Assessments on commercial and industrial property are levied on an acreage basis because larger properties generally support larger buildings and have higher numbers of employees, customers and guests who would benefit from proximity and improved access to well-maintained and improved landscaping, parks facilities.

Finally, the special benefits to be derived from the proposed Assessments will be conferred on property and are not based on a specific property owner's use of the improvements, a specific property owner's occupancy of property, or the property owner's demographic status such as age or number of dependents. The benefits conferred to property are related to the average number of people who could potentially live on, work at, or otherwise could occupy a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise occupy a property is one indicator of the relative level of benefit received by a property.

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type of property, the relative size of the property, property location, its relative population and its proximity to parks facilities. This method is further described below.

## **RESIDENTIAL PROPERTIES**

Certain residential properties in the District that contain a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Detached or attached houses and zero-lot line houses are included in this category of single family residential property. If there is more than one single family detached dwelling on a parcel, it will be charged one SFE per single family detached dwelling.

Properties with more than one residential unit (other than parcels with more than one detached single family dwelling as described above) are designated as multi-family residential properties. These properties benefit from the Improvements in proportion to the number of dwelling units that occupy each property, the average number of people who reside in multi-family residential units versus the average number of people who reside in a single family home and the relative size of each type of residential dwelling unit. The population density factors for the area in Orange County encompassing the District, as depicted in the following table, provide the basis for determining the SFE factors for residential properties. Using the total population in a certain property type in the area of the District from the 2010 Census and dividing it by the total number of such households, finds that approximately 3.37 persons occupy each single family residence, whereas an average of 2.73 persons occupy each condominium. The ratio of 3.37 people on average for a single family residence and 2.73 people per dwelling unit in a condominium unit results in a population density equivalent of 0.81 for condominiums. Next, the relative building areas are factored into the analysis because special benefits are related to the average size of a property, in addition to average population densities. For a condominium, this calculation results in an SFE factor of 0.63 per dwelling unit. A similar calculation is used for the SFE Factors for other residential property types.

**TABLE 2 – RESIDENTIAL DENSITY AND ASSESSMENT FACTORS**

Type of Residential Property	Pop. Density Equivalent	SqFt Factor	SFE Factor
Single Family Residential	1.00	1.00	1.00
Condominium	0.81	0.78	0.63
Duplex, Triplex, Fourplex	1.19	0.63	0.75
Multi-Family Residential (5+ Units)	0.76	0.59	0.45
Mobile Home on Separate Lot	0.70	0.72	0.51

The single family equivalency factor of 0.45 per dwelling unit for multifamily residential properties of 5 or more units applies to such properties with 20 or fewer units. Properties in excess of 20 units typically offer on-site park amenities and other facilities that tend to offset some of the benefits provided by the improvements. Therefore the benefit for properties in excess of 20 units is determined to be 0.45 SFE per unit for the first 20 units and 0.10 SFE per each additional unit in excess of 20 dwelling units.

#### **COMMERCIAL/INDUSTRIAL PROPERTIES**

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single family residential property and the average commercial/industrial property. The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously can be measured by the average number of people who work at commercial/industrial properties.

In order to determine employee density factors, the findings from the San Diego Association of Governments Traffic Generators Study (the "SANDAG Study") are used because these findings were approved by the State Legislature as being a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24.

In comparison, the average number of people residing in a single family home in the area is 3.37. Since the average lot size for a single family home in the District is approximately 0.15 acres, the average number of residents per acre of residential property is 22.5.

The employee density per acre is roughly equal to (1.1 times) the population density of single family residential property per acre (24 employees per acre / 22.5 residents per acre). However, the benefit derived by employees on commercial and industrial properties is less than that derived by a resident on residential property, generally due to less time of use of services and improvements. The Assessment Engineer determines that this factor is 0.5 for commercial and industrial to 1 for residential. Table 3 below shows the average

employees per acre of land area or portion thereof for commercial and industrial properties and lists the relative SFE factors per quarter acre for properties in each land use category.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per 0.15 acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres.

Institutional properties that are used for residential, commercial or industrial purposes are also assessed at the appropriate residential, commercial or industrial rate.

**TABLE 3 – COMMERCIAL/INDUSTRIAL DENSITY AND ASSESSMENT FACTORS**

Type of Commercial/Industrial Land Use	Average	
	Employees per Acre <sup>1</sup>	SFE Units per 0.15 Acre <sup>2</sup>
Commercial	24	0.500
Office	68	1.420
Shopping Center	24	0.500
Industrial	24	0.500
Self Storage or Parking Lot	1	0.020

1. Source: San Diego Association of Governments Traffic Generators Study.

2. The SFE factors for commercial and industrial parcels are applied by the 0.15 acre of land area or portion thereof. (Therefore, the minimum assessment for any assessable parcel in these categories is the SFE Units listed herein.) The rates apply up to first 5 acres of parcel size. Additional acreage is benefited at the rate shown above per acre or portion thereof.

**VACANT/UNDEVELOPED PROPERTIES**

The benefit to undeveloped properties is determined to be proportional to the corresponding benefits for similar type developed properties, but at a lower rate due to the lack of improvements on the property. A measure of the benefits accruing to the underlying land is the average value of land in relation to Improvements for developed property. An analysis of the assessed valuation data from the County of Orange found that approximately 39% of the assessed value of improved properties is classified as the land value. It is reasonable to assume, therefore, that approximately 39% of the benefits are related to the underlying land and 61% are related to the improvements and the day-to-day use of the property. Using this ratio, the SFE factor for vacant/undeveloped parcels is 0.39 per parcel.

## **OTHER PROPERTIES**

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the Assessment.

All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers or guests, and have limited economic value. These miscellaneous parcels receive minimal, if any, benefit from the Improvements and are assessed an SFE benefit factor of zero SFEs.

## **ANNUAL COST INDEXING**

The Assessment is subject to an annual adjustment tied to the Consumer Price Index-U for the Los Angeles-Riverside-Orange County area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. The basis for the CPI calculation shall be the sum of this proposed Assessment plus the City of Placentia Landscape Maintenance District 92-1 assessment. Any change in the CPI in excess of 3% 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 3%. 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) 3% or 2) the change in the CPI plus any Unused CPI as described above.

## **APPEALS OF ASSESSMENTS LEVIED TO PROPERTY**

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 City of Placentia City Administrator or his or her designee. Any such appeal is limited to correction of an Assessment during the then-current Fiscal Year and applicable law. Upon the filing of any such appeal, the City Administrator or his or her designee will promptly review the appeal and any information provided by the property owner. If the City 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 City Administrator or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the City Administrator or his or her designee shall be referred to the Placentia City Council, and the decision of the City Council shall be final.

## **ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE DISTRICT AREA**

The net available Assessment funds, after incidental, administrative, financing and other costs shall be expended exclusively for Improvements within the boundaries of the District

or as described herein, and appropriate incidental and administrative costs as defined in the Plans and Specifications section.

## ASSESSMENT

**WHEREAS**, The City of Placentia, by its Resolution 2014-20 adopted on May 6, 2014 ordered the initiation of the proceedings for Fiscal Year 2014-15 for the formation of the Landscape Maintenance District within the City of Placentia, County of Orange, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act") and Article XIID of the California Constitution; and

**WHEREAS**, the Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the District;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under the Act, Article XIID of the California Constitution, and the order of the Placentia City Council, hereby makes the following Assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the District for the Fiscal Year 2014-15 is generally as follows:

**TABLE 4 – SUMMARY COST ESTIMATE  
FOR LANDSCAPE MAINTENANCE DISTRICT NO. 2014 -1  
FOR FISCAL YEAR 2014-15**

Salaries & Benefits	\$135,761
Operating Expenses	389,000
Capital Expenses	0
Administration and Project Management	21,650
<b>Total for Services</b>	<b>\$546,411</b>
Less General Fund Contribution	0
Less Other Revenue	(427,925)
Amount to (from) Dedicated Reserves	81,071
<b>Net Amount to Assessments</b>	<b>\$199,557</b>

As required by the Act, an Assessment Diagram showing the exterior boundaries of the Improvement District is hereto attached and incorporated herein by reference. The distinctive number of each parcel or lot of land in the District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the 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 Estimate of Cost and Method of Assessment in the Report.

The Assessment is made upon the parcels or lots of land within the District in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The Assessment is subject to an annual adjustment tied to the Consumer Price Index-U for the Los Angeles-Riverside-Orange County area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. The basis for the CPI calculation shall be the sum of this proposed Assessment plus the City of Placentia Landscape Maintenance District 92-1 assessment. Any change in the CPI in excess of 3% 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 3%. 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) 3% or 2) the change in the CPI plus any Unused CPI as described above.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as will be shown on the Assessor's Maps of the County of Orange for the Fiscal Year 2014-15. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby will place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the Fiscal Year 2014-15 for each parcel or lot of land within the Improvement District.

Dated: May 21, 2014

Engineer of Work



By John W. Bliss  
John W. Bliss, License No. C052091

## ASSESSMENT DIAGRAM

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The District boundary is conterminous with the City Limits. The parcels proposed to be assessed in Landscape Maintenance District No. 2014-1 are shown on the Assessment Diagram, which is on file with the City Clerk of the City of Placentia, and includes all those properties included in the original formation of LMD No. 92-1 and subsequent annexations. The following Assessment Diagram is for general location only and is not to be considered the official boundary map. The lines and dimensions of each lot or parcel within the District are those lines and dimensions as shown on the maps of the Assessor of the County of Orange, for Fiscal Year 2014-15, and are incorporated herein by reference, and made a part of this Diagram and this Report.

*Intentionally Blank*

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF PLACENTIA, COUNTY OF ORANGE, CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

CITY CLERK

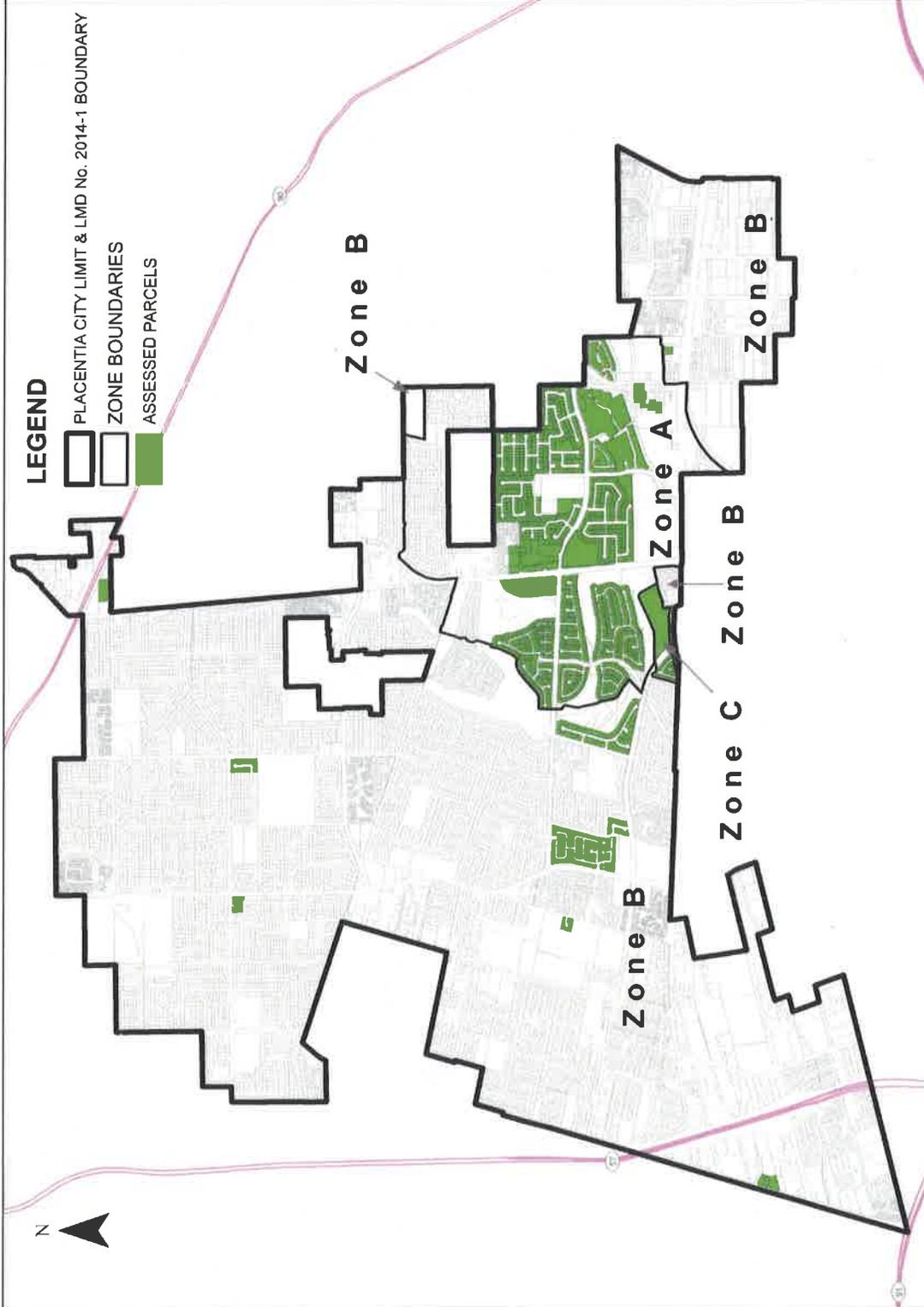
AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE CITY COUNCIL OF THE CITY OF PLACENTIA, COUNTY OF ORANGE, ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE DAY OF \_\_\_\_\_, 2014 FOR THE FISCAL YEAR 2014-15 AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF ORANGE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND

CITY CLERK

Note:

REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF ORANGE FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCEL SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.



PREPARED BY SCI CONSULTING GROUP  
 4745 MANGELS BLVD  
 FAIRFIELD CA 94534  
 (707)430-4300

CITY OF PLACENTIA LANDSCAPING MAINTENANCE DISTRICT No. 2014-1 ASSESSMENT DIAGRAM

## ASSESSMENT ROLL

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An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the Assessment) will be filed with the City Clerk and is, by reference, made part of this Report and is available for public inspection during normal office hours at the City Hall at 401 East Chapman Avenue, Placentia, California 92870.

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.



# CITY OF PLACENTIA

## LANDSCAPE MAINTENANCE DISTRICT No. 2014 - 1

### OFFICIAL NOTICE AND BALLOT

### INFORMATION GUIDE

#### ***Landscape Maintenance in Placentia***

The City of Placentia maintains landscaping and parks built over the past two decades primarily associated with new residential developments. The funding for this landscaping and park maintenance comes from an annual assessment on each property in the vicinity of these improvements. These property assessment rates have not increased since they were established in 1992, and there is no mechanism for "cost of living" adjustments. However, the costs of utilities (water, electricity and gas) as well as labor, equipment, and materials have risen significantly over the past 20 years and the assessments are no longer sufficient to adequately fund the required maintenance.

#### ***Why Did You Receive This Ballot?***

In order to continue the maintenance of the landscaping and park improvements, and to protect other critical city services, a new landscaping maintenance assessment is being proposed. These new assessment funds would supplement the existing assessment and would pay for the maintenance and servicing of the street landscaping, shrubs and trees, irrigation systems, neighborhood signage, and the local share of the maintenance and repair of the Placentia Park Champions Sports Complex.

The original Landscape Maintenance District No. 92-1 will remain in effect whether or not this new proposed assessment is approved. If the new assessment is approved, it will be in addition to the existing assessment.

The enclosed ballot allows property owners to decide if the proposed new assessment, called the "Landscape Maintenance District No. 2014-1," should be formed so that your neighborhood landscaping and parks can be preserved and maintained at the current service level.



*Family and youth sports in our local community*

#### ***Public Accountability Safeguards***

If approved by property owners, funds from this assessment can only be used to provide maintenance and services within the Landscape Maintenance District No. 2014-1 boundaries. No funds from this assessment can go to the City's General Fund. The budget for maintenance and services funded by this assessment will be presented to the public annually.

#### ***What Would This Measure Provide?***

If approved, the new assessment would provide funding to maintain the landscaping and park improvements in your neighborhood at current service levels.

Funding would pay for the *maintenance, beautification, and repairs* of local improvements including:

- Street medians
- Parkway vistas and public rights-of-way
- Screen plantings around oil well lots
- Placentia Park Champions Sports Complex



*Landscaping along Rose Drive*

#### ***Proposed Landscaping Maintenance Services***

1. Maintenance and beautification of street medians, parkway vistas, public rights-of-way, screen planting around oil well lots, and public easements.
2. Continued maintenance, replacement, and repair to neighborhood entrance signs, traffic islands, and street rights-of-way.
3. Repair, replacement and enhancement of the facilities and landscaping at the Placentia Champions Sports Complex.

#### ***Additional Detailed Information Available***

For additional information concerning the proposed Landscape Maintenance District No. 2014-1, please contact Michael McConaha, Public Works Manager with the City of Placentia at (714) 993-8120.

An Engineer's Report describing the proposed improvements, method of assessment, budgets and proposed assessments is available for review at the City of Placentia, City Clerk located at 401 East Chapman Avenue, Placentia, California, at (714) 993-8217.



*Street median landscaping*

***Please complete your Ballot and mail it back promptly.***

***All Ballots must be received on or before August 5, 2014 to be counted.***



**CITY OF PLACENTIA  
LANDSCAPE MAINTENANCE DISTRICT No. 2014 - 1  
OFFICIAL NOTICE AND BALLOT INFORMATION GUIDE**

Continued from front page

***How Was the Assessment Determined?***

The total annual cost of maintenance and servicing of improvements within the Landscape Maintenance District No. 2014-1 to be funded by the assessments is allocated to each property based on the special benefit received. The benefit to each parcel was estimated based on the property type, parcel size, and location.

An Engineer's Report describing the proposed services and improvements, method of assessment, special benefits, budgets, and proposed assessment for each parcel is available for review from the Placentia City Clerk.

**Public Hearing on August 5, 2014**

***How Much Is the Proposed Assessment?***

The proposed assessment is printed on the Official Ballot included with this notice and information guide. For single-family homes, the annual assessment is proposed to range between \$64.40 to \$92.00, depending on zone. The proposed assessment for other residential, commercial and other property types is based on the number of dwelling units and parcel size. If the measure is approved, the total estimated amount that would be raised for fiscal year 2014-15 is approximately \$199,557.



*Keeping our kids active in healthy activities*

***Will This Assessment Increase in the Future?***

If approved, the assessment may be continued in future years. In future years after 2014-15, the assessment can only be adjusted for inflation by an amount up to the change in the Los Angeles-Riverside-Orange County area Consumer Price Index (this "CPI" inflation indicator is used throughout the region), but cannot exceed 3% in any year. The basis for the CPI calculation will be the sum of the proposed assessment plus the existing assessment for LMD No. 92-1. This annual adjustment, which must be reviewed and approved annually at a public meeting, will help keep the assessment revenues in line with the cost of providing landscaping and park maintenance and improvements in future years.

***Ballot Instructions***

Your ballot on this matter is important because only returned ballots will be counted. To complete the enclosed ballot, mark the oval next to either Yes or No, sign the ballot, fold it in half, place it in the provided postage paid return envelope, and mail it prior to the public hearing date. Only official ballots which are signed and marked with the property owner's support or opposition, and are received before the end of the public input portion of the public hearing on Tuesday, August 5, 2014, will be counted.

If you lose your ballot, require a replacement ballot, or want to change your vote, call the Placentia City Clerk at (714) 993-8217 for another ballot. See the enclosed ballot for additional instructions. Ballots are weighted by the proposed amount of assessment and will be tabulated accordingly. The assessment shall not be imposed if, upon the conclusion of the public hearing, weighted ballots submitted in opposition to the assessment exceed the weighted ballots submitted in favor of the assessment.



*Movies in the Park*

***Public Hearing***

A public hearing will be held on Tuesday, August 5, 2014, at 7:00 p.m. at the Placentia City Council Chambers at 401 East Chapman Avenue, Placentia, California. You are invited to attend the public hearing. Tabulation of the returned ballots will commence after the close of the public input portion of the hearing, and the results of the tabulation are expected to be announced at the City Council meeting later that evening.



*Well-maintained landscaping in our neighborhoods*

**All Ballots must be received on or before August 5, 2014 to be counted.**

CITY OF PLACENTIA  
CITY CLERK

401 EAST CHAPMAN AVENUE  
PLACENTIA, CA 92870

**Official Assessment Ballot**  
**LANDSCAPE MAINTENANCE DISTRICT No. 2014-1 ASSESSMENT**  
**BY THE CITY OF PLACENTIA**

- YES**, I approve the proposed assessment for Landscape Maintenance Services.
- NO**, I do not approve the proposed assessment for Landscape Maintenance Services.

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_  
*Signature of Record Property Owner, or Authorized Representative*

**Print Name** \_\_\_\_\_  
*I hereby declare, under penalty of perjury, that I am the property owner or owner's authorized representative of the parcel(s) identified on this official assessment ballot.*

**INSTRUCTIONS FOR THE COMPLETION AND RETURN OF OFFICIAL ASSESSMENT BALLOTS**

This assessment ballot may be completed by the persons or firms owning the property or properties identified by parcel number on this ballot. An explanation of who may complete the assessment ballot on behalf of the recorded property owner and additional instructions are provided on the other side of this Official Assessment Ballot.

To be tabulated, assessment ballots **MUST** be received before the end of the public input portion of the public hearing scheduled for **Tuesday, August 5, 2014 at 7:00 p.m. at the Placentia City Council Chambers, 401 East Chapman Avenue, Placentia, CA 92870.**

You are invited to attend the public hearing. You may return your assessment ballot in the following ways:

- 1) Mail your assessment ballot to the address shown on the enclosed return envelope. Ballots are due on August 5, 2014.
- 2) Deliver it in person at the August 5, 2014 public hearing.

**FOLD SO THAT THIS SIDE IS ON THE INSIDE OF THE FOLD BEFORE PLACING THIS BALLOT IN THE RETURN ENVELOPE**

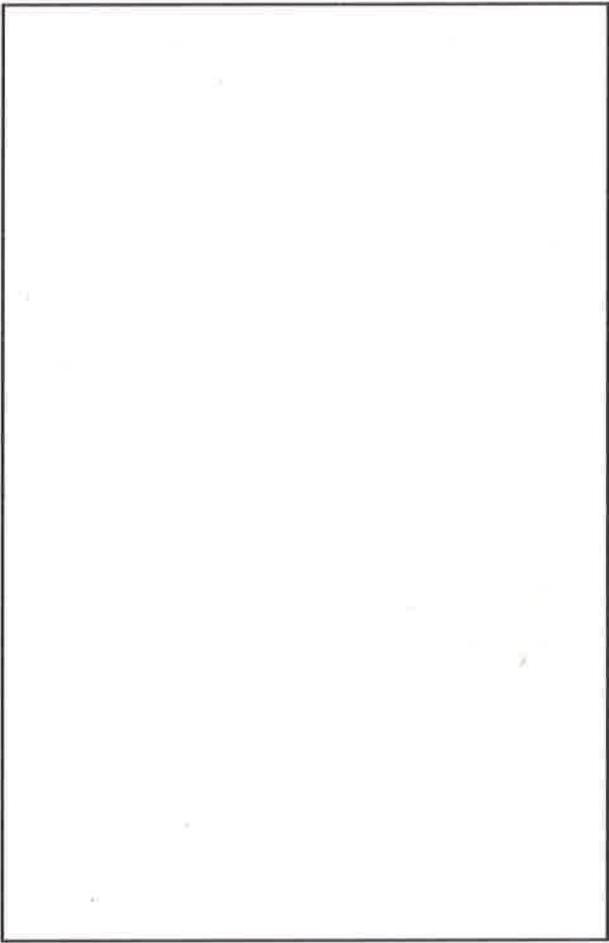
**Who May Complete This Official Assessment Ballot**

1. If the property is owned by an individual, the individual may sign.
2. If a property is held by more than one person, any one may sign for all.
3. If the property is owned by a corporation, the assessment ballot may be signed for the corporation by an officer or officers authorized to make contracts or by resolution of the corporation's Board of Directors.
4. If the property is owned by another legal entity, the assessment ballot may be signed by any person authorized by law to make contracts for the entity.
5. If the property is owned by a public agency, the assessment ballot may be signed by any person authorized by law to make contracts for the agency or by resolution of the agency's Governing Board.

**Please see other side to complete this assessment ballot.**

**Steps for Completing the Official Assessment Ballot**

1. Verify that the owner name and parcel number(s) listed on the assessment ballot are correct. If they are not correct, please call (714) 993-8217.
2. Fill in or clearly mark the oval next to the word "YES" or "NO" to approve or disapprove of the proposed assessment. You may use a pencil or pen.
3. Sign and date the assessment ballot. Only official assessment ballots which are signed and marked with the property owner's support or opposition will be counted. **After marking your vote, simply FOLD the assessment ballot so that your vote is on the inside of the fold. Then place the assessment ballot in the return envelope provided.** No postage is necessary to mail back your assessment ballot.
4. If you make a mistake in completing your assessment ballot or wish to change or withdraw your assessment ballot, please call (714) 993-8217.  
(See enclosed notice for further information)



**FOLD HERE** (this side should be on outside after fold)