

CITY OF EL CENTRO
ENGINEER'S ANNUAL LEVY REPORT
BUENA VISTA LANDSCAPING AND LIGHTING DISTRICT
FISCAL YEAR 2009/2010



Intent Meeting: May 20, 2009
Public Hearing: June 17, 2009



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ENGINEER'S REPORT AFFIDAVIT

Buena Vista Landscaping and Lighting District

The District includes the parcels of land within the residential and commercial subdivisions known as

Buena Vista

**City of El Centro,
County of Imperial, State of California**

This Report and the enclosed diagrams showing the exterior boundaries of the District; any relevant zones therein; and the lines and dimensions of each lot, parcel, and subdivision of land within said District, as the same existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Imperial County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2009

Willdan Financial Services
Assessment Engineer
On Behalf of the City of El Centro

By: _____
Adina Vazquez, Senior Project Manager

By: _____
Richard Kopecky, P.E.
R. C. E. # 16742

PRELIMINARY APPROVAL

This Engineer's Report and the proposed assessments described herein have been preliminarily approved by the City Council of the City of El Centro on this _____ day of _____, 2009.

Diane Caldwell
City Clerk
City of El Centro

FINAL APPROVAL

This Engineer's Report, the improvements and assessments described herein were approved and adopted by the City Council of the City of El Centro on this _____ day of _____, 2009.

Diane Caldwell
City Clerk
City of El Centro

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EXECUTIVE SUMMARY

A. Introduction

The City of El Centro ("City") created the Buena Vista Landscaping and Lighting District ("District") in order to provide for the ongoing operation, maintenance, and servicing of median landscaping, certain perimeter landscaping, and street lighting improvements installed in connection with development of properties within the District. This District provides the financial mechanism (annual assessments) by which the ongoing operation, maintenance, and servicing of these improvements are funded. The District was formed in 2004 and annual assessments are levied pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("1972 Act")* and in compliance with the substantive and procedural requirements of the *"California State Constitution" Article XIID ("Article XIID")*.

This Engineer's Annual Levy Report ("Report") describes the District and the proposed assessments for Fiscal Year 2009/2010. The annual budget for the maintenance and operation of the improvements is based on estimated expenses for the upcoming Fiscal Year. Parcels within the District are assessed proportionately for only those improvements and services that are a special benefit.

The District boundaries, improvements and services, method of apportionment and assessments described in this Report are based on current development and improvement plans including the estimated direct expenditures, incidental expenses, and reserves associated with the maintenance and servicing of the improvements. These detailed plans and specifications approved by the City are made part of this report by reference.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessment Number by the Imperial County ("County") Assessor's Office. The County Auditor/Controller uses Assessment Numbers and specific Fund Numbers to identify properties assessed on the tax roll for special district benefit assessments.

Following consideration of public comments and written protests at a noticed Public Hearing, the City Council may confirm the Report as submitted or amended and order the levy and collection of assessments for Fiscal Year 2009/2010 pursuant to the 1972 Act. The assessment information approved will be submitted to the County Auditor/Controller and included on the property tax roll for each benefiting parcel.

PART I — PLANS AND SPECIFICATIONS

A. Description of the District

The District consists of the lots, parcels and subdivisions of land located in the development area described below:

- Buena Vista. The District encompasses the area of land identified by the Imperial County Assessor's Office as Buena Vista Sub Units 1 through 4. It is located on the west side of 8th Street, between McCabe Road and Interstate 8. 465 single-family residential lots have been created within these Sub Units.

The District Diagram is presented in Part IV of this Report.

B. Description of Improvements and Services

Landscape Improvements

The landscaping improvements may include, but are not limited to landscaping material and facilities within the District. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting structures, masonry walls or other fencing, entryway monuments, and associated appurtenant facilities located within the streetscape (and perimeter landscaping) surrounding the developments, specifically:

- Perimeter Landscaping at the locations and with the approximate composition, which follow. The square footage of area to be maintained for each development was estimated at a constant 5 feet width multiplied by a variable length of perimeter where the development adjoins a street. The length was taken from the Landscape Construction Plans measurement where available and approximated manually where the fore-mentioned measurements were not available.
 - Parkview Avenue and Fieldview Avenue – 6,650 square feet of turf;
 - 8th Street and Imperial Avenue – 14,146.80 square feet of shrubs;
 - 8th Street and Imperial Avenue – 6,445.77 square feet of groundcover; and
 - 8th Street, Imperial Avenue, Manuel A. Ortiz Avenue, and Fieldview Avenue – 225 trees.
- Perimeter Hardscape at the following locations and compositions:
 - 8th Street, Imperial Avenue, Manuel A. Ortiz Avenue, and Fieldview Avenue – 30,200 square feet of concrete sidewalk;

- 8th Street and Imperial Avenue – 2,910 linear feet of slump block wall;
- 8th Street – 160 linear feet of entry monument; and
- 8th Street – 13,620 square feet of decomposed granite.

The total perimeter landscape and hardscape area is estimated at approximately 88,523 square feet.

Retention Basin maintenance, including but not limited to trash removal, weed clearing and other necessary maintenance to keep the basin operating properly.

Public Street Lighting Improvements

The street lighting improvements may include but are not limited to electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities associated with:

- Public street lighting within the residential subdivisions;
- Public street lighting, traffic signals and other public lighting facilities on the streets surrounding or adjacent to the developments and other public areas associated with or necessary for development of properties within the District.

PART II — METHOD OF APPORTIONMENT

A. General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

"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."

Furthermore, Article XIID Section 4 of the California Constitution ("Constitution") states that:

"The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of the public improvement, the maintenance and operation expenses of the public improvement, or the cost of the property related service being provided..."

The formula used for calculating assessments reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

B. Benefit Analysis

Each of the proposed improvements, the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the Constitution and the 1972 Act. The improvements associated with this District have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties and their ongoing operation; maintenance and servicing of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of ensuring the operation, maintenance and servicing of the improvements are of direct and special benefit to the properties.

The method of apportionment (method of assessment) is based on the premise that each assessed parcel within the District receives benefit from the improvements. The desirability and security of properties is enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements;

- Improved aesthetic appeal of properties providing a positive representation of the area and properties;
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping;
- Environmental enhancement through improved erosion resistance, dust and debris control, and fire prevention;
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties;
- Enhanced quality of life through well-maintained green belts and landscaped areas;
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti; and
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and aid to police protection;
- Increased nighttime safety on roads and streets;
- Improved ability of pedestrians and motorists to see;
- Improved ingress and egress to and from property;
- Reduced vandalism and other criminal act and damage to improvements or property; and
- Improved traffic circulation and reduced nighttime accidents and personal property loss.

The preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

Although the improvements include public easements, right-of-ways, streets and other amenities available or visible to the public at large, the construction and installation of these improvements are only necessary for the development of properties within the District and are not required nor necessarily desired by any properties or developments outside the District boundary. Therefore, any public access or use of the improvements by others is incidental and there is no measurable general benefit to properties outside the District or to the public at large.

C. Assessment Methodology

The method of apportionment for the District calculates the receipt of special benefit from the respective improvements based on the actual or proposed land use of the parcels within the District. The special benefit received by each lot or parcel is equated to the overall land use of the parcel based on the parcel's actual land use or proposed planned development and is reliant upon the special benefit received from the improvements planned within the District. The development is a Single Family Residential development, and it has been determined that the planned residential parcels benefit equally from the improvements.

Equivalent Benefit Units:

To assess benefits equitably, it is necessary to relate each property's proportional special benefits to the special benefits of other properties within the District. The Equivalent Benefit Unit method of assessment apportionment uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Benefit Unit (EBU). The other land uses are converted to EBUs based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

The EBU method of apportioning special benefits is typically seen as an appropriate and equitable assessment methodology for districts formed under the 1972 Act, as the benefit to each parcel from the improvements are apportioned as a function of land use type, size and development.

EBU Application by Land Use:

Single-Family Residential — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other land use types are compared to and weighted against (i.e. Equivalent Benefit Unit or EBU).

Multi-Family Residential — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. This land use is assessed 1.0 EBU per dwelling unit.

Planned-Residential Development — This land use is defined as any property not fully subdivided with a specific number of proposed residential lots or dwelling units to be developed on the parcel. This land use type is assessed at 1.0 EBU per planned (proposed) residential lot or dwelling unit.

Vacant Single-Family Residential — This land use is defined as property currently zoned for single-family detached residential development, but a tentative or final tract map has not been submitted and/or approved. This land use is assessed at 0.5 EBU per parcel.

Vacant Multi-Family Residential — This land use is defined as property currently zoned for multi-family residential development, but a tentative or final tract map has not been submitted and/or approved. This land use is assessed at 0.5 EBU per parcel.

Vacant Commercial — This land use is defined as property currently zoned for commercial use, but not specifically identified as commercial property. This land use is assessed at 1.0

EBU per acre. Parcels less than 1 acre are assigned a minimum of 1.0 EBU. Parcels over 50 acres are assigned a maximum of 50 EBU.

Developed Commercial — This land use is defined as property developed for either commercial or industrial use. This land use type is assessed at 4.0 EBU per gross acre. Parcels less than 0.25 acres are assigned a minimum of 1.0 EBU and there is no maximum acreage cap, as is the case with Vacant Commercial Property.

Recreational or Limited Commercial Use — This land use is defined as property used for recreational or commercial use that is not part of the improvements provided by the District. This land use classification may include, but is not limited to, golf courses, commercial parking lots or commercial properties where less than ten percent of the total acreage has been developed. This land use is assessed at 2.0 EBU per acre. Similar to Commercial properties, there is no maximum acreage cap for this land use, but parcels less than 0.5 acres are assigned a minimum 1.0 EBU.

Exempt Parcels — This land use identifies properties that are not assessed and are assigned 0.0 EBU. This land use classification may include, but is not limited, to lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and right-of-ways including greenbelts and parkways; utility right-of-ways; common areas, sliver parcels and bifurcated lots or any other property that can not be developed; park properties and other publicly owned properties that are part of the District improvements or that have little or no improvement value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore not assessed.

The following table provides a listing of land use types, land use code designations, the Equivalent Benefit Unit factor applied to that land use type, and the multiplying factor used to calculate each parcel's individual EBU.

Land Use Codes and Equivalent Benefit Units

Property Type	Land Use Code	Equivalent Benefit Unit	Multiplier
Single-Family Residential	SFR	1.0	Lot/Parcel
Multi-Family Residential	MFR	1.0	Dwelling Unit
Planned-Residential Development	PRD	1.0	Planned Residential Lot or Dwelling Unit
Vacant Single-Family Residential	SFV	0.5	Parcel
Vacant Multi-Family Residential	MFV	0.5	Parcel
Vacant Commercial	CMV	1.0	Acreage
Developed Commercial	COM	4.0	Acreage
Recreational or Limited Commercial Use	REC	2.0	Acreage
Exempt	XMT	0.0	Parcel

The benefit formula applied to parcels within the District is based on the preceding Equivalent Benefit Unit (EBU) table. Each parcel's EBU correlates the parcel's special benefit received as compared to the other parcels benefiting from the improvements.

The following formula is used to calculate each parcel's EBU (proportional benefit).

$$\text{Parcel Type EBU} \times \text{Acres/Dwelling Units/Parcel/Lot} = \text{Parcel EBU}$$

The total number of Equivalent Benefit Units (EBUs) is the sum of individual EBUs applied to parcels that receive special benefit from the improvements. An assessment amount per EBU ("Rate") is established by taking the net total cost of the improvements and dividing that amount by the total number of EBUs of the parcels benefiting from the improvements. This Rate is then applied back to each parcel's individual EBU to determine the parcel's proportionate benefit and assessment obligation for that improvement.

$$\text{Total Balance to Levy} / \text{Total EBU} = \text{Rate per EBU}$$

$$\text{Rate per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

The total number of EBUs for the developments within the District is 465.

D. Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIII C and XIII D), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an assessment range formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, balloting of property owners was conducted pursuant to the Constitution Article XIII D Section 4. The property owner ballots included an Assessment to be approved, as well as the approval of an assessment range formula.

The Maximum Assessment Rate is equal to the initial Assessment Rate approved by property owners adjusted annually by the percentage increase of the Local Consumer Price Index (CPI) for San Diego County Area for All Urban Consumers.

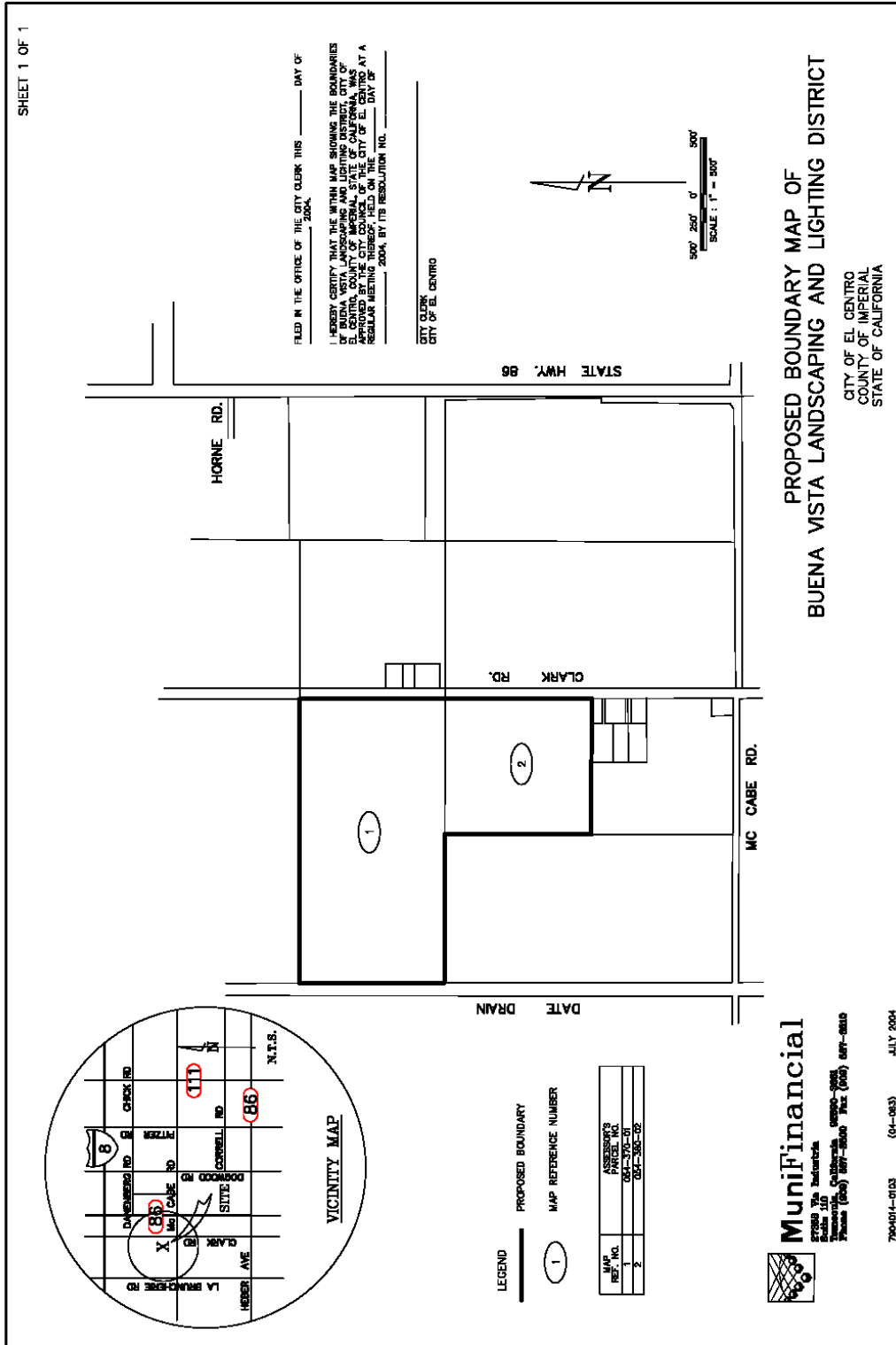
Beginning in the second Fiscal Year of the District (Fiscal Year 2005/06) and each Fiscal Year thereafter, the Maximum Assessment Rate will be recalculated and a new Maximum Assessment Rate established. The Maximum Assessment Rate is adjusted annually and is calculated independent of the District's annual budget and proposed annual assessment. Any proposed annual assessment rate per EBU for any Fiscal Year that is less than or equal to this Maximum Assessment Rate is not considered an increased assessment.

PART III — DISTRICT BUDGET

City of El Centro	
Buena Vista Landscaping and Lighting Assessment Fiscal Year 2009/2010 Fund Number: 923	
Levy Components	Special Benefit
Landscaping	\$17,000.00
Materials and Equipment	0.00
Utilities Water	4,000.00
Utilities Electricity	9,500.00
Miscellaneous Expenses	8,500.00
Sub-Total Direct Costs	\$39,000.00
TOTAL DIRECT	\$39,000.00
District Administration	\$5,000.00
County per Parcel Fee	0.00
TOTAL ADMIN	\$5,000.00
TOTAL DIRECT AND ADMIN COSTS	\$44,000.00
Reserve Collection/(Transfer)	(10,800.00)
Capital Improvement Fund Collection/(Transfer)	0.00
General Fund Loans Repayment/(Advances)	0.00
Other Revenues/General Fund (Contributions)	0.00
TOTAL ADJUSTMENTS	(\$10,800.00)
Balance to Levy (Budgeted)	\$33,200.00
Total Parcels	467
Total Parcels Levied	465
Total Equivalent Benefit Units	465.00
Proposed Levy per Benefit Unit	\$71.40
Applied Levy per Benefit Unit	\$71.40
Maximum Levy per Benefit Unit (Prior Fiscal Year)	\$135.24
Maximum Levy per Benefit Unit (Current Fiscal Year)	\$140.4542
Inflationary Factor Applied to Maximum Rate	3.85%

PART IV — DISTRICT DIAGRAMS

The Diagram for the Buena Vista Landscaping and Lighting District is on file with the City Clerk and by reference herein is made part of this Report. The parcels within the Buena Vista Landscaping and Lighting District consist of the lots, parcels and subdivisions of land shown on the Imperial Assessor's parcel maps. The lines and dimensions shown on the County Assessor Parcel maps for the current year are incorporated by reference herein and made part of this report.



PART V — 2009/2010 ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District shall be the parcel as shown on the Imperial County Secured Roll for the year in which this Report is prepared and reflective of the Assessor's Parcel Maps. A listing of the current assessor parcels to be assessed within this District along with the assessment amounts is provided below.