STAFF REPORT
CITY OF YORBA LINDA

Public Works Department

DATE: **MAY 5, 2020**

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **JAMIE LAI, P.E., DIRECTOR OF PUBLIC WORKS/CITY ENGINEER**

SUBJECT: **CITY OF YORBA LINDA LIGHTING AND LANDSCAPING MAINTENANCE ASSESSMENT DISTRICT – PUBLIC HEARING TO TABULATE PROPOSITION 218 BALLOTS AND, IF NO MAJORITY PROTEST EXISTS, CONSIDERATION OF RESOLUTION NO. 2020-5670, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FISCAL YEAR 2020/2021 FOR LOCAL LANDSCAPING ZONE L-4A, THE OVERRULING OF ALL PROTESTS CONCERNING THE ASSESSMENTS, AND THE LEVY OF THE ASSESSMENTS FOR LOCAL LANDSCAPING ZONE L-4A, RESOLUTION NO. 2020-5670 (REPORT NO. 2020-18)**

RECOMMENDATION

It is recommended that the City Council

1. Conduct the Public Hearing upon the proposed assessments, and consider all objections and protests, whether written or oral, if any; and

2. Close the Public Hearing, and direct staff to tabulate the Proposition 218 Ballots for Local Landscaping Zone L-4A and continue the agenda item until later in the meeting to allow for tabulation and reporting of results; and

3. Recommence the agenda item at a subsequent time during the meeting, and depending on the circumstances, take the following actions:

a. If tabulation of ballots exceeds the time of the City Council meeting, continue the tabulation of ballots to a date and time certain, and continue the agenda item to a future City Council meeting;
b. If the ballots can be tabulated during the meeting timeframe and if a Majority Protest does exist for the proposed new or increased assessments for Local Landscaping Zone L-4A, make findings that there is a Majority Protest for the identified zone, abandon the proceedings for that proposed new or increased assessment, and direct staff to bring back a plan for eliminating subsidies to the Zone, consistent with the Landscape Maintenance Assessment District (LMAD) Maintenance Location Guidelines for Deficit Zones; or
c. If the ballots can be tabulated during the meeting timeframe and if a Majority Protest does not exist, for Local Landscaping Zone L-4A, adopt Resolution No. 2020-5670 (Attachment B), pursuant to the provisions of the Landscaping and Lighting Act of 1972, confirming the diagram and assessments for Fiscal Year 2020/2021 for Local Landscaping Zone L-4A, overruling all protests concerning the assessments, and levy of the assessments confirmed herein.

BACKGROUND

At the March 3, 2020 City Council meeting, the Council adopted Resolution No. 2020-5651, initiating proceedings to levy a proposed new or increased assessments for Local Landscaping Zone L-4A within the Street Lighting and Landscaping Maintenance Assessment District, ordering the Engineer to prepare and file a report for said Local Landscaping Zone in accordance with Article 4 of Chapter 1 of said Act.

Also at the March 3, 2020 City Council Meeting, the Council adopted Resolution No. 2020-5654 (Attachment D) and Resolution No. 2020-5655 (Attachment E) approving the Engineer's Report (Attachment A) and declaring its intention to ballot property owners for proposed new or increased assessments within the Yorba Linda Street Lighting and Landscaping Maintenance Assessment District for Local Landscaping Zone L-4A for Fiscal Year 2020/2021, setting a time and place for a Public Hearing and authorizing staff to proceed with the balloting proceedings.

ANALYSIS

Notices and Proposition 218 ballots were mailed to the property owners, listed on the current County of Orange Tax roll, pursuant to the regulations governing majority protest votes. This Public Hearing is being held not less than 45 days after the mailing of the requisite notices, as required by Proposition 218. As of the date of drafting this report, a total of 84 ballots have been received of the 142 ballots originally mailed to the property owners of record within Local Landscaping Zone L-4A. Property owners have until the close of the Public Hearing to submit a signed and marked assessment ballot. Ballots that were received by the City Clerk by U.S. Mail, or otherwise delivered to the City Clerk before the Public Hearing, or received during the Public Hearing itself, shall be counted, if properly completed and executed.

During the Public Hearing, the City Council shall consider all objections or protests, if any, to the proposed assessments, whether oral or written. Upon close of the Public Hearing, Proposition 218 ballots received will be opened and tabulated, consistent with all applicable procedures required by Proposition 218 and its implementing statutes, weighted by the proposed assessment amount on each property, and the results announced. If the time to tabulate the ballots exceeds the time for the City Council meeting, the City Council may continue the tabulation to a different time and publicly accessible location, so long as such time and location are announced during the meeting; this agenda item may also be continued to a subsequent meeting, so that results may thereafter be announced and any further action taken.

All returned ballots will remain unopened and in the charge of the City Clerk until the close of the public hearing and direction to staff to tabulate the ballots. For purposes of tabulation, all of the returned ballots submitted, and not withdrawn, will be tabulated and weighted according to the financial obligation of each particular parcel. Article XIIID of the California Constitution provides that if, as a result of the assessment ballot proceeding, a Majority Protest is found to exist, the City Council shall not have the authority to increase the assessments as proposed. A Majority Protest exists if the assessment ballots submitted, and not withdrawn, in opposition, exceed the assessment ballots submitted, and not withdrawn, in favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

If there is no Majority Protest, the City Council may approve the proposed new/increased assessments including the assessment range formula identified in the Engineer's Report and ballots by adopting the appropriate resolution attached to this Staff Report. Any voter approved increased assessment will be submitted to the Orange County

Auditor/Controller to be included on the property tax roll for each parcel for Fiscal Year 2020/2021. If a Majority Protest does exist, the assessments will remain at their current maximum amount, plus the allowable CPI, for Fiscal Year 2020/2021.

As previously directed by the City Council, the LMAD Maintenance Location Guidelines for Deficit Zones (Attachment C) will be applied to Zones that do not vote to increase their assessments. A copy of the Guidelines is attached for reference. If a Majority Protest does exist, if needed, staff will bring back a plan for eliminating subsidies to Local Landscaping Zone L-4A, pursuant to the Guidelines, at a subsequent meeting for the Council to consider.

Resolution:

If a Majority Protest does not exist, Council can consider adopting the applicable Local Landscaping Zone Resolution. By adopting the applicable Resolution, the City Council is:

- Confirming the diagram and new assessments for Local Landscaping Zone L-4A for Fiscal Year 2020/2021, as set forth in the approved Engineer's Report.
- Overruling all objections and protests presented concerning the annual assessments for the District for Fiscal Year 2020/2021.
- Approving a levy of assessments for Fiscal Year 2020/2021 for Local Landscaping Zone L-4A. A copy of the assessments which specifies the amounts levied is on file in the Office of the City Clerk.
- Finding that the assessment is in compliance with the provision of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution, and that the City Council has complied with all laws pertaining to the levy of an annual assessment.
- Ordering the proposed District improvements to be made within Local Landscaping Zone L-4A in accordance with the Engineer's Report and these proceedings.
- Directing the City Engineer to update the Engineer's Report and assessments to the most current available parcel listings as provided by the County Auditor's office.
- Authorizing and directing the City Clerk to file, as may be required, a certified copy of the applicable Resolution(s), the diagram(s), and assessments confirmed by the Resolution(s) or a certified copy thereof, with the County Auditor/Assessor Tax Collector of the County of Orange.

Staff recommends the City Council adopt the applicable Resolution if a Majority Protest does not exist.

FISCAL IMPACT

The cost to prepare and mail out the Notice of Public Hearing and ballots is already included in a previously approved agreement with Willdan Financial Services. There are no additional costs associated with the two action items on this Staff Report.

ALTERNATIVE

Do not adopt the Resolution(s)

ATTACHMENTS

A- Engineer's Report

B- Resolution No. 2020-5670

C- LMAD Location Guidelines for Deficit Zones

D- Resolution No. 2020-5654

E- Resolution No. 2020-5655

Approved by:

Mark A. Pulone
City Manager

Scott Catlett
Finance Director

ATTACHMENT A

City of Yorba Linda

Street Lighting and Landscaping Maintenance District

Engineer's Report

Establishment of New/Increased Assessments Local Landscaping Zone L-4A

Fiscal Year 2020/2021

Intent Meeting: March 3, 2020

Public Hearing: May 5, 2020

FEBRUARY 2020

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WILLDAN Financial Services

ENGINEER'S REPORT AFFIDAVIT

City of Yorba Linda
Street Lighting and Landscaping Maintenance District
For
Establishment of New/Increased Assessments
Local Landscaping Zone L-4A

Fiscal Year 2020/2021

City of Yorba Linda,
County of Orange, State of California

This Report and the enclosed budget, diagrams and descriptions outline the new or increased ("new/increased") assessments proposed to be levied for Local Landscaping Zone L-4A within the Street Lighting and Landscaping Maintenance District in the City of Yorba Linda commencing in fiscal year 2020/2021. The proposed new/increased assessments are deemed necessary to adequately maintain the improvements in the Zone. The boundaries of Local Landscaping Zone L-4A include each lot, parcel, and subdivision of land that will receive a special benefit from the proposed improvements to be provided, as the same existed at the time of the passage of the Resolution of Intention and described herein. Reference is hereby made to the Orange County Assessor's maps for a detailed description of the lines and dimensions of parcels within Local Landscaping Zone L-4A. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2020.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Yorba Linda

By: _____

Jim McGuire
Principal Consultant, Project Manager

By: _____

Richard Kopecky
R. C. E. # 16742

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Introduction

The City of Yorba Linda (the "City"), under the provisions of the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "1972 Act") and the provisions of the California Constitution Article XIII D (the "Constitution"), annually levies and collects special assessments for the City's maintenance assessment district designated as:

Street Lighting and Landscaping Maintenance District

(the "District") in order to provide and maintain various landscaping and lighting improvements throughout the City that provide special benefits to properties within the City.

This Engineer's Report (the "Report") has been prepared pursuant to Chapter 1, Article 4 and Chapter 3 of the 1972 Act, and presented to the City Council for their consideration and approval of the improvements and services to be provided within the local landscaping zone of benefit ("Zone) identified as Zone L-4A; and the levy and collection of the proposed new/increased annual assessments related thereto to fund the costs and expenses required to service and maintain the improvements that provide special benefits to those parcels commencing in fiscal year 2020/2021.

Annually, the City establishes the District's assessments for each Zone based on an estimate of the costs to maintain, operate and service the improvements in those Zones in conjunction with available revenues including fund balances, general benefit contributions, additional City contributions, and current assessment limits. In recent fiscal years, the net Total Eligible Special Benefit Expenses budgeted for Local Landscaping Zone L-4A, (Total Annual Expenses minus the City funded General Benefit Expenses), has exceeded the amount that can be collected from annual assessments at the currently authorized special benefit assessment rates. As a result, budget adjustments have been made including eliminating or reducing the amount being collected for operational reserves and capital improvement projects and at the discretion of the City Council, the City may have temporarily provide additional funding to support the improvements and/or implemented service reductions.

To fully fund the improvements that are considered special benefits to properties in Local Landscaping Zone L-4A, the City Council has determined that it is appropriate and in the public's best interest to propose new/increased assessments that address the estimated special benefit improvement costs within the Zone including, but not limited to the estimated expenditures for regular annual maintenance and repairs; incidental expenditures related to the operation and administration of the District and Zones; and the collection of funds for operational reserves and/or for periodic maintenance and improvement rehabilitation projects as authorized by the 1972 Act.

This Report outlines the improvements, and the proposed assessments to be levied in connection with the benefits the properties will receive from the maintenance and servicing of the landscaping improvements within Zone L-4A for fiscal year 2020/2021. The annual assessments (new/increased assessments) proposed to be levied on properties as described herein will provide a funding source for the continued operation and maintenance of landscaping improvements that provide special benefits to the properties within Zone L-4A.

The net annual cost to provide the improvements in Zone L-4A is based on the various improvements and the types of improvements and services to be provided by the District for the properties that are directly associated with and benefit from those improvements. This net cost of providing these improvements and services are allocated to the benefiting properties within Zone L-4A using a weighted method of apportionment (refer to Assessment Methodology in Section II,

Method of Apportionment) that calculates the proportional special benefit and assessment for each parcel as compared to other properties that benefit from those District improvements and services.

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

If any section, subsection, sentence, clause, phrase, portion, zone, or subzone of this Engineer's Report is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Engineer's Report and each section, subsection, subdivision, sentence, clause, phrase, portion, zone, or subzone thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, portions, zones, or subzones might subsequently be declared invalid or unconstitutional.

Ballot Proceedings

Pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, the City shall conduct a property owner protest ballot proceeding (referred to as "Ballot Proceeding") for the proposed levy of new or increased assessments as described in this Report. In conjunction with this Ballot Proceeding, the City Council will conduct a noticed public hearing to consider public testimonies, comments and written protests regarding the levy of the proposed new/increased assessments. Upon conclusion of the public hearing, property owner protest ballots received will be opened and tabulated to determine whether majority protest exists:

"A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property."

After completion of the ballot tabulation, the City Council will confirm the results of the balloting. If majority protest exists for the proposed new/increased Zone assessment, further proceedings to implement the proposed new/increased assessment for Zone L-4A shall be abandoned at this time. However, the City Council may continue to levy and collect annual assessments for the improvements provided in the Zone at an assessment rate less than or equal to the previously approved maximum assessment rate (including the inflationary adjustment) previously approved and adopted. If tabulation of the ballots indicate that majority protest does not exist for the proposed new/increased assessments and the assessment range formula presented and described herein, the City Council may adopt this Report (as submitted or amended), approve the assessment diagrams, and confirm the new/increased assessment rate and assessments as presented herein. In such case, the assessments as approved shall by reference be made part of and incorporated into the "Engineer's Annual Report Fiscal Year 2020/2021" for the District and together with the other Zone assessments for these properties and other properties within the District, shall be submitted to the Orange County Auditor/Controller for inclusion on the property tax roll for each affected parcel.

Report Content

This Report consists of five (5) parts:

Part I

Plans and Specifications: This section provides an overall description of Local Landscaping Zone L-4A and the improvements for which parcels are assessed. The proposed new/increased assessments as outlined in this Report are based on the local landscaping improvements and appurtenant facilities that provide a special benefit to the properties within the Zone and operational expenses authorized pursuant to the 1972 Act. The plans and specifications contained in this section of the Report describe the overall nature and extent of the improvements. In conjunction with this description of the improvements a visual depiction of the landscape improvement areas is provided on the Zone Diagram contained in Part V of this Report and a more detailed description of the improvement areas is provide in Appendix A. More detailed information regarding the specific plans and specifications are on file in the Public Works Department and by reference are made part of this Report.

Part II

Method of Apportionment: This section includes a discussion of the general and special benefits associated with the various improvements to be provided within Local Landscaping Zone L-4A (Benefit Analysis), which includes a discussion of the proportional costs of the special benefits and a separation of costs considered to be of general benefit (and therefore not assessed). This section of the Report also outlines the method of calculating each property's proportional special benefit necessary to calculate each property's annual assessment. This method of apportionment is consistent with the previously adopted method of apportionment for the District that was approved by the property owners in a ballot proceeding conducted in 1997.

Part III

Proposed Zone Budget: An estimate of the annual costs to operate, maintain, and service the local landscaping improvements and appurtenant facilities within Zone L-4A. The budget for Zone L-4A includes an estimate of the maintenance costs and incidental expenses including, but not limited to labor, materials, utilities, equipment, and administration expenses as well as the collection of other appropriate funding authorized by the 1972 Act and deemed necessary to fully support the improvements. Those improvements and/or costs determined to be of general benefit shall be funded by a City contribution. While not shown as a budgeted expenditure at this time, if the proposed assessments are approved, the City Council at their discretion may provide a temporary advanced (loan) to fund and expedite various capital improvement projects (repair and rehabilitation of the improvements) within the Zone. Such loans would be paid back over time by the assessments utilizing the funds being collected for CIP and Rehabilitation Funding and/or Operational Reserves. Ultimately, City staff shall make the determination of which improvements, and the extent of the services and activities that shall be provided based on available revenues.

Part IV

Assessment Roll: The Assessment Roll contains a listing of all Assessor Parcel Numbers of the properties within Local Landscaping Zone L-4A and each parcel's corresponding "Balloted Maximum Assessment" and "Proposed Assessment FY 2020/2021". The proposed assessment amounts balloted and to be levied and collected in fiscal year 2020/2021 for each parcel is based on the parcel's calculated proportional special benefit as outlined in the Method of Apportionment (Part II of this Report) and the annual assessment rate established by the estimated Zone Budgets (Part III of this Report). The Assessment Roll for the proposed new/increased assessments for Local Landscaping Zone L-4A shall be filed electronically with the City Clerk rather than displayed in this Report and by reference the listing of the Assessor's Parcel Numbers and the corresponding assessment amounts contained in that electronic file are made part of this Report.

Part V

Zone Diagram: This section of the Report contains a diagram or diagrams showing the boundaries of Local Landscaping Zone L-4A for fiscal year 2020/2021 which incorporate the parcels determined to receive special benefits from the various District improvements to be provided in Zone L-4A. The diagram(s) also provide a visual depiction of the location of the landscape improvement areas being maintained. Parcel identification, the lines and dimensions of each lot, parcel and subdivision of land within Local Landscaping Zone L-4A are shown on the Orange County Assessor's Parcel Maps and shall include any subsequent lot line adjustments or parcel changes therein. Reference is hereby made to the Orange County Assessor's Parcel Maps for a detailed description of the lines and dimensions of each lot and parcel of land within Local Landscaping Zone L-4A as identified on the Assessment Roll referenced in Part IV of this Report.

Part I — Plans and Specifications

District Overview

The territory within the District consists of all lots or parcels of land within the City of Yorba Linda and the boundaries of the District are coterminous with the City boundaries. The purpose of this District is to provide in part through annual assessments, funding for the ongoing operation, maintenance, and servicing of landscaping, street lighting, traffic signal improvements and related facilities and services in various areas throughout the City. Improvements currently provided within the District generally include but are not limited to:

- Landscape improvements within the street medians and parkway side-panels, including parkways, slopes and entryways; and various non-street landscape areas including greenbelts, slopes, local trails and open space areas within various landscape zones. These landscaped improvements and areas may include, but are not limited to various combinations of trees; turf; ground cover; shrubs, plantings and other amenities including retaining walls, monuments, fencing, sidewalks, stamped concrete or pavers; irrigation and drainage systems; and related appurtenances.
- Lighting facilities on the public streets within the City including both street lights and traffic signals. These lighting improvements may include, but are not limited to street lights located on the City's arterial streets, traffic signals located throughout the City and local street lights within or adjacent to the various developments and subdivisions.

District Zones of Benefit

In accordance with the 1972 Act, the District utilizes Zones to address variations in the nature, location, and extent of the improvements that provide special benefits to parcels in the District. Within the boundaries of the District, parcels are assigned to benefit zones each of which is associated with a set of improvements and/or type of improvements that provide special benefit to properties within that Zone.

As of fiscal year 2019/2020 the District was comprised of the following benefit zones (Zones):

- Nine Arterial Landscaping Zones (A-1 through A-9);
- Thirty-three Local Landscaping Zones:
  - L-1A, through L-1E;
  - L-2A through L-2V;
  - L-3;
  - L-4A and L-4B;
  - L-5A, L-5B and L-5C;
- One citywide Arterial Street Lighting Zone,
- A non-contiguous Local Street Lighting Zone, and
- Three Traffic Signal Zones (TS-1, TS-2 and TS-3),

Description of District Improvements

As authorized by the 1972 Act, the improvements provided by the District and associated with each Zone incorporate various landscaping or lighting improvements that are maintained and serviced for the benefit of real property within the District. The maintenance of the landscape improvements may also include various appurtenances that may include but is not limited to entry monuments; various types of fencing; retaining walls; ornamental lighting or other ornamental fixtures; signage; and irrigation, drainage, and electrical equipment. In most cases, these improvements were either installed in direct connection with the development of properties within the Zones or were installed for the benefit of those properties as a result of property development or anticipated development of those properties and were considered necessary for the development of those properties to their full and best use. The work to be performed within each respective Zone may include but is not limited to (as applicable), the personnel, materials, equipment, electricity, water, contract services, repair and rehabilitation of the improvements and incidental expenses required to operate the District and provide the improvements and services for each Zone.

Local Landscaping Zone L-4A

The boundaries of each Local Landscaping Zone are established on the basis of the location, extent and types of improvements or similarities in the types of improvements being maintained through the District assessments as well as the particular and distinct benefits the various developments and properties derive from those improvements based on proximity of those developments and properties to those specific improvements and the nexus between the development of the properties that required or facilitated the installation of those improvements or would have otherwise been necessary for the development of the benefiting properties. While most local landscape improvements are specifically associated with specific developments or development areas, some improvements (most often greenbelts and/or trails) may be located between two or more Zones and/or extend from one Zone to the next and those improvements may reasonably be considered shared improvements. In such cases, the special benefits and overall cost of providing such improvements are proportionately shared by parcels in each Zone. The following is a brief description and summary of the landscaped areas associated within Local Landscaping Zone L-4A which are specifically addressed in this Report. A visual depiction of the location of the landscape improvement areas in Zone L-4A is provided in the Zone Diagram in Part V of this Report and a more detailed summary of the improvements is provided in Appendix A of this Report. In connection with these landscaped areas, the maintenance of the improvements may also include various appurtenances such as monuments, fencing, retaining walls, ornamental lighting, signage, and related irrigation, drainage, and electrical equipment. The appurtenances associated with the Zone are not specifically identified in this Report, but the cost of maintaining such appurtenances are incorporated in the City's estimated landscape budget.

The properties within Local Landscaping Zone L-4A proportionately share and receive special benefit from the maintenance, servicing, and operation of approximately 164,404 square feet of designated landscape improvement area that incorporates an estimated 79,434 square feet of sloped/mostly-sloped landscaped area of which 34,194 square feet is irrigated and 45,240 square feet is non-irrigated area; and 84,970 square feet of flat/moderately-sloped landscaped area of which 22,449 square feet is irrigated and 62,521 square feet is non-irrigated (35,408 square feet of natural vegetation or minimal-landscaped areas and 27,113 square feet of trails).

Part II — Method of Apportionment

Legislative Authority and Provisions

1972 Act

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, including the acquisition, construction, installation and servicing of landscape improvements and related facilities. The 1972 Act requires that the cost of these improvements be levied according to benefit rather than assessed value:

Section 22573 defines the net amount to be assessed 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."

Section 22574 provides for zones as follows:

"The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements."

The formulas used for calculating assessments and the designation of zones herein reflect the composition of parcels within the District and the improvements and activities to be provided, and have been designed to fairly apportion the cost of providing those improvements based on a determination of the proportional special benefits to each parcel, consistent with the requirements of the 1972 Act and the provisions of Proposition 218 and Article XIII D of the California Constitution.

California Constitution

The costs of the proposed improvements addressed in this Report have been identified and allocated to properties within Local Landscaping Zone L-4A based on special benefits as outlined by Article XIII D of the California Constitution. The improvements provided , maintained and serviced in each Zone and for which properties may be assessed are considered local landscape improvements and related amenities that were installed in connection with the development of the properties and/or would otherwise be necessary or required for the development of properties within each respective Zone. The assessments and method of apportionment is based on the premise that the maintenance of these local improvements and/or property-related services would otherwise not have been required without the development of the parcels within each Zone and these parcels receive a particular and distinct benefit (special benefit) from the ongoing maintenance of such improvements as outlined in Article XIII D of the California Constitution:

Article XIII D Section 2d defines District as follows:

"District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service";

Article XIII D Section 2i defines Special Benefit as follows:

"Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

Article XIII D Section 4a defines proportional special benefit assessments as follows:

"An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Benefit Analysis

Special Benefits

The ongoing maintenance and servicing of the landscaped areas and appurtenant facilities within Local Landscaping Zone L-4A provide aesthetic benefits to the properties within Zone L-4A and a more pleasant local environment to walk, drive, live, and work. The primary function of the landscape improvements and related amenities is to serve as an aesthetically pleasing enhancement and green space for the benefit of the immediately surrounding properties and developments for which the improvements were constructed and installed and/or were facilitated by the development or potential development of properties within each respective Zone. These improvements are an integral part of the physical environment associated with the parcels in each Zone and while some of these improvements may in part be visible to the public at large or to properties outside each Zone, collectively if the improvements within each respective Zone are not properly maintained, it is the parcels within those respective Zones that would be aesthetically burdened. Additionally in many cases, the street landscaping and green space areas (slopes, greenbelts and/or trails) provide a physical buffer and open space around the developments and between properties and serve as a pleasant aesthetic amenity that enhances the approach to the parcels as well as an extension of the physical attributes of the parcels assessed, such as their front or rear yards As a result, the maintenance of these landscaped improvements provide particular and distinct benefits to the properties and developments within each Zone.

General Benefit

In reviewing the location and extent of the specific landscaped areas and improvements to be funded by District assessments and the proximity and relationship to properties to be assessed within Local Landscaping Zone L-4A, it is evident that the improvements within Zone L-4A have been installed as part of the development of properties within those Zones or are improvements that would otherwise be shared by and/or considered essential elements for development of those properties to their full and best use. Although the various Zone improvements may be located on public streets and various right of ways, easements or other identified maintenance areas that are often visible and/or accessible to the general public, it is evident that the ongoing maintenance of these improvements (particularly the level of maintenance and servicing) is only necessary for the appearance and advantage of the properties that are in proximity to the improvements and directly associated with those improvements (properties within each respective Zone) and the

improvements within those Zones are not directly associated with or required for the particular benefit or development of any properties outside each respective Zone. It is also evident that: (1) the maintenance of these improvements and the level of maintenance provided, has a direct and particular advantage (i.e., special benefit) only to those properties in close proximity to the improvements, including those developments and properties that are directly accessed from the streets where the improvements are located; and (2) such maintenance beyond that which is required to ensure the safety and protection of the general public and property in general, limits any indirect or incidental benefit that the public at large or properties outside the District receive from such improvements.

In the absence of a special funding district and zones, the City's maintenance of the various landscaping improvements would, for the most part, be limited to tree management services necessary to ensure public safety and protection of property, minimal weed abatement, and as needed rodent control and erosion control services for the various landscape easement areas. This basic or baseline level of service would typically provide for periodic servicing of the improvement areas (generally once or twice annually) or on an as-needed basis. This baseline level of service would provide for public safety and essential property protection to avoid negative impacts on adjacent roadways and vehicles traveling on those roadways and potential property damage resulting from slope failures. However, this baseline level of service results in a far less visually pleasing environment than is created with the enhanced levels of services associated with the regular landscape maintenance that can be provided through District assessments.

Based on service provider cost estimates provided to the City, the 2019/2020 fiscal year cost to provide the baseline level of service for flat/moderately-sloped landscaped areas was estimated to be approximately $906 per acre ($0.020808 per square foot) including medians, parkway side panels, greenbelts, trails and/or areas identified as natural vegetation or minimal/modified/fallow-landscaped areas; and approximately $1,294 per acre ($0.029699 per square foot) for slope landscaping. This baseline servicing, unlike the enhanced aesthetic services funded through the District assessments, would provide benefits to the general public and to the properties both within and outside of the specific benefit zones. These costs of providing this baseline service along with a five percent (5%) cost factor for City overhead and administration is treated as the cost of general benefits from landscape maintenance services. Therefore, for flat/moderately-sloped landscaped areas a rate of $0.021848 per square foot ($0.020808 +5%) is applied to calculate the general benefit costs for the assessed improvements and for sloped landscaped areas a rate of $0.031184 per square foot ($0.029699 +5%) is applied to calculate the general benefit costs for the assessed improvements.

While these baseline service rates are anticipated to increase for fiscal year 2020/2021, the amount of those rate increases is undetermined at this time and for purposes of this Report, the fiscal year 2019/2020 baseline service rates have been applied in the calculation of the related general benefit costs for Zone L-4A. However, prior to the levy of the assessments for fiscal year 2020/2021 the increased rates will be applied which will ultimately increase the calculated general benefit contribution by the City which may directly reduce the special benefit costs to be assessed and collected on the tax rolls.

Utilizing the per square foot costs outlined above and the square footages of the improvement areas in each Zone, the following table summarizes the estimated general benefit costs calculated for Local Landscaping Zone L-4A:

Estimated General Benefit Landscaping Costs

Landscape Zone	General Benefit Cost
Local Zone L-4A	$4,655

As with most landscape maintenance costs, these General Benefit Cost may be impacted by inflation and for the annual budget and assessments in fiscal year 2020/2021 as well as subsequent fiscal years, the General Benefit Cost contributions may be adjusted accordingly for inflation.

Other Landscaping General Benefits

In addition to the general benefits identified above, it is recognized that there are indirect or incidental general benefits to properties within the District as well as the general public that are associated with regular landscape maintenance services, including:

- Minimization of dust and debris; and
- Decreased potential water runoff from both properties and the landscaped areas.

Although these types of benefits might best be characterized as indirect consequences of the special benefit of the landscape maintenance provided to parcels served by the District, for the purposes of this Report we assume these types of benefits to be general benefits, albeit general benefits that are extremely difficult to quantify. We estimate that the costs associated with these indirect benefits do not exceed one percent of the annual maintenance expenditures for Local Landscaping Zone improvements. Therefore, the costs associated with these indirect or incidental general benefits has been calculated based on 1.0% of the estimated "Total Annual Maintenance Expenditures" budgeted for each Landscaping Zone. Together with the baseline general benefit cost previously identified, these indirect/incidental general benefit costs are excluded from the potential assessment funding and together are shown in the budget for Zone L-4A (Part III of this Report) as the "General Benefit Expenses (City Funded)".

Assessment Methodology

To assess benefits equitably it is necessary to calculate each property's relative share of the special benefits conferred by the funded improvements and service. The Equivalent Benefit Unit (EBU) method of assessment apportionment is utilized in this District and establishes a basic unit (base value) of benefit and then calculates the benefit derived by each assessed parcel as a multiple (or a fraction) of that basic unit. The EBU method of apportioning special benefits is typically seen as the most 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 comparable property characteristics which may include, but is not limited to land use and property size. The method of apportionment originally developed for the Yorba Linda Street Lighting and Landscaping Maintenance District was based on an assessment formula appropriate for the various land uses, identifiable property characteristics and improvements within the District

and utilizes the number of comparative dwelling units or dwelling spaces for other residential land uses and comparative lot sizes (acreage) for non-residential and undeveloped properties.

For the purposes of this Engineer's Report, an EBU is the quantum of benefit derived from the various Zone improvements by a single family residential parcel. The single family residential parcel has been selected as the basic unit for calculation of assessments since it represents over 90% of the parcels in the District. Thus, the "benchmark" property (the single family residential parcel) derives one EBU of benefit and is assigned 1.00 Equivalent Benefit Unit.

Land Use Classifications

Every parcel within the District is assigned a land use classification based on available parcel information obtained from the County Assessor's Office. It has been determined that a parcel use and size are the appropriate factors necessary to identify and calculate the proportional special benefits conveyed to each property within the District and respective Zones for the cost of improvements associated with that property. The following provides an overall description of the various land use classifications assigned to properties in the District and the proportional special benefit (weighted allocation) for those land uses. For reference purposes, the following addresses all land use designations currently applied in the District, however the properties within Local Landscaping Zone L-4A are comprised of only properties identified as either Single-Family Residential Parcels, Multi-Family Residential Parcels, Non-Residential Parcels, Park Parcels, Vacant/Undeveloped Parcels, or Exempt Parcels.

Residential Single-Family Parcels — This classification may include but is not limited to: all subdivided residential tract lots (with or without structures); condominiums; or other single-family residential units on a single parcel. As previously noted, the single family residential parcel has been selected as the basic unit for calculation of assessments and each is assigned 1.00 Equivalent Benefit Unit.

Park Parcels — This classification includes properties that are identified as Parks which have been developed for public use and provide similar public amenities and improvements funded by the District assessments. Although it is recognized that the improvements provided within the various Zones of the District were primarily constructed and installed as the result of property development, it is also recognized that the majority of these improvements were constructed in part to support the overall development of properties within the District and/or Zone to their full and best use. Therefore, when the District was established, it was determined that parcels identified as Park Parcels shall be assigned a proportional EBU that is 25% of the developed non-residential property, or 0.75 EBU per acre, up to a maximum of 5 acres per parcel. (e.g. A 6.00-acre parcel identified as a vacant-rural parcel is assigned 3.75 EBU [5.0 acres' x 0.75 EBU/acre]).

Vacant/Undeveloped Parcels — This classification includes properties that are identified as parcels with no development, but have development potential. Although it is recognized that the improvements provided within the various Zones of the District were primarily constructed and installed as the result of property development, it is also recognized that the majority of these improvements were constructed in part to support the overall development of properties within the District and/or Zone to their full and best use, including vacant undeveloped properties. Therefore, when the District was established, it was determined that parcels identified as Vacant/Undeveloped Parcels shall be assigned a proportional EBU that is 25% of the developed non-residential property, or 0.75 EBU per acre, up to a maximum of 5 acres per parcel. (e.g. A 6.00-acre parcel identified as a vacant-rural parcel is assigned 3.75 EBU [5.0 acres' x 0.75 EBU/acre]).

Exempt Parcels — Exempt from District assessments are the areas of public streets, private streets and other roadways, dedicated public easements and open spaces, rights-of-ways including public greenbelts and parkways or that portion of public property that is not developed and used for business purposes similar to private commercial, industrial and institutional activities. (These types of properties are not usually assigned an Assessor's Parcel Number by the County). Also exempt from assessment are utility rights-of-ways, common areas (such as in condominium complexes), landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed. It has been determined that these types of properties receive no direct benefit from the improvements and receive no special benefit or general benefits from the continued operation and maintenance of those improvements.

*** The following Land Use Classifications are not germane to Zone L-4A but are provided herein for reference purposes only.**

*** Residential Multi-Family Parcels and Mobile Home Parks** — This land use classification identifies properties that are used for residential purposes but contain more than a single residential unit on the parcel (parcels with more than one dwelling). Due in part to the development and population densities associated with these types of dwelling units (reduced unit size compared to the typical density and size of single-family units), Multi-Family Residential Parcels and Mobile Home Parks have been assigned a weighted proportional special benefit factor of 0.8 EBU per Unit and 0.5EBU per space, respectively. Studies have consistently shown that the average apartment unit impacts infrastructure approximately 80% as much as a single-family residence and the average mobile home unit impacts infrastructure approximately 50%. (Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition, 1991; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition, 1991). Therefore, it is reasonable to conclude that the proportional special benefit these properties receive from the public improvements funded by the assessments has a similar proportionality.

Therefore, the EBUs assigned to a multi-residential or a mobile home parcel are calculated based on the number of dwelling units identified for that parcel, with each multi-residential parcel being assigned an EBU equal to 0.8 EBU multiplied by the number of dwelling units on the parcel and each mobile home park parcel being assigned an EBU equal to 0.5 EBU multiplied by the number of mobile home units or available spaces on the parcel.

*** Non-Residential Parcels** — This classification includes developed properties that are identified or zoned for commercial, industrial or other non-residential use including offices, hotels, recreational facilities (excluding parks and golf courses), and institutional facilities including, hospitals, churches or facilities utilized by other non-profit organizations, whether those facilities are publicly owned (non-taxable) or privately owned. Based on an overall evaluation of development in the City when the District was established, it was determined that the average single-family residential development yielded approximately three (3) dwelling units per acre of land. Thus it was determined that the special benefit for these non-residential properties compared to a single-family residential parcel is proportional to 3.0 EBU multiplied by the acreage of the parcel. Therefore, the EBU assigned to each non-residential property is 3.0 EBU per acre (e.g. A 2.25-acre parcel identified as non-residential is assigned 6.75 EBU).

*** Public School Parcels** — This classification includes those parcels that are identified specifically as school sites that include playground or recreational areas (both public and private). Based on an evaluation of the various school sites in the City, it is estimated that on average, 1/3rd (approximately 33.33%) of the total acreage for these parcels is actually developed with

structures and parking facilities similar to non-residential developed parcels. The remaining parcel acreage (approximately 66.67%) is generally associated with playground areas and/or sports fields similar to park facilities (e.g. Vacant/Rural/Park Parcels). In recognition of the overall development and use of these properties it has been determined that parcels identified as Schools shall be assigned a proportional EBU that reflects the 1/3rd of the parcel's acreage being developed non-residential acreage (33.33% of acreage x 3.0 EBU/acre) and 2/3rd of the parcel's acreage being vacant/rural/park acreage (66.67% of acreage x 0.75 EBU/acre). The average of these two calculations results in an EBU of 1.50 EBU per acre. (e.g. A 12.00-acre school parcel is assigned 18.00 EBU [12.0 acres' x 1.50 EBU/acre]).

*** Golf Course Parcels** — This classification includes all parcels that are identified as all or a portion of a golf course. Such properties, like schools are somewhat unique in that the property use is a combination of developed non-residential and vacant/rural/park use. However unlike schools, a more significant portion of the acreage for such development would be considered vacant/rural/park. In order to establish a proportional calculation of the special benefits for such properties from the District improvements as compared to other property uses, parcels identified as Golf Course Parcels shall be assigned a proportional EBU of 1.50 EBU per acre (similar to School Parcels), but recognizing that much of the acreage associated with these parcels is vacant/rural/park acreage, the maximum acreage applied in the special benefit calculation shall be limited to a maximum of 5 acres per parcel (APN). (e.g. A 10.00-acre parcel identified as a golf course parcel is assigned 7.50 EBU [5.0 acres' x 1.50 EBU/acre]).

*** Special Case Parcels** — In many landscaping and lighting districts (particularly districts that have a wide range of land uses and property development) there may be one or more parcels that the standard land use classifications and proportionality identified above do not accurately identify the use and special benefit received from the improvements. Properties that are typically classified as Special Case Parcels usually involve some type of development or land restrictions whether those restrictions are temporary or permanent and affect the properties proportional special benefit. Examples of such restrictions may include situations where only a small percentage of the parcel's total acreage can actually be developed. In such a case, the net usable acreage of the parcel rather than the gross acreage of the parcel may be applied to calculate the parcel's proportional special benefit. Each such parcel shall be addressed on a case-by-case basis by the assessment engineer and the EBU assigned to such parcels shall be based on the specific issues related to that parcel and its proportional special benefit compared to other properties that receive special benefits from the improvements.

A summary of the applied Equivalent Benefit Units (EBUs) for the various land use classifications within the District is shown in the following table:

Land Use	Equivalent Benefit Unit Formula	
(1) Residential Single-Family	1.000	EBU per Unit
Residential Multi-Family	0.800	EBU per Unit
Mobile Home Park	0.500	EBU per Unit/Space
Non-Residential Developed	3.000	EBU per Acre
School	1.500	EBU per Acre
(1) Park	0.750	EBU per Acre (Maximum of 5 Acres)
Golf Course	1.500	EBU per Acre (Maximum of 5 Acres)
(1) Vacant/Rural (Undeveloped)	0.750	EBU per Acre (Maximum of 5 Acres)
Special Case	1.250	EBU per Adjusted Acreage
(1) Exempt	0.000	EBU per Acre

(1) Land Use Classification that are currently applicable to properties in Local Landscaping Zone L-4A

Equivalent Benefit Unit Summary (Zone L-4A)

The following is a summary of the Equivalent Benefit Units applicable to the various land use classifications identified in Local Landscaping Zone L-4A:

Land Use	Parcels	Units	Applied Acreage	EBUs
Residential Single-Family	140	140	-	140.0000
Park	1	-	2.537	1.9028
Vacant/Rural (Undeveloped)	1	-	0.103	0.0773
Exempt	8	-	7.111	-
Totals	150	140	9.751	141.9801

Calculation of Assessments

An assessment amount per EBU in each Zone is calculated by:

Taking the "Total Annual Expenses" (Total budgeted costs) and subtracting the "General Benefit Expenses (City Funded)", to establish the "Total Eligible Special Benefit Expenses";

Total Annual Expenses – General Benefit Expenses = Total Eligible Special Benefit Expenses

To the resulting "Eligible Special Benefit Expenses", various "Funding Adjustments/Contributions" may be applied that may include, but are not limited to:

- "Unfunded Reserve Fund Collection", represents an adjustment (reduction) in the amount to be collected for "Operational Reserve Funding" that was budgeted as part of the Total Annual Expenses.
- "Unfunded CIP/Rehabilitation Fund Collection", represents an adjustment (reduction) in the amount to be collected for "CIP & Rehabilitation Reserve Fund Collection" that was budgeted as part of the Total Annual Expenses.
- "Reserve Fund Transfer/Deduction", represents an amount of available existing funds from the "Operational Reserve Fund Balances" being applied to pay a portion of the Special Benefit Expenses for the fiscal year.
- "Additional City Contribution and/or Service Reductions", represents a further adjustment that addresses the funding gap between the amount budgeted to provide the improvements and services ("Special Benefit Expenses"); and the amount that will be collected through the assessments. This funding gap may be addressed by an additional City contribution, reductions in service and service expenses, or a combination of the two.

These adjustments to the Special Benefit Expenses result in the net special benefit amount to be assessed "Balance to Levy";

Eligible Special Benefit Expenses +/- Funding Adjustments/Contributions =Balance to Levy

The amount identified as the "Balance to Levy" is divided by the total number of EBUs of parcels that benefit to establish the "Assessment Rate" or "Assessment per EBU" for the fiscal year. This Rate is then applied back to each parcel's individual EBU to calculate the parcel's proportionate special benefit and assessment for the improvements.

Balance to Levy / Total EBU = Assessment per EBU (Assessment Rate)

Assessment per EBU x Parcel EBU = Parcel Assessment Amount

Note: As part of these proceedings to ballot property owners for new/increased assessments, the proposed new maximum assessments outlined in this Report are intended to fully support the costs and expenses identified as "Special Benefit Expenses". Therefore, the "Funding Adjustments/Contributions" referenced above are not applicable to the calculation of the assessments described in this Report for Local Landscaping Zone L-4A, and the "Balance to Levy" represents the total "Special Benefit Expenses".

Annual Inflationary Adjustment (Assessment Range Formula)

In fiscal year 1997/1998, in part as a result of Proposition 218, which was approved on the November 1996 statewide ballot and added Article XIII D to the California State Constitution, the City took steps to reorganize the District to more fully reflect the special benefits associated with the District improvements and conducted a protest ballot proceeding for the proposed District assessments. Notices and ballots were mailed to all property owners within the District, outlining the changes to the method of apportionment and the resulting assessment amount proposed for each property and that such assessments would include an annual inflationary adjustment (often referred to as an Assessment Range Formula or escalator) based on the Consumer Price Index (CPI). On July 1, 1997 the ballot results were tabulated with eighty-three percent (83%) of the returned assessment ballots approving the assessment rates and annual inflationary adjustment.

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment that are inevitably associated with providing for the maintenance and operation of landscaping and lighting improvements, thereby reducing the need for additional noticing and balloting procedures simply because of inflationary factors.

The current Assessment Range Formula for each District Zone (excluding Local Landscaping Zone L-2V**) is defined by the following:**

Commencing in fiscal year 1998/1999 and each fiscal year thereafter, the maximum assessment rates established for the improvements in the previous fiscal year for each District Zone may be adjusted by the percentage increase of the Local Consumer Price Index (CPI). The Consumer Price Index used for the inflationary adjustment was established as the CPI for the Los Angeles-Riverside-Orange County Area for All Urban Consumers, as developed by U.S. Bureau of Labor Statistics. The CPI used shall be as determined by the Bureau of Labor Statistics for a similar period of time.

Each fiscal year the City shall identify the annual percentage change in the CPI, using the difference over a 12-month period between the current year and of the previous year. This annual percentage change is generally established based on the annual percentage change from the prior year, but a similar 12-month time period may be used if more current data is available. This percentage difference shall then establish the range of increase to the maximum assessment rates allowed. If the percentage change in the CPI is negative, the maximum assessment rates shall not be adjusted from the previous fiscal year (unchanged). Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City may use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living.

Note: In 2018, Riverside County which was previously included in the Los Angeles-Riverside-Orange County, CA, index was split out into a new index (the Riverside-San Bernardino-Ontario, CA, index) and the CPI applicable to Orange County was reclassified as the Los Angeles-Long Beach-Anaheim, CA, index.

Proposed New Assessment Range Formula for Local Landscaping Zone L-4A

Commencing with fiscal year 2021/2022 and each fiscal year thereafter, the maximum assessment rate established for the improvements in the previous fiscal year for Local Landscaping Zone L-4A may be adjusted by the percentage increase of the Local Consumer Price Index (CPI) plus three percent (CPI + 3.%) The Consumer Price Index used for the inflationary adjustment shall be the CPI for the Los Angeles-Long Beach-Anaheim, CA, Area for

All Urban Consumers, as developed by U.S. Bureau of Labor Statistics. The CPI used shall be as determined by the Bureau of Labor Statistics for a similar period of time.

Each fiscal year the City shall identify the annual percentage change in the CPI, using the difference over a 12-month period between the current year and of the previous year. This annual percentage change is generally established based on the annual percentage change from the prior year, but a similar 12-month time period may be used if more current data is available. This percentage difference plus three percent shall then establish the range of increase to the maximum assessment rate allowed for Zone L-4A. If the percentage change in CPI is negative, the maximum assessment rate may be adjusted from the previous fiscal year by three percent. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City may use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living.

The Assessment Range Formula for Local Landscaping Zone L-2V

In fiscal year 2018/2019 the existing Local Landscaping Zone L-2N was reorganized, modifying the boundaries for Local Landscaping Zone L-2N and establishing a new Local Landscaping Zone L-2V with expanded improvements and services. The property owners within the new Local Landscaping Zone L-2V through a Ballot Proceeding approved an increased assessment which included a new Assessment Range Formula which is intended to address the State of California's scheduled raising of the minimum wage one dollar per year over a four year period (fiscal year 2019/2020 through fiscal year 2022/2023). The California Director of Industrial Relations (DIR) prevailing wage for Landscape Maintenance Laborer which is the wage required to be paid by City contractors by State law was $11.22 per hour in fiscal year 2018/2019. As part of the scheduled minimum wage increases each year for the four year period, the Landscape Maintenance Laborer prevailing wage will follow suit, adding approximately a dollar per hour each year for the four year period up through fiscal year 2022/2023, which directly influences the cost of maintenance activities for landscape areas. Therefore, the Assessment Range Formula for the Zone L-2V assessments was tied to this annual indicator for fiscal years 2019/2020 through 2022/2023, then by CPI each fiscal year thereafter.

The Assessment Range Formula for Local Landscaping Zone L-2V is defined by the following:

- The base prevailing wage for Landscape Maintenance Laborer as of fiscal year 2018/2019 was $11.22 per hour. The Maximum assessment rate for the Zone shall be increased each year cumulatively with the percentage increase based on prevailing wage for Landscape Maintenance Laborer category for the four year period, including fiscal year 2019/2020, fiscal year 2020/2021, fiscal year 2021/2022, and fiscal year 2022/2023. For fiscal year 2019/2020 the prevailing wage for Landscape Maintenance Laborer increased from $11.22 to $12.22 which was an 8.91% increase and with the planned scheduled wage increase of $1 each year, the Landscape Maintenance Laborer wage will increase to $13.22 for fiscal year 2020/2021 (8.18% increase), then to $14.22 for fiscal year 2021/2022 (7.56% increase), and again to $15.22 for fiscal year 2022/2023 (7.03% increase).

- Commencing in in fiscal year 2023/2024 and each fiscal year thereafter, the maximum assessment rate established for the improvements in fiscal year 2022/2023 (the previous fiscal year) may be adjusted by the percentage increase of the Local Consumer Price Index (CPI). The Consumer Price Index used for the inflationary adjustment shall be for the Los Angeles-Long Beach-Anaheim Area for All Urban Consumers, as developed by U.S. Bureau of Labor Statistics.

Part III —Proposed Zone Budget

The following budget outlines the estimated costs to fund, maintain and service the various landscaping improvements and related amenities that provide special benefits to properties within Local Landscaping Zone L-4A proposed for fiscal year 2020/2021. In recent fiscal years, the total eligible special benefit expenses identified to ensure adequate and proper servicing and maintenance of the improvements for Local Landscaping Zone L-4A have not been fully funded by the assessment revenues generated at the existing maximum assessment rate. As a result, it may have been necessary for City staff to reduce or eliminate the collection of funding for long term repairs, replacements and rehabilitation and/or reduce maintenance, services and activities associated with the improvements. Recognizing that these revenue shortfalls are expected to continue and may likely increase over the years as a result of inflation, and therefore the City is proposing to ballot property owners within Zone L-4A for a new/increased maximum assessment that would fund the estimated total eligible special benefit expenses budgeted to provide the improvements for the Zone as outlined in this Report. The following budgets identify those estimated expenses and the resulting "Proposed Maximum Assessment Rate per EBU" for fiscal year 2020/2021 being presented to the property owners of record in a property owner protest ballot proceeding required pursuant to the provisions of the Constitution.

Zone L-4A Proposed Budget and Assessment Rate

BUDGET ITEMS	Local Landscaping Zone L-4A
Annual Maintenance Expenses	
Personnel, Maintenance, Operations	$ 7,363
Contractual Services	50,042
Landscape Utilities	29,529
Total Annual Maintenance Expenses	**$ 86,935**
Capital Improvement Project & Rehabilitation	
Planned CIP & Rehabilitation Expenditures	$ -
CIP & Rehabilitation Fund Collection	12,720
Total CIP & Rehabilitation Funding	**$ 12,720**
Incidental Operational Expenses	
Operational Reserve Funding	$ 8,693
City Administration/Professional Fees	$ 10,100
County Administration Fees	329
Miscellaneous Administration Expenses	152
Annual Administration Expenses	10,580
Total Annual Incidental Expenses	**$ 19,273**
TOTAL ANNUAL EXPENSES	**$ 118,928**
General Benefit Expenses (City Funded)	**(5,524)**
Ad Valorem Revenue Contribution	**(29,978)**
TOTAL ELIGIBLE SPECIAL BENEFIT EXPENSES	**$ 83,426**
FUNDING ADJUSTMENTS/CONTRIBUTIONS	
Reserve Fund Transfer/Deduction	-
Additional City Contribution and/or Service Reductions	-
Total Funding Adjustments / Contributions	**$ -**
BALANCE TO LEVY	**$ 83,426**
DISTRICT STATISTICS	
Total Parcels	150
Parcels Levied	142
Total Benefit Units	141.98
Full Special Benefit Cost Recovery Rate per EBU	$587.59
Authorized Maximum Assessment Rate per EBU	$96.5903
Proposed Maximum Assessment Rate per EBU	**$588.00**
Total Balloted Assessment Amount	**$83,484.30**
RESERVE & CIP FUND BALANCES	
Beginning Fund Balance	$ -
Collections / (Contributions)	21,413
Estimated Ending Fund Balance	**$ 21,413**

Part IV — Assessment Roll

Due to the number of parcels in Local Landscaping Zone L-4A, the Assessment Roll containing the proposed new/increased maximum assessment for fiscal year 2020/2021 (a listing of the parcels to be assessed within Local Landscaping Zone L-4A along with the maximum assessment amounts to be balloted) has been filed with the City Clerk in an electronic format and is, by reference, made part of this Report. The proposed Assessment Roll shall be available for public inspection in the City Clerk's Office during normal office hours.

The Assessment Roll incorporates each parcel identified within Local Landscaping Zone L-4A and the balloted maximum assessment amount proposed for fiscal year 2020/2021. Each parcel listed on the Assessment Roll is currently shown and illustrated on the County Assessor's Roll and the County Assessor's Parcel Number Maps (APN maps). These records are, by reference, made part of this Report and shall govern for all details concerning the description of the lots or parcels. All assessments presented on the assessment roll are subject to change pending the outcome of the Ballot Proceedings and/or as a result of parcel changes made by the County including parcel splits, parcel merges or development changes that occur prior to the County Assessor's Office securing the final roll and generating tax bills for fiscal year 2020/2021.

Part V — Zone Diagram

The boundary of the Yorba Linda Street Lighting and Landscaping Maintenance District is coterminous with the City boundaries and consists of all lots, parcels and subdivisions of land within the City of Yorba Linda. The following section contains a diagram that show the location of the proposed landscape improvement areas within the boundaries of Local Landscaping Zone L-4A for which properties within the Zone are being balloted for new/increased special benefit assessment to support the ongoing annual expenses associated with the maintenance and operation of the improvements proposed to be maintained.

The parcels within Zone L-4A consist of all lots, parcels and subdivisions of land within the boundaries as depicted by this diagrams and shall consist and be dictated by the lines and dimensions as those lots, parcels and subdivisions of land shown on the Orange County Assessor's parcel maps for fiscal year 2020/2021 and by reference the Orange County Assessor's parcel maps are incorporated herein and made part of this Report. The following diagram depicts the boundaries of the properties within Local Landscaping Zone L-4A and this diagram along with the Assessment Roll incorporated in this Report by reference, constitute the proposed Assessment Diagram for Zone L-4A for fiscal year 2020/2021 in connection with the balloting for new/increased assessments discussed in this Report.

Local Landscaping Diagram Zone L-4A

Local Landscaping Zone L-4A

The landscape areas for Local Landscaping Zone L-4A include, but is not limited to approximately:

- 155,320 square feet of flat/moderately-sloped improvements (portion of the El Cajon Trail) located along the western and southern boundaries of Zone L-4A and Tract 8421, extending from Arroyo Cajon Drive (between Stonecrest Lane and Sunmist Drive) south along the western boundary to the southern boundary of the Zone and Tract, then east along that southern boundary (north side of Imperial Highway) to the southeast corner of both the Zone and Tract 8421 (adjacent to the golf course). This improvement area incorporates a concrete pathway (trail) within the Zone totaling approximately 2,900 feet. These flat/moderately-sloped improvements incorporate 111,849 square feet of irrigated landscaping, 13,370 square feet of non-irrigated natural vegetation or minimal/modified/fallow-landscaped area), and 30,101 square feet of trail/pathway improvements.

- 10,172 square feet of irrigated median landscaping located on Arroyo Cajon Drive between Deerfoot Lane and Stonecrest Lane.

- 2,134 square feet of irrigated median landscaping located on Arroyo Cajon Drive between Kellogg Drive and Deerfoot Lane.

- 2,868 square feet of irrigated median landscaping located on Arroyo Cajon Drive between Sandy Hill Lane and Foxfield Lane.

- 2,243 square feet of irrigated median landscaping located on Arroyo Cajon Drive between Stonecrest Lane and Sunmist Drive.

- 2,275 square feet of irrigated median landscaping located on Arroyo Cajon Drive between Sunmist Drive and Sandy Hill Lane.

- 3,123 square feet of improvements located on the north side of Arroyo Cajon Drive between Kellogg Drive and Deerfoot Lane. This improvement area incorporates 2,074 square feet of irrigated sloped/mostly-sloped landscaping and 1,049 square feet of non-irrigated flat/moderately-sloped improvements (natural vegetation or minimal/modified/fallow-landscaped area).

- 21,552 square feet of irrigated flat/moderately-sloped landscape improvements located on the north side of Arroyo Cajon Drive between Deerfoot Lane and Sunmist Drive.

- 9,489 square feet of improvements located on the east side of Kellogg Drive from Arroyo Cajon Drive to approximately 420 feet north of Arroyo Cajon Drive. This improvement area incorporates 6,977 square feet of irrigated sloped/mostly-sloped landscaping and 2,512 square feet of non-irrigated flat/moderately-sloped improvements (natural vegetation or minimal/modified/fallow-landscaped area).

ATTACHMENT B

RESOLUTION NO. 2020-5670

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FISCAL YEAR 2020/2021 FOR THE YORBA LINDA LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT LOCAL LANDSCAPING ZONE L-4A, OVERRULING ALL PROTESTS CONCERNING THE ASSESSMENTS, AND LEVYING THE ASSESSMENTS CONFIRMED HEREIN

WHEREAS, Resolution No. 2020-5651, of the City Council of the City of Yorba Linda initiated proceedings to levy proposed new or increased assessments for the City of Yorba Linda Street Lighting and Landscaping Maintenance District (the "District") for Local Landscaping Zone L-4A; and

WHEREAS, Resolution No. 2020-5651, also ordered the City Engineer to prepare the report required by Streets and Highways Code Section 22622 for Local Landscaping Zone L-4A; and

WHEREAS, after fully considering the City Engineer's Report, the City Council adopted Resolution No. 2020-5654 approving the City Engineer's Report; and

WHEREAS, by Resolution No. 2020-5655, the City Council declared its intention to levy and collect assessments with the District for Fiscal Year 2020/2021, and provide notice pursuant to applicable law of a Public Hearing of the City Council on the matter;

WHEREAS, in Resolution No. 2020-5655, the City Council set the Public Hearing for May 5, 2020 at 7:00 p.m., and authorized the proceedings for a Proposition 218 ballot; and

WHEREAS, Proposition 218 ballots and Notices were mailed to the property owners in Local Landscaping Zone L-4A pursuant to the applicable laws and regulations governing Majority Protest proceedings, including but not limited to Article XIIID of the California Constitution and Government Code Section 53750 et seq; and

WHEREAS, the City Clerk caused Notice of the Public Hearing to be given in the manner provided by applicable law;

WHEREAS, on May 5, 2020, the City Council held duly noticed Public Hearing to consider all oral statements and all written protests and communications made or filed by any interested persons, received Proposition 218 ballots, and thereafter tabulated said

ballots concerning the proposed new or increased assessments for Local Landscaping Zone L-4A; and

WHEREAS, the May 5, 2020 Public Hearing was held not less than 45 days after the mailing of the Proposition 218 ballots and notices; and

WHEREAS, the City Council directed the City Engineer to update the FY 2020/2021 Engineer's Report for Local Landscaping Zone L-4A with changes as discussed at the May 5, 2020 City Council meeting; and

WHEREAS, the returned ballots for Local Landscaping Zone L-4A were opened and tabulated and a Majority Protest, as outlined in Article XIIID of the California Constitution does not exist; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yorba Linda as follows:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. Pursuant to Streets and Highways Code Section 22631, the City Council hereby confirms the diagram and assessments for the Local Landscaping Zone L-4A within the Yorba Linda Lighting and Landscaping Maintenance District for Fiscal Year 2020/2021 as revised to include changes approved by City Council.

Section 3. Proposition 218 ballots for Local Landscaping Zone L-4A were tabulated and a Majority Protest does not exist. The City Council hereby overrules all protests presented concerning the annual assessments for the District for Fiscal Year 2020/2021.

Section 4. Passage of this Resolution shall constitute a levy of assessments for Fiscal Year 2020/2021 for Local Landscaping Zone L-4A. A copy of the assessments which specifies the amounts levied is on file in the Office of the City Clerk, and is incorporated herein and made a part hereof as though fully set forth.

Section 5. The City Council finds that the assessments for Local Landscaping Zone L-4A is in compliance with the provisions of the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution, and that the City Council has complied with all laws pertaining to the levy of an annual assessment.

Section 6. The City Council orders the proposed District improvements to be made in Local Landscaping Zone L-4A in accordance with said Engineer's Report and these proceedings.

Section 7 The City Engineer is hereby authorized to update the Engineer's Report and assessments to the most current available parcel listings as provided by the County Auditor's office for Local Landscaping Zone L-4A.

Section 8. Pursuant to applicable law, the City Clerk is hereby authorized and directed to file a certified copy of this Resolution, and the diagrams and assessments confirmed by this Resolution of a certified copy thereof, with the County Auditor/Assessor/Tax Collector of the County of Orange.

Section 9. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provision of this Resolution and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional. Additionally, if any section, subsection, sentence, clause, phrase, portion, zone or subzone of the Engineer's Report is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Engineer's Report of each section, subsection, subdivision, sentence, clause, phrase, portion, zone or subzone thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, portions, zones, or subzones might subsequently be declared invalid or unconstitutional.

Section 10 This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 5th day of May 2020.

BETH HANEY, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA) ss.

COUNTY OF ORANGE)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 5th day of May 2020, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

ATTACHMENT C

Landscape Maintenance Assessment District (LMAD)
Maintenance Location Guidelines for Deficit Zones

The guidelines are intended to be general in nature. This is to account for numerous variables for each individual area, easement, parcel, and lot maintained by the LMAD. With these guidelines, LMAD areas can be reviewed and identified to be removed from or remain in the LMAD. Subsequent to applying these general guidelines, locations that remain in the LMAD can be reviewed further to indentify the appropriate maintenance level of service.

In general, areas that meet one of the following guidelines may remain in the LMAD. Please note that the maintenance level of service is not part of these guidelines.

- Areas within the public street rights-of-way
- City owned property
- Areas immediately adjacent to public street rights-of-way
    - The distance away from the street to be maintained shall be determined by relevant attributes of the topography and surrounding conditions (e.g. up-slopes, down-slopes, trails, sidewalks, blocks walls/fences, etc.).
- Areas that may become bisected by City trails (city-wide system)
- Areas that serve other Public Works functions

In general, areas that meet one of the following guidelines may be removed from the LMAD

- Areas that are encompassed by private property
- Areas that are immediately adjacent to existing natural areas
- Areas not immediately adjacent to public street rights-of-way
- Areas along public streets with no outlets (non-through streets)

ATTACHMENT D

RESOLUTION NO. 2020-5654

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, APPROVING THE ENGINEER'S REPORT REGARDING A PROPOSED NEW OR INCREASED ASSESSMENT FOR LOCAL LANDSCAPING ZONE L-4A WITHIN THE YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2020/2021

WHEREAS, the City Council of the City of Yorba Linda, California has adopted Resolution No. 2020-5651 Initiating Proceedings for the proposed new or increased assessments for Local Landscaping Zone L-4A within the City of Yorba Linda Street Lighting and Landscaping Maintenance District commencing in Fiscal Year 2020/2021, ordering the City's Assessment Engineer to prepare and file a report regarding such matters pursuant to Chapter 3 of Part 2 of Division 15 of the Streets and Highway Code of the State of California; and

WHEREAS, the City's Assessment Engineer has prepared and filed with the City Clerk a report, and the City Clerk has presented such report for the City of Yorba Linda Street Lighting and Landscaping Maintenance District for Local Landscaping Zone L-4A for Fiscal Year 2020/2021 ("Report"); and

WHEREAS, City Council has examined and reviewed said Report.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yorba Linda as follows:

Section 1. **Incorporation of Recitals.** The foregoing recitals are incorporated herein by this reference.

Section 2. **Approval of Report.** The Report, including plans and specifications for the improvements and the estimate of the costs of the improvements, diagrams for Local Landscaping Zone L-4A and the proposed new or increased assessments for the costs of the improvements, is hereby approved as filed.

Section 3. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional. Additionally, if any section, subsection, sentence, clause, phrase, portion, zone, or subzone of the Report is, for any reason, held to be

invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Report and each section, subsection, subdivision, sentence, clause, phrase, portion, zone, or subzone thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, portions, zones, or subzones might subsequently be declared invalid or unconstitutional.

Section 4. **EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 3rd day of March, 2020.

BETH HANEY, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA)
ss.
COUNTY OF ORANGE)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 3rd day of March, 2020, and was carried by the following roll call vote:

AYES:	COUNCILMEMBERS:	Hernandez, Huang, Rodriguez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Campbell
ABSTAIN:	COUNCILMEMBERS:	Haney

Marcia Brown

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

ATTACHMENT E

RESOLUTION NO. 2020-5655

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, DECLARING ITS INTENTION TO BALLOT PROPERTY OWNERS FOR PROPOSED NEW OR INCREASED ASSESSMENTS FOR LOCAL LANDSCAPING ZONE L-4A WITHIN THE YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE ASSESSMENT DISTRICT COMMENCING FISCAL YEAR 2020/2021, SETTING A TIME AND PLACE FOR A PUBLIC HEARING, AND AUTHORIZING STAFF TO PROCEED WITH THE BALLOTING PROCEDURES

WHEREAS, there currently exists in the City of Yorba Linda an assessment district known as the Yorba Linda Lighting and Landscaping Maintenance District ("District"); and

WHEREAS, by Resolution No. 2020-5651, the City Council of the City of Yorba Linda initiated proceedings to levy and collect proposed new or increased assessments for Local Landscaping Zone L-4A within the District commencing in Fiscal Year 2020/2021 and ordered the City Engineer to prepare the report regarding such assessments, pursuant to the provisions of the Landscaping and Lighting Act of 1972 of the California Streets and Highways Code (hereafter the "Act," starting at Streets and Highways Code Section 22500); and

WHEREAS, by Resolution No. 2020-5654, the City Engineer's report for the proposed new or increased assessments for Local Landscaping Zone L-4A, commencing in Fiscal Year 2020/2021 has been approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yorba Linda as follows:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. Pursuant to the Act, the City Council hereby finds and declares that the public interest and necessity require the maintenance and servicing of landscaping and public lighting facilities within the City, and contingent upon compliance with, as applicable, the requirements of the Act, Article XIIID of the California Constitution (commonly known as "Proposition 218") and the Proposition 218 Omnibus Implementation Act (set forth at Government Code Sections 53750-53758), the City Council hereby declares its intention to levy and collect proposed new or increased assessments for Fiscal Year 2020/2021 within Local Landscaping Zone L-4A of the Yorba Linda Lighting and Landscaping Maintenance District.

Under the Act, before levying and collecting proposed new or increased assessments in the assessment district, the City Council is required to adopt a resolution declaring its intention to do so.

Section 3. The existing and proposed improvements in the District within Local Landscaping Zone L-4A are generally described as the construction, installation, operation, servicing, and maintenance of the landscaping of green belts, multi-purpose trails, median islands and slopes adjacent to public rights-of-way. The location and boundaries of Local Landscaping Zone L-4A are shown on a map in the Engineer's Report referenced in Section 4 (below) and the third recital (above). In addition, a list of the parcel numbers for each of the properties in the above-listed Zone is on file with the City Clerk.

Section 4. Reference is hereby made to the Engineer's Report for Local Landscaping Zone L-4A for the proposed new or increased assessments commencing in Fiscal Year 2020/2021, approved by a resolution the City Council and on file with the City Clerk, which contains a full description of the improvements, the boundaries of the Zone within the District, and the proposed new or increased assessments upon assessable lots and parcels of land within the Zone within the District.

Section 5. Contingent on compliance with the Act's, Proposition 218's and the Proposition 218 Omnibus Implementation Act's balloting procedure(s), the City Council proposes to levy and collect a new or increased assessment upon properties in Local Landscaping Zone L-4A of the City of Yorba Linda Street Lighting and Landscaping Maintenance District for Fiscal Year 2020/2021, as described in the Engineer's Report. The existing assessment in the Zone is proposed to increase from the previous year. Parcels within Zone L-4A that are owned or used by any county, city, special district or other agency shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from proposed improvements.

Section 6. Notice is hereby given that on **Tuesday, May 5, 2020, at 7:00 p.m.**, in the City Council Chambers at 4845 Casa Loma Avenue, Yorba Linda, at a Regular Meeting of the City Council, the City Council will hold a Public Hearing to tabulate Proposition 218 ballots, consider all oral statements, and communication made or filed by any interested person concerning the proposed new or increased assessments for Local Landscaping Zone L-4A for Fiscal Year 2020/2021 for the Yorba Linda Lighting and Landscaping Maintenance District.

Section 7. Pursuant to the Act, the California Constitution, and the Proposition 218 Omnibus Implementation Act, an assessment ballot proceeding is hereby called on the matter of confirming the proposed new or increased assessment for Local Landscaping Zone L-4A as outlined in the Engineer's Report. Under the supervision of the City Clerk's Office, City staff is authorized and directed to proceed with the balloting procedure for all property in Local Landscaping Zone L-4A of the City of Yorba Linda Street Lighting and Landscaping Maintenance District. The ballots and notices for the Public Hearing shall be distributed to the property owner(s) of record as of the last County equalized roll. Property

owner or owners of each affected parcel may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing noted above.

Section 8. The City Clerk or their designee is hereby authorized and directed to give Notice of the Public Hearing referred to in Section 6 of this Resolution and distribute property owner protest ballots referred to in Section 7 of this Resolution in accordance with applicable law. The Notice and ballots shall be distributed by first class mail to the property owner(s) of records, as provided by the County of Orange, for each parcel within Local Landscaping Zone L-4A not less than 45 days before the date of the Public Hearing pursuant to the California Constitution.

Section 9. The property owner protest ballot proceeding conducted for Local Landscaping Zone L-4A will constitute the property owners' approval of rejection of the proposed new or increased assessments and assessment range formula described in the Engineer's Report.

Section 10. In accordance with Streets and Highways Code Section 22660(a), the City Council has determined that the estimated cost of certain proposed improvements, described in Section 22525, subdivisions (a) through (d) of the Act, are greater than can conveniently be raised from a single assessment and, as a result, shall be collected in installments over a period not to exceed five fiscal years and held in a reserve account, as noted in the Engineer's Report.

Section 11. General descriptions of the above-referenced proposed improvements for all Zone and Sub-Zone in the District, as well as the estimated costs thereof, the number of annual installments and years during which they are to be collected, and the maximum amount of each annual installment, are described in the Capital Improvement Renovation Budget on file with the City Clerk.

Section 12. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional. Additionally, if any section, subsection, sentence, clause, phrase, portion, zone, or subzone of the Engineer's Report is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Engineer's Report and each section, subsection, subdivision, sentence, clause, phrase, portion, zone, or subzone thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, portions, zones, or subzones might subsequently be declared invalid or unconstitutional.

Section 11. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 3rd day of March, 2020.

BETH HANEY, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA)
ss.
COUNTY OF ORANGE)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 3rd day of March, 2020, and was carried by the following roll call vote:

AYES:	COUNCILMEMBERS:	Hernandez, Huang, Rodriguez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Campbell
ABSTAIN:	COUNCILMEMBERS:	Haney

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA