

**ORANGEVALE RECREATION & PARK DISTRICT
BOARD OF DIRECTORS MEETING
THURSDAY, JUNE 8, 2017
6:30 p.m.**

**LOCATION:
6826 Hazel Ave.
Orangevale, CA 95662**

NOTE: The Board of Directors may take up any Agenda item at any time, regardless of the order listed. Action may be taken on any item on the Agenda.

1. CALL TO ORDER

2. ROLL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. PUBLIC DISCUSSION

Any person may address the board upon any subject within the jurisdiction of the Orangevale Recreation & Park District with each speaker being limited to three minutes. However, the Chairperson can impose reasonable limitations to the maximum time per person and per agenda item to allow the Board to complete its business. Any matter that requires action will be referred to staff or committee for a report and action at a subsequent meeting.

6. MINUTES

- a. Approval of minutes of May 11, 2017 meeting (pg 1-6)
- b. Approval of minutes of May 16, 2017 special meeting (pg 7-8)
- c. Approval of minutes of May 25, 2017 special meeting (pg 9-10)

7. CORRESPONDENCE

- a. Confidential envelope – Attorney billing March 2017
- b. Confidential envelope – Attorney billing April 2017

8. CONSENT CALENDAR: Reading/Opportunity to Pull Items for Discussion/Board Action

Consent items are considered routine and are intended to be acted upon in one motion, without discussion. During this portion of the meeting, the Consent Calendar will be read aloud. Prior to approval, the Chairperson will give the Board, staff, and public the opportunity to pull any item for discussion. The remaining Calendar will be acted upon. Any pulled items will then be heard and acted upon individually.

8.1 CONSENT MATTERS GENERAL FUND

No Report

8.2 OLLAD CONSENT MATTERS

No Report

8.3 KENNETH GROVE CONSENT MATTERS

No Report

9. **STANDING COMMITTEE REPORTS**

- a. Administration & Finance – 5/9/17 Meeting Recap (pg 11)
- b. Maintenance & Operation
- c. Recreation Committee
- d. Personnel & Policy
- e. Government
- f. Planning Committee
- g. Trails Committee

10. **ADMINISTRATOR'S REPORT**

- a. Monthly Activity Report – May 2017 (pg 12-13)

11. **UNFINISHED BUSINESS**

- a. Update on the Land Exchange with San Juan Unified School District (verbal)

12. **NEW BUSINESS**

- a. Election of Officers – Board Secretary
- b. Approval of Resolution 17-06-572, Resolution Adopting the Orangevale Recreation and Park District Preliminary Budget for Fiscal Year 2017/18 (pg 14-40)
- c. Public Hearing: Orangevale Landscaping and Lighting Assessment District (OLLAD)
 - 1. Approval of Resolution 17-06-573, Resolution Adopting the Orangevale Landscaping and Lighting Assessment District Preliminary Budget for Fiscal Year 2017/18 (pg 41)
 - 2. Approval of Resolution 17-06-574, Resolution Approving the Engineer's Report, Confirming the Diagram and Assessment, and Ordering the Levy of Assessment for Fiscal Year 2017-18 for the Orangevale Landscaping and Lighting Assessment District (OLLAD) (pg 42-89)
- d. Public Hearing: Kenneth Grove Landscaping and Lighting Assessment District
 - 1. Approval of Resolution 17-06-575, Resolution Adopting the Kenneth Grove Landscaping and Lighting Assessment District Preliminary Budget for Fiscal Year 2017/18 (pg 90)
 - 2. Approval of Resolution 17-06-576, Resolution Confirming the Diagram and Assessment, and Ordering the Levy of Assessment for Fiscal Year 2017-18 for the Kenneth Grove Landscaping and Lighting Assessment District (pg 91-111)
- e. Approval of Resolution 17-06-577 Proclaiming the Month of July 2017 as Parks Make Life Better Month (pg 112)
- f. Approval of Resolution 17-06-578, Resolution Amending the District Salary Schedule (pg 113-117)
- g. Approval of Resolution 17-06-579, Resolution Authorizing Transfer of Funds from the Parkland Dedication Fund (088C) to the General Fund (332A) (pg 118)
- h. Approval of Resolution 17-06-580, Resolution Authorizing a 2016/17 Final Budget Amendment for Fund 332A (pg 119)
- i. Approval of Special Event Application from Benjamin Bliven to host the Bumfest Event at Orangevale Community Park on July 22, 2017 (pg 120-136)
- j. Approval of the Agreement with MTW to Provide Irrigation As-Built Drawings for Pecan Park (pg 137-147)
- k. Approval of Contract Amendment with TJR Resources, Inc. to Include Add Alternate 2 to the Orangevale Community Park – Oak and Filbert Pathway Project in the amount of \$83,802 (pg 148-149)

13. **DIRECTOR'S AND STAFF'S COMMENTS**

14. **ITEMS FOR NEXT AGENDA**

15. **ADJOURNMENT**

NOTICE:

As presiding officer, the Chair has the authority to preserve order at all Board of Directors meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Board, and to enforce the rules of the Board.

People with disabilities may request accommodations such as interpreters, alternative formats, or assistance with physical accessibility. Requests for accommodations must be made with 72 hours prior notice. If you require accommodations, please contact the Orangevale Recreation & Park District main office at (916) 988-4373.

Directors can be reached at: director@ovparks.com

Manie Meraz

Mike Stickney

Sharon Brunberg

Lisa Montes

Erica Swenson

ORANGEVALE RECREATION & PARK DISTRICT

Minutes of Meeting of Board of Directors May 11, 2017

A Regular Meeting of the Board of Directors of the Orangevale Recreation and Park District was held on Thursday, May 11, 2017 at the District Office. Director Stickney called the meeting to order at 6:35 p.m.

Directors present: Stickney, Meraz, Brunberg, Montes (One Vacant Position)
Staff present: Greg Foell, District Administrator
Scott Russell, Park Superintendent
Jennifer Von Aesch, Finance/HR Manager
Jason Bain, Recreation Supervisor
Melyssa Woodford, Administrative Services Supervisor

3. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was conducted.

4. **APPROVAL OF AGENDA**
MOTION #1 On a motion by Director Montes, seconded by Director Meraz, the agenda was approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.

5. **PUBLIC DISCUSSION**
Mr. Morgan spoke to the Board regarding the vacant position on the Board. He had emailed Admin. Foell who recommended he speak to the Board directly as Mr. Morgan missed the deadline to apply. Admin. Foell hesitated to allow him to apply after the deadline because there could possibly be others who also wanted to apply after the deadline had passed. He spoke with the District's attorney who advised that the Board could not make this decision because it was not an agenda item. Further, they were advised that they could extend the deadline to allow Mr. Morgan to apply but this would have to be advertised in a newspaper. Director Meraz spoke about a prior similar situation he encountered on another Board, which caused others to feel it was unfair. Mr. Morgan advised that he was made aware of the deadline two hours prior to it expiring. He felt that the Board should possibly not allow applications to continue to be submitted after the deadline, which several Board members and Admin. Foell agreed with. The Board determined to not extend the deadline for the position.

6. **MINUTES**
MOTION #2
 - a) Approval of Minutes of April 13, 2017 Meeting (pg 1-5): On a motion by Director Montes, seconded by Director Brunberg, the minutes were approved 4-0-0 with Directors Brunberg, Meraz, Stickney, and Montes voting Aye. There were no Abstentions or Nays.

7. CORRESPONDENCE

MOTION #3

- a) Confidential Envelope – Attorney Billing February 2017: On a motion by Director Montes, seconded by Director Brunberg, the attorney billing was approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.
- b) Letter from AARP Thanking Staff for their Assistance with the AARP Tax-Aide Program and Commending Rebekah Butcher, Susan Riswold, and Melyssa Woodford for their work Coordinating the Program (pg 6): Admin. Foell explained that they worked to accept calls and make appointments for tax assistance, which the letter indicated benefited over 500 people.

8. CONSENT CALENDAR

MOTION #4

On a motion by Director Brunberg, seconded by Director Stickney, the consent items were approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.

8.1 CONSENT MATTERS GENERAL FUND

- a) Ratification of Claims for April 2017 (pg 7-8)
- b) Budget Status Report for April 2017 (pg 9-11)
- c) Revenue Report for April 2017 (pg 12)

8.2. OLLAD CONSENT MATTERS

- a) Ratification of Claims for April 2017 (pg 13-14)
- b) Budget Status Report for April 2017 (pg 15-16)

8.3. KENNETH GROVE CONSENT MATTERS

- a) Ratification of Claims for April 2017 (pg 17)
- b) Budget Status Report for April 2017 (pg 18)

9. STANDING COMMITTEE REPORTS

- a) Administration and Finance: No report.
- b) Maintenance and Operation: No report.
- c) Recreation Committee: No report.
- d) Personnel & Policy: No report.
- e) Government: No report.
- f) Planning Committee: No report.
- g) Trails Committee: No report.

10. ADMINISTRATOR'S REPORT

- a) Monthly Activity Report – April 2017 (pg 19-20): Admin. Foell indicated that April was busy behind the scenes to get ready for the summer months. He met with Sue Frost and her Chief of Staff at her office, and he recommended that the Board take Ms. Frost on a tour of the parks and facilities. Admin. Foell mentioned the park bond and that there may be an opportunity for the County to apply for a grant for improvements at Indian Stone Corral. Recreation

Coordinator McAdam and Admin. Foell met with the San Juan Unified School District to discuss the Bridges After School Program. The District had heard about SCERS speaking to other park districts about part-time employees going over their allowed hours which is a concern with the Bridges program. The District has decided not to continue with the contract next year. Pre-construction meetings were held for the Pecan Dog Park, the Oak and Filbert Pathway project, and the Almond Shade Structure project. Admin. Foell noted that progress was coming along nicely on these projects. Coordinator Woodford noted that pickleball had started and was being held on Tuesday and Thursday mornings for open play sessions; there were six in attendance on the second day. She also noted that swim lesson sessions were already selling out. Supervisor Bain said they were getting ready for the swimming season and pool opening in a couple weeks. The summer kickoff party was being held on May 20. Superintendent Russell said the fields were being used for softball games. Director Stickney noted that a couple of the fields looked very nice.

MOTION #5

- b) Special Board Meeting – Selection of a New Director – Tentative Date: Tuesday, May 16, 2017 (verbal): Admin. Foell reviewed the current applications: Hari Modi, who attended the bridge program; Richard Perez, who worked for the City of Sacramento Parks and Recreation; Erica Swenson, a resident who organized a playground build at Norma Hamlin Park; Charlie Clark, a long-standing Orangevale resident who was previously on the Board; Leonard Hawkins, who was also previously on the Board and was involved in soccer and other activities; and Bets Flores, who was active with the Friends of Orangevale Library. The applicants will make presentations at the upcoming special meeting. Director Montes motioned that the Board hold the Special Meeting on May 16, 2017 at 6:30 p.m. The motion was seconded by Director Brunberg and the motion was approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.

MOTION #6

- c) Special Board Meeting – Capital Project Workshop – Tentative Date: Thursday, May 25, 2017 (verbal): This annual meeting workshop will cover capital projects and reprioritizing the capital improvement project for the upcoming year. A salary survey to compare Orangevale with other districts will also be discussed. Director Brunberg motioned that the Board approve the Special Meeting date as May 25, 2017 at 6:30 p.m. The motion was seconded by Director Stickney and was approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.
- d) Job Announcement – Park Maintenance I/II Position (verbal): The application date for this position closes May 16 and interviews will be held shortly after. There were currently 35 candidates which will be condensed to the top eight applicants before interviews are

held.

11. UNFINISHED BUSINESS

None discussed.

12. NEW BUSINESS

- a) Presentation of the Orangevale Recreation and Park District Preliminary Budget for Fiscal Year 2017-18 (pg 21-46): The Board reviewed the preliminary budget. Admin. Foell explained that the Board will approve the preliminary budget in June. The final budget will be advertised for public comment, and will be considered for approval at the August meeting. The tax revenue growth has been averaging \$30-50,000 a year. The District continues to increase program fees and part-time salaries due to yearly minimum wage increases. Director Brunberg requested budget sheets with 2016-2017 actuals and projected actuals. Admin. Foell noted that the finances available for capital projects was diminishing and the budget will remain lean for these projects. Once the Master Plans are complete, a District wide finance plan can be discussed.
- b) Approval of Resolution 17-05-569, Resolution of Intention to Levy Assessments for Fiscal Year 2017-18, Preliminarily Approving Engineer's Report, and Providing for Notice of Hearing for the Orangevale Landscaping and Lighting Assessment District (OLLAD) (pg 47-93): Director Brunberg motioned that the Board approve Resolution 17-05-569 as stated. Public comment was open and closed with no discussion. The motion was seconded by Director Montes and approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.
- c) Approval of Resolution 17-05-570, Resolution of Intention to Levy Assessments for Fiscal Year 2017-18, Preliminarily Approving Engineer's Report, and Providing for Notice of Hearing for the Kenneth Grove Landscaping and Lighting Assessment District (pg 94-113): Director Brunberg motioned that the Board approve Resolution 17-05-570 as stated. Public comment was open and closed with no discussion. The motion was seconded by Director Montes and approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.
- d) Approval of Resolution 17-05-571, Resolution Authorizing the Disposal of Surplus Property (pg 114): Admin. Foell said the items will be offered in a sealed bid format. Director Brunberg motioned that the Board approve Resolution 17-05-571 as stated and authorized the District Administrator to surplus the items as responsibly as possible. Public comment was open and closed with no discussion. The motion was seconded by Director Montes and approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.

MOTION #7

MOTION #8

MOTION #9

- e) Approval of the Agreement with MTW to Provide Irrigation As-Built Drawings for Orangevale Community Park (pg 115-126): A base map was completed and now the irrigation planning can begin. Director Montes motioned that the Board approve the Agreement with MTW to provide irrigation as-built drawings for Orangevale Community Park in the amount of \$3,500 and authorize the District Administrator to execute the contract documents. The motion was seconded by Director Brunberg and approved 4-0-0 with Directors Meraz, Stickney, Brunberg, and Montes voting Aye. There were no Abstentions or Nays.

MOTION #10

13. DIRECTOR AND STAFF COMMENTS

Supervisor Bain was getting ready for the swimming season. The summer kickoff party was being held on May 20.

Ms. Von Aesch said she was working on getting the part-time staff ready to go. The County was having the payroll system changed over to Compass, a different software, in June. Admin. Foell added that paychecks will be administered every two weeks instead of twice a month.

Superintendent Russell said they have been able to get caught up with mowing.

Coordinator Woodford indicated the guide was completed and came out a couple weeks ago. Several Board members stated that it looked great. A mud run and weight loss challenge were being held.

Admin. Foell explained that the District was now in “crunch time” and will be getting busier. He commended the staff on doing a fantastic job.

Director Montes was still working on planning for Pow Wow Days. There will be a kid zone, petting zoo, and laser show.

Director Meraz thanked Admin. Foell for the detailed budget letter he provided. He commended the staff for getting the parks into great shape.

Director Brunberg thanked the staff for all the hard work they do.

Director Stickney was happy to be back in the United States after a vacation.

14. ITEMS FOR NEXT AGENDA

None discussed.

15. CLOSED SESSION

- a) Closed Session Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: District Administrator

**16. RESUME PUBLIC
SESSION &
ANNOUNCE
ACTIONS FROM
CLOSED SESSION**

No action was taken by the Board but direction was given.

**17. ADJOURNMENT
MOTION #11**

With no further business to discuss, the general meeting of the Board of Directors was adjourned at 8:40 p.m. On a motion by Director Montes, seconded by Director Brunberg, the adjournment motion passed 4-0-0 with Directors Meraz, Stickney, Montes, and Brunberg voting Aye. There were no Abstentions or Nays.

Mike Stickney, Chairperson

ORANGEVALE RECREATION & PARK DISTRICT

Minutes of the Special Meeting of Board of Directors May 16, 2017

A Special Meeting of the Board of Directors of the Orangevale Recreation & Park District was held on Tuesday, May 16, 2017 at the District Office. Director Stickney called the meeting to order at 6:45 p.m.

Directors present: Meraz, Stickney, Brunberg
Directors absent: Montes
Staff present: Greg Foell, District Administrator, Jennifer Von Aesch, Finance/HR Manager

3. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was conducted.
4. **APPROVAL OF AGENDA** Upon a motion by Director Brunberg, seconded by Director Meraz, the agenda was approved 3-0-1 with Meraz, Stickney, and Brunberg Ayes. Director Montes was Absent. There were no Nays or Abstentions.
MOTION #1
5. **PUBLIC DISCUSSION** There was no public discussion.
6. **NEW BUSINESS**
 - a) **Presentations from Director Candidates and Appointment of a new Director (pg 1-26):** Administrator Foell presented an overview of the vacant Board of Directors position. A moment of silence was observed for Director Tim Anderson who recently passed away. Admin. Foell expressed appreciation to the applicants for their outstanding resumes, applications, and desire to serve. The order for the Director candidates presentations was chosen by selecting names from a basket. The six applicants then gave their presentations and the Board followed up with questions. In open session, the Board of Directors reviewed the voting procedure. On a motion by Director Brunberg, seconded by Director Stickney, Erica Swenson was nominated to be the new Director on a 3-0-1 vote. Director Stickney, Meraz, and Brunberg voted Aye. Director Montes was Absent. There were no Nays or Abstentions.
 - b) **Oath of Office for newly appointed Board Member:** Administrator Foell issued the Oath of Office to the newly appointed Director Erica Swenson.
7. **DIRECTOR AND STAFF COMMENTS** No items were discussed.
8. **ITEMS FOR NEXT AGENDA** No items were discussed.

9. **ADJOURNMENT**

MOTION #3

With no further business to discuss, the special meeting of the Board of Directors was adjourned at 8:04 p.m. On a motion by Director Brunberg, seconded by Director Montes, the motion passed 4-0-1 with Directors Brunberg, Meraz, Swenson and Stickney voting Aye. There were no Abstentions or Nays. Director Montes was Absent.

Michael Stickney, Chairperson

ORANGEVALE RECREATION & PARK DISTRICT

Minutes of the Special Meeting of Board of Directors May 25, 2017

A Special Meeting of the Board of Directors of the Orangevale Recreation & Park District was held on Thursday, May 25, 2017 at the District Office. Director Stickney called the meeting to order at 6:36 p.m.

Directors present: Meraz, Montes, Stickney, Swenson, Brunberg (Arrived at 7:00 p.m.)
Staff present: Greg Foell, District Administrator, Jennifer Von Aesch, Finance/HR Manager

3. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was conducted.
4. **APPROVAL OF AGENDA**
MOTION #1 Upon a motion by Director Meraz, seconded by Director Montes, the agenda was approved 4-0-1 with Meraz, Stickney, Swenson, and Montes Ayes. Director Brunberg was absent. There were no Nays or Abstentions.
5. **PUBLIC DISCUSSION** There was no public discussion.
6. **ADMINISTRATOR'S REPORT**
 - a) **Report on the CARPD Conference:** Administrator Foell announced that Director Meraz received the Outstanding Board Member Award from the California Association of Recreation and Park Districts for his service and dedication to recreation and parks at OVparks and also by serving on the CARPD Board of Directors. Director Meraz was congratulated by the Board. Administrator Foell highlighted several of the sessions offered at the conference.
7. **UNFINISHED BUSINESS** None.
8. **NEW BUSINESS**
 - a) **Discussion and Prioritization of the District's Capital Improvement, Capital Replacement, and ADA Improvement Projects:** Admin. Foell summarized the Capital Improvement, Capital Replacement, and ADA Improvement Plans and how they are utilized together to develop the District's yearly plan for capital improvements. The Board reviewed the projects listed on the draft capital projects form and reprioritized the projects by park and District-wide. The Board ranked the completion of the Oak and Filbert pathway as the number one District-wide project with the restroom at Almond Park as the second highest ranked project. Administrator Foell will get an engineer's cost estimate for the Almond restroom project and the Youth Center Playground and ADA project to evaluate the two projects feasibility. Admin. Foell will also see if the District can add the remaining pathway area at Oak and Filbert to the current contracted project to save costs. The project list will be re-evaluated during the final budget deliberations. Administrator Foell cautioned that the budget could not support many other projects during the Fiscal 17/18 Budget.

- b) Discussion of Salaries and Benefits, SCERS Retirement, and Cost of Living Adjustment (COLA): Administrator Foell stated that the second phase of moving the District employees to the Cal PEPRA 50/50 retirement formula would be completed and be effective July 1 and includes a 2.6 percent salary adjustment. Employees in turn pay a higher amount for their retirement costs. He summarized the work completed on the Draft Salary and Benefit Survey. The District compared the salaries and benefits for like job classifications to six agencies with the most similar population, park acreage, facilities, and budgets. The Board discussed the study and asked clarifying questions. Admin. Foell stated that salary and benefit considerations including discussion of a possible Cost of Living Adjustment (COLA) would be part of the Final Budget discussions in early August.
- c) Discussion of the Orangevale Recreation and Park District Preliminary Budget for Fiscal 2017-18: Administrator Foell summarized each of the three budgets (General Fund, OLLAD, and Kenneth Grove) including salaries, services and supply costs, and the funding sources for each. The Board reviewed the estimated year end actuals form.

9. DIRECTOR AND STAFF COMMENTS

No items were discussed.

10. ITEMS FOR NEXT AGENDA

No items were discussed.

11. ADJOURNMENT
MOTION #2

With no further business to discuss, the special meeting of the Board of Directors was adjourned at 8:40 p.m. On a motion by Director Brunberg, seconded by Director Montes, the motion passed 5-0-0 with Directors Brunberg, Meraz, Stickney, Swenson, and Montes voting Aye. There were no Abstentions or Nays.

Michael Stickney, Chairperson

**ORANGEVALE RECREATION & PARK DISTRICT
FINANCE COMMITTEE MEETING RECAP
TUESDAY, MAY 9, 2017
9:00 AM**

**LOCATION:
Orangevale Community Center
6826 Hazel Avenue
Orangevale, CA 95662**

1. **CALL TO ORDER** *Director Stickney called meeting to order at 9:25 a.m.
Roll call: Director Stickney, Director Brunberg, Administrator Foell, Finance/HR Manager Von Aesch*
2. **PUBLIC DISCUSSION**
Any person may address the committee; however, any matter that requires action will be referred to staff and/or committee/Board of Directors for a report and action at a subsequent meeting.
3. **UNFINISHED BUSINESS**
4. **NEW BUSINESS**
 - A. Capital Replacement, Capital Projects, and ADA Projects Discussion
Administrator Foell summarized the overall budget message noting the success of the many completed (or nearly completed) projects accomplished this fiscal year, and adding the need to be tighter in the new year due to the continued minimum wage increase and declining In Lieu and Park Development Fees (due to declining development). The complete Master Plan Capital Projects List was reviewed highlighting the Almond Park shade project, the Community Park walkway, and the positive feedback from the Community Center Update. The proposed ADA improvements at the Youth Center was discussed with Director Brunberg inquiring specifically about the cement displacement at the ballfield.
 - B. Discussion of District Employee Salaries and Benefits
Administrator Foell reported that some other agencies are proposing a 3% COLA due to the current 3.1% Consumer Price Index increase over the previous year. Director Stickney inquired about of the final Cal PEPRA increase to the recommended 50/50 employer/employee contribution rate. The new formula will go into effect starting July 1. Administrator Foell presented preliminary findings on a District salary survey that included six other similar sized districts. It was decided to add the Fair Oaks District and drop the El Dorado Hills District for more accurate findings. Additional results will be presented at the meeting on the 25th.
 - C. Discussion of the 2017/18 Preliminary Budget
The Preliminary Budget was reviewed, and it was noted that there would be a much better grasp on estimated actual revenues and expenses later in the month.
5. **DIRECTOR'S AND STAFF'S COMMENTS**
6. **ITEMS FOR NEXT AGENDA**
7. **ADJOURNMENT** *The meeting was adjourned at 10:40 a.m.*

STAFF REPORT



DATE: 6-8-17

TO: Board of Directors

FROM: Greg Foell, District Administrator

SUBJECT: MONTHLY ACTIVITY REPORT – MAY 2017

ADMINISTRATION

Administrator Foell, Superintendent Russell, and Peter Larimer from MTW met with TJR and Northern Pacific Builders for the pre-construction meetings for the Oak & Filbert Pathway Project and the Almond Shade Structure Project.

Administrator Foell and Superintendent Russell met with Jim Oates and Casey from the Shady Oaks Disc Golf Club to discuss the way that the club can help the District with projects and maintenance at the course.

The District Finance Committee (Directors Brunberg and Stickney) met with Administrator Foell and Finance/HR Manager Von Aesch to discuss the preliminary budget on May 9th.

Administrator Foell met with representatives from two copier companies to discuss replacement of the District copy machine.

The District held two training meetings to discuss effective communication techniques.

A Special Board Meeting was held to select a new Director. After interviewing six excellent candidates, the Board selected Erica Swenson to fill the vacant Director position.

Administrator Foell attended the CPRS District II Administrators Section meeting held at Fair Oaks Recreation and Park District.

Administrator Foell held a training meeting with newly appointed Director Erica Swenson.

RECREATION

Supervisor Bain attended VFCAL meeting May 3rd.

Supervisor Bain attended NCAMA meeting in Elk Grove May 11th.

May Activities	Enrollment	Attendance	Gross Revenue
Aquatics			
Family Swim Pass	14		\$ 2,115.00
TigerSharks	249		\$ 36,516.00
Classes Sub Total	263	0	\$ 38,631.00
Classes			
Artist Studio			
Aikido Teen/Adult	7		\$ 996.00
Aikido Youth	4		\$ 229.00
Babysitting CPR	1		\$ 35.00
Ballet - Baby	1		\$ 40.00
Ballet - Pre Ballet	9		\$ 369.00
Basic Life Support CPR & AED	1		\$ 78.00
Internet Driver Education	1		\$ 40.00
Jazzercise			
Jujitsu Self Defense	10		\$ 904.00
Karate - Preschool	1		\$ 135.00

Karate - SA Shotokan	9		\$ 1,152.00
Mud Run Ready	1		\$ 65.00
Tai Chi Chuan	5		\$ 489.00
TwirlSport Baton	2		\$ 83.00
TwirlSport Cheer	2		\$ 80.00
TwirlSport Tumbling	4		\$ 166.00
Ukulele	33		\$ 33.00
Weight Loss Challenge	5		\$ 312.00
Classes Sub Total	91	0	\$ 4,894.00
Events			
Spring Craft Fair	26		\$ 2,044.00
Events Sub Total	26	0	\$ 2,044.00
SENIORS			
Bridge	71		\$ 71.00
Kayaking for Boomers 50+	4		\$ 279.00
Mens 50+ Basketball	6		\$ 180.00
Mid-Day Movies		5	
Senior Lunches			
Seniors Sub Total	81	5	\$ 530.00
Trips			
Empire Mine State Historic Park	2		\$ 190.00
Trips Sub Total	2	0	\$ 190.00
GRAND TOTAL	463	5	\$ 46,289.00

April Gross Revenue Recap – May OTC (over-the-counter) revenue for combined recreation and facility rentals ended at \$95,478, \$17,978 over the projected amount. May recreation revenue came in at \$90,952 \$20,952 over the projected amount and facility revenue in came in at \$4,526, \$2,947 under the projected amount. *Please note the revenue referenced here includes prepayments for future programs while the revenue figures listed in the chart on the previous page represent revenue attributed to programs occurring in May.*

UPCOMING EVENTS

- TigerSharks 1st swim meet of the Year June 3
- Swim Lessons and Day camp begin June 12th
- Caribbean Night at the Pool June 23

SECURITY

No Enforcement Action was Reported for April

PARKS

General: Routine maintenance at all sites. Mower repairs. Initial mowing completed for all use areas. Significant tree and limb work completed. Irrigation work completed at several parks.

Community Center: Athletic field aerification.

Kidz Korner & Youth Center Park: General custodial.

Pecan Park: Dog Park contract nearly completed.

Community Park: Preparation completed for Pow Wow Days.



RESOLUTION # 17-06-572

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGEVALE RECREATION AND PARK DISTRICT, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, ADOPTING THE GENERAL FUND PRELIMINARY BUDGET FOR FISCAL YEAR 2017/2018

WHEREAS, all necessary estimates of revenues, expenditures and reserves were reviewed and filed for ending fiscal year 2016/2017; and

THEREFORE, IT IS HEREBY RESOLVED in accordance with Code Section 29089 of the Government Code, the preliminary budget for the fiscal year 2017/2018, be and is hereby adopted in accordance with the following:

(1)	Salaries & Employee Benefits	\$ 1,668,000
(2)	Services & Supplies	499,600
(3)	Other charges	80,500
(4)	Fixed Assets:	
	(a) Land	0
	(b) Structures & Improvements	320,000
	(c) Equipment	0
(5)	Expenditure transfers	4,000
(6)	Contingencies	0
(7)	Provision for reserve increases	0
	TOTAL BUDGET REQUIREMENTS	\$ 2,572,100

BE IT FURTHER RESOLVED that the means of financing the expenditure program will be by monies derived from Revenue to Accrue, Fund Balance Available and Property Assessments and Certificates of Participation.

BE IT FURTHER RESOLVED that the proposed preliminary budget be and is hereby adopted in accordance with the listed attachment which show in detail the approved appropriations, revenues and methods of financing for the 2017/2018 fiscal year:

ON A MOTION by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted this 8th day of June 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED: _____
Chair, Board of Directors

ATTEST: _____
Clerk of the Board

ATTACHMENTS:
Financing Requirements Summary Schedule
Expenditure Detail Schedule
Revenue Detail Schedule
Long-Term Loan Schedule
Fixed Asset Schedule

6826 Hazel Avenue
Orangevale, CA 95662
916-988-4373
OVparks.com



Preliminary Budget Message - 2017/18

The District is again expecting a small growth in the tax base and net program revenues are expected to be slightly lower due to the community center update that caused a three-month disruption in services. With increases in part-time salaries due to the minimum wage hikes, the staff will be raising program fees to cover the increases. Although, the economy and tax base continue to show signs of improvement, the District is still experiencing the need to be conservative as we work to build our reserve in the general fund. The District experienced a positive general fund balance at the end of Fiscal 2015/16 for the second straight year. The District expects year-end figures for 2016/17 to be slightly lower as compared to the previous two years. A portion of several capital projects will be carried over to the 2017/18 fiscal budget as they will be completed in July and August. The District still maintains a "high target" amount for its fund balance as identified in the District Master Plan.

Costs for full-time salaries and benefits are estimated to rise slightly due to yearly staff step increases, worker's compensation, and health insurance. Health insurance rates are estimated to increase approximately six to ten percent. The 2017/18 Preliminary Budget isn't recommending any increase in full-time positions. Staff will be considering the feasibility of adding a full-time Recreation Coordinator (and reducing part-time Recreation Specialist hours) in the final budget.

Part-time salaries will see the most significant increases as the minimum wage increased to \$10.50 per hour on 1/1/17 and will increase again to \$11.00 on 1/1/18. These increases in salary will require increases to program fees. The Western States Cost of Living Index for the year (March 2016-March 2017) was 3.1 percent. Staff will evaluate the fiscal implications of a COLA adjustment in the final budget. Each one percent adjustment represents approximately \$9,000 including benefits. Most service and supply costs are estimated to remain similar to the past year. Increases are expected for water costs as the purveyors have increased fees.

The District's capital replacement plan has established replacement costs at approximately \$284,000 per year to keep facilities in good repair. Our ADA survey added additional projects to the District's list of replacement projects. These projects are primarily funded from the OLLAD assessment district. A small number of high priority projects will be funded in the 2017/18 fiscal year due to budget constraints. Additional capital improvement projects have been identified through the park master plan process. These proposed projects are primarily funded through Park In-Lieu Fees and the Park Development Fees. At the Special



Board Meeting on May 25th the Board will prioritize the capital improvement projects for the 2017/18 budget. The Park In-Lieu Fees and Park Development Fees were reduced significantly during the 2016/17 fiscal year with construction of the Pecan Dog Park, Community Center Remodel, Oak & Filbert Pathway, and Almond Shade projects. The District will be able to fund a small number of lower cost projects in the 2017/18 Fiscal Budget.

Sincerely,

Greg Foell
District Administrator

6826 Hazel Avenue
Orangevale, CA 95662
916-988-4373
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Orangevale Recreation and Park District
Budget vs Actual Carryover - FY 14/15 to FY 17/18

General Fund, OLLAD, Kenneth Grove, In Lieu Park Dedication, Park Development Fee

	Budget 14/15	Actual 14/15	14/15 Carryover	Budget 15/16	Actual 15/16	15/16 Carryover	Budget 16/17	Est. Act 16/17	16/17 Carryover	Budget 17/18	Est. Act 17/18	17/18 Carryover
332A - GENERAL FUND												
<i>Beginning Year Fund Balance</i>	514,777	514,777		623,636	623,636		739,267	739,267		947,993	947,993	
Taxation	1,065,700	1,134,473	68,473	1,140,700	1,197,916	57,216	1,199,700	1,236,441	36,741	1,243,700	1,243,700	-
Rentals/Interest/Other	127,000	152,659	25,659	137,000	175,664	38,664	132,600	146,000	13,400	132,600	132,600	-
In Lieu/Grants/HOPERS	67,814	66,733	(1,081)	185,000	13,808	(171,192)	650,000	733,796	83,796	15,000	15,000	-
Charges for Service/Rec. Fees/Misc	426,500	509,741	83,241	446,500	497,295	50,795	476,500	488,271	11,771	476,500	476,500	-
Total Revenue	1,687,014	1,863,305	176,291	1,909,200	1,884,682	(24,518)	2,458,800	2,604,508	145,708	1,867,800	1,867,800	-
Salaries & Benefits	1,473,000	1,306,090	166,910	1,601,000	1,352,920	248,080	1,668,000	1,446,000	222,000	1,668,000	1,683,000	(15,000)
Services & Supplies	466,600	354,354	112,246	488,600	413,591	75,009	494,100	463,197	30,903	499,600	499,600	-
Capital Improvement	117,500	94,003	23,497	261,500	2,540	258,960	726,500	486,585	239,915	404,500	84,500	320,000
Prior Year Adjustment												
Total Expenses	2,057,100	1,754,446	302,654	2,351,100	1,769,051	582,049	2,888,600	2,395,782	492,818	2,572,100	2,267,100	305,000
Year End Fund Balance	144,691	623,636	478,945	181,736	739,267	557,531	309,467	947,993	636,526	243,693	548,693	305,000
<i>Year End Fund Balance > or < Previous Yr</i>		108,859			115,631			208,726			(399,300)	
Total Less FB, In Lieu/Grants & Capital Imp	(320,400)	136,130	456,530	(365,400)	104,363	469,763	(353,300)	(38,485)	314,815	(314,800)	(329,800)	(15,000)
332A - General Reserve	545,014	545,014	-	545,014	545,014	(0)	545,014	545,014	(0)	545,014	545,014	(0)
374A - OLLAD - GENERAL FUND												
<i>Beginning Year Fund Balance</i>	283,349	283,349		215,607	215,607		228,641	228,641		162,827	162,827	
Revenues	552,000	565,413	-13,413	552,000	569,269		557,000	557,000		557,000	557,000	
Expenses - Services & Supplies	502,600	454,827	47,773	498,700	440,067	(58,633)	539,000	532,729	(6,271)	539,000	539,000	-
Other Charges - Bond Redemption/Interest	1,200	0	1,200	1,200	1,042	(158)	1,200	2,085	885	1,200	1,200	-
Capital Improvement	272,000	178,329	93,671	191,000	115,126	(75,874)	188,000	88,000	(100,000)	122,000	50,000	(72,000)
Total Expenses	775,800	633,156	142,644	690,900	556,235	(134,665)	728,200	622,814	(100,000)	662,200	590,200	
Year End Fund Balance	59,549	215,607	142,644	76,707	228,641		57,441	162,827		57,627		
09/10 FB includes \$40K loan from 332A; Paid back to 332A on 2/10/2011, 10/11 FB Reduced by 40K												
374A - OLLAD - General Reserve		311,713			311,713			311,713			311,713	
374B - Kenneth Grove - GENERAL FUND												
<i>Beginning Year Fund Balance</i>	22,680	22,680		22,293	28,000		1,958	1,958		4,588	4,588	
Revenues	5,575	5,440		5,430	5,329		5,430	5,430		5,430	5,430	
Expenses - Services & Supplies & Capital Imp.	26,630	5,827		33,430	31,371		5,430	2,800		5,430	5,430	
Year End Fund Balance	1,625	22,293		(5,707)	1,958		1,958	4,588		4,588	4,588	
374B - Kenneth Grove - General Reserve	11,639	11,639		(5,707)	5,932		-	5,932		-	5,932	
88C - In Lieu Park Dedication Fund		201,969			265,665		(175,000)	97,957			97,957	
332I - Park Development Fee Fund		633,120			722,350		(460,000)	321,395			321,395	

ORANGEVALE RECREATION & PARK DISTRICT
FISCAL YEAR 2017-2018 PRELIMINARY BUDGET
SACRAMENTO COUNTY FY 2017-2018 BUDGET INPUT DOCUMENTS

PRELIMINARY BUDGET DOCUMENTS

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET

ORANGEVALE RECREATION & PARK DISTRICT

FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
332A ORANGEVALE RECREATION & PARK DISTRICT								
10111000	SALARIES & WAGES - REGULAR EMPLOYEES	591,814	606,332	755,000	620,000	760,000	0	0
10112100	SALARIES & WAGES - EXTRA HELP	269,260	296,740	358,000	340,000	360,000	0	0
10112400	BOARD MEMBERS STIPEND	6,500	6,600	12,000	8,000	12,000	0	0
10121000	RETIREMENT - EMPLOYER COST	179,845	164,849	185,000	160,000	170,000	0	0
10122000	OASDHI - EMPLOYER COST	63,895	67,473	80,000	70,000	82,000	0	0
10123000	GROUP INS - EMPLOYER COST	148,263	159,683	205,000	180,000	205,000	0	0
10124000	WORKERS COMP INS - EMPLOYER COST	30,649	34,681	45,000	50,000	51,000	0	0
10125000	SUI INS - EMPLOYER COST	15,864	16,563	25,000	18,000	25,000	0	0
10127000	DENTAL CARE - RETIREES	0	0	0	0	0	0	0
10128000	HEALTH CARE - RETIREES	0	0	3,000	0	3,000	0	0
		1,306,090	1,352,920	1,668,000	1,446,000	1,668,000	0	0
		Object 10						
20200500	ADVERTISING/LEGAL NOTICES	146	1,923	1,500	3,300	1,500	0	0
20202100	BOOKS/PERIODICALS/SUBSCRIPTIONS	605	724	750	250	750	0	0
20202900	BUSINESS/CONFERENCE EXPENSE	3,581	5,608	5,000	5,000	5,000	0	0
20203500	EDUCATION & TRAINING SERVICES	2,695	4,824	5,500	5,500	5,500	0	0
20203600	EDUCATION & TRAINING SUPPLIES	250	213	1,000	1,000	1,000	0	0
20203700	TUITION REIMBURSEMENT	0	0	2,000	2,000	2,000	0	0
20203800	EMPLOYEE RECOGNITION	550	602	2,000	755	2,000	0	0
20203802	RECOGNITION ITEMS	0	95	500	0	500	0	0
20203803	RECOGNITION EVENTS	63	285	500	0	500	0	0

**EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET
ORANGEVALE RECREATION & PARK DISTRICT**

FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15	FY 15-16	FY 16-17	FY 16-17	FY 17-18	FY 17-18
		Actuals	Actuals	Est. Actuals	Budget	Prelim Budget	Final Budget
20203900	EMPLOYEE TRANSPORTATION	3,166	2,641	2,000	3,000	3,000	0
20203900	LIABILITY INSURANCE	32,873	33,984	38,657	38,000	40,000	0
20205500	RENTAL INSURANCE	1,992	2,406	5,000	4,000	4,000	0
20206100	MEMBERSHIP DUES	9,955	1,055	6,500	8,000	8,000	0
20207600	OFFICE SUPPLIES	8,213	11,053	9,500	9,500	9,500	0
20207602	SIGNS	464	0	300	500	500	0
20207603	KEYS	17	0	0	350	350	0
20208100	POSTAL SERVICES	6,406	4,589	6,500	6,500	6,500	0
20208102	STAMPS	1,414	1,119	1,000	3,000	3,000	0
20208500	PRINTING SERVICES	19,434	20,117	26,456	24,000	28,000	0
20210300	AGRICULTURAL/HORTICULTURAL SERVICE	0	0	0	500	500	0
20210400	AGRICULTURAL/HORTICULTURAL SUPPLIES	76	0	0	1,000	1,000	0
20211200	BUILDING MAINTENANCE SUPPLIES	(2,400)	(6,362)	0	1,000	1,000	0
20212200	CHEMICALS	0	0	0	500	500	0
20213100	ELECTRICAL MAINTENANCE SERVICE	0	0	0	400	400	0
20213200	ELECTRICAL MAINTENANCE SUPPLIES	0	0	0	500	500	0
20214100	LAND IMPROVEMENT MAINTENANCE SERVICE	0	0	0	500	500	0
20214200	LAND IMPROVEMENT MAINTENANCE SUPPLIES	0	86	0	500	500	0
20215100	MECHANICAL SYSTEM MAINTENANCE SERVICE	0	0	0	500	500	0
20215200	MECHANICAL SYSTEM MAINTENANCE SUPPLY	0	0	0	500	500	0
20216100	PAINTING SERVICES	0	0	0	0	0	0
20216200	PAINTING SUPPLIES	427	0	0	500	500	0
20216700	PLUMBING MAINTENANCE SERVICE	0	0	0	400	400	0
20216800	PLUMBING MAINTENANCE SUPPLIES	0	65	0	1,000	1,000	0

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET ORANGEVALE RECREATION & PARK DISTRICT

FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
20218100	CONSTRUCTION SERVICES	0	0	500	0	500	0	
20218200	CONSTRUCTION SUPPLIES	0	0	500	0	500	0	
20218500	PERMIT CHARGES	3,650	0	3,000	3,000	3,000	0	
20219100	ELECTRICITY	0	0	500	0	500	0	
20219200	NATURAL GAS / LPG / FUEL OIL	0	0	500	0	500	0	
20219300	REFUSE COLLECTION/DISPOSAL SERVICE	0	0	500	1,587	500	0	
20219500	SEWAGE DISPOSAL SERVICE	0	0	500	0	500	0	
20219700	TELEPHONE SERVICE	8,269	8,271	15,500	12,000	15,000	0	
20219800	WATER	0	0	1,000	1,000	1,000	0	
20219900	TELEPHONE SYSTEM MAINTENANCE	0	0	500	0	500	0	
20220500	AUTOMOTIVE MAINTENANCE SERVICE	52	0	500	0	500	0	
20220600	AUTOMOTIVE MAINTENANCE SUPPLIES	(52)	0	500	0	500	0	
20221200	CONSTRUCTION EQUIP MAINT SUPPLIES	0	0	500	0	500	0	
20222600	EXPENDABLE TOOLS	0	206	500	500	500	0	
20223600	FUEL & LUBRICANTS	0	0	500	0	500	0	
20226100	OFFICE EQUIPMENT MAINTENANCE SERVICE	0	0	1,000	1,000	1,000	0	
20226200	OFFICE EQUIPMENT MAINTENANCE SUPPLIES	2,294	2,901	2,500	3,415	2,500	0	
20227500	RENTS/LEASES EQUIPMENT	0	0	500	0	500	0	
20228100	SHOP EQUIPMENT MAINTENANCE SERVICE	0	0	500	0	500	0	
20228200	SHOP EQUIPMENT MAINTENANCE SUPPLIES	0	33	500	0	500	0	
20229100	OTHER EQUIPMENT MAINTENANCE SERVICE	0	0	500	0	500	0	
20229200	OTHER EQUIPMENT MAINTENANCE SUPPLIES	0	0	500	0	500	0	

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET ORANGEVALE RECREATION & PARK DISTRICT

FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
20231400	CLOTHING/PERSONAL SUPPLIES	6,236	5,554	6,000	6,500	6,000	0	
20232100	CUSTODIAL SERVICES	179	0	2,000	2,000	2,000	0	
20232200	CUSTODIAL SUPPLIES	19	290	1,000	1,000	1,000	0	
20250500	ACCOUNTING SERVICES	4,725	4,905	8,000	4,905	8,000	0	
20250700	ASSESSMENT/COLLECTION SERVICES	16,246	17,299	18,000	16,985	18,000	0	
20251900	ARCHITECTURAL SERVICES	0	0	0	0	0	0	
20252500	ENGINEERING SERVICES	0	0	6,000	6,000	6,000	0	
20253100	LEGAL SERVICES	4,080	3,144	15,000	19,003	15,000	0	
20256200	TRANSCRIBING SERVICES	1,175	1,113	1,000	1,100	1,000	0	
20257100	SECURITY SERVICES	250	0	5,000	0	5,000	0	
20259100	OTHER PROFESSIONAL SERVICES	4,216	8,043	5,000	7,988	5,000	0	
20259101	COMPUTER CONSULTANTS	1,706	5,255	6,000	6,000	6,000	0	
20281201	PC HARDWARE	3,629	2,155	10,000	10,000	10,000	0	
20281202	PC SOFTWARE	466	3,793	10,000	10,000	10,000	0	
20281203	PC SUPPLIES	335	0	1,000	1,000	1,000	0	
20281900	REGISTRATION SERVICES (ELECTIONS)	16,621	0	18,000	19,537	18,000	0	
20285100	RECREATIONAL SERVICES	154,699	152,243	180,000	170,000	180,000	0	
20285200	RECREATIONAL SUPPLIES	32,794	24,501	40,000	40,000	40,000	0	
20289800	OTHER OPERATING EXPENSE - SUPPLIES	0	1,907	2,000	1,000	2,000	0	
20289900	OTHER OPERATING EXPENSE - SERVICES	80	1,100	2,000	1,000	2,000	0	
20291100	SYSTEM DEVELOPMENT SERVICE	2,758	1,839	3,000	2,758	3,000	0	
20296200	GS PARKING CHARGES	0	175	200	200	200	0	
		354,354	329,755	494,100	463,197	499,600	0	0
Object 20								

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET ORANGEVALE RECREATION & PARK DISTRICT

FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
30321000	INTEREST EXPENSE	24,625	24,625	23,000	24,625	17,000	0	0
	BOND/LOAN REDEMPTION	56,593	56,593	62,000	56,960	61,000	0	0
	TAX/LIC/ASSESSMENTS	1,501	420	2,500	1,000	2,500	0	0
	Object 30	82,718	81,638	87,500	82,585	80,500	0	0
41410100	LAND	0	0	0	0	0	0	0
	Object 41	0	0	0	0	0	0	0
42420100	BUILDINGS	0	0	0	0	0	0	0
	STRUCTURES	9,262	2,540	635,000	400,000	320,000	0	0
	Object 42	9,262	2,540	635,000	400,000	320,000	0	0
43430300	VEHICLES/EQUIPMENT - OTHER	0	0	0	0	0	0	0
	Object 43	0	0	0	0	0	0	0
50557100	FINGERPRINTING SERVICE	2,023	2,198	4,000	4,000	4,000	0	0
	Object 59	2,023	2,198	4,000	4,000	4,000	0	0

**EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET
ORANGEVALE RECREATION & PARK DISTRICT**

FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
79790100	CONTINGENCY APPROPRIATIONS	0	0	0	0	0	0	0
	GENERAL RESERVES	0	0	0	0	0	0	0
	Object 79	0	0	0	0	0	0	0
	FUND CENTER 9339332	1,754,446	1,769,051	2,888,600	2,395,782	2,572,100	0	0
	FUND TOTAL 332 A	1,754,446	1,769,051	2,888,600	2,395,782	2,572,100	0	0

REVENUE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET
ORANGEVALE RECREATION & PARK DISTRICT
FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Actuals	FY 17-18 Prelim. Budget	Changes	FY 17-18 Final Budget
332A ORANGEVALE RECREATION & PARK DISTRICT								
91910100	PROP TAX CUR SEC	\$ (1,046,652)	\$ (1,106,796)	(1,135,000)	(1,147,500)	(1,175,000)	0	0
91910200	PROP TAX CUR UNSEC	(43,724)	(43,374)	(36,000)	(44,726)	(40,000)	0	0
91910300	PROP TAX CUR SUP	(18,224)	(22,314)	(5,000)	(20,000)	(5,000)	0	0
91910400	PROPERTY TAX SECURED DELINQ.	(10,472)	(9,940)	(10,000)	(8,347)	(10,000)	0	0
91910500	PROPERTY TAX SUPPLE DELINQ.	(575)	(861)	(500)	(1,332)	(500)	0	0
91910600	PROPERTY TAX UNITARY	(13,044)	(13,324)	(12,000)	(13,591)	(12,000)	0	0
91912000	PROP TAX REDEMP	(25)	(27)	0	0	0	0	0
91913000	PROP TAX PR UNSEC	(932)	(1,037)	(1,000)	(790)	(1,000)	0	0
91914000	PROP TAX PENALTIES	(526)	(242)	(200)	(155)	(200)	0	0
91919900	TAXES - OTHER	0	0	0	0	0	0	0
Object 91		\$ (1,134,173)	\$ (1,197,916)	\$ (1,199,700)	\$ (1,236,441)	\$ (1,243,700)	\$ -	\$ -
94941000	INTEREST INCOME	(952)	(747)	(4,000)	(4,000)	(4,000)	0	0
94942900	BUILDING RENTAL OTHER	(93,503)	(105,784)	(90,000)	(85,000)	(90,000)	0	0

REVENUE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET
ORANGEVALE RECREATION & PARK DISTRICT
FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15	FY 15-16	FY 16-17	FY 16-17	FY 17-18	FY 17-18	Final Budget
		Actuals	Actuals	Budget	Actuals	Prelim. Budget	Changes	
94943900	GROUND LEASES (CELL TOWERS)	(37,338)	(52,247)	(19,600)	(40,000)	(19,600)	0	0
94944800	REC. CONCESSION (FINAL 9)	(17,986)	(16,431)	(17,000)	(17,000)	(17,000)	0	0
94945900	VENDING MACHINES	(2,879)	(454)	(2,000)	0	(2,000)	0	0
94949000	CONCESSIONS OTHER	0	0	0	0	0	0	0
	Object 94	(152,659)	(175,664)	(132,600)	(146,000)	(132,600)	0	0
95952200	HOMEOWNER PROP TAX RELIEF	(13,919)	(13,808)	(15,000)	(13,796)	(15,000)	0	0
95952900	IN LIEU TRANSFER	0	0	(560,000)	(720,000)	0	0	0
95956900	STATE AID	(52,814)	0	0	0	0	0	0
	Object 95	(66,733)	(13,808)	(575,000)	(733,796)	(15,000)	0	0
96963313	MISCELLANEOUS OTHER FEES	(11,713)	(8,790)	(1,000)	(1,454)	(1,000)	0	0
96964600	RECREATION SERVICE CHGS	(490,428)	(476,458)	(470,000)	(470,000)	(470,000)	0	0
96969700	SECURITY SERVICES	(4,720)	(3,750)	(2,500)	(3,720)	(2,500)	0	0
	Object 96	(506,860)	(488,998)	(473,500)	(475,174)	(473,500)	0	0

REVENUE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET
ORANGEVALE RECREATION & PARK DISTRICT
FUND 332A - GENERAL FUND

Commitment Item	Description	FY 14-15	FY 15-16	FY 16-17	FY 16-17	FY 17-18	FY 17-18
		Actuals	Actuals	Budget	Actuals	Prelim. Budget	Final Budget
97973000	DONATIONS/CONTRIBUTIONS	(10)	(45)	0	(869)	0	0
97974000	INSURANCE PROCEEDS	(2,607)	(5,684)	(2,500)	(9,058)	(2,500)	0
97979000	MISCELLANEOUS OTHER REVENUES	(263)	(2,567)	(500)	(3,170)	(500)	0
97979900	PRIOR YEAR	0	0	0	0	0	0
	Object 97	(2,880)	(8,297)	(3,000)	(13,097)	(3,000)	0
98986200	ASSET SALE PROCEEDS - SP DIST	0	0	0	0	0	0
	Object 98	0	0	0	0	0	0
	FUND CENTER 9339332	(1,863,305)	(1,884,682)	(2,383,800)	(2,604,508)	(1,867,800)	0
	FUND TOTAL 332A	(1,863,305)	(1,884,682)	(2,383,800)	(2,604,508)	(1,867,800)	0

FISCAL YEAR 2017-2018 PRELIMINARY BUDGET
Orangevale Recreation & Park District
FINANCING REQUIREMENTS SCHEDULE FOR FUND 374A (OLLAD)

<u>APPROPRIATIONS BY OBJECT OF EXPENDITURE</u>	<u>MEANS OF FINANCING THE BUDGET REQUIREMENTS</u>	
<u>OBJECT 10 - SALARIES AND EMPLOYEE BENEFITS</u>	\$ -	\$ (557,000)
<u>OBJECT 20 - SERVICES AND SUPPLIES</u>	\$ 539,000	
<u>OBJECT 30 - OTHER FINANCING USES</u>		
<u>LOAN AND LEASE REPAYMENTS</u>		
<u>INTEREST AND PRINCIPAL</u>		
<u>TAXES/LICENSES/ASSESSMENTS</u>	0	
<u>JUDGEMENTS/DAMAGES</u>	1,200	
<u>TOTAL OBJECT 30 - OTHER FINANCING USES</u>	\$ 1,200	
<u>OBJECT 40 - FIXED ASSETS</u>		
<u>OBJECT 41 - LAND ACQUISITION</u>		(105,200)
<u>OBJECT 42 - STRUCTURES AND IMPROVEMENTS</u>		
<u>OBJECT 43 - EQUIPMENT</u>		(662,200)
<u>TOTAL OBJECT 40 - FIXED ASSETS</u>	\$ 122,000	
<u>OBJECT 50 - FUNDS TRANSFERS OUT</u>		
<u>OBJECT 59 - FUNDS TRANSFERS IN</u>		
<u>OBJECT 60 - INTRAFUND TRANSFERS IN OR OUT</u>		
<u>OBJECT 79 - APPROPRIATIONS FOR CONTINGENCIES</u>		
<u>OBJECT 80 - OTHER COMMODITIES</u>		
<u>PROVISIONS FOR RESERVE INCREASES</u>		
<u>GENERAL RESERVES</u>		
<u>OTHER RESERVES</u>		
<u>TOTAL BUDGETARY REQUIREMENT</u>	\$ 662,200	
<u>TOTAL DIFFERENCE:</u>		
		311,713

<u>FUND EQUITY SCHEDULE</u>	<u>BALANCE</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>ADJUSTED FUND</u>
<u>RESERVES</u>	<u>AS OF 7/01/17</u>			<u>BALANCE</u>
<u>GENERAL</u>	311,713			311,713
<u>ENCUMBRANCE</u>	0			-
<u>OTHER</u>	-			-
<u>FUND BALANCE AVAILABLE</u>	\$ 162,827		\$ 105,200	\$ 57,627
<u>TOTALS</u>	\$ 474,540	\$ -	\$ 105,200	\$ 369,340

<u>APPROPRIATIONS LIMIT</u>	\$ 662,200
<u>APPROPRIATIONS SUBJECT TO LIMIT</u>	-
<u>OVER/UNDER LIMIT</u>	

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGE

ORANGEVALE RECREATION & PARK DISTRICT

FUND 374A - ORANGEVALE LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
374A OLLAD								
20207600	OFFICE SUPPLIES	0	0	0	0	0	0	0
20207602	KEYS	324	294	2,000	1,000	2,000	0	0
20210300	AGRICULTURAL/HORTICULTURAL SERVICE	8,083	10,043	12,000	11,708	12,000	0	0
20210400	AGRICULTURAL/HORTICULTURAL SUPPLIES	10,545	5,151	15,000	15,000	15,000	0	0
20211200	BUILDING MAINTENANCE SUPPLIES	10,754	7,876	8,000	9,673	8,000	0	0
20212200	CHEMICALS	26,994	33,808	30,000	30,100	30,000	0	0
20213100	ELECTRICAL MAINTENANCE SERVICE	1,895	2,010	6,000	5,000	6,000	0	0
20213200	ELECTRICAL MAINTENANCE SUPPLIES	810	2,111	2,000	2,621	2,000	0	0
20214100	LAND IMPROVEMENT MAINTENANCE SERVICE	3,928	4,699	22,000	21,500	22,000	0	0
20214200	LAND IMPROVEMENT MAINTENANCE SUPPLIES	23,601	20,146	48,000	30,000	48,000	0	0
20215100	MECHANICAL SYSTEM MAINTENANCE SERVICE	10,263	11,823	10,000	10,000	10,000	0	0
20215200	MECHANICAL SYSTEM MAINTENANCE SUPPLY	1,914	2,683	2,000	5,501	2,000	0	0
20216200	PAINTING SUPPLIES	657	1,351	1,500	1,500	1,500	0	0
20216700	PLUMBING MAINTENANCE SERVICE	5,432	680	1,000	1,000	1,000	0	0
20216800	PLUMBING MAINTENANCE SUPPLIES	3,922	4,607	4,000	4,000	4,000	0	0
20218100	CONSTRUCTION SERVICES	2,145	863	2,000	2,000	2,000	0	0
20218200	CONSTRUCTION SUPPLIES	9,667	7,065	12,000	16,726	12,000	0	0
20218500	PERMIT CHARGES	1,907	1,839	2,000	2,573	2,000	0	0
20219100	ELECTRICITY	78,554	81,945	83,000	83,000	83,000	0	0
20219200	NATURAL GAS / LPG / FUEL OIL	13,501	15,898	18,000	30,000	30,000	0	0
20219300	REFUSE COLLECTION/DISPOSAL SERVICE	21,150	18,593	24,000	24,000	24,000	0	0

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGE
ORANGEVALE RECREATION & PARK DISTRICT

FUND 374A - ORANGEVALE LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
374A OLLAD								
20219500	SEWAGE DISPOSAL SERVICE	11,974	11,984	12,000	14,000	14,000	0	0
20219700	TELEPHONE SERVICE	0	0	0	0	0	0	0
20219800	WATER	38,144	29,494	51,000	51,000	51,000	0	0
20219900	TELEPHONE SYSTEM MAINTENANCE	1,332	1,332	3,000	3,200	3,000	0	0
20220500	AUTOMOTIVE MAINTENANCE SERVICE	10,434	5,080	7,000	5,000	7,000	0	0
20220600	AUTOMOTIVE MAINTENANCE SUPPLIES	1,427	2,600	3,000	4,644	3,000	0	0
20221200	CONSTRUCTION EQUIP MAINT SUPPLIES	1,198	147	500	500	500	0	0
20222600	EXPENDABLE TOOLS	1,483	5,192	4,000	4,000	4,000	0	0
20223600	FUEL & LUBRICANTS	17,688	12,872	21,000	18,000	21,000	0	0
20227500	RENTS/LEASES EQUIPMENT	1,886	452	3,000	3,000	3,000	0	0
20228100	SHOP EQUIPMENT MAINTENANCE SERVICES	4,750	986	2,000	1,000	2,000	0	0
20228200	SHOP EQUIPMENT MAINTENANCE SUPPLIES	7,823	5,900	5,000	7,727	5,000	0	0
20229100	OTHER EQUIPMENT MAINTENANCE SERVICE	0	76	2,500	2,500	2,500	0	0
20229200	OTHER EQUIPMENT MAINTENANCE SUPPLIES	1,861	2,251	2,000	2,672	2,000	0	0
20232100	CUSTODIAL SERVICES	0	0	0	0	0	0	0
20232200	CUSTODIAL SUPPLIES	19,981	17,551	20,000	21,123	20,000	0	0
20250500	ACCOUNTING SERVICES	2,600	2,600	3,000	2,600	3,000	0	0
20252500	ENGINEERING SERVICES	13,986	20,036	20,000	20,000	15,000	0	0
20253100	LEGAL SERVICES	24,412	37,579	20,000	28,362	20,000	0	0
20256200	TRANSCRIBING SERVICES	0	0	0	0	0	0	0
20257100	SECURITY SERVICES	14,195	13,143	21,000	13,000	18,000	0	0

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGE

ORANGEVALE RECREATION & PARK DISTRICT

FUND 374A - ORANGEVALE LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
374A OLLAD								
20259100	OTHER PROFESSIONAL SERVICES	38,213	35,890	31,000	20,000	25,000	0	0
20259101	OTHER PROFESSIONAL SERVICES - COMPUTER	0	0	0	0	0	0	0
20289800	OTHER OPERATING EXPENSE - SUPPLIES	5,596	1,418	3,500	3,500	3,500	0	0
20296200	GS PARKING CHARGES	0	0	0	0	0	0	0
	Object 20	454,827	440,067	539,000	532,729	539,000	0	0
30321000	INTEREST EXPENSE	0	0	0	0	0	0	0
30322000	BOND/LOAN REDEMPTION	0	0	0	0	0	0	0
30345000	TAX/LIC/ASSESSMENTS	0	1,042	1,200	2,085	1,200	0	0
	Object 30	0	1,042	1,200	2,085	1,200	0	0
42420100	BUILDINGS	0	0	0	0	0	0	0
42420200	STRUCTURES	155,997	67,549	120,000	60,000	80,000	0	0
	Object 42	155,997	67,549	120,000	60,000	80,000	0	0
43430300	EQUIPMENT	22,332	47,577	68,000	28,000	42,000	0	0
	Object 43	22,332	47,577	68,000	28,000	42,000	0	0

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGE
ORANGEVALE RECREATION & PARK DISTRICT

FUND 374A - ORANGEVALE LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Est. Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
79790100	CONTINGENCY APPROPRIATIONS	0	0	0	0	0	0	0
	GENERAL RESERVES	0	0	0	0	0	0	0
	Object 79	0	0	0	0	0	0	0
	FUND CENTER 9379374	633,156	556,235	728,200	622,814	662,200	0	0
	FUND TOTAL 374 A	633,156	556,235	728,200	622,814	662,200	0	0

REVENUE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET
ORANGEVALE RECREATION & PARK DISTRICT

FUND 374A - ORANGEVALE LANDSCAPE & LIGHTING ASSESSMENT DISTRICT

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Actuals	FY 17-18 Prelim. Budget	Changes	FY 17-18 Final Budget
374A	OLLAD							
94941000	INTEREST INCOME	(1,248)	(1,481)	(2,000)	(2,000)	(2,000)	0	0
94942900	BUILDING RENTAL OTHER	0	0	0	0	0	0	0
	Object 94	(1,248)	(1,481)	(2,000)	(2,000)	(2,000)	0	0
96960300	SPECIAL ASSESSMENT	(564,165)	(567,788)	(555,000)	(555,000)	(555,000)	0	0
96964600	RECREATION SVC C	0	0	0	0	0	0	0
	Object 96	(564,165)	(567,788)	(555,000)	(555,000)	(555,000)	0	0
	FUND CENTER 9379374	(565,413)	(569,269)	(557,000)	(557,000)	(557,000)	0	0
	FUND TOTAL 374 A	(565,413)	(569,269)	(557,000)	(557,000)	(557,000)	0	0

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET

ORANGEVALE RECREATION & PARK DISTRICT

FUND 374B - KENNETH GROVE ASSESSMENT

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Actuals	FY 17-18 Prelim Budget	FY 17-18 Final Budget
20200500	ADVERTISING/LEGAL NOTICES	0	0	500	500	500	0
20207600	OFFICE SUPPLIES	0	0	100	0	100	0
20207602	SIGNS	0	0	50	0	50	0
20210300	AGRICULTURAL/HORTICULTURAL SERVICE	450	0	500	0	500	0
20210400	AGRICULTURAL/HORTICULTURAL SUPPLIES	0	0	0	0	0	0
20216200	PAINTING SUPPLIES	0	0	0	0	0	0
20219800	WATER	429	393	800	400	800	0
20220500	AUTO MAINTENANCE SERVICES	0	0	0	0	0	0
20223600	FUEL & LUBRICANTS	639	573	600	400	600	0
20228200	SHOP EQ MAINT SUPP	0	0	0	0	0	0
20250500	ACCOUNTING SERVICES	500	500	500	500	500	0
20250700	ASSESSMENT/COLLECTION SERVICES	0	0	0	0	0	0
20252500	ENGINEERING SERVICES	650	900	1000	1000	1000	0
20253100	LEGAL SERVICES	159	0	100	0	100	0
20256200	TRANSCRIBING SERVICES	0	0	150	0	150	0
20259100	OTHER PROFESSIONAL SERVICES	3,000	1,819	500	0	500	0
20289900	OTHER OPERATING EXPENSE - SERVICES	0	11	300	0	300	0
20291500	COMPASS COSTS	0	0	300	0	300	0
20296200	GS PARKING CHARGES	0	0	30	0	30	0
Object 20		5,827	4,195	5,430	2,800	5,430	0
42420200	STRUCTURES	0	27,176	0	0	0	0

EXPENDITURE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET

ORANGEVALE RECREATION & PARK DISTRICT

FUND 374B - KENNETH GROVE ASSESSMENT

Commitment Item	Description	FY 14-15 Actuals	FY 15-16 Actuals	FY 16-17 Budget	FY 16-17 Actuals	FY 17-18 Prelim Budget	Changes	FY 17-18 Final Budget
	Object 42	0	27,176	0	0	0	0	0
79790100	CONTINGENCY APPROPRIATIONS	0	0	0	0	0	0	0
	Object 79	0	0	0	0	0	0	0
	FUND CENTER 9379375	5,827	31,371	5,430	2,800	5,430	0	0
	FUND TOTAL 374 B	5,827	31,371	5,430	2,800	5,430	0	0

REVENUE DETAIL SCHEDULE - FY 2017-18 PRELIMINARY BUDGET
ORANGEVALE RECREATION & PARK DISTRICT

FUND 374B - KENNETH GROVE ASSESSMENT

Commitment Item	FUND	KENNETH GROVE	FY 14-15	FY 15-16	FY 16-17	FY 16-17	FY 17-18	FY 17-18
			Actuals	Actuals	Budget	Actuals	Prelim Budget	Changes
9379374		INTEREST INCOME	(81)	(30)	(30)	(30)	(30)	0
		Object 94	(81)	(30)	(30)	(30)	(30)	0
9379374		SPECIAL ASSESSMENT	(5,359)	(5,400)	(5,400)	(5,400)	(5,400)	0
		Object 96	(5,359)	(5,400)	(5,400)	(5,400)	(5,400)	0
		FUND CENTER 9379375	(5,440)	(5,430)	(5,430)	(5,430)	(5,430)	0
		FUND TOTAL 374 B	(5,440)	(5,430)	(5,430)	(5,430)	(5,430)	0

LONG-TERM LOAN SCHEDULE

FISCAL YEAR 2016-2017

ORANGEVALE RECREATION & PARK DISTRICT

<u>DESCRIPTION</u>	<u>FUND</u>	<u>PAYMENTS</u>	<u>BALANCE DUE</u>
Pecan Ave. Property Purchase (INTEREST)	332A	16,484.62	51,045.24
Pecan Ave. Property Purchase (PRINCIPLE)	332A	60,328.95	333,022.61
Pecan Avenue Property	332A	76,813.57	384,067.85
TOTAL of LONG TERM DEBT:		76,813.57	384,067.85

**ORANGEVALE RECREATION AND PARK DISTRICT
FIXED ASSETS TO BE ACQUIRED
FISCAL YEAR 2017/18**

DESCRIPTION	Capital Improvement			
	Land	Building	Structures & Improve.	Equipment
COMMITMENT	41410100	42420100	42420200	43430300
Fund 332A (General)				
Pecan - Dog Park, ADA Bridge, & Rough Trail			25,000	
Oak & Filbert Trail			235,000	
Almond Shade Structure			60,000	
Total (332A)	-	-	320,000	-
Fund 374A (OLLAD)				
Asphalt Resurfacing - OCCP North & ADA, Shackelton			60,000	
Youth Center Park			20,000	
OCC Security System Renov.				12,000
Drinking Fountains				15,000
Truck w/ Utility Bed				15,000
Total (OLLAD)	-	-	80,000	42,000
Fund 374B (Kenneth Grove)				
Total (KG)	-	-	-	-



RESOLUTION # 17-06-573

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGEVALE RECREATION AND PARK DISTRICT ADOPTING THE ORANGEVALE LANDSCAPING & LIGHTING ASSESSMENT DISTRICT PRELIMINARY BUDGET FOR FISCAL YEAR 2017/2018

WHEREAS, all necessary estimates of revenues, expenditures and reserves were reviewed and filed for ending fiscal year 2016/2017; and

THEREFORE, IT IS HEREBY RESOLVED in accordance with Code Section 29089 of the Government Code, the preliminary budget for the fiscal year 2017/2018, be and is hereby adopted in accordance with the following:

(1)	Salaries & Employee Benefits	\$ <u>0</u>
(2)	Services & Supplies	<u>539,000</u>
(3)	Other Charges	<u>1,200</u>
(4)	Fixed Assets:	
	(a) Land	<u>0</u>
	(b) Structures & Improvements	<u>80,000</u>
	(c) Equipment	<u>42,000</u>
(5)	Expenditure transfers	<u>0</u>
(6)	Contingencies	<u>0</u>
(7)	Provision for reserve increases	<u>0</u>
	TOTAL BUDGET REQUIREMENTS	\$ <u>662,200</u>

BE IT FURTHER RESOLVED that the means of financing the expenditure program will be by monies derived from Revenue to Accrue, Fund Balance Available and Property Assessments and Certificates of Participation.

BE IT FURTHER RESOLVED that the proposed preliminary budget be and is hereby adopted in accordance with the listed attachment which show in detail the approved appropriations, revenues and methods of financing for the 2017/2018 fiscal year:

ON A MOTION, by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted this 8th day of June 2017 by the following vote:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

APPROVED: _____
 Chair, Board of Directors

ATTEST: _____
 Clerk of the Board

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RESOLUTION NO. 17-06-574

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE ORANGEVALE RECREATION & PARK DISTRICT
APPROVING THE ENGINEER'S REPORT, CONFIRMING
THE DIAGRAM AND ASSESSMENT, AND ORDERING
THE LEVY OF ASSESSMENT FOR THE FISCAL YEAR
2017-18 FOR THE ORANGEVALE LANDSCAPING AND
LIGHTING ASSESSMENT DISTRICT**

RESOLVED, by the Governing Board (the "Board") of the Orangevale Recreation and Park District (the "District"), County of Sacramento, State of California, that

WHEREAS, on July 17, 1991, by its Resolution No. 816, this Board ordered the formation of and levied the first assessment within the Orangevale Recreation and Park District Maintenance Assessment District 1991 (the "Assessment District") pursuant to the provisions of the Landscaping and Lighting Act of 1972; and

WHEREAS, the purpose of the Assessment District is for the installation, maintenance and servicing of improvements to the Orangevale Recreation and Park District, as described in the Engineer's Report; and

WHEREAS, by its Resolution No. 17-03-566, A Resolution Directing Preparation of the 2017-18 Annual Report for the Orangevale Recreation and Park District Landscaping and Lighting Assessment District (the "Assessment District"), this Board designated SCI Consulting Group as Engineer of Work and ordered said Engineer to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the report was duly made and filed with the Clerk of the Board and duly considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 8, 2017 at the hour of 6:30 p.m. in the Board Chambers of the Orangevale Recreation and Park District, 6826 Hazel Avenue, Orangevale, California, 95662, were appointed as the time and place for a hearing by this Board on the question of the levy of the proposed assessment, notice of which hearing was given as

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required by law; and

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

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, that:

1. The public interest, convenience and necessity require that the levy be made.
2. The Assessment District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Clerk of the Board, which map is made a part hereof by reference thereto.
3. The assessment is levied without regard to property valuation.
4. The Engineer's Report as a whole and each part thereof, to wit:
 - (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
 - (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and
 - (c) the assessment of the total amount of the cost and expenses of the proposed

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maintenance of the improvements upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;

are finally approved and confirmed.

5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Board.
6. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2017-18 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Engineer's Report.
7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Board expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the Clerk of the Board shall file a certified copy of the diagram and

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assessment and a certified copy of this resolution with the Auditor of the County of Sacramento. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments, After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Orangevale Recreation and Park District.

9. The moneys representing assessments collected by the County shall be deposited in the District Treasury to the credit of the improvement fund previously established under the distinctive designation of the Assessment District. Moneys in the improvement fund shall be expended only for bond expenses, maintenance, servicing, construction or installation of the improvements.

PASSED AND ADOPTED this 8th day of June 2017, by the following vote:

AYES :

NOES:

ABSENT:

ABSTAIN:

CHAIR, BOARD OF DIRECTORS

CLERK OF THE BOARD

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**ORANGEVALE RECREATION AND PARK
DISTRICT**

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT

ENGINEER'S REPORT

FISCAL YEAR 2017-18

PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND
ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

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ORANGEVALE RECREATION AND PARK DISTRICT

BOARD OF DIRECTORS

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Lisa Montes, Vice Chair
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DISTRICT ADMINISTRATOR

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DISTRICT'S ATTORNEY

David W. McMurchie

ENGINEER OF WORK

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INTRODUCTION

On June 29, 1992, the Board of Directors of the Orangevale Recreation and Park District ("Park District") adopted Resolution Number 92-06-51 Ordering Formation of the Orangevale Landscaping and Lighting Assessment District ("Assessment District") to levy and collect assessments. The Assessment District was initially formed for the following purposes: (1) to provide funds for the construction of new capital improvements within the District contained in the District's Capital Improvement Master Plan consisting of a community center, swimming pool, soccer and other athletic fields, playground renovations consistent with the Americans with Disabilities Act, restroom construction, and miscellaneous improvements to the District's various park sites distributed throughout the geographical area of the District; and (2) to fund the maintenance, repair and replacement of the capital improvement projects constructed with assessment proceeds for the useful life of those capital improvements, which useful life exceeds the 20-year term of repayment of the bonds; and (3) to pay the cost of servicing such capital improvements constructed with assessment proceeds including the costs of water, gas, and other utilities; and (4) to fund the cost of construction and maintenance of additional capital improvement projects consisting of park and recreational facilities on a pay as you go basis.

At the time the Assessment District was formed in 1992, the Park District had been experiencing a revenue shortfall that was due to declining property tax revenues. In fiscal years 1991-92 and 1992-93 the State of California enacted new legislation shifting a significant portion of property tax revenue away from special districts such as the Park District to Educational Revenue Augmentation Funds established in each county (hereinafter ERAF's) to help fund the State's obligation to fund education according to the requirements of Proposition 98. The Park District lost the amount of \$1,012,654 in property tax revenue in the first year of this tax shift to ERAF's, which revenue loss forced the Park District to postpone projects, reduce recreational programs and cut staffing for park maintenance. This annual property tax revenue loss has continued each year to the present time.

Since its formation, the Assessment District has funded the construction of all of the capital improvements specified in the District's 1992 Capital Improvement Master Plan through the issuance of Certificates of Participation in the amount of \$4,720,000 secured by a pledge of the assessment revenues (the "Bonds"), and agreed to repay the principal amount of those Bonds plus interest over a 20-year term from the assessment revenues levied and collected annually within the Assessment District. Since its formation, the Assessment District has also utilized a portion of the assessment revenues to fund the continuing maintenance, repair and replacement of the improvements constructed with such assessment proceeds as those maintenance requirements arise. In fiscal year 2014-15 the assessment proceeds will be used to pay for a portion of the continuing costs of maintenance, repair, and replacement of portions of the District's park and recreational capital improvements, and the servicing of those improvements.

ASSESSMENT CONTINUATION PROCEDURES

This Engineer's Report ("Report") was prepared to establish the budget for the capital improvements, maintenance and services expenditures that are proposed to be funded by the proposed 2017-18 assessments, to determine the special benefits received from the park maintenance and capital improvement projects by real property within the Park District, and to specify the method of assessment apportionment to lots and parcels within the Park District. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIII C and XIII D of the California Constitution (Proposition 218).

In each year for which the assessments will be levied, the District Board must direct the preparation of an Engineer's Report, budgets and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the Board may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the Board adopted on March 9, 2017.

If the Board approves this Engineer's Report and the proposed continuation of the assessments by resolution, a notice of assessment levies must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day time period after publishing the notice, a public hearing will be held for the purpose of allowing public testimony about the proposed continuation of the assessments for fiscal year 2017-18. This hearing is currently scheduled for June 8, 2017. At this hearing, the Board will consider approval of a resolution confirming the assessments for fiscal year 2017-18. If so confirmed and approved, the assessments will be submitted to the County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2017-18.

PLANS & SPECIFICATIONS

For fiscal year 2017-18, the District proposes to use the assessment proceeds to pay the costs of maintaining, repairing and replacing portions of its park and recreational facilities to ensure that such facilities retain their high quality through the term of their useful lives after the construction costs of those facilities have been paid.

The work and improvements ("Improvements") proposed to be undertaken by the Orangevale Recreation and Park District's Landscaping and Lighting Assessment District (the "Assessment District") and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment 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:

Installation, maintenance and servicing of public recreational facilities and improvements, including, but not limited to, turf and play areas, landscaping, ground cover, shrubs and trees, irrigation systems, drainage systems, lighting, fencing, entry monuments, basketball courts, tennis courts, gymnasium, running tracks, swimming pools, other recreational facilities, security guards, graffiti removal and repainting, and labor, materials, supplies, utilities and equipment, as applicable, at each of the locations owned, operated or maintained by the Orangevale Recreation and Park District. Any plans and specifications for these improvements will be filed with the District Administrator of the Orangevale Recreation and Park District and are incorporated herein by reference.

As applied herein, "Installation" means the design and 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 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.

FISCAL YEAR 2017-18 ESTIMATE OF COST AND BUDGET

ORANGEVALE RECREATION AND PARK DISTRICT Parks and Recreation Maintenance and Improvement District Estimate of Cost Fiscal Year 2017-18		<i>Total Budget</i>
Project Budget Fiscal Year 2017-18		
1 Capital Improvement Projects		
Total Capital Improvements		\$60,000
2 Maintenance and Service Expenditures		
A Agricultural Supplies and Services		\$27,000
B Utilities		\$188,000
C Chemicals		\$30,000
D Security		\$21,000
E Fuel		\$21,000
F Other Expenses		\$178,000
G Other Professional Services		\$31,000
Total Maintenance and Service Expenditures		\$496,000
3 Incidental Expenditures		
A Engineering/Accounting Expenditures		\$23,000
B Legal Services		\$20,000
Total Incidental Expenditures		\$43,000
4 Debt Service		
A Interest Expense		\$0
B Bond Principal Repayment		\$0
C Tax/Lic/Assessments		\$1,200
Total Debt Service		\$1,200
5 Salaries and Benefits		
A Salaries and Benefits		\$739,580
Total Costs for Installation, Maintenance and Servicing for Fiscal Year 2017-18		\$1,339,780
Total benefit of Improvements		\$1,339,780
Single Family Equivalents (SFEs)		13,649
Benefit received per SFE unit		\$98.16
Less:		
District Contribution for General Benefits		\$669,890.00
District Contribution toward Special Benefits		\$96,731.12
Estimated Assessment Revenues for Fiscal Year 2017-18		\$573,159
Budget Allocation to Property		
Total Assessment Budget		\$573,159
Single Family Equivalent Benefit Units		13,646.64
Assessment per Single Family Equivalent Unit		\$42.00

ASSESSMENT DISTRICT DEBT

The park and recreation improvements constructed within the assessment district and listed on Table 1 have been financed through issuance of Certificates of Participation by Orangevale Recreation and Park District known as Orangevale Recreation and Park District Certificates of Participation 1992 Series A and Refunding Certificates of Participation 1996 Series A (the "Bonds").

In order to facilitate the issuance of the Bonds and the funding of the District's Capital Improvement Master Plan, the Board, in Resolution 92-06-51, opted to levy an annual installment assessment which, under the Landscaping and Lighting Act of 1972 (Streets & Highways Code, § 22500 et seq.) (the "Act") is a procedure for financing capital improvements, the cost of which exceeds the amount of assessment revenue that can be collected in any single fiscal year. The annual installment assessment levied by the Board of Directors in this Resolution is a one-time assessment to be levied in annual installments through fiscal year 2012-13 sufficient to pay the principal and interest on the outstanding Bonds. The provisions of the Act specifically allow the Board to assess an annual installment assessment on a one time basis to be collected over any period of time less than thirty (30) years. The Bonds were used to finance the costs of the construction of the Capital Improvement Plan and were secured by a pledge of 100% of all assessment revenues for repayment of principal and interest on the Bonds.

This pledge of 100% of the assessment revenues for principal and interest payments on the Bonds was facilitated by the requirement in the Bond documents that the District establish a "Special Lease Payment Fund" and deposit all assessment revenues collected each year into the Special Lease Payment Fund administered by the Bond trustee. The trustee is then authorized to utilize the assessment revenues deposited into the Special Lease Payment Fund to make principal and interest payments on the Bonds when due. This is the mechanism which ensures that the District's irrevocable pledge of 100% of its assessment revenues to bond payments provides a security interest and first lien on such assessment revenues in favor of the bondholders. The assessment revenues on deposit in the Special Lease Payment Fund are not subject to levy, attachment, or lien by or for the benefit of any creditor of the District, and the District is prohibited from pledging those assessment revenues to any other obligation other than the principal and interest on the Bonds. The District also promised in the bond documents not to reduce the amount of its assessments while any of the Bonds are outstanding and unpaid.

To the extent that assessment revenues on deposit in the Special Lease Payment Fund exceed the principal and interest payments owing on the Bonds in any year, then the bond trustee is authorized to release those excess assessment revenues back to the District to be utilized to fund maintenance, repair, replacement, and servicing expenditures required by the District to maintain all park and recreational improvements in good condition throughout their useful life.

Upon full repayment of the principal and interest on the Bonds in fiscal year 2012-13, District legal counsel has opined that the Board of Directors of District has the discretion to

levy annual assessments thereafter based on an annual budget of expenditures for the Assessment District for each ensuing fiscal year for additional capital improvements, additional maintenance, repair or replacement of existing capital improvements, and the payment of servicing costs of those improvements pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act"), Proposition 218 and Articles XIII C and D of the California Constitution so long as the amount of assessments per parcel and the methodology of assessment initially established by the Board in 1992 is not changed. The Act authorizes continuing assessments on an annual basis after a public hearing upon a majority vote of the District's Board of Directors each year.

EXEMPTION FROM PROPOSITION 218

The districtwide assessment district was formed and the District issued its bonds secured by assessment revenues in 1990, prior to the passage of Proposition 218, the Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and now comprises Articles XIII C and XIII D of the California Constitution. Proposition 218 provides that all assessments levied by local governments after the adoption of Proposition 218 in 1996 must comply with the following two criteria: (1) assessments must be demonstrated to provide "special benefits" to the parcels of real property upon which the assessment is levied, and not for general benefit to the public and society at large, including non-property owners such as tenants and visitors to District Facilities; and (2) no assessment may be imposed on any parcel of real property which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

The assessment levied by the districtwide assessment district prior to the passage of Proposition 218 in 1996 is exempt as an assessment existing on the effective date of Article XIII D imposed exclusively to repay bonded indebtedness of which the failure to pay would violate the contract impairment clause of the United States Constitution (See Cal. Const., art. XIII D, 5(c)). The assessment district's Certificates of Participation 1992 Series A , and the District's Refunding Certificates of Participation 1996 Series A, all represent contractual obligations to which the District pledged 100% of the assessment revenues received in the assessment district. The District's contractual pledge to levy and collect all of the assessments within the assessment district to pay principal and interest on the Certificate of Participation obligations are protected from impairment by the prohibition against impairment of the obligation of contract contained in the United States Constitution. (See section entitled Assessment District Debt.)

In addition, Government Code section 53753.5, which is part of the Proposition 218 Omnibus Implementation Act, provides that this exemption means that all such assessments in the assessment district are exempt from "the procedures and approval process" defined in Section 4 of Article XIII D. Section 53753.5(c)(2) goes on to state that the definition of exemption from the "procedures and approval process" means exemption from the requirements to separate general benefit from special benefit, and the requirement to assess publicly owned parcels within the assessment district.

In addition, Government Code section 53753.3(b)(4) specifically provides that any subsequent increases in such assessment district assessments must comply with such procedures and approval processes except for those assessments which preexist the adoption of Proposition 218 and are exempt since the proceeds of such assessments are pledged to pay bonded indebtedness. Therefore, any subsequent increases in the assessments pledged to debt are also exempt from the procedures and approval processes of Article XIII D.

Despite this exemption from the requirements of Proposition 218 to separate general benefit from special benefit, this Engineer's Report nevertheless demonstrates that the assessments levied in the assessment district are limited to funding special benefits to property within the assessment district, and any potential general benefit to the public and others not paying assessments has been excluded in the calculation of the assessments and the funding of the assessment district budget.

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of park facilities throughout the Park District, and the methodology used to apportion the total assessment to properties within the Assessment District.

The Assessment District consists of all Assessor Parcels within the boundaries of the Orangevale Recreation and Park District. The method used for apportioning the assessments is based upon the proportional special benefits conferred to the properties over and above the general benefits conferred to real property in the Assessment District or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

- Identification of all benefit factors derived from the Improvements
- Calculation of the proportion of these benefits that are special and general, and quantification of the general benefits
- Determination of the relative special benefit per property type
- Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; property type, property characteristics, improvements on property and other supporting attributes

DISCUSSION OF BENEFIT

Assessments can only be levied based on the special benefit to property conferred by the capital improvements or services funded with the assessment revenue. This special benefit to assessed real property must be demonstrated to be over and above any general benefits. Proposition 218 has clarified that the assessment levied by the Park District must comply with the following two criteria: (1) assessments must be demonstrated to provide "special benefit" to the parcels of real property upon which the assessment is levied, and not for general benefit to the public and society at large, including nonproperty owners such as tenants and visitors to district facilities; and (2) no assessment may be imposed on any parcel of real property which exceeds the reasonable costs of the proportional special benefit conferred on that particular parcel.

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of landscaping improvements to be provided with assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from maintenance and improvements of park and recreational facilities such as those proposed by the assessment district. These types of special benefit are summarized below. Specifically, the Legislature at Public Resources Code section 5506 states its intent that land acquisition, improvement and services by a park district

specifically benefit the properties assessed and the persons paying those assessments in the following respects.

When the assessments were first formed in 1992, the Engineer's Report and Board established the following special benefits from the assessments:

1. Enhanced recreational opportunities and expanded access to recreational facilities for all residents, customers and guests.
2. Protection of open space, views, scenery and other resources values and environmental benefits enjoyed by residents, employees, customers and guests and preservation of public assets maintained by the Park District.
3. Increased economic activity.
4. Expanded employment opportunity.
5. Reduced cost of local government in law enforcement, public health care, fire prevention and natural disaster response.
6. Specific enhancement of property values.

For more discussion see the section entitled Special Benefits below.

The legislative history behind Proposition 218, the adoption by the Legislature of the Proposition 218 Omnibus Implementation Act and appellate case law interpreting the provisions of Proposition 218 demonstrate the analysis that the Board of Directors of the Assessment District must undertake in order to determine the amount of special benefit to assessed real property from the park and recreation facilities and maintenance funded by assessment revenues, and the limitation that such assessments should not exceed the costs of the proportional special benefit to each such parcel as required by Proposition 218.

The State of California Legislative Analyst's impartial analysis of Proposition 218 states that first, local governments must estimate the amount of "special benefit" landowners receive, or would receive, from a capital improvement project or service. If such a capital improvement project or service provides both special benefits to that parcel of real property and general benefits to members of the public and nonproperty owners such as tenants and visitors, then the District may charge landowners only for the cost of providing the special benefit. The District must use general revenue such as property taxes and user fees to pay the remaining portion of the costs of a project or service. Second, the District must ensure that no property owner's assessment is greater than the cost to the District to provide those capital improvements or maintenance services to benefit that particular owner's property.

The District, by means of this Engineer's Report, must estimate the amount of "special benefit" landowners receive from the park and recreation facilities and maintenance, repair and replacement services funded with assessment revenues. If these park and recreational facilities and maintenance, repair and replacement services provide both special benefits to property owners within the District and general benefits to nonproperty owners such as tenants and visitors, then the District must quantify the special benefit properties received from those park and recreational improvements and maintenance and repair services, and also quantify the amount of general benefit received by nonproperty owners such as tenants and visitors from such improvements and maintenance services.

In addition, Section 22573 of the Landscaping and Lighting Act of 1972 provides as follows:

"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."

Five recent court cases construing the assessment provisions of Proposition 218 demonstrate the process that the District must utilize to satisfy Proposition 218's special benefit and proportionality requirements.

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

The first of those cases is the Supreme Court's decision in Silicon Valley Taxpayers Association v. Santa Clara County Open Space Authority (2008) 44 Cal.4th 431. That case dealt with an open space assessment. The Court emphasized that the Engineer's Report must demonstrate distinct benefits to particular properties above and beyond those which the general public using and enjoying the open space receives. The Court also noted that such special benefits would likely result from factors such as proximity, improved access, and views.

DAHMS V. DOWNTOWN POMONA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

A similar holding can be found in the Court of Appeals 2009 decision upholding the business improvement district assessment to fund supplemental municipal services in the case of Dahms v. Downtown Pomona Property and Business Improvement District (2009) 174 Cal.App.4th 708. In that case, the Court held that services provided to assessed property including security, street maintenance, and marketing, promotion and special events for property owners within the Assessment District were all special benefits conferred on parcels within the Assessment District because they "affected the assessed property in a way that is particular and distinct from their effect on other parcels and that real property in general and the public at large do not share." The Court further held that under Proposition 218, the cap on the total assessment is the entirety of the reasonable cost of the special benefit conferred on all parcels by the improvements and services funded by assessment revenue. The Court also noted that if special benefits themselves

produce certain general benefits to the public at large, the value of those general benefits need not be deducted before the caps on the special benefits which the assessments provide are calculated. Therefore, the Court concluded that security, maintenance, and special event services specially benefit property within an Assessment District and may be apportioned according to the cost of providing those services without respect to the cost of generating general benefits.

BEUTZ V. COUNTY OF RIVERSIDE

The case of *Beutz v. County of Riverside* (2010) 194 Cal.App.4th 1516 dealt with an assessment under the Landscaping and Lighting Act of 1972 and concluded that Proposition 218 permits assessments to fund maintenance, repair and replacement of park and recreational facilities when supported by an adequate Engineer's Report. The Court concluded that park and recreational improvements, maintenance, and park and recreational services confer special benefit on property. However, the Court noted that the Engineer's Report in that case did not separate and quantify the degree of special benefit to properties being assessed for such services, as opposed to the general benefit conferred on members of the public such as nonproperty owners, tenants and visitors from such park improvements and services. The Court noted that the nature and extent of general and special benefits from the park improvements and maintenance services must be quantified in relationship to each other based on credible solid evidence.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

In the recent Court of Appeal case of *Golden Hill Neighborhood Association v. City of San Diego* (2011) 199 Cal.App.4th 416, the city levied an assessment under the Landscaping and Lighting Act for maintenance services consisting of trash removal, sidewalk sweeping and washing, landscaping, graffiti abatement and trail and canyon beautification. The Court implicitly found that such services do provide special benefit to the property being assessed from those services pursuant to the requirements of Proposition 218. However, similar to the *Beutz* decision, which was issued after the creation of the Engineer's Report for the Golden Hill assessment, the Court found that the Engineer's Report must specifically quantify the special and general benefits from the assessment.

BONANDER V. TOWN OF TIBURON

In the Court of Appeal case of *Bonander v. Town of Tiburon*, the town of Tiburon formed an assessment district to fund the cost of moving overhead utility lines underground. The engineer identified special benefits of improved aesthetics, increased safety, and improved service reliability. The degree of benefit to an individual property was dependent on proximity to existing overhead utility lines. The assessment district was divided into three zones. The Court found that undergrounding of utility lines did constitute a special benefit conferred on real property and it is a proper subject for assessment. The Court also found that it is permissible to conclude that all properties in a district benefit equally from a certain type of special benefit, and therefore assess all such properties an equal assessment amount. The Court concluded that just because a particular benefit is conferred equally upon all properties in an assessment district does not compel the

conclusion that such benefit is not tied to particular parcels of property. Finally, the Court found that Proposition 218 requires that the proportional special benefit derived by each parcel shall be determined depending on the entirety of the capital cost of a public improvement, or its maintenance and operation expenses, and not just as costs incurred in each zone. The Court noted that Proposition 218 requires the amount of the assessment to be proportional to the benefits conferred on the property, not the costs incurred.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report, and the process used to establish these proposed assessments are consistent with the case law described above and with the requirements of Articles XIII C and XIII D of the California Constitution based on the following factors:

1. The fact that the park and recreational facilities and maintenance, repair and replacement services for those improvements have some general benefit to the public at large including non-property owners, tenants and visitors, does not mean that they do not also have a special benefit to property owners whose parcels are assessed. While many government facilities and services may provide public benefits, when special benefits can be identified, they may be separated from general public benefits and their costs imposed as assessments on the properties to which those special benefits accrue.
2. This Engineer's Report is consistent with Beutz, Dahms and Greater Golden Hill cases because the Improvements will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The fact that the park and recreational facilities and maintenance repair replacement services have some general benefit to the public at large does not mean that they do not also have special benefit to property owners whose parcels are assessed.
3. The Engineer's Report is also consistent with the Bonander decision because the Assessments have been apportioned based on the entirety of the capital cost of the Improvements and based on proportional special benefit to each property in each zone.

SPECIAL BENEFITS

This Engineer's Report, in the following sections, identifies the special benefits for the various types of properties within the Assessment District which are proposed to be assessed. This Report also quantifies the special and general benefits from the assessments. A description of the types of special benefits conferred on real properties within the District by the park and recreational facilities and maintenance funded with assessment revenues follows.

These special benefit factors are derived from Legislative findings and intent established in statute before the adoption of Proposition 218 as specified above, and as such, must be harmonized with the provisions of Proposition 218 in implementing the assessments.

The applicable provisions of Proposition 218 regarding assessments were described in the Silicon Valley Taxpayers Association decision described above, which provides specific guidance that parks and recreational areas may confer the following special benefits:

- Proximity to recreational and open space
- Expanded or improved access to recreational and open space
- Views of recreational and open space

The Silicon Valley Taxpayers Association 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. This decision also provides specific guidance that park improvements constitute a direct advantage and special benefit to property that is proximate to a park or open space, the improvement of which is funded 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).

In summary, from the case law interpreting Proposition 218 requirements regarding such assessments, the District's assessments fund specific park and recreation improvements, maintenance and servicing costs that can be described by additional special benefit categories as summarized as follows:

- Proximity to improved parks and recreational facilities.
- Access to improved parks, open space and recreational areas.
- Improved views.
- Enhanced recreational opportunities

The grounds for validity of the foregoing special benefit categories are supported by the following evidence:

BENEFIT FACTORS

ENHANCED RECREATIONAL OPPORTUNITIES AND EXPANDED ACCESS TO RECREATIONAL AREAS FOR ALL PROPERTY OWNERS, RESIDENTS, EMPLOYEES AND CUSTOMERS THROUGHOUT THE ASSESSMENT DISTRICT.

Residential properties specifically benefit from the enhanced recreational opportunities provided by the Improvements made throughout the four planning quadrants of the Assessment District. These include, among others, new parks and open spaces, areas for

nature based recreational activities, and higher levels of maintenance of parks, recreation areas, and trails than would be provided in absence of the assessment.

In "Trends: Parks, Practice and Program" by Love, L. and Crompton, J. (1993) the authors found that:

*"The provision of parks and recreation services play an influential role in a community's economic development efforts. When companies choose to set up business or relocate, the availability of recreation, parks and open space is high on the priority list for site selection. Recreation and parks have a significant influence on people's preferred living locations."*¹

The "Outdoor Recreation Coalition of America's 1993 State of the Industry Report" found that:

*"From rock climbing to biking to backpacking, the outdoor recreation industry -- worth at least \$132 billion annually to the U.S. economy-- is growing by leaps and bounds. The biggest and most noticeable effect has been on public lands: Visits to parks and other spaces increased by well over 100 million in the last decade just as funding dwindled."*²

All properties within the assessment district will specially benefit from the assessments that will be used to expand, protect and maintain public recreational lands, parks, open space areas, trails and other public resources.

INCREASED ECONOMIC ACTIVITY.

The Assessment District creates expanded and improved parks and recreation areas that are also better maintained. This specifically increases the desirability of the area and enhances recreational and wildlife education opportunities, which, in turn, leads to expanded use. Expanded use and activities facilitated by new and existing parks and open space areas brings greater numbers of visitors into the area who can utilize the services of businesses within the Assessment Districts. The visitors to the Park District's open space will be more likely to shop and eat locally. Increased use leads to increased economic activity in the area, which is a special benefit ultimately to residential, commercial, industrial and institutional property located within the assessment district.

*"California's public parks generate more than \$35 million annually from businesses for local events. Visitors to public parks and outdoor recreation areas support approximately 235,000 jobs in California's economy."*³

*"Numerous studies demonstrate that linear parks can increase property values, which can in turn increase local tax revenues. Spending by residents on greenway-related activities helps support recreation-oriented businesses and employment, as well as other businesses that are patronized by greenway users. Greenways often provide new business opportunities and locations for commercial activities like bed and breakfast establishments, and bike and canoe rental shops. Greenways are often major tourist attractions which generate expenditures on lodging, food, and recreation-oriented services. Finally, greenways can reduce public expenditures by lowering the costs associated with flooding and other natural hazards."*⁴

*"Although the chief reason for providing outdoor recreation is the broad social and individual benefits it produces, it also brings about desirable economic effects. Its provision enhances community values by creating a better place to live and increasing land values. In some underdeveloped areas, it can be a mainstay of the local economy. And it is a basis for big business as the millions and millions of people seeking the outdoors generate an estimated \$20 billion a year market for goods and services."*⁵

*"People are spending increasing amounts of money on recreation. In California people spent an average of 12 percent of their total personal consumption on recreation and leisure, which was the third largest industry in the state. Also, many recreational activities that can be pursued in locally protected areas (such as biking, hiking, bird-watching, cross country skiing, and canoeing) entail equipment costs that support local businesses, providing new jobs and tax revenue."*⁶

EXPANDED EMPLOYMENT OPPORTUNITY.

Improved recreational areas and public resources foster business growth, which in turn creates additional employment opportunities for Assessment District residents. In addition, the assessments expand local employment opportunities by funding new projects that may create the need for additional construction or maintenance jobs.

Improved and well-maintained parks, open space and recreational areas also provide business properties with an opportunity to attract and keep employees due to the benefits provided by these areas.

Non-residential properties also will specifically benefit from the maintenance and improvement of parks, recreation areas and open space areas in many ways. Employees will have additional wildlife and recreation areas to utilize for exercise, recreational activities, picnics, company gatherings or other uses. These Improvements, therefore, enhance an employer's ability to attract and keep quality employees. The benefits to employers ultimately flow to the property because better employees improve the business

prospects for companies and enhanced economic conditions specially benefit the property by making it more valuable.

The California Park and Recreation Society, in 1997 found that:

*"Recreation and park amenities are central components in establishing the quality of life in a community, a business' main resource is their employees for whom quality of life is an important issue. The availability and attractiveness of local parks and programs influences some companies relocation decisions and the presence of a park encourages real estate development around it."*⁷

ENHANCED PROTECTION OF PROPERTY THROUGH REDUCTION OF THE RISK OF FIRE AND REDUCED COST OF LOCAL GOVERNMENT IN LAW ENFORCEMENT, PUBLIC HEALTH CARE AND NATURAL DISASTER RESPONSE.

The assessment also benefits properties in the Assessment District by funding maintenance services and park safety and security patrols that preserve the level of special benefits from park and open space in the Assessment District and protect the public's parks, recreational facilities and open space resources by reducing the risk of damage or harm and maintaining public access to these important public resources.

Improved and well-maintained recreational areas and open space lands can also serve to improve public safety and reduce the cost to local government by providing a healthy alternative for youth and adult activities. Studies have shown that adequate park and recreation areas and recreation programs help to reduce crime and vandalism.

*"Natural parks and open space require few public services - no roads, no schools, no sewage, no solid waste disposal, no water, and minimal fire and police protection."*⁸

*"Exercise derived from recreational activities lessens health related problems and subsequent health care costs. Every year, premature deaths cost American companies an estimated 132 million lost work days at a price tag of \$25 billion. Finding and training replacements costs industry more than \$700 million each year. In addition, American businesses lose an estimated \$3 billion every year because of employee health problems."*⁹

High quality recreational and open space areas allow residents and employees in the Assessment District to enjoy activities close to home, thereby not spending time driving to other areas. Moreover, parks, open space and trails in these lands promote healthy activities that help to reduce the cost of health care. Such cost reduction frees public funds for other services that benefit properties.

All of these factors ultimately specially benefit property within the Assessment District by specifically reducing the risk of damage to property, and specifically making the property within the assessment district more usable and desirable and ultimately, more valuable.

SPECIFIC ENHANCEMENT OF PROPERTY VALUES DUE TO ENHANCED QUALITY OF LIFE AND DESIRABILITY OF THE AREA.

The assessments will provide funding to maintain, improve and preserve parks, recreational facilities and open space areas that otherwise may not be preserved for the public benefit. Additional development, and the congestion it causes, reduces the desirability of property within the Assessment District. Therefore, improved open space areas and public wildlife areas enhance the overall quality of life and desirability of properties within the Assessment District. This is a special benefit to residential, commercial, industrial and other properties.

The Presidents Commission on American's Outdoors (1987) found natural beauty was the single most important factor in deciding tourist destination.¹⁰

"The importance of quality-of-life in business location decisions has been repeatedly verified in the literature. (Boyle, 1988; Bramlage, 1988, Carn & Rabianski, 1991; Conway, 1985; Epping, 1986; Sarvis, 1989; Tosh, et.al., 1988)"¹¹

"Home buyers over age 55 considering a move were surveyed about the amenities that 'Would seriously influence them in selecting a new community' "¹² the following results were found:

Amenity	Group	% Seeking Amenity	Rank on List
Walking and jogging trails	55+	52	1
Walking and jogging trails	55+ >\$75k per year	65	
Outdoor spaces	55+	51	2
Outdoor spaces (park)	55+, moving to suburbs	55	
Open Spaces	55+	46	4

Extensive park and open space, nature lands and wildlife areas are one of the most important public resources and features for property owners in the Assessment District. Therefore, the acquisition and preservation of park and open space properties is a very important feature for property owners in the Assessment District that enhances the quality of life and desirability of property located in the Assessment District.

In addition, the assessments provide funding to significantly expand, improve and maintain the public parks, open space lands, recreational areas, wildlife and nature habitats, wildlife corridors and other public resources. The Improvements funded by the assessments also specifically benefit properties by limiting urban sprawl and large lot development that negatively impacts existing improved properties in the Assessment Districts. In turn, property values are specifically enhanced by the availability of expanded, improved, safe, preserved and maintained parks and open space lands within a community. Values of commercial and industrial property increase based on these same elements and the enhanced economic activity derived from the greater quantity and quality of public resources in the area.

The correlation between enhanced property values and expanded and well-maintained open space areas and recreational areas has been documented. The United States Department of the Interior, National Park Service determined that:

"An investment in parks and recreation helps reduce pollution and noise, makes communities more livable, and increases property value. Parks and recreation stimulate business and generate tax revenues. Parks and recreation help conserve land, energy and resources. Public recreation benefits all employers by providing continuing opportunities to maintain a level of fitness throughout one's working life, and through helping individuals cope with the stress of a fast-paced and demanding life."¹³

Additionally, the National Recreation and Park Association, in June 1985, stated:

*"The recreation value is realized as a rise in the value of land and other property in or near the recreation area, and is of both private interest to the landowner and others, holding an economic stake in the area, and of public interest to the taxpayers, who have a stake in a maximum of total assessed values."*¹⁴

Moreover, the Supreme Court of California and the United States Supreme Court have found that improved and well-maintained park facilities confer special benefits to property by enhancing property values. In *Knox v. City of Orland*,⁴ Cal.4th 132, 143 (1993) the Supreme Court of California found that:

*"Plaintiff's basic argument that a special assessment is never appropriate to fund park improvements is unconvincing. Significantly, plaintiff's attempt to differentiate between street lights, sewers, sidewalks and flood control as constituting proper subjects for special assessment, and public parks as matters of such a general nature as to not justify a special assessment, is virtually identical to an argument rejected nearly a century ago by the United States Supreme Court in *Wilson v. Lambert*."*¹⁵

In *Wilson v. Lambert* (1898) the United States Supreme Court stated:

*"The residents and property holders in the District of Columbia must be regarded as coming within the class of beneficiaries; and, so far from being injured by the declaration that the park shall also have national character, it is apparent that thereby the welfare of the inhabitants of the Assessment District will be promoted. Whatever tends to increase the attractiveness of the City of Washington, as a place of permanent or temporary residence, will operate to enhance the value of private property situated therein or adjacent thereto."*¹⁶

In addition, professional property appraisers and instructional books on the subject find that well-maintained public recreational grounds and areas enhance property values in a community. Enhancement value is the tendency of open space to enhance the property value of adjacent properties. It is also explicitly recognized by federal income tax law:

U.S. Treasury regulation Sec. 14(h)(3)(i) requires that the valuation of a conservation easement take into account (i.e., be offset by) any resulting increase in the value of other property owned by the donor of the easement or a related person. Section 14(h)(4) sites as an example a landowner who owns 10 one-acre lots and donates an easement over eight of them: 'By perpetually restricting development on this portion of the land, (the landowner) has ensured that the two remaining acres will always be bordered by parkland, thereby increasing their fair market

The special benefits from the Improvements are further detailed below:

PROXIMITY TO IMPROVED PARKS AND RECREATIONAL FACILITIES, AND ZONES OF BENEFIT

According to the industry-standard guidelines established by the National Park and Recreation Association (the "NPRA"), neighborhood parks in urban areas have a service area radius of generally one-half mile and community parks have a service area radius of approximately two miles. Sacramento County also provides similar to slightly larger park service area radii guidelines. The service radii for neighborhood parks and neighborhood green spaces were specifically established to give all properties within this service radii close proximity and easy walking access to such public land areas. Since proximate and accessible parks serve as an extension of the usable land area for property in the service radii and since the service radii was specifically designed to provide close proximity and access, the parcels within this service area clearly receive a direct advantage and special benefit from the Improvements - and this advantage is not received by other properties or the public at large.

An analysis of the service radii for the Improvements finds that all properties in the Assessment District enjoy the distinct and direct advantage of being close and proximate to one or often multiple parks within the Assessment District, and lie within the recommended service radius for such facilities. The benefiting properties in the Assessment District therefore uniquely and specially benefit from the Improvements.

Only the specific properties within close proximity to the Improvements are included in the Assessment District. All properties within each of the four planning quadrants of the Assessment District enjoys unique and valuable proximity and access to the Improvements within the established service radii, discussed above, that the public at large and property outside the Assessment District do not share.

The Board has determined that the location, nature and function of the proposed projects combine to provide substantially equal benefit to all parcels of real property within a particular land use category, regardless of the location of that property within the boundaries of the Assessment District.

The reasons for this determination are as follows:

1. The capital development plan provides for major new and/or expanded and renovated neighborhood park and recreational facilities in each of the four planning quadrants utilized by the Park District, disbursed equally throughout the geographic area comprising the proposed Assessment District. The total area served by the Park District is approximately sixteen square miles. Each of these planning quadrants contains an average area of approximately four square miles. The maximum distance from a parcel of real property to a new or expanded neighborhood park and recreational facility in the northwest quadrant is 1.5 miles. In the northeast quadrant, the distance is approximately 1.6 miles. The distance is 1.5 in the southwest quadrant and 1 mile in the southeast quadrant. Therefore, all parcels of real property within the proposed

Assessment District are located within an average maximum one and one-half mile radius from a new or expanded neighborhood park and recreational facility constructed, maintained and improved with assessment proceeds.

2. The most significant of these projects is a fourteen-acre community park with a 12,000 square foot community center with pool, located in the geographic center of the Assessment District and easily accessible to all residents of the District. All parcels of real property within the proposed Assessment District are located within a two and one-half mile radius of the proposed community center, well within the Sacramento County planning guidelines for such community centers.

The boundaries of the Assessment District have been carefully drawn to include the properties in the Orangevale Recreation and Park District that are proximate to the proposed Improvements and that would materially benefit from the Improvements. The Assessment District is coterminous with the District boundaries. As the properties in the District have developed over time, regional and neighborhood parks have been strategically located throughout the community as it has been built out. Park size and location have been carefully incorporated into the design of the community, consistent with the NPRA and Sacramento County park planning guidelines. Now, with a mature community, all parcels in the District are located in close proximity to at least one park. It therefore is appropriate to provide a District-wide Assessment District because all parcels benefit similarly.

In the Assessment 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. Since all parcels in the Assessment District have good access, additional proximity is not considered to be a factor in determining benefit within the Assessment District. Therefore, zones of benefit are not justified or needed within the Assessment District.

ACCESS TO IMPROVED PARKS, OPEN SPACE AND RECREATIONAL AREAS

Since all of the parcels within the Assessment District enjoy close access to the Improvements, they directly benefit from the unique close access to improved parks, open space and recreation areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

IMPROVED VIEWS

The Park District, by maintaining the landscaping at its park, recreation and open space facilities provides improved views to properties in the Assessment District. The properties in the Assessment District enjoy close and unique proximity, access and therefore views of the Improvements; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District.

GENERAL VERSUS SPECIAL BENEFIT

Article XIIC 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. The 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:

Total Benefit	=	General Benefit	+	Special Benefit
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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. The SVTA decision 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 conservatively 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 baseline level of service is defined as the extent and level of park and recreation facilities that would exist in absence of the assessments. The assessment funds 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:

General Benefit	=	Benefit to Real Property Outside the Assessment District	+	Benefit to Real Property Inside the Assessment District that is Indirect and Derivative	+	Benefit to the Public at Large
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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 this assessment, as noted, properties in the Assessment 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 District or the public at large.

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

CALCULATING GENERAL BENEFIT

In this section, the general benefit is conservatively quantified.

BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Improvements because properties in the Assessment 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 Assessment District, may receive some benefit from the Improvements. Since this benefit is conferred to properties outside the Assessment District boundaries, it contributes to the overall general benefit calculation and will not be funded by the Assessments.

The properties outside the Assessment District and within the proximity radii for neighborhood or community parks in the Assessment District may receive some benefits from the Improvements. Since these properties are not assessed for their benefits because they are outside of the area that can be assessed by the District, this is form of general benefit to the public at large and other property. A 50% reduction factor is applied to these properties because they are all geographically on only one side of the Improvements and are over twice the average distance from the Improvements compared to properties in the Assessment District.

The general benefit to property outside of the Assessment District is calculated as follows with the parcel and data analysis performed by SCI Consulting Group.

Assumptions:

11,563 parcels outside the district but within either 0.5 miles of a neighborhood park or 2.0 miles of a community park within the Assessment District

11, 816 parcels in the Assessment District

50% relative benefit compared to property within the Assessment district

Calculation

General Benefit to Property Outside the Improvement District =

$$(11,563/(11,563+11,816))*0.5 = \mathbf{24.7\%}$$

Although it can reasonably be argued that Improvements inside, but near the Park District boundaries are offset by similar park and recreational improvements provided outside, but near the Park District's boundaries, we use the more conservative approach of finding that 24.7% of the Improvements may be of general benefit to property outside the Assessment District.

BENEFIT TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District 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 Assessment 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 the Assessment District that is publicly owned and used for regional purposes such as major roads, rail lines and other regional facilities because such properties, while physically within the Assessment District, are used for regional purposes and could provide indirect benefits to the public at large. Approximately 2.5% of the land area in the Assessment District is used for such regional purposes, so this is a measure of the general benefits to property within the Assessment District.

BENEFIT TO THE PUBLIC AT LARGE

In Beutz, the Court opined that general benefits from parks and recreation facilities could be quantified by measuring the use of parks and recreation facilities by people who do not live within the assessment boundaries. This Report uses this general benefit measure as the third component of our overall general benefit quantification. Therefore, the general benefit to the public at large can be estimated by the proportionate amount of time that the Park District's parks and recreational facilities are used and enjoyed by individuals who are

not residents, employees, customers or property owners in the Park District¹. SCI has conducted numerous surveys of similar parks and recreation districts in the Sacramento area and other areas in California and has determined that use by the public at large is nearly always less than 20%. Moreover, a second quantification of benefits to the public at large is based on solid, credible evidence consisting of District records which document the percentage of participants in the District's recreation programs conducted within the District's park and recreational facilities who reside within the District and the percentage of those who utilize the District's recreational programs and services and reside outside of the District. The percentage of participants in the District's recreation programs who do not reside within the Assessment District provides another estimate of the percentage of general benefit to the public at large. This analysis found that 20% of recreation program participants do not reside in the District. Based on this data and analysis, we conclude that the general benefits to the public at large equal 20%.

TOTAL GENERAL BENEFITS

Using a sum of these three measures of general benefit, we find that approximately 47.2% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the assessment.

General Benefit Calculation

	24.7%	(Outside the Assessment District)
+	2.5%	(Property within the Assessment District)
+	20.0%	(Public at Large)
=	47.2%	(Total General Benefit)

Although this analysis finds that 47.2% of the assessment may provide general benefits, the Assessment Engineer establishes a requirement for a minimum contribution from sources other than the assessments of 50.0%. This minimum contribution above the measure of general benefits will serve to provide additional coverage for any other possible general benefits.

The Assessment District's total budget for installation, maintenance and servicing of the Improvements is \$1,339,780. Of this total budget amount, the District and other partner agencies and contributors will contribute \$766,621 from sources other than the

¹ . When District facilities are used by those individuals, the facilities are not providing benefit to property within the Park District. Use under these circumstances is a measure of general benefit. For example, a non-resident who is drawn to utilize the Park District facilities and shops at local businesses while in the area would provide special benefit to business properties as a result of his or her use of the Improvements. Conversely, one who uses Park District facilities but does not reside, work, shop or own property within the Park District boundaries does not provide special benefits to any property and is considered to be a measure of the general benefits.

assessments. This contribution equates to approximately 57.2% of the total budget for installation, maintenance and servicing of the park and recreational improvements and constitutes more than the measure of 50.0% general benefits from the Improvements.

BENEFIT FINDING

As extensively described in this Report, the assessment funds will be used to improve, maintain and preserve a well distributed set of important local resource lands and improvements in the Assessment District. Any general benefits from the Improvements to the public at large or property in the Assessment District are more than offset by the District's contributions, which are well above the cost of the Improvements providing special benefits to property in the Assessment District. Therefore, this Engineer's Report finds that the Improvements are a significant, tangible benefit that should reasonably and rationally confer more special benefit to properties in the Orangevale Recreation and Park District than the assessment rate of \$42.00 per benefit unit.

METHOD OF ASSESSMENT

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of 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.

ASSESSMENT APPORTIONMENT

To estimate the relative benefit to each land use class from the proposed improvements, a point system was created prior to Proposition 218 utilizing the single family residential parcel as the "benchmark property". A Benefit Assessment Matrix, illustrating relative scoring of points by land use class and the grandfathered benefit categories and the total points for each land use class, is set forth at the Benefit Assessment Matrix Section of this Report, and indicates the point scoring and totals for each land use class.

The Board has determined that the location, nature and function of the proposed projects combine to provide substantially equal benefit to all parcels of real property within a particular land use category, regardless of the location of that property within the boundaries of the assessment district.

The following is a brief description of the resulting assignment of points for each land use class:

LAND USE CLASSES

Land Use Class A: Single Family Residential /Condominium Parcels

This is the "benchmark property" for determining benefit, which will be conferred on each parcel by the proposed projects to be constructed with assessment proceeds. A base rating of five (5) points has been assigned for single family residential parcels with respect to the following benefits: enhanced recreation opportunities (Benefit Category 1); preservation of open space, scenery and cultural assets (Benefit Category 2); expanded employment opportunities (Benefit Category 4); reduced costs of local government for law enforcement and public healthcare (Benefit Category 5); and increased property values (Benefit Category 6). No points were assigned for Category 3 regarding economic activity as residential properties were viewed as not receiving any such benefit. Benefit Category 3 describes a direct economic benefit to commercial and industrial properties, and is not applicable to single family residential parcels. Therefore, each single-family residential parcel was assigned a point total of twenty-five (25) points.

Condominium parcels were judged to benefit the same as single family residential parcels in these benefit categories, and therefore the same point total of twenty-five (25) points was assigned to condominium parcels and they are included as part of the single family residential land use class. Condominium parcels will be assessed on a per unit basis since the ownership of condominium units is carried on the Sacramento County Assessor's records on a per unit basis.

Land Use Class B: Multi-Residential and Apartment Parcels

Multi-residential and apartment parcels are reported on the Sacramento County Assessor's records by the number of multi-family dwelling units on each parcel. Each multi-family dwelling unit was judged to benefit the same from the proposed improvements as will a single family residential parcel with respect to enhanced recreational opportunities (Benefit Category 1), preservation of open space, scenery and cultural assets (Benefit Category 2), expanded employment opportunities (Benefit Category 4), and increased property values (Benefit Category 6). However, unlike single family residential/condominium parcels, multi-residential and apartment parcels were judged to receive some benefit in the form of increased economic activity resulting in the attraction of customers, most notably prospective tenants, which could be expected to occur as a result of expanded and improved park and recreational facilities available for use by prospective tenants. Therefore, a point total of two (2) was assigned to multi-residential and apartment parcels in Benefit Category 3. With respect to Benefit Category 5, reduced costs of local government for law enforcement and public healthcare, multi-residential and apartment parcels were judged to benefit somewhat less than the single family residential/condominium parcels because some multi-residential units provide their own private security services.

Therefore, three (3) points were assigned in Benefit Category 5 for multi-residential and apartment parcels. Each multi-residential or apartment unit was therefore assigned a total of twenty-five (25) points.

Land Use Class C: Mobile Home Residential Parcels

Mobile home residential parcels were judged to benefit essentially the same as single-family residential/condominium parcels and multi-residential and apartment parcels in all benefit categories. A base rating of three (3) points has been assigned for each benefit category. Therefore, each such parcel is assigned a total of fifteen (15) points.

Land Use Class D: Commercial Property

The commercial land use class has been broken down into various subcategories consisting of retail stores, service stations, restaurants, hotel/motel, theaters, recreation, private golf course/country club, shopping center, other commercial/service sector and other commercial/product sector.

Commercial parcels are judged to benefit substantially less than do single family residential/condominium parcels with respect to the enhanced recreational opportunities afforded by the proposed improvements (Benefit Category 1). Therefore, two (2) points were assigned to the commercial land use class in that category. Commercial properties were also perceived to benefit less than single family residential/condominium parcels with respect to the benefit of preservation of open space, scenery and cultural assets (Benefit Category 2) and only one (1) point was assigned to the commercial land use category in this Benefit Category 2. On the other hand, commercial properties will benefit from construction and maintenance of the proposed improvements in terms of the increased economic activity and the attraction of customers and clients that will result benefit Category 3) and thus five (5) points were assigned to the commercial land use category in this Benefit Category 3, whereas single family residential/condominium parcels received zero points in this Benefit Category 3. In Benefit Category 4 regarding expanded employment opportunities, commercial properties are also assigned five (5) points upon the rationale that the increased business activity generated by construction of new park and recreational facilities and expanded recreational programs will not only make the community a better place to live, but it will also make it a better place to work, making it easier for a local business to attract and keep quality employees.

Commercial properties were judged to benefit somewhat less (4 points) than single family residential/condominium parcels with respect to the benefit of reduced cost of local government for law enforcement or public healthcare, primarily because most commercial parcels within the assessment district are not located in close proximity to District facilities and therefore the effects of the District's expanded security program will benefit commercial property somewhat less than residential properties.

With respect to the benefit of increased property value (Benefit Category 6) commercial properties were perceived to benefit to the same extent, although in a slightly different way, than single family residential parcels and five (5) points were assigned to the commercial land use category in Benefit Category 6. Values of commercial properties increase based on (a) increased economic and business activity generated by the construction of the proposed park and recreational improvements; and (b) the increased volume of business generated by expanded recreational activities and special events facilitated by such new and refurbished facilities which creates a greater number of users of the facilities who will also utilize the services of businesses within the Assessment District boundaries.

These considerations lead to a point total of twenty-two (22) points for the commercial land use class which is slightly less than the twenty-five (25) points assigned to the single family residential/condominium class. This reflects the fact that commercial properties are judged to benefit less than residential properties from the construction of the proposed improvements once all of the potential benefits to real property from the proposed improvements are evaluated.

Land Use Category E: Industrial and Mini Storage Parcels

Industrial and mini storage parcels have been judged to benefit less than will commercial properties from the construction of the proposed improvements. Such parcels only benefit incidentally from the enhanced recreational opportunities benefit Category 1) and preservation of open space, scenery and cultural assets (Benefit Category 2). Therefore, such parcels have been assigned a rating of one (1) point in each of those benefit categories. However, industrial and mini storage parcels were assigned a point rating of three (3) in Benefit Category 3, the benefit of increased economic activity, since the construction of the proposed improvements will benefit some local industries in the areas of construction supplies, hardware, etc. Such parcels will probably benefit less than retail commercial parcels from the increased economic activity generated by greater numbers of users of the proposed park and recreational improvements to be constructed. With respect to expanded employment opportunity Benefit Category 4), a rating of one (1) point was assigned since mini storage employment opportunities are negligible and industrial employment opportunities are driven by market factors unrelated to usage by people who also utilize the park and recreational improvements and the expanded recreation opportunities afforded by those facilities. Industrial parcels have been assigned a rating of two (2) in Benefit Category 6 regarding increased property value which is less than the five (5) points assigned in this category to commercial property because industrial parcels are not judged to increase in value as a result of construction of the proposed improvements to the same extent as will commercial properties. Industrial properties will not experience increased economic activity generated by users of the proposed facilities as will commercial properties, and therefore the value of such industrial parcels will be affected to a smaller degree than will the value of commercial parcels. With respect to the reduced cost of local government for law enforcement and public healthcare (Benefit Category 5), industrial and mini storage parcels were only assigned a rating of two (2), less than all

other land use classes. Such parcels are perceived to benefit less in this area since many such parcel owners provide their own security and because industrial and mini storage uses are perceived to generate less law enforcement activity and cost than do commercial properties, particularly retail properties. On the other hand, industrial parcels should benefit from reduced costs of public healthcare in the same way and to the same general extent as will commercial properties. Therefore, a rating of two (2) points was assigned to industrial/mini storage uses in this Benefit Category 5.

The total point score for industrial/mini storage parcels is ten (10) points per assessable unit, reflecting the fact that these parcels will benefit less from the proposed improvements than will the other land use classes.

Land Use Class F: Exempt Parcels

This land use class includes all parcels which are classified as exempt from real property tax by the Sacramento County Tax Assessor and includes all parcels classified as exempt from this type of assessment by the Landscaping and Lighting Act of 1972. Therefore, vacant properties will not be assessed until they are put to some use. At the time that they are put to use, they will be assessed based on the land use category into which the vacant property falls.

Properties owned by governmental entities such as the federal government, State government, and other special districts, such as water districts, school districts, and fire districts, also will not be assessed. It has been determined that these parcels are not the type of property for which the park and recreational facilities funded with assessment proceeds were planned, designed, constructed, operated and maintained. The Board has determined that these publicly owned properties do not receive the same special benefits from the construction of these facilities as do the other land use classes described above. In addition public schools have entered into joint use agreements with the District which provide economic value to the District which offsets the cost of any incidental special benefits received by these publicly owned parcels. Likewise, property consisting of a railroad, gas, water, or electric utility right-of-way shall not be assessed, since such utility-related property is not deemed to benefit at all from the construction of the proposed improvements. Finally, properties owned by churches, vacant and agricultural parcels will not be assessed.

Since the exempt land use class receives a zero point rating in all benefit categories, it is not included in the Benefit Assessment Matrix.

NON-RESIDENTIAL ASSESSMENT UNITS

In order to equalize the assessment among residential and non-residential land use classes in terms of the area of land to be benefited by the construction of the proposed improvements, an assessment methodology has been used to convert the acreage of each non-residential parcel into an equivalent number of single family residential parcels that could have been developed on each non-residential parcel but for the commercial and/or

industrial use to which the parcel has been put. Approximately eighty-eight percent (88%) of the parcels within the proposed Assessment District are traditional single-family residential subdivision lots. The average gross density of these subdivisions is approximately 3.6 gross dwelling units per acre. Assuming ten percent (10%) of the gross acreage of a subdivision is consumed in public streets, the average net density of these subdivisions is approximately 4.0 dwelling units per net acre and the average residential lot size is approximately one-quarter acre. Accordingly, the number of assessment units for each commercial and industrial parcel has been determined by dividing the parcel acreage of each parcel by four. Therefore, each commercial and industrial parcel within the Assessment District will be assessed on a quarter acre basis and each one-quarter acre of each commercial and/or industrial parcel will generate a separate assessment. This methodology equalizes the assessment and the distribution of benefit between residential and non-residential parcels by insuring that each non-residential assessment unit represents essentially the same land area to be benefited by the construction of the improvements with assessment proceeds as the average single family residential parcel.

BENEFIT FACTOR INDEX

The Assessment Matrix also shows the Benefit Factor Index for each land use category. Since a single family residential parcel is the "benchmark property", the relative scores of all other land use classes were related to the benchmark by indexing. A single family residential parcel was assigned a relative Benefit Factor Index of 1.00. The Benefit Factor Index for other land use classes was determined by dividing the point total for each particular land use class by the point total for the single family/condominium residential class.

ASSESSMENT PER PARCEL

The total number of units (either dwelling unit or one-quarter acre parcel count) for each land use class was multiplied by its respective Benefit Factor Index to determine the number of Single Family Equivalent (SFE) assessment benefit units for each land use class. The sum of the Assessment Units for all land use classes was then divided into the annual assessment amount to determine a Base Assessment.

The final assessment per parcel was determined by multiplying the Base Assessment times the SFE units for the parcel.

BENEFIT ASSESSMENT MATRIX

In an effort to categorize the special benefit that each parcel of land would receive by the formation of a landscaping and lighting assessment district and the levying of an assessment to cover the improvements intended, a matrix of impacts was developed. The matrix follows this section. The matrix was developed as follows.

The determining factor as to how a benefit was derived was the use of the land as determined by the Sacramento County Assessor's Department. Each parcel is assigned a one digit code based upon the use of the property and in most cases, the zoning of the land. Using the Assessor's Code numbers, the various uses of land within the District

boundaries were broken down into five different uses. It was determined that there are six different ways that a parcel of land can be benefited by enhancing the park system. Each different category of land use is affected differently by these types of benefit.

Each type of benefit was applied to each category of use and rated on a scale of one to five, with five being the most intense level of benefit. The number of points assigned by the rating is shown on the following page. The points for the six types of benefit were tallied and an overall number was determined for each category of land use. The resultant number is then used in assigning the annual assessment to the various parcels of land within the District boundaries. An annual check is made of property usage to ensure that the latest information is used in assigning the assessment levy.

ORANGEVALE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT						
FISCAL YEAR 2017-18 ASSESSMENT						
BENEFIT ASSESSMENT MATRIX						
	Land Use Classes					
	Per Unit			Per 1/4 Acre		
	Single Family/ Condominium	Multi-Family	Mobile Home	Commercial	Industrial/ Mini-Storage	
1	Enhanced recreation opportunities and expanded access to recreation facilities for residents, customers and guests	5	5	5	2	1
2	Preservation of open space, wildlife, scenery, views and other environmental benefits enjoyed by residents, customers and guests; protection of historical and cultural assets of the region.	5	5	5	1	1
3	Increased economic activity resulting in the attraction of customers and guests.	0	2	0	5	3
4	Expanded employment opportunities.	5	5	5	5	1
5	Reduced cost of local government in law enforcement and public health care.	5	3	3	4	2
6	Increased property values.	5	5	4	5	2
	Total Points	25	25	22	22	10
	Units/ 1/4 Acre	10,644	1,888	419	789	129
	Benefit Factor Index	1.00	1.00	0.88	0.88	0.40
	Single Family Equivalent Units (SFE)	10,644.00	1,888.00	368.72	694.32	51.60
	Total SFE Units	13,646.64				
	Annual Assessment Amount	\$573,158.88				
	Base Assessment	\$42.00				
	Assessment per Unit	\$42.00	\$42.00	\$36.96	\$36.96	\$16.80
	Assessment per SFE	\$42.00	\$42.00	\$42.00	\$42.00	\$42.00
	Assessment Subtotals	\$447,048.00	\$79,296.00	\$15,486.24	\$29,161.44	\$2,167.20
	Total Assessment	\$573,158.88				

ASSESSMENT

WHEREAS, on March 9, 2017 the Board of the Orangevale Recreation and Park District adopted its resolution initiating proceedings for the levy of assessments within the Assessment District and authorizing the Orangevale Recreation and Park District, County of Sacramento, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution (collectively "the Act"), to proceed with the proposed levy of assessments;

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

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

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2017-18 is generally as follows:

SUMMARY COST ESTIMATE		FY 2017-18 Budget
Capital Improvements and Maintenance Expenditures	\$556,000	
Incidental Expenses	\$43,000	
Debt Service	\$1,200	
Salaries and Benefits	\$739,580	
TOTAL BUDGET		\$1,339,780
Less: Contributions		
District Contribution for General Benefits		(\$669,890)
District Contribution toward Special Benefits		(\$96,731)
NET AMOUNT TO ASSESSMENTS		\$573,159

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

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

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

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Sacramento for the fiscal year 2017-18. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2017-18 for each parcel or lot of land within the said Assessment District.

Dated: May 5, 2017

Engineer of Work

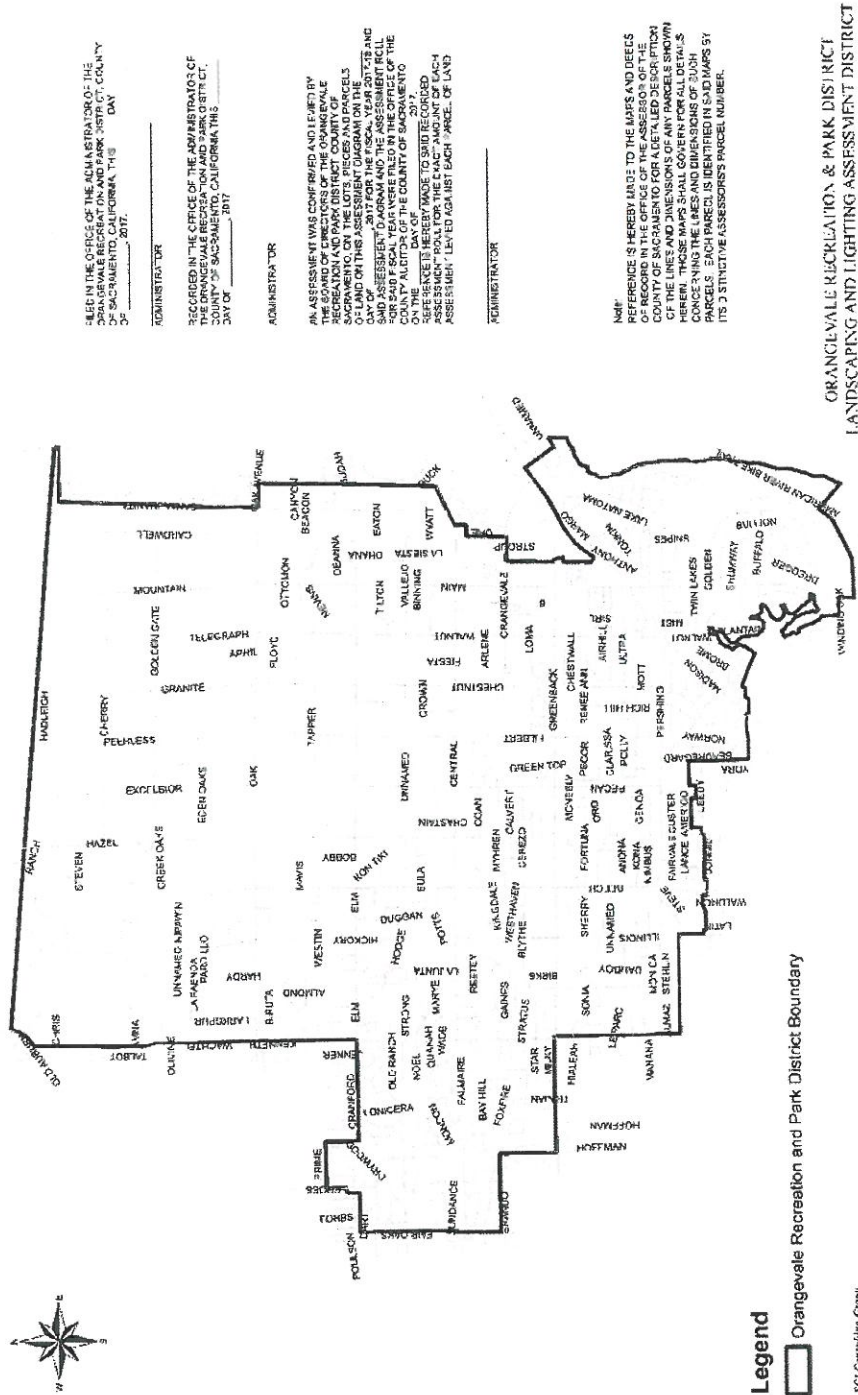
By _____

John W. Bliss, License No. C052091

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of the Orangevale Recreation and Park District. The area within the boundaries of the Park District is primarily developed for urban residential and commercial use.

The boundaries of the Parks Maintenance and Assessment District are displayed on the following Assessment Diagram.



ORANGEVALE RECREATION & PARK DISTRICT
LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT
ASSESSMENT DIAGRAM

FILED IN THE OFFICE OF THE ADMINISTRATOR OF THE
ORANGEVALE RECREATION AND PARK DISTRICT, COUNTY
OF SACRAMENTO, CALIFORNIA, THIS _____ DAY
OF _____, 2017.

ADMINISTRATOR

RECORDED IN THE OFFICE OF THE ADMINISTRATOR OF
THE ORANGEVALE RECREATION AND PARK DISTRICT,
COUNTY OF SACRAMENTO, CALIFORNIA, THIS _____
DAY OF _____, 2017.

ADMINISTRATOR

AN ASSESSMENT WAS COMPILED AND LEASED BY
THE BOARD OF DIRECTORS OF THE ORANGEVALE
RECREATION AND PARK DISTRICT ON THE
_____ LAND ON THIS ASSESSMENT DIAGRAM ON THE
_____ SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT FEE
FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE
COUNTY ALTIMETER, COUNTY OF SACRAMENTO
_____ ASSESSMENT ROLL FOR THE FISCAL YEAR OF EACH
ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND

ADMINISTRATOR

REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS
OF RECORD IN THE OFFICE OF THE COUNTY CLERK
OF SACRAMENTO, CALIFORNIA, AND TO THE
LINES AND DIMENSIONS OF ANY PARCELS SHOWN
HEREIN. THESE 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.

Legend
[Black Outline] Orangevale Recreation and Park District Boundary

SCI Consulting Group
4745 Mangrove Blvd
Folsom, CA 95654

ASSESSMENT ROLL 2017-18

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

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

END NOTES

¹ Love, L. and Crompton, J. *Trends: Parks, Practice and Program*. Oxford University Press-USA. New York, NY. 1993.

² *1993 State of the Industry Report*. Widdekind, L. ed. The Outdoor Industry Association (The Outdoor Recreation Coalition of America and the Sporting Goods Manufacturers Association's Outdoor Products. pub.) Boulder CO. 1993.

³ *California Parks and Recreation*. The California Parks and Recreation Society, pub. Sacramento, CA. (<http://www.cprs.org>.)

⁴ PKF Consulting. San Francisco, CA. "Analysis of the Economic Impacts of the Northern Central Rail Trail." For the Greenways Commission, Maryland Department of Natural Resources, Annapolis, Maryland. June 1994.

⁵ Outdoor Recreation Resources Review Commission, *Outdoor Recreation For America: A Report To The President And The Congress*. January 2002.

⁶ Ibid. Smith, Van.

⁷ Ibid. California Parks and Recreation. 1997.

⁸ *Parks and Recreation*, National Recreation and Park Association, pub. Ashburn, Virginia. January 2001. (<http://www.nrpa.org/>)

⁹ National Park Service. NPS Technical Information Center. Washington D.C, 1983.

¹⁰ Report of the President Commission on Americans Outdoors, *U.S. Government Printing Office: Management*. Washington D.C. 1987.

¹¹ Crompton, J., Love L., More T., *An Empirical Study of the Role of Recreation, Parks and Open Space in Companies' (Re)Location Decisions*, *Journal of Park and Recreation Administration*, Spring, 1997, vol 15 no. 1, p p37, 40.

¹² Wylde, Boomers on the Horizon: Housing Preferences of the 55+ Market, *National Association of Home Builders*, 2002.

¹³ Ibid. NPS.

¹⁴ Ibid. NPRA. June 1985.

¹⁵ Knox v. City of Orland, 4 Cal.4th 132, 143 (1993) the Supreme Court of California.

¹⁶ Wilson v. Lambert (1898) 168 U.S. 611, 616 [42 L.Ed. 599, 601, 18S.Ct.217] the United States Supreme Court.



RESOLUTION # 17-06-575

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE ORANGEVALE RECREATION & PARK DISTRICT
ADOPTING THE KENNETH GROVE LANDSCAPING AND
LIGHTING ASSESSMENT DISTRICT
PRELIMINARY BUDGET FOR FISCAL YEAR 2017/2018**

WHEREAS, all necessary estimates of revenues, expenditures and reserves were reviewed and filed for ending fiscal year 2016/2017; and

THEREFORE, IT IS HEREBY RESOLVED in accordance with Code Section 29089 of the Government Code, the preliminary budget for the fiscal year 2017/2018, be and is hereby adopted in accordance with the following:

(1)	Salaries & Employee Benefits	\$	<u>0</u>
(2)	Services & Supplies		<u>5,430</u>
(3)	Other Charges		<u>0</u>
(4)	Fixed Assets:		
	(a) Land		<u>0</u>
	(b) Structures & Improvements		<u>0</u>
	(c) Equipment		<u>0</u>
(5)	Expenditure transfers		<u>0</u>
(6)	Contingencies		<u>0</u>
(7)	Provision for reserve increases		<u>0</u>
	TOTAL BUDGET REQUIREMENTS	\$	<u>5,430</u>

BE IT FURTHER RESOLVED that the means of financing the expenditure program will be by monies derived from Revenue to Accrue, Fund Balance Available and Property Assessments.

BE IT FURTHER RESOLVED that the proposed preliminary budget be and is hereby adopted in accordance with the listed attachment which show in detail the approved appropriations, revenues and methods of financing for the 2017/2018 fiscal year:

ON A MOTION, by Director Meraz, seconded by Director Brunberg, the foregoing Resolution was passed and adopted this 8th day of June 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED: _____
Chair, Board of Directors

ATTEST: _____
Clerk of the Board

6826 Hazel Avenue
Orangevale, CA 95662
916-988-4373
OVparks.com



RESOLUTION NO. 17-06-576

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE ORANGEVALE RECREATION & PARK DISTRICT
APPROVING THE ENGINEER'S REPORT,
CONFIRMING THE DIAGRAM AND ASSESSMENT,
AND ORDERING THE LEVY OF ASSESSMENT
FOR THE FISCAL YEAR 2017-18 FOR THE
KENNETH GROVE LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT**

RESOLVED, by the Governing Board (the "Board") of the Kenneth Grove Landscaping and Lighting Assessment District (the "District"), County of Sacramento, State of California, that

WHEREAS, the formation of the Kenneth Grove Recreation and Park District Maintenance Assessment District (the "Assessment District"), pursuant to the provisions of the Landscaping and Lighting Act of 1972 has previously been ordered through Resolution 94-05-86A; and

WHEREAS, the purpose of financing certain park and recreation improvements and refurbishments, as specified in the District's updated Master Plan and for the purpose of funding maintenance operations of the District, as described in the Engineer's Report; and

WHEREAS, by its Resolution No. 17-03-567, A Resolution Directing Preparation of the 2017-18 Engineer's Report for the Kenneth Grove Landscaping and Lighting Assessment District (the "Park District"), this Board designated SCI Consulting Group as Engineer of Work and ordered said Engineer to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the report was duly made and filed with the Clerk of the Board and duly considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 8, 2017 at the hour of 6:30 p.m. at the District offices of the Orangevale Recreation and Park District, 6826 Hazel Avenue, Orangevale, California, 95662, were appointed as the time and place for a hearing by this Board on the question of the levy of the proposed assessment, notice of which hearing was given as

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required by law; and

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

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, that:

1. The public interest, convenience and necessity require that the levy be made.
2. The Assessment District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Clerk of the Board, which map is made a part hereof by reference thereto.
3. The assessment is levied without regard to property valuation.
4. The Engineer's Report as a whole and each part thereof, to wit:
 - (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
 - (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment District; and
 - (c) the assessment of the total amount of the cost and expenses of the proposed



maintenance of the improvements upon the several lots and parcels of land in the Assessment District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;

are finally approved and confirmed.

5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Board.
6. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2017-18 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Engineer's Report.
7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Board expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the Clerk of the Board shall file a certified copy of the diagram and

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assessment and a certified copy of this resolution with the Auditor of the County of Sacramento. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments, After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Kenneth Grove Landscaping and Lighting Assessment District.

9. The moneys representing assessments collected by the County shall be deposited in the District Treasury to the credit of the improvement fund previously established under the distinctive designation of the Assessment District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

PASSED AND ADOPTED this 8th day of June 2017, by the following vote:

AYES :

NOES:

ABSENT:

ABSTAIN:

CHAIR, BOARD OF DIRECTORS

CLERK OF THE BOARD

6826 Hazel Avenue
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**ORANGEVALE RECREATION AND PARK
DISTRICT**

KENNETH GROVE ASSESSMENT DISTRICT

ENGINEER'S REPORT

JUNE 2017
FISCAL YEAR 2017-18

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

ENGINEER OF WORK:

SCIConsultingGroup

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KENNETH GROVE ASSESSMENT DISTRICT

BOARD OF DIRECTORS

Mike Stickney, Chair
Lisa Montes, Vice Chair
Tim Anderson, Secretary
Sharon Brunberg, Director
Manie Meraz, Director

DISTRICT ADMINISTRATOR

Greg Foell

DISTRICT'S ATTORNEY

David W. McMurchie

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

FORMATION OF ASSESSMENT DISTRICT

The Kenneth Grove Assessment District was formed pursuant the Landscaping and Lighting Act of 1972 by the Orangevale Recreation and Park District commencing with Resolution No. 94-02-83 dated February 10, 1994 (hereinafter the "Resolution of Intention"). The Resolution of Intention provides the following: (1) formation of the Kenneth Grove Landscaping and Lighting Assessment District; and (2) a description of the improvements which the Assessment District is authorized to construct and maintain including the following: (a) installation of sound walls and other ornamental structures and facilities which are necessary or convenient for the maintenance or servicing of curbs, gutters, walls, sidewalks, paving, water irrigation, drainage or electrical facilities; and (b) land preparation such as grading, leveling, cutting and filling, sod landscaping, irrigation systems, sidewalks and drainage; and (c) the maintenance or servicing of all of the above including repair, removal or replacement of all or part of any improvement or other typical maintenance services.

The Engineer's Report, diagram and assessment and Resolution of Formation of the Kenneth Grove Landscaping and Lighting Assessment District was adopted by the Board of Directors of Orangevale Recreation and Park District by Resolution No. 94-05-86A on May 12, 1994. That resolution confirmed the findings in the Resolution of Intention and was adopted after a public hearing during which members of the public were offered the opportunity to protest against the formation of the Assessment District. The Resolution of Formation notes that the owners of the affected properties included within the proposed Assessment District have filed with the District written consents to the proposed formation of the Kenneth Grove Landscaping and Lighting Assessment District and the proposed levying of assessments as specified in the Engineer's Report. The Resolution of Formation included a provision that a perpetual contingency reserve fund be established in the amount of the first year's total assessment revenue to be paid by the developer by agreement in order to cover the costs of any contingencies which may occur throughout the duration of the Assessment District. The Resolution of Formation also provided that should any new subdivision be annexed into the Kenneth Grove Landscaping and Lighting Assessment District in the future, that a separate perpetual contingency reserve fund is required to be established for operations within that particular annexed area calculated as the amount of the first year's assessment levied against real property within that annexed area to be paid by the developer of the annexed area to fund contingencies with respect to maintenance and operations in future years with respect to the property annexed to the Assessment District.

The initial assessment levied upon each parcel of real property within the Kenneth Grove Assessment District for fiscal year 1994-95 was \$150.78 per parcel. The Kenneth Grove Assessment District has continued to levy the same annual assessment per parcel of \$150.78 per fiscal year from the date of formation to the present time.

The Kenneth Grove Assessment District was also formed for the purposes of providing park and recreational improvements in addition to landscape corridors and streetscapes to the residents of the assessment district. The Assessment District may utilize assessment revenue to fund these additional purposes in the future.

Exemptions from Proposition 218

Having been formed in 1994, the Kenneth Grove Assessment District assessments were existing on November 6, 1996, the effective date of Article XIID of the California Constitution (Proposition 218). Proposition 218 identified preexisting assessments which fell within one of four exemptions identified in section 5 of Article XIID as exempt from the procedures and approval process for assessments detailed in Proposition 218.

The four "exemptions" delineated in Proposition 218 that are applicable to the Kenneth Grove Assessment District are as follows:

- (1) Any assessment imposed exclusively to finance the capital cost or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems, or vector control (Cal. Const., art. XIID, § 5, subd. (a)); and
- (2) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed (Cal. Const., art. XIID, § 5, subd. (b)).

Both of these exemptions from the provisions of Proposition 218 apply to the Kenneth Grove Assessment District. First, the Assessment District was formed pursuant to a petition signed by all of the current owners of the real property subject to the assessment (the developer of the Kenneth Grove Subdivision) at the time the assessment was initially imposed which meets the requirements of California Constitution Article XIID, section 5(b).

In addition, the initial purpose of the assessment was to finance the capital costs and maintenance and operation costs for constructing sidewalks, sidewalk and street landscaping, irrigation and drainage to enhance the parcels of property comprising the Kenneth Grove Assessment District.

Both of these exemptions from the procedures and approval process for assessments specified in Proposition 218 have been satisfied within the Kenneth Grove Assessment District.

First, the exemption which is an assessment imposed by a petition signed by the persons owning all the parcels subject to the assessment at the time the assessment is initially imposed is evidenced by the Resolutions of the District and the written consents filed by the then current owners of the real property subject to the assessment in 1994 before the Assessment District was formed.

The second exemption available for capital and maintenance costs associated with sidewalks, streets, and landscaping and irrigation associated with sidewalks and streets is supported by case law decided under the provisions of California Constitution Article XIID, section 5(b) (hereinafter "Proposition 218"). The Board of Directors of the District has adopted the position that street and sidewalk landscaping is an integral part of "streets" and "sidewalks" and therefore an existing assessment for the maintenance of such landscaping is exempt under Proposition 218. Streets and Highways Code section 29 provides that "roadside planting and weed control" is included within the definition of construction and maintenance of streets.

The assessments levied within the Kenneth Grove Assessment District prior to the passage of Proposition 218 are exempt under both of these exceptions articulated in Proposition 218.

Those procedures and approval processes with respect to which the Kenneth Grove Assessment District is exempt are as follows:

- (1) Procedural requirements regarding the imposition of assessments including (a) identification of all parcels which will have special benefit conferred upon them by the improvements or services funded by the assessment; and (b) differentiation between "special benefit" and "general benefit" conferred on properties from the improvement and/or services funded with assessment proceeds; and (c) allocation of assessments per parcel dependent upon the proportion of special benefit to each property in relationship to the entirety of the costs of acquiring or constructing an improvement or of maintaining and operating such an improvement among the parcels to be assessed; and (d) the assessment on a parcel may not exceed the reasonable cost of the "proportional special benefit" conferred on that parcel by the improvements or services funded with assessment proceeds; and (e) procedural requirements including the 45-day mailed notice to property owners of the proposed assessment; an opportunity for property owners to protest by ballot against the proposed assessment at a public hearing; and prohibition of any assessment if a majority protest exists, A "majority protest" is defined as ballots from property owners submitted in opposition to the assessments amounting to more than 50% of the total ballots submitted by property owners, with ballots submitted weighted according to the proportional financial obligation for paying assessments for each affected parcel.

In light of the fact that the Kenneth Grove Assessment District was formed prior to the imposition of Proposition 218 on November 6, 1996 and complies with the definitions of two of the exemptions in Proposition 218 as specified above, the assessments levied within the Kenneth Grove Assessment District are exempt from the substantive and procedural requirements outlined above.

Despite that exemption, this Engineer's Report specifies the facts and circumstances demonstrating that the assessments levied within the Kenneth Grove Assessment District comply with the substantive requirements of Proposition 218.

SUBSTANTIVE REQUIREMENTS OF PROPOSITION 218**SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE
AUTHORITY**

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

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

This Engineer's Report is consistent with the SVTA decision and with the requirements of Article 13C and 13D of the California Constitution because the improvements to be funded are clearly defined; the benefiting property in the Assessment District enjoys close and unique proximity, access and views to the Improvements; the Improvements serve as an extension of usable land area for benefiting properties in the Assessment District and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property.

PLANS & SPECIFICATIONS

The work and improvements proposed to be undertaken by the Orangevale Recreation and Park District's Kenneth Grove Assessment District (the "Assessment District") and the cost thereof paid from the levy of the annual assessment provide special benefit to Assessor Parcels within the Assessment 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:

Installation, maintenance and servicing of public recreational facilities and improvements including landscape corridors, streetscapes and other park and recreational improvements. The plans and specifications for these improvements have been filed with the District Administrator of the Orangevale Recreation and Park District and are incorporated herein by reference.

As applied herein, "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 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.

FISCAL YEAR 2017-18 ESTIMATE OF COST AND BUDGET

ORANGEVALE RECREATION AND PARK DISTRICT Kenneth Grove Assessment District Estimate of Cost Fiscal Year 2017-18		<i>Total Budget</i>
Installation, Maintenance & Servicing Costs		
Improvements		\$0
Operating Expenses		
Ag/Horticulture Services & Supplies		\$500
Water		\$800
Fuel		\$600
Maintenance Contract		\$0
Subtotal		\$1,900
Incidental Expenses		
Advertising/Legal Notices		\$500
Administration & Inspection		\$1,130
Annual Engineer's Report		\$1,000
Professional Services		\$600
Other Expenses		\$298
Subtotal		\$3,528
Contribution to/(from) Reserves Fund Balance Available		
Contribution to (from) Contingency		\$0
Total Landscaping and Lighting Assessment District Budget (Net Amount to be Assessed)		\$5,428
Budget Allocation to Property		
Total Assessment Budget		\$5,428
Single Family Equivalent Benefit Units		36.00
Assessment per Single Family Equivalent Unit		\$150.78

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of park facilities throughout the Park District, and the methodology used to apportion the total assessment to properties within the Assessment District.

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

DISCUSSION OF BENEFIT

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

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

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property and that the value of the special benefits must reasonably 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 Kenneth Grove Assessment District consists solely of residential parcels populated with single family residences which receive the benefit of sidewalks and streetscape landscaping constructed adjacent to major streets within the subdivision, which improvements were constructed by the developer of the subdivision and are maintained by the Kenneth Grove Assessment District. The Assessment District also was formed with the power to levy assessments for additional park and recreational improvements to serve the residents of the assessment district. All of the parcels within the boundaries of the

Assessment District enjoy close proximity to the sidewalk and streetscape improvements constructed and maintained with assessment proceeds. The Assessment District consists of only 36 parcels comprising the subdivision, and the improvements consisting of sidewalk and streetscape landscaping and maintenance uniquely benefit this small subdivision as a "special benefit." Existing improvements are not of sufficient magnitude to significantly benefit adjacent residential parcels located outside the Assessment District.

The following benefit categories summarize the types of special benefit to residential, parcels resulting from the installation, maintenance and servicing of existing sidewalk and streetscape landscaping improvements and future park and recreational improvements to be provided with the assessment proceeds. These categories of special benefit are summarized as follows:

- a. Extension of a walkable areas and green spaces for properties within close proximity to the Improvements.
- b. Proximity to improved sidewalks and streetscape landscaping and other park and recreational improvements.
- c. Access to improved sidewalks and landscaping and other park and recreational improvements constructed to serve the residents and property of the assessment district.
- d. Improved local views regarding sidewalk and streetscape landscaping and future park and recreational improvements.

In this case, the recent the SVTA decision provides enhanced clarity to the definitions of special benefits to properties 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 landscape and park and recreational improvements are a direct advantage and special benefit to property that is proximate to such landscape and park and recreational improvements constructed and maintained with assessment proceeds:

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

Proximity, improved access and views, in addition to the other special benefits listed above further strengthen the argument that these assessments comply with the provisions of Proposition 218, despite the fact that they are exempt from such constitutional requirements as set forth above.

Although it could be argued that there are no general benefits from these Improvements, it is possible that there are some visual benefits received by parcels which are not in the Assessment District. This is a measure of the general benefits to the public at large. We estimate this benefit to be no more than 5%.

Special Benefit	95%
General Benefit	5%
Total Benefit	100%

The maintenance and servicing of these Improvements is also partially funded, directly and indirectly, from other sources including the Orangevale Recreation and Park District, County of Sacramento, the local water provider, and the State of California. This funding may come in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g., curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District. The sum total of this contribution exceeds the 5% minimum needed to offset any general benefit, as noted above.

Therefore, despite its exemptions from the procedural and substantive requirements of Proposition 218, the Kenneth Grove Assessment District complies with the substantive requirements of Proposition 218 regarding the differentiation between special benefit to properties within the assessment district from the improvements and maintenance funded with assessment proceeds and general benefit to properties outside the assessment district.

METHOD OF ASSESSMENT

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalents (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.

ASSESSMENT APPORTIONMENT

The benefits from the Assessment District are deemed to be received by property on a dwelling unit basis, with equal benefit to each dwelling unit on a parcel. Therefore, all improved residential properties that represent a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Traditional houses, zero-lot line houses and town homes are included in this category. Multi-family parcels are also assigned one SFE per dwelling unit. Property owned by the District does not benefit from the assessments and therefore is assigned zero SFE units. Currently, all assessed properties within the Assessment District are in single family residential use.

ASSESSMENT

WHEREAS, on March 9, 2017 the Board of the Orangevale Recreation and Park District adopted its resolution initiating proceedings for the levy of assessments within the Assessment District and authorizing the Orangevale Recreation and Park District, County of Sacramento, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act"), to proceed with the proposed levy of assessments;

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

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

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2017-18 is generally as follows:

SUMMARY COST ESTIMATE		FY 2017-18 Budget
Capital Improvements and Maintenance Expenditures	\$1,900	
Incidental Expenses	\$3,528	
TOTAL BUDGET		\$5,428
Less: Contributions		
Contributions to/(from) Reserves and Contingency		\$0
NET AMOUNT TO ASSESSMENTS		\$5,428

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

I do hereby assess and apportion said net amount of the cost and expenses of said improvements, including the costs and expenses incident thereto, upon the parcels and

lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

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

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Sacramento for the fiscal year 2017-18. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2017-18 for each parcel or lot of land within the said Assessment District.

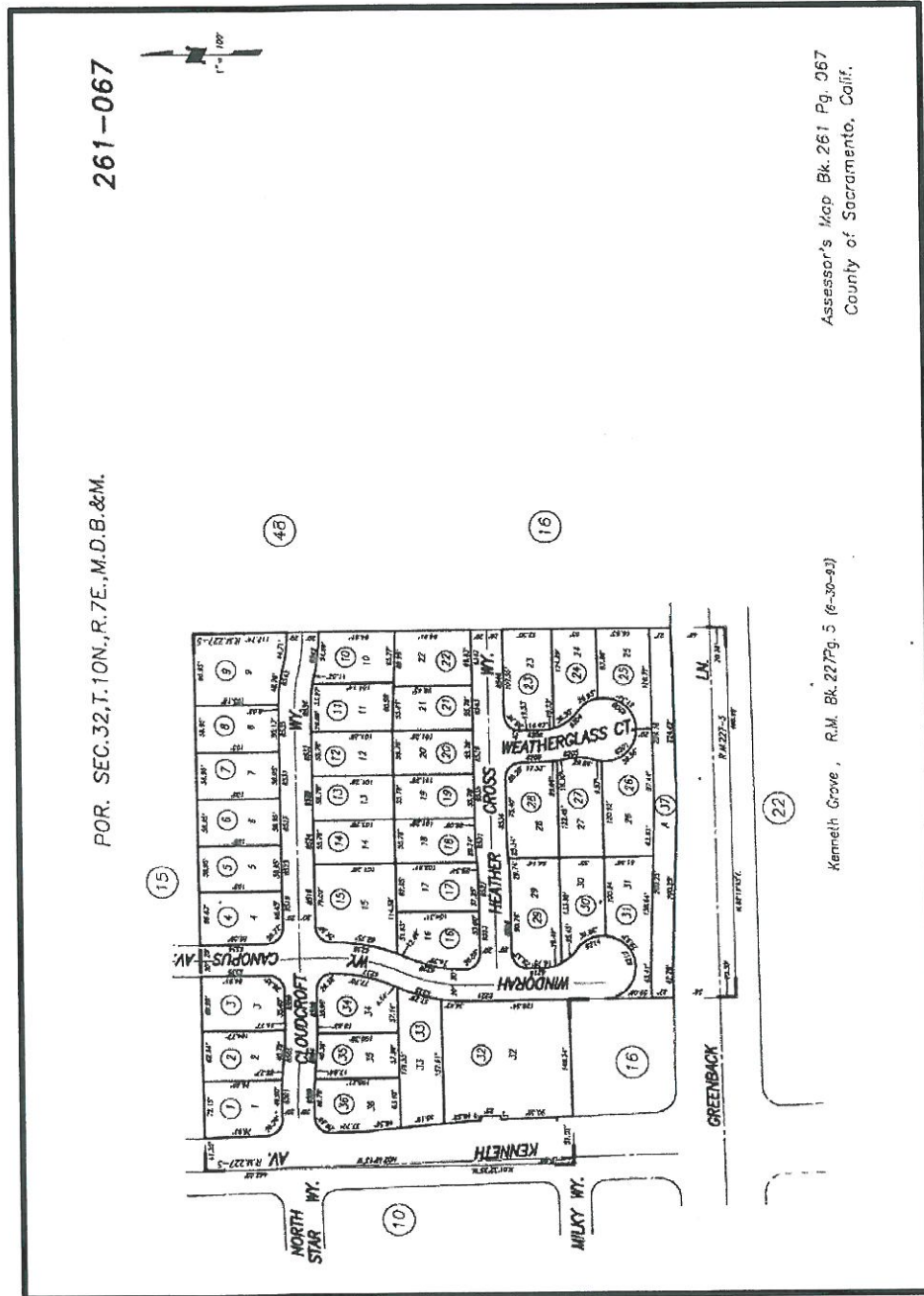
Dated: May 5, 2017

Engineer of Work

By _____
John W. Bliss, License No. C052091

ASSESSMENT DIAGRAM

The boundaries of the Assessment District are displayed on the Assessment Diagram below.



APPENDIX A - 2017-18 ASSESSMENT ROLL

ORANGEVALE RECREATION AND PARK DISTRICT Kenneth Grove Assessment District Assessment Roll 2017-18

Assessment Number & Assessor Parcel Number	Owner Name(s)	Site Address	SFE Units	Assessment
26106700010000	SHARLENE C DAVIDSON LIVING TRUST	8501 CLOUDCROFT WAY	1.00	150.78
26106700020000	BELMONTE FAMILY TRUST	8505 CLOUDCROFT WAY	1.00	150.78
26106700030000	PORTELA MANUEL R/IRIS M	8509 CLOUDCROFT WAY	1.00	150.78
26106700040000	JEFFRY A/CHERYL A QUANDT REVOCABLE TRUST	8519 CLOUDCROFT WAY	1.00	150.78
26106700050000	LEBAS ALBERT E/IRMA D	8523 CLOUDCROFT WAY	1.00	150.78
26106700060000	DALE BARTLETT DECEDENTS TRUST	8527 CLOUDCROFT WAY	1.00	150.78
26106700070000	GURWITZ DARLEEN M	8531 CLOUDCROFT WAY	1.00	150.78
26106700080000	JOHNSON JEAN F	8535 CLOUDCROFT WAY	1.00	150.78
26106700090000	PEDERSEN JAMES E/STACY	8543 CLOUDCROFT WAY	1.00	150.78
26106700100000	SEGURA JAIME/DOUGLAS TREADWELL	8542 CLOUDCROFT WAY	1.00	150.78
26106700110000	DAVID WRIGHT/CORSENE MURPHY LIVING TRUST	8536 CLOUDCROFT WAY	1.00	150.78
26106700120000	WAYNE/JERRIE STADTMAN 2007 REVOCABLE TRUST	8532 CLOUDCROFT WAY	1.00	150.78
26106700130000	ROUSSEL JENNIFER J/JOHN T	8528 CLOUDCROFT WAY	1.00	150.78
26106700140000	RAYMUS TRISHA	8524 CLOUDCROFT WAY	1.00	150.78
26106700150000	MCCANN FAMILY REVOCABLE TRUST	6238 WINDORAH WAY	1.00	150.78
26106700160000	HEISLER PAMELA JEAN	8523 HEATHER CROSS WAY	1.00	150.78
26106700170000	MAXIMA BARTLETT SURVIVORS TRUST	8527 HEATHER CROSS WAY	1.00	150.78
26106700180000	SHARLENE DAVIDSON LIVING TRUST	8531 HEATHER CROSS WAY	1.00	150.78
26106700190000	REIMCHE TROY A/LAURA A	8535 HEATHER CROSS WAY	1.00	150.78
26106700200000	BALLUCH TIMOTHY L/JENNIFER A	8539 HEATHER CROSS WAY	1.00	150.78
26106700210000	LE NIKKI KHIETPHAN	8543 HEATHER CROSS WAY	1.00	150.78
26106700220000	MARK J CHRISTEN LIVING TRUST	8547 HEATHER CROSS WAY	1.00	150.78
26106700230000	MARK J CHRISTEN LIVING TRUST	6208 WEATHERGLASS CT	1.00	150.78
26106700240000	FORD THOMAS/PATRICIA A	6204 WEATHERGLASS CT	1.00	150.78
26106700250000	MAXIMA BARTLETT SURVIVORS TRUST	6200 WEATHERGLASS CT	1.00	150.78
26106700260000	LANDI ROBERT C	6201 WEATHERGLASS CT	1.00	150.78
26106700270000	GROVER MORRIS TRUST	6205 WEATHERGLASS CT	1.00	150.78
26106700280000	DIAZ GONZALEZ ARTURO/GONZALEZ ROSEANN	6209 WEATHERGLASS CT	1.00	150.78
26106700290000	STADLER SCOTT E/MARGARET M	6218 WINDORAH WAY	1.00	150.78
26106700300000	SHARLENE C DAVIDSON LIVING TRUST	6214 WINDORAH WAY	1.00	150.78
26106700310000	MELEOBELLE LP	6210 WINDORAH WAY	1.00	150.78
26106700320000	SMITH RODNEY R/KELLIE E/RICKEY R	6221 WINDORAH WAY	1.00	150.78
26106700330000	JOAN D OXFORD FAMILY TRUST	6225 WINDORAH WAY	1.00	150.78
26106700340000	SHARLENE C DAVIDSON LIVING TRUST	8508 CLOUDCROFT WAY	1.00	150.78
26106700350000	BALAKRISHNA VINOD/PERMA NARAYANASWAMY	8504 CLOUDCROFT WAY	1.00	150.78
26106700360000	CHAVEZ ALBERTO	8500 CLOUDCROFT WAY	1.00	150.78
26106700370000	ORANGEVALE RECREATION/PARK DISTRICT		0.00	0.00
TOTALS:			36.00	5428.08



RESOLUTION # 17-06-577

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ORANGEVALE RECREATION & PARK DISTRICT PROCLAIMING

Parks
Make
Life
Better!

AND THE MONTH OF JULY 2017 AS
PARKS MAKE LIFE BETTER!® MONTH

Whereas, Parks and Recreation makes lives and communities better now and in the future; and

Whereas, it is established through statewide public opinion research, 98% of California households visit a local park at least once a year; two in three households visit a park once a month; 50% of households participate in an organized recreation program; and most park use is with family and friends; and

Whereas, residents value recreation as it provides positive alternatives for children and youth to reduce crime and mischief especially during nonschool hours; it promotes the arts, it increases social connections; aids in therapy; and promotes lifelong learning; and

Whereas, residents value their parks for access to outdoor spaces for children and adults to play and be active; exercise and group sports; and

Whereas, parks provide access to the serenity and the inspiration of nature and outdoor spaces as well as preserve and protect the historic, natural and cultural resources in our community; and

Whereas, thousands of the residents of Orangevale including children, youth, families, adults, seniors, businesses, community organizations, and visitors benefit from the wide range of parks, trails, open space, sports fields, tennis courts, facilities and programs including Orangevale Community Park, Orangevale Swimming Pool, Orangevale Community Center, Almond Park, etc. provided by Orangevale Recreation & Park District; and

Whereas, the Orangevale Recreation & Park District urges all its residents to recognize that parks and recreation enriches the lives of its residents and visitors as well as adding value to the community's homes and neighborhoods; and

Whereas, July is Parks & Recreation Month nationally,

THEREFORE BE IT RESOLVED, the Orangevale Recreation & Park District hereby proclaims July 2017 as Parks Make Life Better!® Month and in doing so, urges all its citizens to use and enjoy its parks, trails, open space, facilities, and recreation opportunities.

Approved this 8th day of June 2017

Michael Stickney, Chair Board of Directors

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Orangevale, CA 95662
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STAFF REPORT



DATE: 6-8-17

TO: Board of Directors

FROM: Greg Foell, District Administrator

SUBJECT: APPROVE RESOLUTION 17-06-578, RESOLUTION AMENDING SALARY SCHEDULE

RECOMMENDATION

Approve Resolution 17-06-578, Resolution Amending the District Salary Schedule.

BACKGROUND

In September 2012, the California Public Employee Pension Reform Act, commonly referred to as CalPEPRA, was enacted. CalPEPRA contains several changes with respect to how pension benefits are administered for employees hired after January 1, 2013, including a requirement that the employee must pay a contribution rate equal to fifty percent (50%) of the employee and employer combined normal cost of retirement benefits. New employees are also subject to different benefit formulas and retirement ages, caps on compensation, compensation calculations, purchases of retirement calculations and other provisions contained in CalPEPRA. These requirements were implemented with the adoption of the new personnel manual.

With respect to existing employees hired before January 1, 2013, CalPEPRA states a standard that employees pay a contribution rate equal to fifty percent (50%) of the employee and employer combined normal cost of retirement benefits as well. CalPEPRA further provides that after January 1, 2018 the employer may require existing employees to pay the above contribution rate if an agreement with affected employees to do so cannot be reached. The transition to the 50/50 formula was approved by the Board in July of 2016 with the first phase implemented on September 1, 2016.

The second phase is now scheduled to be implemented on July 1, 2017 with the attached Salary Scale Schedule Amendment. The District has received an actuarial study from the Sacramento County Employee Retirement System ("SCERS") and determined that the second step would increase the employee contribution rate by 2.3%. After determining the impact of the increased contribution rate on the employee's net income, a salary adjustment of 2.6% is needed to prevent a reduction in current salary. Attached is the resolution which adopts the salary adjustment and amends the District's current Salary Resolution.

RECOMMENDED MOTION

I move we approve Resolution 17-06-578, Resolution Amending the District Salary Schedule.



RESOLUTION NO. 17-06-578

**RESOLUTION OF THE ORANGEVALE
RECREATION & PARK DISTRICT
AMENDING THE DISTRICT SALARY SCHEDULE**

WHEREAS, the ORANGEVALE RECREATION & PARK DISTRICT (the "District") a political subdivision of the State of California, and a recreation and park district formed pursuant to Public Resources Code Section 5780, et seq., is authorized to appoint the necessary employees, define qualifications and duties, and provide a schedule of compensation for performance of those duties pursuant to Public Resources Code Section 5786.1.

WHEREAS, all employees of the District are employed on an at-will basis, meaning that either party may terminate the employment relationship at any time, with or without cause, and it is not the intention of the District to alter that relationship by virtue of this Resolution;

WHEREAS, on August 20, 2015 the District adopted the Salary Resolution of Orangevale Recreation & Park District (the "Salary Resolution") which established a basic compensation plan for all classifications of employees and adopted a salary schedule and compensation plan; and

WHEREAS, on September 12, 2012, the California Public Employees' Pension Reform Act of 2013 (CalPEPRA) was enacted and became effective January 1, 2013; and

WHEREAS, as required by CalPEPRA, all new regular full-time and part-time employees hired after January 1, 2013 pay a contribution rate of fifty percent (50%) of the combined employee and employer normal cost of retirement benefits; and

WHEREAS, the District Administrator has met with all regular full-time and part-time District employees hired prior to January 1, 2013 to discuss the provisions of CalPEPRA, including the legislative preference that all employees pay a contribution rate of fifty percent (50%) of the combined employer and employee normal cost of his/her retirement benefits; and

WHEREAS, on July 14, 2016 the District adopted a resolution providing for implementation of the requirements of CalPEPRA (CalPEPRA Resolution), including a two-step adjustment for regular full-time and part-time employees hired prior to January 1, 2013 which will

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result in all regular full-time and part-time employees paying an employee contribution rate of fifty percent (50%) of the combined employee and employer normal cost as determined by SCERS by July 1, 2017; and

WHEREAS, the Sacramento County Employees Retirement System (“SCERS”) has provided the District with an actuarial study with respect to calculating the combined employer and employee normal cost of retirement benefits, and the contribution rate increase to be implemented on July 1, 2017 will be 2.3%; and

WHEREAS, after discussion with the employees of the District and to implement the provisions of CalPEPRA, the District feels it is in the best interest of the District to amend the salary schedule and compensation plan to minimize the impact of the increased contribution rates on the employees;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

Section 1. The District hereby amends the salary and compensation plan attached as Exhibit A to the Salary Resolution by increasing the salary ranges stated therein by 2.6 percent effective July 1, 2017. The salary schedule and compensation plan attached hereto as Exhibit A is hereby adopted and replaces the Exhibit A currently attached to the Salary Resolution.

Section 2. It is the intention of the Board of Directors to amend the salary and compensation plan attached as Exhibit A to the Salary Resolution by increasing the salary ranges stated therein for regular full-time and part-time employees in an amount commensurate with the increased employee contribution rate as determined by the actuarial study provided by SCERS to be effective July 1, 2017.

Section 3. All other provisions of the Salary Resolution are still in full force and effect.

Section 4. Unless otherwise indicated, all provisions of this Resolution shall become effective as of the date it is adopted.

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Passed and adopted this 8th day of June, 2017, on motion by Director _____, seconded by Director _____ and by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ORANGEVALE RECREATION & PARK DISTRICT

By _____
Chair, Board of Directors

ATTEST:

Secretary, Board of Directors

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EXHIBIT A

**ORANGEVALE RECREATION AND PARK DISTRICT
SALARY RANGE FULL TIME EMPLOYEES
2017/2018 Salary Range**

JOB TITLE	SCERS Adj 2.6%									LONGEVITY		
	1	2	3	4	5	6	7	8	9	10 Yrs 5%	15 Yrs 5%	20 Yrs 5%
POSITION												
District Administrator	6,031	6,332	6,649	6,981	7,330	7,697	8,082	8,486	8,910			
	72,368	75,986	79,785	83,775	87,963	92,362	96,980	101,829	106,920			
Park Supt., Rec Supt., Finance Supt.	4,825	5,066	5,319	5,585	5,864	6,157	6,465	6,789	7,128			
	57,894	60,789	63,828	67,020	70,371	73,889	77,584	81,463	85,536			
Finance/Personnel Mgr, Rec Manager	4,020	4,221	4,433	4,654	4,887	5,131	5,388	5,657	5,940			
	48,245	50,657	53,190	55,850	58,642	61,574	64,653	67,886	71,280			
Recreation Supervisor II	3,757	3,945	4,143	4,350	4,567	4,796	5,035	5,287	5,551			
	45,089	47,343	49,711	52,196	54,806	57,546	60,423	63,445	66,617			
Maint Wkr Foreman, Rec Supervisor I	3,512	3,687	3,872	4,065	4,268	4,482	4,706	4,941	5,188			
	42,139	44,246	46,458	48,781	51,220	53,781	56,471	59,294	62,259			
Recreation Coord, Admin Serv Coord	2,976	3,125	3,281	3,445	3,617	3,798	3,988	4,187	4,397			
	35,711	37,497	39,372	41,340	43,407	45,578	47,856	50,249	52,762			
Maint Wkr II, Admin Serv Clerk II, Build Cust/Host II	2,705	2,841	2,983	3,132	3,288	3,453	3,625	3,807	3,997			
	32,465	34,088	35,792	37,582	39,461	41,434	43,506	45,681	47,965			
Maint Wkr I, Bldg Cust/Host, Rec/Clerk, Admin Serv Clerk I	2,353	2,470	2,594	2,723	2,859	3,002	3,153	3,310	3,476			
	28,230	29,642	31,124	32,680	34,314	36,030	37,831	39,723	41,709			



RESOLUTION # 17-06-579

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ORANGEVALE RECREATION AND PARK DISTRICT
AUTHORIZING TRANSFER OF FUNDS FROM
THE PARKLAND DEDICATION FUND (088C)
TO THE GENERAL FUND (332A)**

WHEREAS, the Orangevale Recreation and Park District has accumulated funds in the Parkland Dedication Trust Fund; and

WHEREAS, the Board of Directors of the Orangevale Recreation and Park District have approved the District Master Plan and the yearly capital improvement plan, as capital projects in the 2016/2017 fiscal year budget; and

WHEREAS, these specific improvements were budgeted with the intention of using funds from the Parkland Dedication Trust Fund.

WHEREAS, the total cost for this project to be transferred is \$175,000.

NOW, THEREFORE BE IT RESOLVED AND ORDERED by the Board of Directors of the Orangevale Recreation and Park District that \$175,000 be transferred from the Parkland Dedication Trust Fund (088C), account number 5500000 into the General Fund (332A), Fund Center 9339332, revenue account #95952900 – In Lieu Transfer.

ON A MOTION by Director _____, seconded by Director _____, the foregoing Resolution was passed and adopted by the Orangevale Recreation and Park District Board of Directors this 8th day of June 2017 by the following vote to wit.

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED: _____
Chair, Board of Directors

ATTEST: _____
Clerk of the Board

6826 Hazel Avenue
Orangevale, CA 95662
916-988-4373
OVparks.com



RESOLUTION # 17-06-580

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ORANGEVALE RECREATION & PARK DISTRICT
AUTHORIZING A 2016/17 FINAL BUDGET AMENDMENT
FOR FUND 332A**

WHEREAS, the Orangevale Recreation & Park District has established a Park Development Fee Trust Account (332I) to construct park improvement projects; and

WHEREAS, increased costs for the Orangevale Community Park – Oak & Filbert Pathway Project require a budget amendment to Fund 332A, Fund Center 9339332 in the amount of \$85,000; and

NOW THEREFORE, BE IT RESOLVED AND ORDERED, by the Orangevale Recreation & Park District Board of Directors that \$85,000 be increased for the following accounts:

Increase Account 42420200 by \$85,000
Increase Account 95952900 by \$85,000

ON A MOTION by Director _____, seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Orangevale Recreation & Park District this 8th day of June, 2017 by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

BY: _____
Chair, Board of Directors

ATTEST: _____
Clerk of the Board

6826 Hazel Avenue
Orangevale, CA 95662
916-988-4373
OVparks.com

STAFF REPORT



DATE: 6-8-17

TO: Board of Directors

FROM: Greg Foell, District Administrator

**SUBJECT: APPROVAL OF THE AGREEMENT WITH BENJAMIN BLIVEN TO
HOST THE BUMFEST EVENT AT ORANGEVALE COMMUNITY
PARK ON JULY 22, 2017**

RECOMMENDATION

Approve the Agreement with Benjamin Bliven to host the Bumfest Event at Orangevale Community Park on July 22, 2017.

BACKGROUND

Staff has worked with Benjamin Bliven on the fee structure and agreement for Bumfest event. The agreement is attached.

RECOMMENDED MOTION

I move we approve the Agreement with Benjamin Bliven to host the Bumfest event in Orangevale Community Park on July 22, 2017.



Orangevale Recreation & Park District
6826 Hazel Avenue Orangevale, CA 95662
Phone (916) 988-4373 * Fax (916) 988-3496 * info@ovparks.com

Supplemental Special Use Application

This Special Use/Special Event Application shall be submitted in addition and as a supplement to the Standard Use of Facilities Application. Complete this application, attach any necessary supplemental information and submit to the District Office located in the Orangevale Community Center at 6826 Hazel Avenue, Orangevale CA 95662. Application must be submitted at least twelve (12) weeks in advance of the date requested. Submission of this application does not constitute approval of use, and no advertising of the event should occur until written approval is obtained.

DATE OF APPLICATION: 05/04/2017

CONTACT INFORMATION

Name of Applicant: Benjamin Bliven
Address: 6200 Sylvester way City/State/Zip: Carmichael, CA 95603
Phone #: 916 969 3344 Email: benjaminbliven@gmail.com
Sponsoring Organization/Company: N/A

Type of Organization: Non Profit Private Corporation Other

Name of Event Organizer: Benjamin Bliven

Organization Web Site: N/A Organization Email: N/A

EVENT DETAILS

Event Name: Bum fest

Type of Event: Concert Festival Celebration Run/Walk Other

Event Location: Amphi theater

Purpose of Event: Album release / promotion, group engagement, positive press

Overall Estimated Attendance: 2100 Daily Adults 2100 Children

How does the community of Orangevale benefit from this event? Good publicity/awareness.

Community engagement.

Is this a Public or Private event? Public Private Other

Has this event been produced before? Yes No If yes, previous attendance:

If yes, list previous name, date and location of event:

Description of Event - Provide a detailed description of your event (i.e. listing of activities, entertainment, and vendors that

will be included in your event, listing of any special equipment and structures, etc. You may attach additional pages or

materials as needed. ~~Music~~ Day long music festival including

comedy, poetry and live painting. Promotion of album

release. Amplifiers/instruments/art supplies/generator will be brought

artists will mingle and collaborate w/ attendees as music

is presented and played. 4-5 bands. No vendors.

Set-Up – List below the days/dates needed to set up the event.

Day 1: Day of Week Sat Date 7/29 Start Time 8am End Time 12pm
 Day 2: Day of Week _____ Date _____ Start Time _____ End Time _____

Event Dates – List below the days/dates of the event.

Day 1: Day of Week Sat Date 7/29 Start Time 12pm End Time 8pm
 Day 2: Day of Week _____ Date _____ Start Time _____ End Time _____
 Day 3: Day of Week _____ Date _____ Start Time _____ End Time _____
 Day 4: Day of Week _____ Date _____ Start Time _____ End Time _____

Tear-Down Dates – List below the days/dates needed to tear-down the event.

Day 1: Day of Week Sat Date 7/29 Start Time 8pm End Time 10pm
 Day 2: Day of Week _____ Date _____ Start Time _____ End Time _____

EVENT SITE PLAN/MAP

Attach a detailed site plan/map of the event layout including locations of vendors, equipment, activities, parking, etc. The site plan should be submitted on 8 1/2" x 11" or 8 1/2" x 14" white paper. Please indicate a directional sign showing north. Include a key if you use symbols denoting event areas.

EVENT ACTIVITY PLAN

Check all activities that apply and items used in conjunction with those activities that will be at your event. Please mark the location of these activities and items on your Site Plan/Map.

Entertainment

- Amplified Music – Live Hours – Start 12p End 8p
- Amplified Music – Recorded Hours – Start _____ End _____
- Carnival Booths/Rides Hours – Start _____ End _____
- Other artist booths Hours – Start 12p End 8p

Sporting Activities

- Type _____ Hours – Start _____ End _____
- Type _____ Hours – Start _____ End _____

Vendors

- Food & Non Alcoholic Beverages.....County of Sacramento Environmental Health permit
- Merchandise.....Must follow local & state laws -put forth by band.
- Alcoholic Beverages.....Requires ABC & District permit and security no business

Equipment

Use of tents, temporary structures, staging, portable seating, fencing, portable generators subject to Sacramento Metro Fire District inspection & permit.

- Stage(s)
- Fencing
- Electrical Generators
- Animals on event grounds – Petting zoo, pony rides, horses, etc Explain: _____
- Vehicles on event grounds – car show, etc Explain: _____
- I request overnight camping. Explain: _____
- Public Address, Microphone, Loud Speaker(s)
- I request access to Orangevale Recreation & Park District water source
- I request Access to Orangevale Recreation & Park District electric source
- Dance Floor(s)
- Tents & Canopies
- Portable Restrooms
- Portable Seating
- Portable Hand Wash Station
- Other _____

INSURANCE

You will be required to provide appropriate insurance coverage as listed in the permit agreement. How do you plan to provide the required insurance for your event? acquire through OV parks and rec.

ALCOHOL MANAGEMENT PLAN

If your event is serving OR selling alcohol, please describe your plan for managing alcohol at your event on a separate sheet and attach to this application. Include in your description your sales plan (cash, tickets), method of serving, who will serve the

alcohol (professionals, volunteers), number of service locations, how ID's will be checked, how you will monitor underage drinking, and if you have an alcohol sponsor(s).

**For events with expected attendance of over 200 per day,
the following plans need to be submitted on a separate sheet.**

PARKING & TRAFFIC MANAGEMENT PLAN

Please describe your plan for parking and traffic control for your event. Your traffic plan may need review by the Sacramento County Sheriff's Department and/or the California Highway Patrol. Please indicate parking locations and traffic flow control on your site plan.

SANITATION, WASTE & UTILITY PLAN

You are responsible for properly disposing of all waste and garbage throughout the term of your event. Immediately upon conclusion of the event, the area must be returned to a clean condition. Please describe your plan for waste collection and removal. You are required to provide restroom accommodations for event attendees. Depending on the size and location of your event, you may need to rent portable restrooms. You may also be required to provide hand washing stations. Please describe your plan for providing these items.

STAFFING PLAN

Please describe your plan for staffing your event. Include in your description the number and type of staff at your event.

EMERGENCY AND SAFETY PLAN

Please describe your plan for handling emergencies at your event. Include in your description provision for security guards, on-site medical treatment (first aid station or ambulance), and evacuation plan in an emergency. Also include your plan for addressing accessibility to your event for persons with disabilities.

EVENT MARKETING PLAN

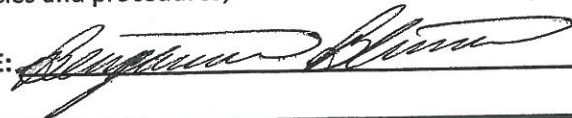
Please ensure that you have event approval before you begin to market, advertise or promote your event. Please describe your plan for marketing your event, once you have approval. Please include radio, television, and other media you will be utilizing and if you plan on placing signs or banners on District property.

NOTIFICATION PLAN

An event can change the normal flow of residential and business activity potentially causing a negative impact to the surrounding community. As the event organizer, you are responsible for providing notification of the Event and any possible disruption of traffic which could occur in the surrounding neighborhood to all necessary regulatory agencies, businesses and residences within four (4) blocks of the Event at least one (1) month prior to the Event. Such notification shall be by mail or personal delivery and provide District with written proof that such notifications have been made. Please describe your plan for handling notification.

Statement of Responsibility for Liability or Damage/Receipt of Rules & Regulations User agrees to be solely responsible for any and all claims, loss, damages, costs and expenses, including attorneys' fees, arising out of or resulting from any injury to persons or damage to property which arise out of its use of the District's facilities. User agrees to defend, indemnify and hold harmless the District, its officers, agents, employees and volunteers against any and all such claims, demands, causes of action, suits and expenses, arising out of or resulting from its use of the District's facilities. I, Benjamin Bliven (group representative), the undersigned, have received the rental policies and procedures; and have read and hereby agree to abide by all rules and regulations.

CUSTOMER SIGNATURE:



DATE:

05/04/2017



Orangevale Recreation & Park District
 6826 Hazel Avenue Orangevale, CA 95662
 Phone (916) 988-4373 * Fax (916) 988-3496 * info@ovparks.com

District Use Only
 Permit #: _____
 Approved by: _____

RENTAL APPLICATION

Please fill out this form completely and submit this form and payment to the Orangevale Recreation & Park District office. Applications must be received no less than two weeks prior to your event and no more than one year in advance. It is understood that this application is only a request for facility use. Submitting this application in no way indicates approval for use of District facilities.

RENTAL CUSTOMER

Name of Individual: Benjamin Bliven

Name of Organization (if applicable): _____

Authorized Representative: _____

To reserve on behalf of a company or organization, you must provide the District with a signed letter of authorization on official letterhead, granting you the right to act of the group's behalf.

If your organization is a non-profit group, please enter non-profit [501 (c) 3] ID #: _____

Address: 6200 Sylvester Way City: Carmichael Zip: 95603

Phone number: 916 969 3344 Fax number: N/A E-mail: benjamin.bliven@qual.com

Alternate contact: Noah Campos Phone number: 916 919 0922

FACILITY REQUESTED

• Orangevale Community Center - 6826 Hazel Avenue

- Auditorium (capacity 300 dining)
- Gym (if an athletic event)
- Use of stage
- Meeting Room (capacity 100 dining)
- Classroom (capacity 25)
- Kitchen

• Orangevale Community Center Athletic Fields - 6826 Hazel Avenue

- Soccer (overlaps softball fields)
- Softball #1 (north)
- Softball #2 (south)

• Orangevale Youth Center Complex - 6745 Hazel Avenue

- Orangevale Youth Center (capacity 49)
- Orangevale Youth Center Baseball field

• Orangevale Community Park - 7301 Filbert Avenue

- Soccer field #1
- Soccer field #2
- Horse Arena
- Group Picnic Area (capacity 100)
- Family Picnic Area (capacity 32)
- Amphitheater
- Pavilion

Other facility: _____

Event Date(s): 6/30/17 7/22 Day(s) of week: M T W Th F Sat Sun

Type of Event: music concert Attendance: Adults 70-100 Children _____

RENTAL TIME

Your rental time is from the time you arrive at the facility, until the time you leave, Rental time must include an adequate amount of time for set up and clean up of the facility. All of the rental hours must be consecutive.

Set up time	Event time	Clean up time	Kitchen use time
From: <u>8</u> <u>am</u> /pm	From: <u>12</u> <u>am</u> /pm	From: <u>9</u> <u>am</u> /pm	From: _____ am/pm
To: <u>12</u> <u>am</u> /pm	To: <u>9</u> <u>am</u> /pm	To: <u>11</u> <u>am</u> /pm	To: _____ am/pm

EQUIPMENT

Please indicate the equipment you will need (subject to availability). A fee may be charged for some equipment.

Number of Chairs	12	Microphone (1 available)	-	Podium (1 available)	-	Other	-
Number of Tables	2	Coffee Pot (2 available)	-	TV/DVD (1 available)	-	Other	-

INSURANCE REQUIREMENTS

The District requires all facility users to provide a Certificate of Insurance in the amount of \$500,000 in liability coverage, with the Orangevale Recreation and Park District named as additionally insured. You may provide your own insurance or purchase special event insurance through the District. Generally, the insurance requirement does not apply to the rental of picnic areas as long as medium or high risk (i.e., bounce house) activities are not involved. The Horse Arena insurance requirement is \$2,000,000.

- I will provide my own insurance. I wish to purchase insurance from the District.

EVENT INFORMATION

Please answer the following questions to help us determine your fees. Certain activities may be eligible for fee discounts.

- Is your event..... Public Private
If public, please give name and phone number for public event information: _____
- Will a charge, fee, or donation be collected for this event? Yes No
If yes, for what purpose will the proceeds be used? Financial gain Charity Fundraiser Cost of Event
Please list the type (i.e., admission, food charge) and amount of charge: donation towards band for event. Purchase of records/merchandise
- Will there be religious, political, or union activities? Yes No
- Will food be served at the event? Yes No
If yes, and you are using a caterer, please list caterer's name and phone # _____
- Will alcohol be served or sold at your event? Yes No
If yes, please list the time alcohol will be served _____
- Will you be bringing any apparatus, equipment, or additional tables and chairs to your event? Yes No
If yes, please list music equipment, amplifiers, generators, art supplies.
- At your event, will there be a..... Live band Recorded music Public address DJ live bands/artists

Statement of Responsibility for Liability or Damage/Receipt of Rules & Regulations

User agrees to be solely responsible for any and all claims, loss, damages, costs and expenses, including attorneys' fees, arising out of or resulting from any injury to persons or damage to property which arise out of its use of the District's facilities. User agrees to defend, indemnify and hold harmless the District, its officers, agents, employees and volunteers against any and all such claims, demands, causes of action, suits and expenses, arising out of or resulting from its use of the District's facilities.

I, (group representative), the undersigned, have received the rental policies and procedures; and have read and hereby agree to abide by all rules and regulations.

CUSTOMER SIGNATURE: [Signature] DATE: 05/04/2017

REVIEWED BY OVPARKS REPRESENTATIVE: _____ DATE: _____

PERMIT AGREEMENT

This Agreement is made and entered into this **8th day of June 2017**, by and between Orangevale Recreation and Park District, a recreation and park district formed pursuant to California Public Resources Code Section 5780, et seq., a political subdivision of the State of California located in Sacramento County, hereinafter referred to as the "District", and Benjamin Bliven, hereinafter referred to as the "Permittee".

RECITALS

WHEREAS, the District is the owner of certain real property located in the County of Sacramento, State of California known as Orangevale Community Park, located at 7301 Filbert Avenue, Orangevale, California, hereinafter referred to as the "Property"; and

WHEREAS, Permittee desires to use the Property for the **Bum Fest** special event for the public on **Saturday, July 22, 2017**; and

WHEREAS, District finds it is in the public interest to enter into this Permit Agreement with Permittee for the use of the Property.

NOW, THEREFORE, it is mutually understood and agreed by and between the parties hereto as follows:

SCOPE OF PERMIT AND USE OF PROPERTY

1. District agrees to grant Permittee the non-exclusive right to use the Property for the **Bum Fest Special Event on Saturday, July 22** (the "Event") for attendance by the general public. The event will utilize the stone amphitheater and surrounding areas for music/performances with amplified sound and art exhibits and demonstrations. Permittee shall also have exclusive use of the areas of the Property outlined in the Application for Use of Facilities (the "Application"), a copy of which is to be completed and attached hereto as Exhibit A and incorporated herein by this reference. Permittee shall have the right to impose reasonable rules and regulations to be observed by the general public to ensure the safety of the participants at said Event. Permittee agrees to comply with all District rules, regulations and policies with respect to the use of the Property. Permittee is authorized to begin Event setup on **Saturday July 22, 2017 at 8 a.m.** and is required to complete Event take-down and cleanup by **Saturday, July 22, 2017 at 10 p.m.** Permittee is required to coordinate all activities with the District. Permittee agrees that the security deposit will be forfeited if Permittee fails to complete all cleanup of the Property by **Saturday, July 22, 2017 at 10 p.m.**

Under no circumstances shall Permittee and/or Permittee's exhibitors, concessionaires and/or officials have an open fire (wood fire, bonfire, campfire) on District property unless specifically authorized by the District in writing. In the event an open fire is made, Permittee shall cause the person and/or persons responsible to leave the Property immediately. Permittee shall assume responsibility for any and all injuries and/or damages which occurs and/or arises from the activities authorized under this Paragraph. District shall not assume any liability to Permittee, and/or any other person as a result of the activities authorized

by this Paragraph. Permittee shall be responsible for notifying any and all exhibitors, concessionaires, agents and/or officials that District shall have no liability for any and all injuries and/or damages which occur on the Property. Permittee shall require any person wanting to utilize the Property for camping purposes as authorized by this paragraph to sign a waiver in the form to be provided by District, the original of which shall be provided to District. Permittee understands and agrees that it assumes any and all liability for any personal injury and/or damages resulting from the use of the Property as provided for herein.

Permittee understands that members of the public frequently use Orangevale Community Park and that the Permit being granted is for non-exclusive use and must be shared with other members of the public. The District agrees, however, to not schedule any other events and/or activities on the Property for the dates of the Permit being granted herein.

Permittee agrees and understands that it accepts the Property in an as-is condition and is responsible for inspecting all areas within the Property and immediate surrounding areas for hazards and will take any necessary steps to protect Event participants and attendees until corrective/remedial measures are implemented.

Permittee's use of the Property is limited to those purposes and those activities specifically described in this Agreement. This Agreement is to be strictly construed according to its terms and no use of District Property for purposes or activities other than those specified herein is authorized hereby. Failure of Permittee to comply with this condition may result in revocation of this Agreement.

NATURE OF THE INTEREST GRANTED

2. It is specifically understood and agreed by the parties hereto that this Agreement does not convey any right, title or interest in the Property to the Permittee other than as specifically stated herein for the purpose of using the Property for the Event and other uses stated in the Application. No relationship between the parties is intended to be created by this Agreement other than as specifically stated herein.

FEES

3. In consideration for the use of the Property as provided for herein, Permittee shall pay to the District a security deposit of five hundred dollars (**\$500.00**) (the "Deposit") no later than **Friday, June 23, 2017**, which Deposit shall be used to reserve the dates and pay for any damages associated with the terms of this Permit should said damages not be repaired by Permittee. The parties agree that the District can deduct the expense of repairing and/or replacing any property damage, claims and/or any other unpaid sums owed by Permittee under this Agreement from the Deposit with the balance returned to the Permittee within thirty (30) days of the last day of any repairs. Permittee shall forfeit all or a portion of the Deposit if the event is cancelled in accordance with the schedule set forth in Paragraph 4 below. The District shall provide a detailed itemized list of all deductions from the Deposit to the Permittee.

As further consideration for the use of the Property, Permittee shall pay to the District a rental fee of One Hundred and Fifty dollars (**\$150.00**) (the "Rental Fee") no later than **Friday, June 23, 2017** (30 days in advance).

If the event is cancelled for any reason more than ninety (90) days prior to the scheduled date, the District agrees it will refund the entirety of the Deposit paid pursuant to Paragraph 3 above.

If the event is cancelled for any reason within ninety (90) days prior to the scheduled date, the District agrees to refund any monies paid by Permittee as follows:

Within 89 to 60 days prior to the event, 50% of the Deposit
Within 59 to 30 days prior to the event, 25 % of the Deposit
Within 29 to 1 days prior to the event, 0% Deposit.

CHARGES BY PERMITTEE

4. Permittee shall have the right to charge members of the public for parking in the areas designated for Permittee's exclusive use under this Permit. Permittee shall not charge any member of the public utilizing those portions of the Property for which Permittee is given non-exclusive use.

OBLIGATIONS OF DISTRICT

5. Provided Permittee has paid all fees required under this Agreement, complied with all of the requirements and is not in breach thereof, District understands and agrees to do the following:

a. District agrees to provide for the non-exclusive use of the Property, including the pavilion, restrooms, and parking facilities, and exclusive use of those facilities specifically identified in the Application.

b. District shall furnish Permittee with electrical and water usage within the capacity of the District's facilities, for the Event on **Saturday, July 22, 2017** only.

c. District shall ensure that at least one (1) staff member will be available within a thirty (30) minute response time to assist with park maintenance emergencies throughout the set-up and for the duration of the event.

d. District shall adjust all irrigation settings for the Property authorized for use by Permittee to accommodate the event.

e. District shall refer all participant inquiries for the Event to Permittee.

OBLIGATIONS OF PERMITTEE

6. Permittee understand and agrees to do the following:

a. Permittee shall attend a pre-event inspection walk-through which will take place on **Monday, July 17, 2017** with the District's representatives and the post-event inspection walk-through that will take place on **Monday, July 24, 2017** to determine pre and post event facility conditions and damage.

b. Permittee agrees and understands that it shall reimburse the District for the repair of any area of the Property or its surrounding areas which is damaged or diminished in value by or related to operations or activities under this Permit, and shall pay for the District to restore the area, to the condition existing immediately prior to the commencement of the Permittee's operations under this Permit, excepting normal wear and tear of turf areas. District shall provide an itemized list of any such damages or repairs resulting from the event, within five (5) days from the Event's final walk-through on **Monday, July 24, 2017**. Permittee will have the opportunity to make the necessary repairs outlined by the District in a time frame approved by the District.

c. Permittee shall provide District with a proposed layout for the Event no later than **Friday, June 23, 2017** (30 days in advance) for review by the District. Any feedback on the layout for the Event shall be given no later than **Friday, June 30, 2017**. Permittee agrees to make any modifications and/or revisions to the layout for the Event if indicated by the District that such modification and/or revision is necessary for the safety of the public and/or District property. Any modifications to the layout after approval shall be submitted in writing and approved by District. Permittee shall remain responsible for the layout and ensure the safety of participants and/or attendees of the Event, the general public, District employees and property, and District shall not assume any such liability as a result of approving any layout. Permittee shall also provide District with an emergency notification list.

d. Permittee agrees and understands that it has the sole responsibility at all times to be knowledgeable about, fully understand, and to meet or exceed, at its own cost and expense, all local, state and federal codes, laws, policies, and regulations associated with the Event including but not limited to the provisions of the California Department of Alcoholic Beverage Control, Sacramento Metropolitan Fire District, Sacramento County Environmental Management Department, Sacramento County Sheriff's Department, and Sacramento County Health Officer. Permittee shall file copies of all permits (and records of subsequent inspections) with the District at least one (1) week prior to the Event (or within one (1) hour of on-site inspections during the Event).

e. Permittee agrees and understands that it shall bear any and all costs, fees, charges or expense of any and all permits, applications, operations and/or activities under or related to this Permit and the Event, and District shall not be liable and/or responsible for any cost, fee, charge or expense associated therewith.

f. Permittee shall be responsible for providing adequate security for property, vehicles, participants, workers, and equipment, which are participating in the Event during the period of this Permit. Permittee's security arrangements and operations shall be coordinated and approved by District (plan must be submitted to District's representative one month prior to the Event). Permittee understands and agrees that District's approval of any security plan for the Event does not relieve Permittee from any and all liability therefore, and further does not transfer any liability resulting from the Event to District.

g. Permittee shall be responsible for furnishing sufficient personnel and equipment for traffic and crowd control and comply with any and all laws, rules and regulations that are applicable thereto.

h. Permittee shall provide, at its own expense, portable restrooms, medical, first aid facilities and personnel, and potable water, as are deemed necessary by the County of Sacramento Environmental Health Department, the Sacramento Metro Fire District, and the District to accommodate the expected number of people. Permittee shall comply with all laws, rules and regulations governing the number and types of facilities, and any and all other rules and regulations required to address the above needs. Permittee shall file Material Data Safety Sheets (MSDS) for all cleaning agents requiring specifications with the District at least one (1) month prior to the event. The plan to accommodate this section shall be submitted to the District for approval no later than **Friday, June 23, 2017**. Permittee agrees to provide the necessary number of portable restrooms as specified by the County of Sacramento Environmental Management Department. Permittee shall provide for stocking and cleaning of each portable restroom on an hourly basis during the event, and pumping of portable restrooms that meets the County of Sacramento Environmental Management Department requirements and any other laws, rules and/or regulations.

i. Permittee shall ensure that all designated fire access and gates remain clear and accessible throughout the Event and use of the Property by Permittee.

j. Permittee understands and agrees that all costs, fees, charges and expenses related to or incurred as a result of the use of the Property by the Permittee, its exhibitors, concessionaires, invitees and/or officials; and, any and all costs, fees, charges and expenses related to or incurred for emergency services as a result of the Event which are provided by District, the County of Sacramento or other public safety agencies; and, all costs, fees, charges and expenses related to or incurred as a result of the exercise of District's right and commitment to construct, maintain and remove temporary facilities shall be borne solely by the Permittee.

k. Permittee shall pay, and hold District and its property free and harmless from, any and all of the following: (a) charges and fees for the furnishing of utilities (existing electricity excepted) to the Event during the term of this Agreement; (b) all sales and use taxes levied on transactions at the Event; (c) all taxes, assessments and other charges, if any, levied or imposed by any governmental entity on any personal property placed by Permittee in, on or about the Property; and (d) all real property taxes, assessments and standby charges, if any, levied or assessed against the Property by a governmental entity as a result of Permittee's use and occupation of the Property and/or any taxable possessory interest created by this Agreement. All

such fees, charges, taxes and assessments shall be paid as they become due and payable, but in any event before they become delinquent.

l. Permittee, at its sole cost and expense, shall maintain the Property in good, safe, clean, attractive and sanitary condition and repair, and shall repair all damage resulting from use of the Property (excepting normal wear and tear of turf areas) by Permittee or Permittee's employees, agents, contractors, concessionaires, guests or invitees.

m. Permittee acknowledges receipt of a copy of the District's Park Ordinance which specifies the rules and regulations governing use of District Property and facilities. Permittee agrees to comply with the District's Ordinance concerning the activities permitted to be undertaken on District Property and the use thereof as specified in the District's Park Use Ordinance.

n. Permittee agrees that it shall not use the Property in any manner that will constitute a waste, nuisance or unreasonable annoyance, provided that it is mutually understood and agreed that the use for the Event as described in this Agreement and for other uses consistent with such activity will in no event be deemed by the District to violate this prohibition against nuisance and/or unreasonable annoyance.

INDEMNIFICATION

7. This Agreement is made upon the express condition that the District is to be free from any and all liability and claims for damage by reason of any injury to any person or persons, including Permittee, its agents, employees, concessionaires, exhibitors, invitees and/or officials, or by reason of any injury to property of any kind whatsoever, and to whomever belonging, including Permittee, its agents, concessionaires, exhibitors, officials, invitees and employees, from any cause or causes whatsoever, in, upon or in anyway connected with the Property or any use hereunder.

Permittee shall and hereby agrees to defend and indemnify District and save District, its board of directors, officers, employees and agents harmless from and against all claims, liability, losses, damages, expenses, causes of action, suits or judgments, together with any and all costs or expenses connected with the investigation or defense thereof, including legal fees, by reason of or resulting from: (a) the use, operation, condition, or management of the Property, the Event and/or any temporary structures constructed on the Property; (b) the performance of, or failure to perform any obligations of this Agreement by Permittee, or any concessionaire, exhibitor, official, agent or employee of Permittee; (c) any alleged negligent act or omission of Permittee, or Permittee's employees, concessionaires, exhibitors, officials, invitees, agents, or contractors in connection with any acts performed or required to be performed by Permittee pursuant to this Agreement; and (d) the construction or installation of any temporary structures on the Property. This indemnification shall not apply to the extent that any claim is adjudicated as arising from the sole negligence or willful misconduct of District, its officers, directors, agents or employees.

It is understood and agreed that the indemnification obligations created by this Agreement shall survive the termination of the Agreement.

INSURANCE

8. Permittee shall carry and maintain during the life of this Agreement such public liability, property damage, and contractual liability insurance, as well as fire and Worker's Compensation insurance as specified below:

a. Public liability, property damage and contractual liability insurance. Permittee agrees that it shall, at all times during the term of this Agreement, furnish public liability and property damage insurance which includes, but is not limited to, personal injury, property damage, losses relating to independent contractors, products and equipment, explosion, collapse and underground hazards in the minimum amount of not less than \$1,000,000.00 for personal injuries as a result of any one occurrence on account of liability and a limit of not less than \$500,000.00 for property damage.

The public liability and property damage insurance furnished by Permittee shall also name the District as an additional insured and shall directly protect, as well as provide for the defense of the District, its officers, agents and employees, as well as Permittee, and Permittee's subcontractors, suppliers, agents, invitees, concessionaires, exhibitors, officials and employees, from all suits, actions, damages, losses or claims of every type or description to which they may be subjected by reason of, or resulting from Permittee's operations on the Property pursuant to this Agreement and all insurance policies shall so state. Said insurance shall also specifically cover the contractual liability of Permittee. Said insurance shall also specify that it acts as primary insurance. Said insurance shall also insure performance by Permittee of the indemnity provisions of this Agreement.

Permittee further agrees that it will, at all times during the term of this Agreement, at its own cost and expense, obtain and keep in full force and effect naming both Permittee and District as insureds thereunder, fire, windstorm and extended coverage insurance in an amount equal to the actual replacement cost of all of Permittee's personal property and equipment utilized by Permittee in utilizing the Property pursuant to this Agreement.

b. Worker's Compensation Insurance, Permittee shall carry full worker's compensation insurance coverage for all persons employed, either directly or through contractors, in utilizing the Property as contemplated by this Agreement, in accordance with the Worker's Compensation Act contained in the Labor Code of the State of California.

By execution of this Agreement, Permittee certifies as follows:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code. I will comply with such provisions before commencing the performance of the work of this contract.

As part of the execution of this Agreement, Permittee agrees to furnish to the District a certified copy of the insurance policies that it has taken out for public liability,

property damage and worker's compensation insurance set forth above for the period covered by this Agreement, or a certificate of such insurance. All insurance is to be placed with insurers with a current A.M. Best rating A:VII or better unless otherwise accepted in writing by District. Said certified policies of insurance or said certificates of insurance shall be furnished to the District prior to commencing the services contemplated by this Agreement. Each such certified policy or certificate of insurance shall bear an endorsement precluding the cancellation or reduction in coverage of any such policy before the expiration of thirty (30) days after the District shall have received written notification of such a cancellation or reduction.

Should Permittee fail to obtain and keep in force the insurance coverage hereinabove required, the District shall have the right to cancel and terminate this Agreement forthwith and without regard to any other provisions of this Agreement.

ASSIGNMENT OF AGREEMENT

9. Permittee shall have no right, authority or power to assign, sell or transfer this Agreement, or any right or privilege arising under this Agreement. Permittee agrees that it shall have no right, authority or power to allow or permit any other person or party to have any interest in or use any portion of the District's facilities and/or the Property. However, Permittee may allow concessionaires to enter upon the Property for the performance of functions and services within the scope of the uses allowed to Permittee under the provisions of this Permit. To avoid uncontrolled vending of merchandise during the period of this Permit, only those tenants having an agreement with the District, and concessionaires, exhibitors and salespersons having written agreements with Permittee, shall be allowed to sell to the public on the Property.

DEFAULT

10. The occurrence of any of the following events, may, at District's election, constitute a default by Permittee under the terms of this Agreement:

- a. Failure to abide by any and all laws, rules and regulations of the District, County of Sacramento, Sacramento Metropolitan Fire District, and/or any other regulatory agencies regarding the use and operation of the Property and other District facilities,
- b. The issuance of an injunction by any court of competent jurisdiction restraining the use of the site for any of the purposes for which Permittee or the District is authorized;
- c. The filing by Permittee of a voluntary petition in bankruptcy or institution of proceedings in bankruptcy against Permittee and/or the adjudication of Permittee as being bankrupt pursuant to such bankruptcy proceedings;
- d. The appointment of a receiver of Permittee's assets, which results in a liquidation of Permittee's business;
- e. The general assignment of this Permit by Permittee for the benefit of creditors;

f. Failure to perform any provision of this Agreement, including the failure to maintain the insurance required by the terms of this Agreement.

In the event of any such default, the District shall have the following rights and remedies, in addition to any rights and remedies now or hereafter provided by law. All such remedies are cumulative and may be exercised concurrently or separately.

Upon default by Permittee, the District can terminate the right of Permittee to possession of its facilities at any time. Upon termination, Permittee shall immediately surrender and vacate District facilities occupied by it. The District may immediately reenter and take possession of the Property. Termination of the Agreement under this paragraph shall not relieve Permittee from its obligations to indemnify the District as set forth above.

HAZARDOUS SUBSTANCES

11. Permittee shall not place and/or utilize any hazardous substances on the Property unless authorized to do so by the District. Pursuant to Health and Safety Code section 25359.7, Permittee shall notify District in writing within a reasonable time of any material release of hazardous substances and of any hazardous substances that have come to be located on or beneath the site.

12. Prior to the expiration of this Permit, Permittee shall at its sole expense remove all items of personal property, including but not limited to all flammable and hazardous materials and wastes as defined by state or federal law at the time of expiration of the Permit.

13. Permittee shall make available for inspection to the District all records relating to the maintenance, release, mitigation, and cleanup of any hazardous substances on the leased premises.

14. Permittee shall comply with all federal, state and local laws and regulations relating to hazardous materials and wastes, and shall timely comply with the orders of any governmental agencies relating thereto.

15. District, and its authorized employees, officers and agents, and local law enforcement personnel shall have the right to enter the property at any time to inspect the premises.

CANCELLATION BY PERMITTEE

16. Permittee may cancel this Permit and terminate all of its obligations at any time subsequent to the commencement of the term upon the breach of District of, or its failure to perform, any of the covenants or agreements contained in this Permit and the failure of District to remedy any breach for a period of five (5) days after receipt of written notice from Permittee of the existence of such breach. District shall not be considered to be in breach of this Agreement during any period of major construction activity on the Property site taking more than fifteen

(15) days to complete, if District can institute temporary measures to lessen the effect of such construction on the Permittee.

NOTICE

17. Service of Notice.

Any notice to or demand upon Permittee or District required or permitted to be made under the provisions of this Agreement or any provisions of law, shall be given or made by registered mail, postage prepaid and addressed as follows until changed:

Orangevale Recreation and Park District
6826 Hazel Avenue
Orangevale, CA 95662

Benjamin Bliven
6200 Sylvester Way
Carmichael, CA 95603
Cell: (916) 969-3344
benjaminbliven@gmail.com

NEGATION OF PARTNERSHIP

18. Permittee shall not become or be deemed a partner or joint venture with District by reason of the provisions of this Agreement.

WAIVER

19. The failure or omission by District to terminate this Agreement for any violation of its terms, conditions or agreement shall in no way bar, stop or prevent District from terminating this Agreement therefore, either for such, or for any subsequent violation of any such term, condition or covenant. The acceptance of any fees hereunder shall not be or be construed to be a waiver of any breach of any term, covenant or condition of this Agreement.

MISCELLANEOUS PROVISIONS

20. In the event of any litigation between the parties hereto arising out of this Agreement or in connection with the Property used by Permittee pursuant to the terms of this Agreement, the prevailing party shall be entitled to recover a reasonable sum and as for attorney fees, which shall be added to and become a part of any judgment therein.

21. This instrument contains all of the agreements and covenants made between the parties to this Agreement and may not be modified orally or in any other manner than by agreement in writing signed by all the parties to this Agreement or their respective successors or assigns. Any such amendment or modification shall be attached to this Agreement.

22. This Agreement shall be governed by the laws of the State of California. This

Agreement constitutes the entire agreement between the parties regarding its subject matter. If any provision in this Agreement is held by any court to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force and effect.

23. This Agreement shall inure to the benefit of and bind any and all successors and assigns of the parties.

24. Both parties represent, covenant and warrant that they have full authority to enter into and execute this Agreement

IN WITNESS WHEREOF, Orangevale Recreation and Park District has caused this Agreement to be executed on its behalf by the chairperson and clerk of its board of directors, and the Permittee has caused this Agreement to be executed on its behalf by its president the day and year first above written.

**ORANGEVALE RECREATION AND
PARK DISTRICT**

BENJAMIN BLIVEN

By _____ Date: _____
Greg Foell, District Administrator

By _____ Date: _____
Benjamin Bliven

STAFF REPORT



DATE: 6-8-17

TO: Board of Directors

FROM: Greg Foell, District Administrator

SUBJECT: **APPROVAL OF THE AGREEMENT WITH MTW TO PROVIDE IRRIGATION AS-BUILT DRAWINGS FOR PECAN PARK**

RECOMMENDATION

Approve the Agreement with MTW to provide irrigation as-built drawings for Pecan Park.

BACKGROUND

The District's Master Plan recommended completing individual park master plans throughout the park system. The Board approved a contract to conduct an aerial survey of Pecan Park in preparation for the master plan and creating a new set of base maps including irrigation plans for the park. Staff recommends contracting with MTW to complete the irrigation plans for the park in the amount of \$2,500. The contract would be funded out of the professional services budget category in the OLLAD budget.

RECOMMENDED MOTION

I move we approve the Agreement with MTW to provide irrigation as-built drawings for Pecan Park in the amount of \$2,500 and authorize the District Administrator to execute the contract documents.

AGREEMENT FOR SERVICES

THIS AGREEMENT is made and entered into this 8th day of June 2017, by and between ORANGEVALE RECREATION AND PARK DISTRICT, a political subdivision of the State of California, hereinafter referred to as “District” and MTW Group, hereinafter referred to as “Consultant.”

RECITALS

This Agreement is entered into on the basis of the following facts, understandings and intentions of the parties to this Agreement:

- A. District desires to engage the professional services of Consultant to perform such professional services as are specified in Section 1 hereof.
- B. Consultant agrees to provide such services to District in accordance with the terms and conditions of this Agreement, and represents and warrants to District that Consultant possesses the necessary licenses, skills, qualifications, personnel and equipment to provide such services, all for the benefit of District.
- C. The performance of such professional services by Consultant has been determined by District to be in the public interest.

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual covenants contained herein, District and Consultant agree as follows:

1. **Scope of Work.**

District engages the services of Consultant as an independent contractor to perform the work and render the services described in Exhibit A attached hereto and incorporated herein by this reference entitled “Scope of Work” (hereinafter referred to as the “Work”) **The Work consists of surveying the existing irrigation heads, control valves, quick couplers, and gate valves for Pecan Park, 5945 Pecan Avenue, Orangevale, CA 95662. After the survey, the consultant will then operate the irrigation system and design the lateral lines locations the best we can to produce an as-built irrigation plan for the park district’s use.** Consultant shall (a) provide all labor, equipment, material, supplies, licenses, advice, consultation, analysis, administration, and preparation of policies, procedures and documents required or necessary to properly, competently and completely perform the Work provided by this Agreement; (b) determine the method, details and means of performing the Work provided by this Agreement; and (c) perform the Work provided by this Agreement in a manner commensurate with the professional standards of qualified and experienced personnel in Consultant’s field.

2. Payment.

A. In consideration for the services to be performed by Consultant, District agrees to pay Consultant the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

Consultant shall not be compensated for any services rendered nor reimbursed for any expenses incurred in excess of those authorized in by this Agreement unless agreed to and approved in advance by the Board of Directors and/or the District Administrator of District in writing.

Payment of compensation shall be paid by District within thirty (30) business days after receipt of an invoice for the Work actually performed which shall specifically describe the details of the Work performed for which compensation is requested, and itemize the actual time expended by Consultant in providing such work. The invoice shall describe the tasks and services performed, the time spent performing such services, the hourly rate charged therefor, and the identity of individuals performing such services for the benefit of District. The invoice shall also include a detailed itemization of expenses incurred for which reimbursement is requested.

If the Work is satisfactorily completed and the invoice is accurately computed, then District shall pay the invoice within thirty (30) days of its receipt. There shall be no compensation for extra or additional work or services by Consultant other than those specifically described in Section 1 hereof, unless approved in advance in writing by the District Administrator of District.

B. Consultant shall properly advise District as soon as reasonably practicable upon gaining knowledge of a condition, event or series of events that may affect the scope and/or cost of services to be provided pursuant to this Agreement. All proposed changes, modifications, deletions and/or requests for additional services shall be reduced to writing in the form of a Change Order for review and approval by the Board of Directors or District Administrator of District. In the event the District orders services added, deleted or reduced, compensation shall likewise be added, deleted or reduced by a fair and reasonable amount and Consultant shall only be compensated for services actually performed. A Change Order must itemize the additional fees and expenses, and if any, District shall pay Consultant for such additional work. District shall have no liability for payment to Consultant for any extra work performed by Consultant that is not documented by a written Change Order executed by the District Administrator or Board of Directors of District.

3. Term.

A. This Agreement shall take effect on the above date and shall continue in effect until completion of the Work contemplated by this Agreement to the satisfaction of District unless sooner terminated because of either of the following: (1) Consultant fails to perform the Work diligently and as expeditiously as possible, consistent with the professional skill and care appropriate for the orderly progress of the Work; (2) Consultant shall have failed to

complete the Work within 30 days of the estimated timeline outlined in Exhibit A. This time period may be extended by District for good cause shown by Consultant. Consultant is not responsible for delays from causes outside the reasonable control of Consultant or its subcontractors and/or agents.

B. Time is of the essence in this Agreement.

C. This Agreement may be terminated for any or all portions of the Work by either party upon written notice to the other party in the event of a substantial failure of performance by such other party; or if District, by resolution of its Board of Directors, should deem it necessary or desirable to abandon or indefinitely postpone the prosecution of any part or all of the Work.

D. In the event of such abandonment, postponement or default by District, District shall pay to Consultant as full payment for all services performed and all expenses incurred under this Agreement, those amounts specified in a final invoice prepared by Consultant pursuant to the provisions of Section 2 hereof providing a detailed itemization of time spent performing services and expenses incurred for which reimbursement is requested through the date of notification of abandonment or postponement of the Work by District.

E. In the event of default in performance by Consultant, the provisions of Section 5 hereof shall apply.

4. **Subcontractors and Subconsultants.**

Consultant may employ licensed engineers and/or other consultants necessary in connection with the performance of the Work with the prior written consent of District. The services of such engineers and/or consultants shall be paid for at Consultant's own expense. Consultant agrees to coordinate the work of any such consultants or engineers retained by Consultant for the Work. It is understood by and between District and Consultant that said engineers and/or consultants shall not be considered employees or agents of District.

5. **Default by Consultant.**

If Consultant fails to expeditiously advance the Work, or performs work that does not comply with the requirements of this Agreement, or fails to perform any task or produce any documents required by this Agreement, or is guilty of any other material breach of the terms of this Agreement, District may (1) suspend payment until such time as the default is remedied by Consultant; or (2) by written notice to Consultant terminate Consultant's right to perform all or any portion of the Work. Consultant hereby agrees to pay District all damages sustained as a result of default by Consultant. If District terminates Consultant's right to perform the Work, District may have the work performed by others and charge the cost to Consultant. The cost of completion by District shall include reasonable reimbursement for additional executive and administrative expenses along with all damages for delay and other damages sustained by District as a result of Consultant's default. If the cost and expense of completing the Work,

when added to the sum of amounts previously paid to Consultant under this Agreement and any amounts due but unpaid to Consultant at the time of such termination, exceed the contract price, District may deduct the amount of the excess from any such amounts then due Consultant. If the amount of such excess is larger than the amounts then due Consultant, Consultant shall immediately pay such excess or the balance thereof to District.

6. Ownership of Documents.

All documents prepared by Consultant under this Agreement shall be the exclusive property of District. By this Agreement, Consultant transfers all of its right, title and interest in such documents to District. To the extent any document prepared under this Agreement constitutes a copyrightable work, the Work under this Agreement shall be considered a work for hire and by this Agreement Consultant shall be deemed to transfer all rights, title and interest in the copyrightable work to District, including the exclusive copyright. Documents prepared by Consultant under this Agreement shall not be provided by Consultant to any other person without District's prior written approval.

7. Compliance with Laws.

Consultant shall perform the Work in compliance with all applicable federal, state and local laws and regulations regarding safety of persons and property and their protection from damage, injury or loss, including applicable Cal-OSHA regulations. Consultant also shall possess and maintain all permits, licenses and certificates that may be required for it to perform the Work. Consultant shall comply with all laws and regulations as required by local, state and federal agencies regarding nondiscrimination including, but not limited to, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination Employment Act of 1967, and the California Fair Employment and Housing Act. The Consultant is aware of the District's anti-harassment policy and agrees to abide by the policy, practices and procedures set forth and established by the District.

8. Indemnification.

Consultant shall indemnify, defend, protect and hold harmless District, and its officers, employees, volunteers and agents from and against any and all liability, claims, damages, expenses, demands and costs (including, but not limited to, attorney, expert witness and consultant fees, and litigation costs) arising out of, pertaining to or relating to the negligence, recklessness or willful misconduct of Consultant or Consultant's agents or employees in connection with the performance of the Work under this Agreement. Consultant's obligations under this indemnification provision shall survive the termination or completion of the Work, under this Agreement.

9. **Insurance.**

A. Types and Limits. Consultant at its sole cost and expense shall procure and maintain for the duration of this agreement the following types and limits of insurance:

<u>Type</u>	<u>Limits</u>	<u>Scope</u>
Commercial Public Liability and Property Damage	\$2,000,000 per occurrence/ \$4,000,000 aggregate	at least as broad as ISO CG 0001
Automobile Liability	\$2,000,000 per accident	at least as broad as ISO CA 001, code 1 (any auto)
Errors and Omissions	\$1,000,000 per wrongful act/ \$2,000,000 aggregate	See Section 8 E
Workers' Compensation	statutory limits	
Employers' Liability	\$1,000,000 per accident	

B. Other Requirements. The public liability, property damage and automobile liability insurance furnished by Consultant shall name District as an additional insured and shall directly protect, as well as provide the defense for District, its officers, agents and employees as well as Consultant, and its subcontractors, agents, and employees, if any, from all suits, actions, damages, losses or claims of every type and description to which they may be subjected by reason of or resulting from Consultant's operations in the performance of the Work pursuant to this Agreement, and all insurance policies shall so state. Said insurance shall also specifically cover the contractual liability of Consultant. Said insurance shall also specify that it acts as primary insurance and District's insurance shall not contribute with Consultant's insurance. If Consultant fails to maintain such insurance, District may declare a default in the performance of this Agreement and exercise the remedies specified in Section 6 of this Agreement.

C. Consultant shall be permissibly self insured or shall carry full workers' compensation coverage for all persons employed, either directly or through subcontractors, in carrying out the Work contemplated by this Agreement and in accordance with the Workers' Compensation Act contained in the Labor Code of the State of California. If Consultant fails to maintain such insurance, District may declare a default in the performance of this Agreement and exercise the remedies specified in Section 5 of this Agreement.

D. Consultant agrees to furnish a certificate or certificates substantiating the fact that it has taken out the insurance set forth above for the period covered by the Agreement and all endorsements substantiating coverage of District and its agents and employees as additional insureds. All insurance is to be placed with insurers with a current A.M. Best rating A:VII or better unless otherwise accepted in writing by District. Each such certificate shall bear an endorsement precluding the cancellation or reduction in coverage of any policy covered by

such certificate before the expiration of thirty (30) days after District shall receive notification of such cancellation or reduction.

E. Consultant, its officers, directors and employees, shall have errors and omissions insurance coverage which shall protect third parties, including but not limited to the District, its officers, directors, employees and agents from claims of damage due to alleged wrongful or negligent acts or omissions arising from Consultant's performance of the Work pursuant to the terms of this Agreement, whether such claims be made during or subsequent to the term of this Agreement. Consultant hereby agrees to require any of its subconsultants to maintain similar errors and omissions coverage in compliance with this section.

10. Warranty.

Consultant agrees that the Work shall be performed in accordance with Exhibit A and the standard of care for similar professionals in California. Consultant unconditionally guarantees all workmanship furnished by Consultant under this Agreement, and agrees to correct to the satisfaction of District any and all such Work that may prove defective in workmanship. This warranty shall remain in effect for one year from the date of District's acceptance of the Work. This warranty does not excuse Consultant for any other liability related to defective work discovered after the warranty period.

Consultant shall indemnify District under this Agreement and hold District harmless from any and all losses, damages, liabilities and expenses resulting from breach of Consultant's representations and warranties contained in this Section 10. The provisions of this Paragraph shall survive any termination of the Agreement.

11. Independent Contractor.

The parties hereto agree that at all times during the term of this Agreement Consultant, Consultant's employees, subcontractor and agents hired to perform services pursuant to this Agreement are independent contractors and are not agents or employees of District. Consultant shall have control over the means, methods, techniques, sequences, and procedures for performing and coordinating the Work required by this Agreement. District shall have the right to control Consultant only insofar as the result of Consultant's services rendered pursuant to this Agreement. If, in the performance of this Agreement, any third parties are employed or contracted by Consultant, such employees or subcontractors shall be entirely and exclusively under the direction, supervision and control of Consultant. All terms of employment, including hours, wages, working conditions, discipline, hiring and discharging or any other term of employment or contract shall be determined by Consultant, and District shall have no right or authority over such persons or the terms of their employment or contract.

Therefore, neither Consultant or any third persons employed by or contracted by Consultant to perform services pursuant to this Agreement shall be entitled to workers' compensation benefits from District should Consultant or any of its employees, agents or contractors sustain an injury in the course of performing services specified in this Agreement.

Furthermore, neither Consultant nor any third persons or contractors employed by Consultant shall be entitled to any other benefits payable to employees of District. Consultant hereby agrees to defend and hold District harmless from any and all claims that may be made against District based on any contention by any third party that an employer/employee relationship exists or that a contractual relationship exists between District and that third party by reason of this Agreement. Consultant represents that it, and its employees, agents and contractors, if applicable, are properly licensed and will remain so during the progress of the Work contemplated by this Agreement.

12. Representative of District.

The District Administrator of District, or his or her designated representative, shall represent District in all matters pertaining to the services to be rendered under this Agreement, except where approval specifically is required by District's Board of Directors. All requirements pertaining to services to be rendered under this Agreement shall be submitted to the District Administrator. Consultant shall consult with the District Administrator on all matters relative to this Agreement and District shall cooperate with Consultant in all matters relative to this Agreement in such a manner as will result in the performance of the Work without delay.

13. Assignment.

Consultant shall not assign this Agreement or any interest in it, or any money due or to become due under it voluntarily, involuntarily or by operation of law without District's prior written consent. In the event of any such purported assignment without District's prior written consent, District shall have the right, in addition to all other rights provided by law, to terminate this Agreement by giving written notice to Consultant. If this Agreement is so terminated, District may contract for the completion of the Work or complete the Work itself. Damages will be computed in accordance with Section 5 of this Agreement. If this Agreement is so terminated pursuant to the provisions of this paragraph, Consultant agrees to waive and hereby does waive all other claims against District for profits, loss or damage because of such termination.

Unless specifically stated to the contrary in any written consent to an assignment, no assignment shall release or discharge the assignor from any performance, duty, obligation or responsibility under this Agreement.

14. Records.

Consultant shall retain and maintain, for a period of not less than four (4) years following termination of this Agreement, all time records, accounting records and vouchers and all other records with respect to all matters concerning services performed, compensation paid, and expenses reimbursed pursuant to the terms of this Agreement. Consultant shall make available to District's agents for examination all such records and will permit District's agents to audit, examine and reproduce such records upon request by District at any time during normal business hours.

15. **Entire Agreement.**

This writing and the documents incorporated herein by reference as Exhibit A represents the sole, entire, exclusive and integrated contract between the parties concerning the Work, and supersedes all prior oral and/or written negotiations, representations or contracts. Each party to this Agreement acknowledges that no representations or promises have been made by any party hereto which are not embodied herein, and that no other agreement or promise not contained in this Agreement or in the incorporated documents shall be valid or binding. This Agreement may be amended only by a subsequent written contract approved and executed by both parties.

16. **Successors and Assignment.**

This Agreement shall bind and inure to the benefit of the heirs, successors and assigns of the parties; however, Consultant shall not subcontract, assign or transfer this Agreement or any part of it without the prior written consent of District.

17. **No Waiver of Rights.**

Any waiver at any time by either party of its rights as to a breach or default of this Agreement shall not be deemed to be a waiver as to any other breach or default. No payment by District to Consultant shall be considered or construed to be an approval or acceptance of any Work or a waiver of any breach or default. The use by either party of any remedy specified herein for the enforcement of this Agreement is not exclusive and shall not deprive the party using such remedy of utilizing any remedy provided by law.

18. **Severability.**

If any part of this Agreement is held to be void, invalid or unenforceable, then the remaining parts will nevertheless continue in full force and effect.

19. **Attorneys Fees.**

In the event any arbitration, litigation or other action or proceeding of any nature between District and Consultant becomes necessary to enforce or interpret all or any portion of this Agreement, or in the event of any alleged breach by either party of any of the terms hereof, it is mutually agreed that the prevailing party will be entitled to an award of reasonable attorneys fees, costs and expenses from the other party. The prevailing party will be entitled to an award of attorney's fees in an amount sufficient to compensate the prevailing party for all attorneys fees incurred in good faith.

20. **Governing Law.**

This Agreement will be governed by and construed in accordance with the laws of the State of California.

21. **Notice.**

Any notice, invoice or other communication that is required or permitted to be given under this Agreement shall be in writing and either served personally or sent by prepaid, first class U.S. mail addressed as follows:

District: Orangevale Recreation and Park District
6826 Hazel Avenue
Orangevale, CA 95662
Attention: Greg Foell

Consultant: MTW
10411 Old Placerville Road, Suite 205
Sacramento, CA 95827
Attention: Peter Larimer

Any party may change its address by notifying the other party of the change in the manner provided above.

ORANGEVALE RECREATION AND PARK DISTRICT

By: _____

Name: Greg Foell
Title: District Administrator

MTW GROUP

By: _____

Name: Peter Larimer
Title: Principal

Exhibit A

Scope of Services

1. Project Understanding

The Work consists of surveying the existing irrigation heads, control valves, quick couplers, and gate valves at the Pecan Park, 5945 Pecan Avenue, Orangevale, CA 95662. After the survey, the consultant will then operate the irrigation system and design the lateral lines locations the best we can to produce an as-built irrigation plan for the park district's use.

2. Scope of Services

The Consultant will produce an as-built design drawing of the irrigation system at Orangevale Community Park. The District will provide base information for use by the Consultant.

3. Compensation

The fee for services described above shall be a lump sum amount of Three Thousand Five Hundred Dollars, payable at the completion of the project:

Completed Project	\$2,500
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4. Record Documents

Upon completion of work, the Consultant will compile for and deliver to the District a reproducible set of Record Documents.

STAFF REPORT



DATE: 6-8-17

TO: Board of Directors

FROM: Greg Foell, District Administrator

SUBJECT: APPROVAL OF CHANGE ORDER #1 FROM TJR RESOURCES TO INCLUDE ADDITIVE ALTERNATE 2 TO THE EXISTING CONTRACT FOR CONSTRUCTION OF THE OAK AND FILBERT PATHWAY PROJECT IN THE AMOUNT OF \$83,801.76

RECOMMENDATION

Approve Change Order #1 from TJR Resources to include Additive Alternate 2 to the existing contract for construction of the Oak and Filbert pathway project in the amount of \$83,801.76.

BACKGROUND

The asphalt pathway at the Oak and Filbert area of Orangevale Community Park has been in poor condition for a number of years. The Board approved a portion of the project as part of the 2016/17 Fiscal Budget in the amount of \$150,000. The project was approved at the January 2017 Board of Directors meeting with bid specifications approved at the February 9, 2017 meeting. Bids were solicited and TJR Resources was the low bid for the Base Bid and all Add Alternates. The contract for the Base Bid and Add Alt 1 was approved in the amount of \$148,099 at the April Board of Directors meeting.

The completion of the project was rated as the top priority capital project for 2017 by the Board at the May 2017 Capital Project Workshop. The possibility of adding Additive Alternate 2 to the current contract was discussed so that the entire path could be completed in the most economical way. TJR Resources was asked to submit a change order for the work which will be funded out of the District's Park Development Fee account. Staff recommends approving Change Order #1 for Add Alternate 2 in the amount of \$83,801.76. All other provisions of the executed contract will remain the same.

RECOMMENDED MOTION

I move we approve Change Order #1 to include Additive Alternate 2 to the existing contract for construction of the Oak and Filbert Pathway Project from TJR Resources, Inc. in the amount of \$83,801,76.



PO Box 637
Rancho Cordova, CA 95741
Office/Fax: 888.423.7789
CA DVBE #1759799

FROM: TJR Resources, Inc.

31 May 2017

TO: Orangevale Recreation & Park District
ATTN: Greg Foell
6826 Hazel Ave
Orangevale, CA 95662

SUBJ: Orangevale Community Park Oak & Filbert Pathway project – Change Order #1 Proposal

1. This proposal reflects the change order requested to complete the pathway (identified as Additive Alternate 2) loop as depicted on page L2.1 of the project plans. The cost is submitted as a lump price.
 - i. COST IMPACT: \$83,801.76
 - ii. TIME IMPACT: 10 Days
2. **NET TOTAL OF CHANGE ORDER: Addition of \$83,801.76 and project extension of 10 days
This would increase the contract price to \$231,900.76**
3. If you have any questions, please contact me at (888)423-7789 x101 or at tom.murphy@tirresources.com.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tom Murphy', followed by a horizontal line.

THOMAS MURPHY USAF, RET
President/CEO
TJR Resources, Inc

“palma non sine pulvere”