

FINANCE AND
MANAGEMENT
SERVICES

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

2. FINANCE AND MANAGEMENT SERVICES

a. PUBLIC HEARING

Approval of Engineer's Report for Fiscal Year 2009/10, Adopt Resolution Confirming Diagram and Assessment, Order Maintenance, Improvements and Levy Annual Assessment for Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District No. 1, including ZB-1 (Five Canyons), ZB-2 (Dublin Hills), ZB-3 (Walpert Ridge), ZB-4 (San Ramon Hills), ZB-5 (Stone Valley), and ZB-6 (Sibley Volcanic); Adopt Resolution Overruling Protests (Rubaloff/Collins)

RECOMMENDATION

The General Manager recommends that the Board of Directors:

1. Receive public comments regarding the Draft Engineer's Report for operation of the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District No. 1 (A/CC-1), including ZB-1 (Five Canyons), ZB-2 (Dublin Hills), ZB-3 (Walpert Ridge), ZB-4 (San Ramon Hills), ZB-5 (Stone Valley) and ZB-6 (Sibley Volcanic) for Fiscal Year 2009/10;
2. Approve the A/CC-1 Engineer's Report for Fiscal Year 2009/10;
3. Adopt a resolution confirming the diagram and assessment as set forth in the Engineer's Report for Fiscal Year 2009/10;
4. Order the maintenance and improvements and levy the assessment as set forth in the Engineer's Report for Fiscal Year 2009/10;
5. Adopt a resolution overruling protests.

REVENUE/COST

Assessment revenues totaling \$4,368,380 are expected to be raised from this Landscape and Lighting District proceeding. These revenues are anticipated in the 2009 and 2010 District budgets and restricted to fund regional trail maintenance and improvements as specified in the attached Draft Engineer's Report. The 2009 Budget also includes a General Fund appropriation of \$2,292,244 to augment assessment revenue to fully fund this trail system program.

BACKGROUND

The regional trails system in Alameda and Contra Costa Counties enjoys widespread popularity and support. As a result of this substantial public support and in response to the continuing uncertainty of the District's financial environment, the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District No. 1 (A/CC-1) was established by the EBRPD on June 1, 1993, and began operation on July 1, 1993. The assessment was established for all qualifying parcels at an annual rate of \$5.44 per parcel. In 1995 apartment units were added to the assessment at \$2.72 per unit. Also, in conformance with the requirements of Proposition 218, the electorate of Alameda and Contra Costa Counties approved the continuation of this assessment in November 1996 by a 78.5% vote in favor.

The proposed program for FY 2009/10 is described in the Draft Engineer's Report submitted with this Board Report as Attachment A, and is consistent with the District's 1997 Master Plan. The assessment, as recommended for individual parcels for FY 2009/10, remains unchanged at the \$5.44 per parcel rate. Multi-family parcels of two units per parcel or greater will be assessed at the rate of \$2.72 per unit. The District will continue its discount for low-income senior citizens.

The Draft Engineer's Report contains six zones of benefit. The proposed assessment rates are adjusted for inflation as provided for in the proceedings when the zones were formed. Assessment rates vary from zone to zone depending upon the scope of work to be performed and the number of dwelling units. The zones of benefit and their corresponding assessment rates are as follows:

- The Five Canyons Zone of Benefit (ZB-1) in Castro Valley was established in 1994. In 1997 the Five Canyons property owners voted to increase the assessment rate from \$15.36 to the rate of \$33.16 per parcel. The assessment rate in 2009/10 remains at \$37.10 per parcel.
- The Dublin Hills Zone of Benefit (ZB-2) in the City of Dublin was established in 1996 for the management of open space and trails associated with a residential development near Bishop Ranch Preserve in Alameda County. The assessment rate in 2009/10 for ZB-2 remains at \$26.85 per parcel.
- The Walpert Ridge Zone of Benefit (ZB-3) was established in 1998 in order to provide operational revenues for local trails and open space areas associated with a residential housing project in the Hayward Hills. The initial assessment rate was set at \$55.00 per unit. In May 1999, ZB-3 property owners voted to increase the rate to \$107.00 per qualifying parcel. This rate increases in 2009/10 for inflation to \$119.73 from \$119.70 per parcel.
- The San Ramon Hills Zone of Benefit (ZB-4) was established in 1999 to operate the trails and open space associated with the development of the Thomas Ranch Properties. The assessment rate was set at \$30.00 per qualifying parcel; this rate is proposed to be increased for inflation to \$33.57 from \$33.56 in FY 2009/10.

- The Stone Valley Zone of Benefit (ZB-5) was established in 2006 to provide for trail and open space maintenance and other improvements for the dedicated open space from the Alamo Crest development off of Stone Valley Road within Alamo. The assessment rate was set at \$139.64 per qualifying parcel; this rate is proposed to be increased for inflation to \$139.67 from \$139.64 in FY 2009/10.
- The Sibley Volcanic Zone of Benefit (ZB-6) was established in 2007 to provide for maintenance and service of trails and open space adjacent to the Montanera development off of Gateway Boulevard near Orinda. The assessment rate was set at \$83.08 per qualifying parcel; this rate is proposed to be increased for inflation to \$83.09 from \$83.08 in FY 2009/10.

The General Manager recommends that the Board approve the Engineer's Report. By taking the recommended action, the District will make it possible for the A/CC-1, including ZB-1, ZB-2, ZB-3, ZB-4, ZB-5 and ZB-6 to continue the trails and zone of benefit work programs in the 2009 and 2010 District budget years. At this Board meeting, on July 7, 2009, the Board will receive public comments and thereafter determine whether to approve the Engineer's Report (Work Program, Budget and Rate of Assessment). A second resolution is a requirement of State law that the Board must adopt a resolution overruling any protest to the assessment if any should be received.

ALTERNATIVES

None are recommended.

For a copy of Attachment A - FY 2009/10 Engineer's Report for A/CC-1, download the July 7, 2009 Board meeting packet at www.ebparks.org/about/meetings or call the Clerk of the Board at 510-544-2020.



EAST BAY REGIONAL PARK DISTRICT
ALAMEDA COUNTY/CONTRA COSTA COUNTY REGIONAL TRAILS
LANDSCAPING AND LIGHTING DISTRICT (A/CC-1)

ENGINEER'S REPORT

MAY, 2009

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

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EAST BAY REGIONAL PARK DISTRICT

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Whitney Dotson, Ward 1, Berkeley
John Sutter, Ward 2, Oakland
Carol Severin, Ward 3, Castro Valley
Doug Siden, Ward 4, Alameda
Ayn Wieskamp, Ward 5, Livermore
Beverly Lane, Ward 6, Danville
Ted Radke, Ward 7, Martinez

GENERAL MANAGER

Pat O'Brien

ASSISTANT GENERAL MANAGER

Dave Collins

CHIEF FINANCIAL OFFICER

Cinde Rubaloff

DISTRICT COUNSEL

Ted Radosevich

ENGINEER OF WORK

SCI Consulting Group

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CERTIFICATES

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the East Bay Regional Park District Board of Directors adopted on June 2, 2009.

John W. Blue

Engineer of Work, License No. C52091

2. I, the Clerk of the Board, East Bay Regional Park District, Counties of Alameda and Contra Costa, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on _____, 2009.

Allen Pulido
Clerk of the Board

3. I, the Clerk of the Board, East Bay Regional Park District, Counties of Alameda and Contra Costa, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the Board on _____, 2009, by Resolution No. _____.

Allen Pulido
Clerk of the Board

4. I, the Clerk of the Board of the East Bay Regional Park District, Counties of Alameda and Contra Costa, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of Alameda County, California, on _____, 2009 and was filed in the office of the County Auditor of Contra Costa County, California, on _____, 2009.

Allen Pulido
Clerk of the Board

5. I, the County Auditor of the County of Alameda, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2009-10 for the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (A/CC-1) was filed with me on _____, 2009.

County Auditor, County of Alameda

6. I, the County Auditor of the County of Contra Costa, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2009-10 for the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (A/CC-1) was filed with me on _____, 2009.

County Auditor, County of Contra Costa

INTRODUCTION

OVERVIEW

The East Bay Regional Park District (the "EBRPD") is responsible for the acquisition, improvement and maintenance of regional parks, recreation facilities and trails in Alameda and Contra Costa Counties. The EBRPD has created an extensive trail system serving properties throughout Alameda and Contra Costa counties. These important public resources were funded by several sources including property tax revenue, grants, and the passage of Measure AA in 1988. However, inadequate funding existed for the operation, maintenance and servicing of these trails and regional parks, and in 1992 the EBRPD Board of Directors began evaluating solutions to this issue. The Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (the "A/CC-1" or the "Assessment District") was formed on June 1, 1993 as a means to address this need for funding trail maintenance and improvements in specific areas within the District boundaries.

As required by Proposition 218, the voters of Alameda and Contra Costa counties approved the continuation of the A/CC-1 in November of 1996. This approval passed with overwhelming 78.5% support.

The A/CC-1 provides for a benefit assessment to properties within Alameda and Contra Costa counties as specified in the Assessment Diagram. In addition to the A/CC-1 benefit zone, there are six additional specific zones of benefit, described below.

FIVE CANYONS ZONE OF BENEFIT (ZB-1):

This zone was established in 1994 and includes the initial 960 unit residential development and 126 units added in 1996 near the Don Castro Recreation Area in Alameda County. There are currently 1,261 parcels within this zone, and 1,095 parcels are subject to the assessment. In 2006, an annexation called Highland Estates was completed, adding 25 assessable parcels. There are now 1,120 assessable parcels in Zone of Benefit No.1.

DUBLIN HILLS ZONE OF BENEFIT (ZB-2):

This zone was established on April 16, 1996 to serve the local trails and regional park needs of these 320 parcels in Alameda County in the City of Dublin. In 2006, an annexation called Schaefer Ranch Estates was completed, adding 302 parcels. There are

now 275 assessable parcels in Zone of Benefit No. 2, though further subdivision of parcels in the zone will result in 565 assessable parcels.

WALPERT RIDGE ZONE OF BENEFIT (ZB-3):

This zone was established in July 7, 1998 to provide for servicing of regional parkland, habitat maintenance, irrigation, trails, fencing, gates, signs and associated appurtenant facilities for these 152 parcels, 136 of which are assessable, in the ridge land above the City of Hayward, Alameda County. In 2006, an annexation of the Stonebrae development was completed, adding 570 assessable parcels. There are now 524 assessable parcels in Zone of Benefit No.3, though further subdivision of parcels in the zone will result in 706 assessable parcels.

SAN RAMON HILLS (FORMERLY THOMAS RANCH) ZONE OF BENEFIT (ZB-4):

This zone was established on March 2, 1999 to provide for servicing of trails, fencing, gates, signs and associated appurtenant facilities for these 150 parcels in a subdivision in the western portion of the City of San Ramon, Contra Costa County.

STONE VALLEY ZONE OF BENEFIT (ZB-5):

The formation of Stone Valley Zone of Benefit (ZB-5) was completed in 2006 for trail and regional parkland maintenance, and other improvements for the dedicated regional parkland from the Alamo Crest development off of Stone Valley Road within Alamo. There are 39 assessable parcels in Zone of Benefit No. 5.

SIBLEY VOLCANIC REGIONAL PRESERVE ZONE OF BENEFIT (ZB-6):

The formation of Sibley Volcanic Regional Preserve Zone of Benefit (ZB-6) was completed in early 2007 for funding for trail maintenance and other improvements to the dedicated regional parkland adjacent to the Montanera development off of Gateway Boulevard near the City of Orinda in Contra Costa County. There are 245 assessable parcels in Zone of Benefit No. 6.

ASSESSMENT PROCESS

In each subsequent year for which the assessments will be levied, the EBRPD Board of Directors must direct the preparation of an Engineer's Report, budgets and proposed assessments for the upcoming fiscal year, for the A/CC-1. After the Engineer's Report is completed, the Board may preliminarily approve the Engineer's Report and proposed

assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the Board adopted on June 2, 2009.

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

Following the minimum 10-day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for July 7, 2009. At this hearing, the Board would consider approval of a resolution confirming the assessments for fiscal year 2009-10. If so confirmed and approved, the assessments would be submitted to the Alameda and Contra Costa County Auditor/Controllers for inclusion on the tax roll for fiscal year 2009-10.

PROPOSITION 218

This A/CC-1 assessment (as well as ZB-1 and ZB -2) was formed prior to the passage of Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.) Although this assessment is consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post Proposition 218 assessments. Further, the assessment was overwhelmingly confirmed by the voters with 78.5% approval in 1996.

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

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

- Benefit assessments are for special, not general, benefit

- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

PLANS AND SPECIFICATIONS/IMPROVEMENTS

In accordance with Sections 22567 and 22568 of the Act, the general description of the operations, maintenance and/or services to be performed by the District are described in this Section.

The EBRPD trails system includes over 157 miles of paved trails and over 878 miles of unpaved trails throughout Alameda and Contra Costa Counties. The EBRPD improves, operates, maintains and services these trails. With only minor exceptions, the trails are for multi-purpose use including hiking, bicycling, jogging, horseback riding, and similar activities.

Tables 1A and 1B, beginning on page 8, provide a breakdown of current and future areas of the system which will receive improvements, maintenance and servicing resources from this assessment, including, but not limited to:

- Mowing
- Fence Repair
- Weed Abatement
- Fire Suppression
- Ranger Patrol
- Entry Structure Repair

GENERAL DESCRIPTION OF IMPROVEMENTS

The operations, maintenance and servicing include, but are not limited to: trail maintenance, culvert service and repair, drinking fountains repair, entry structure repair, erosion control, fence repair, fire suppression, inlet, pipeline and outfall service and repair, litter control, mowing, painting, ranger patrol, repaving/crack repair, restroom maintenance, sign maintenance, stair tread repair, tree/shrubbery trim and removal, weed abatement, landscaping, grading and soil preparation. The operations, maintenance and service include personnel, electrical energy, utilities such as water, materials, contractual services, administrative costs and other items as necessary.

Specific resources for the six Zones of Benefit, including operation, maintenance, and service of trails, regional parks , and supporting facilities are included within these improvements.

The level of construction, operation maintenance and servicing will be consistent with the standards defined in the EBRPD Master Plan. All revenue requirements reflect the funding necessary to achieve an acceptable standard that ensures that facilities used by community residents will be appropriate in terms of aesthetics, environmental and safety considerations. Any plans for these improvements will be filed with the EBRPD and are incorporated herein by reference.

TABLE 1A

Alameda County	
North County	
A. Existing Trails	<ul style="list-style-type: none"> 1 Skyline National Trail (Ridge Trail) 2 Bay Trail - Emeryville to Contra Costa County Line <ul style="list-style-type: none"> a. Caltrans has developed .33 mile paved trail from Gilman to University b. Emeryville has developed .33 mile paved trail from Powell to Pt. Emery c. Caltrans has developed .5 mile paved trail from Central to Buchanan St. d. City of Berkeley has developed 1 mile trail between University and Pt. Emery
B. Measure AA and Master Plan Trails to be developed	<ul style="list-style-type: none"> 1 Bay Trail <ul style="list-style-type: none"> a. Albany Plateau to Gilman Street (1.0 miles)
Central County	
A. Existing Trails	<ul style="list-style-type: none"> 1 National Skyline Trail (Ridge Trail) 2 Portion of Chabot to Garin Trail (Anthony Chabot to Cull Canyon) 3 Chabot to Garin Trail (Cull Canyon to Don Castro & Five Canyons) 4 Hayward Shoreline to Oyster Bay (Bay Trail) 5 Oyster Bay (Bay Trail and staging) 6 MLK Shoreline (Bay Trail staging, bridge at Damon Slough, Shoreline to Tidewater Avenue)
B. Measure AA and Master Plan Trails to be developed	<ul style="list-style-type: none"> 1 Bay Trail <ul style="list-style-type: none"> a. Galbraith Golf course to Oakport – 1 mile paved trail through MLK
South County	
A. Existing Trails	<ul style="list-style-type: none"> 1 Alameda Creek Trail 2 Ohlone Wildemess Trail 3 Mission Peak to Monument Peak 4 Monument Peak Ed Levin (Ridge Trail)
B. Measure AA and Master Plan Trails to be developed	<ul style="list-style-type: none"> 1 Bay Trail <ul style="list-style-type: none"> a. Hwy 92 to Coyote Hills (7.7 miles)
East County	
A. Existing Trails	<ul style="list-style-type: none"> 1 Ohlone Wildemess Trail 2 Northeast Shore Trail (Del Valle) 3 Stanley Blvd. Trail Enhancement 4 Alamo Canal/Arroyo de la Laguna Trail (Dublin to Pleasanton, 1 mile) 5 Calaveras Ridge Trail (Dublin Hills, unpaved) 6 Iron Horse Trail (1 mile paved) 7 Tassajara Creek Trail (paved) 8 Brushy Peak (4 miles fire road/multi-use)
B. Measure AA and Master Plan Trails to be developed	<ul style="list-style-type: none"> 1 Iron Horse Trail <ul style="list-style-type: none"> a. Dublin - Trail section to Interstate 580

TABLE 1B

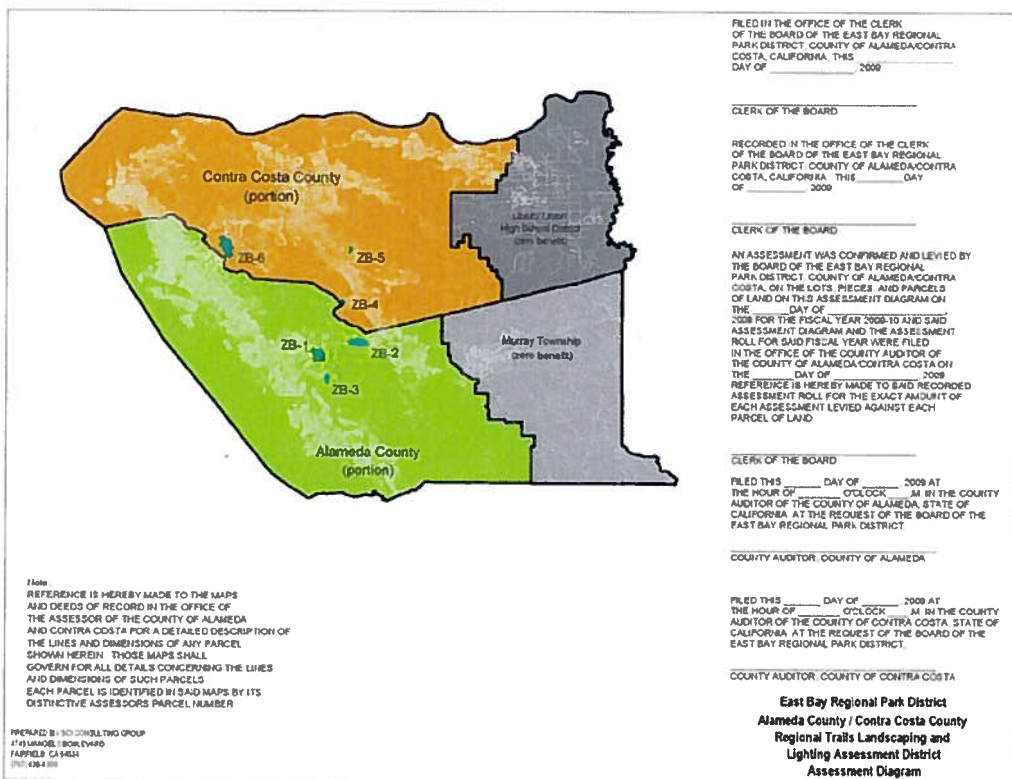
Contra Costa County	
West County	
A. Existing Trails	
1 Clark-Boas Trail	
2 Skyline National Trail (Ridge Trail)	
3 Portion of State Riding and Hiking Trail (Martinez area)	
4 Portions of Wildcat Creek Trail	
5 Bay Trail	
a Portions of Pt. Pinole to Hercules (1.5 miles paved)	
b Bayfront Park in Pinole, bridge on Pinole Creek and short levee in Hercules (.33 mile paved)	
c Pt. Isabel - trail along Central Ave. and shoreline (0.5 mile paved)	
6 Kennedy Grove to Wildcat Canyon Regional Park	
7 Pinole Valley to Sobrante Ridge	
8 Portions of Kennedy Grove (Sea Foam Trail)	
9 Ridge Trail	
a Sobrante Ridge to Carquinez -- Crockett Hills area (4 mi. multi-use)	
B. Measure AA and Master Plan Trails to be Developed	
1 Bay Trail - Richmond to Rodeo	
a Bio-Rad section (0.5 miles)	
3 Hercules to Briones (Feeder Trail #1)	
a EBRPD may take on maintenance responsibilities in future.	
Central County	
A. Existing Trails	
1 State Riding and Hiking Trail	
2 Lafayette/Moraga Trail	
3 Old Moraga Ranch Trail	
4 Briones to Mt. Diablo Trail	
5 Contra Costa Canal Trail	
6 Portion of Briones to Las Trampas Trail	
7 Green Valley Trail	
8 Las Trampas to Mt. Diablo Trail	
9 Iron Horse Trail	
10 Delta De Anza Trail	
11 Calaveras Ridge Trail	
12 Sycamore Valley Open Space (3 miles multi-use)	
B. Measure AA and Master Plan Trails to be developed	
1 Calaveras Ridge Trail	
a Wiedemann Ranch to Norris Canyon Estates (0.5 mile)	
2 Iron Horse Trail to Delta DeAnza Trail (Phase 1: 0.8 miles)	
East County	
A. Existing Trails	
1 Black Diamond Trail to Mt. Diablo Trail	
3 Delta-De Anza Trail (Bailey Rd. to Railroad Ave.)	
4 Antioch Pier to Big Break Trail	
B. Measure AA and Master Plan Trails to be developed	
1 Delta-De Anza Trail	
a Vierra Ranch to Neroly (1 mile paved)*	

ASSESSMENT DIAGRAM

The Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (A/CC-1) includes all of Alameda County except for the Murray Township, and all of Contra Costa County except for the Liberty Union High School District. Zones of Benefit 1, 2, and 3 lie within the District and Alameda County. Zone of Benefit 4, 5 and 6 lie within the District and Contra Costa County. The Assessment Diagram showing the boundaries of the District is on file with the East Bay Regional Park District Staff

The parcels of land which have been determined to be within the boundaries of the District, are those parcels shown in the assessment roll for the District. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessors of the Counties of Alameda and Contra Costa, for fiscal year 2009-10, and are incorporated herein by reference, and made a part of this Diagram and this Report.

Assessment Diagram



FISCAL YEAR 2009-10 ESTIMATE OF COST AND BUDGET

The East Bay Regional Park District receives revenue funding from its General Fund in addition to the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (A/CC-1). Revenue from both of these sources will be used for the operations, maintenance and services of the A/CC-1 improvements.

Anticipated Assessment District revenues for the six additional zones of benefit are sufficient to cover the estimated cost of operations. A fund balance is being carried forward for the Walpert Ridge Zone of Benefit (ZB-3) because the Park District is not yet expending operating funds there. The District cannot accept the land until the real estate developer completes promised water supply improvements and resolves certain outstanding, resource management issues with the U.S. Fish and Wildlife Service. Potential improvements are being planned for ZB-3 that could include: trail connections to Garin Park, improved circulation for emergency and maintenance access, fencing, gates, directional signs and informational panels.

In the Sibley Volcanic Zone of Benefit, the District may take over a portion of the land referred to as the "Texas Parcel" (APN 257-010-005); the "Western Hills" parcels will come to the District sometime within the next eight years. The land in the Stone Valley Zone of Benefit was accepted in April 2008. The fund balances from assessments already collected will be carried forward for future improvements and maintenance projects in the respective zones of benefit.

The budget is shown in Table 2, on the following page.

TABLE 2 – 2009-10 BUDGET

2009-10 Budget Summary								
Revenues/Expenditures	Five Canyons (Zone of Benefit No. 1)	Dublin Hills (Zone of Benefit No. 2)	Walpert Ridge (Zone of Benefit No. 3)	San Ramon Hills (Zone of Benefit No. 4)	Stone Valley (Zone of Benefit No. 5)	Sibley Volcanic Regional Preserve (Zone of Benefit No. 6)	TWO COUNTY Alameda / Contra Costa Regional Trails L&LD No. 1	Total
Revenues:								
Beginning Fund Balance, Jan 1, 2009	46,708	18,346	232,239	18,472	8,325	27,304	507,680	\$859,074
FY 08-09 Assessments	\$41,556	\$15,173	\$84,526	\$4,700	\$5,446	\$20,354	\$4,222,425	\$4,394,180
Less: County Collection Fee	(600)	(600)	(600)	(100)	(100)	(100)	(280,000)	(\$282,100)
EBRPD Transfer							1,566,959	\$1,566,959
Collection								
Revenue Subtotal:	\$87,664	\$32,919	\$316,165	\$23,072	\$13,671	\$47,558	\$6,017,064	\$6,538,113
Projected Maintenance Expenses:								
Salaries and Benefits	\$34,619	\$5,810	\$0	\$12,226	4,635	9,785	\$4,970,254	\$5,037,329
Supplies	\$10,392	\$2,100	\$4,515	\$664	630	630	\$744,137	\$763,068
Services	\$2,415	\$0	\$0	\$0	\$0	\$0	\$150,598	\$153,013
Projected Equipment Expenses:								
Repair, Replacement & Usage	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Projected Special Trail Projects:								
Special Projects	\$0	\$0	\$77,280	\$0	\$0	9,840	\$0	\$87,120
Planning	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Inspection	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Projected Administrative Expenses:								
Allocated Direct Vehicle Expense	\$0	\$0	\$0	\$0	\$0	\$0	\$350,000	\$350,000
Engineers Report/ Tax Roll Prep.	\$0	\$0	\$0	\$0	\$0	\$0	\$14,250	\$14,250
Subtotal, FY 09-10 Expenses	\$47,426	\$7,910	\$81,795	\$12,890	\$5,265	\$20,255	\$6,229,239	\$6,404,780
FY 09-10 Assessment Information:								
Budget Allocation to Property								
Total Budget	\$41,556	\$15,173	\$84,526	\$4,700	\$5,446	\$20,354	\$4,222,425	\$4,368,380
EDU Units	1,120.00	565.00	706.00	140.00	39.00	245.00	776,181.11	
EDU Rate per Unit	\$37.10	\$26.85	\$119.73	\$33.57	\$139.64	\$83.08	\$5.44	

Note: Although not allocated to the Two County Fund, EBRPD also incurs indirect costs. These costs are absorbed by the General Fund since Revenues from the Assessment District are insufficient to offset these additional costs.

METHOD OF APPORTIONMENT

GENERAL OVERVIEW

This section of the Engineer's Report includes an explanation of the benefits to be derived from the improvement, maintenance and servicing of parklands, trails and other public facilities by the EBRPD in the A/CC-1 and the methodology used to apportion the total assessment to properties within the Assessment District.

In summary, 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. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

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

"The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)) [of the Streets and Highways Code, State of California]."

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

Moreover, Section 22509 of the Act stipulates that it shall be liberally construed to effectuate its purpose. Thus, any reasonable and rational formula, when upheld by the Authority's Board of Directors, after a duly noticed public hearing, is conclusive.

DISCUSSION OF BENEFIT

The following benefit categories have been established that represent the types of special benefits conferred to residential, commercial, industrial, institutional and other lots and parcels resulting from the creation, improvement and maintenance of parklands, trails and related parkland access improvements throughout the Assessment District. The overall quality of life and desirability of an area is enhanced when such public improvements are in place, operable, safe, clean and maintained. The following categories describe the types of special benefit received by property from this Assessment District:

- A. PROXIMITY TO IMPROVED TRAILS AND REGIONAL PARKLAND AREAS WITHIN THE ASSESSMENT DISTRICT.
- B. ACCESS TO IMPROVED TRAILS AND REGIONAL PARKLAND AREAS WITHIN THE ASSESSMENT DISTRICT.
- C. IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT.
- D. EXTENSION OF A PROPERTY'S OUTDOOR AREAS AND GREEN SPACES FOR PROPERTIES WITHIN CLOSE PROXIMITY TO THE IMPROVEMENTS.
- E. CREATION OF INDIVIDUAL LOTS FOR RESIDENTIAL AND COMMERCIAL USE THAT, IN ABSENCE OF THE ASSESSMENTS, WOULD NOT HAVE BEEN CREATED.

In this case, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative

advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park that is improved by an assessment:

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

Proximity, improved access and views, in addition to the other special benefits listed above further strengthen the basis of these assessments.

SPECIAL BENEFITS

Public trails, parkland areas and related improvements provide a special benefit to all parcels of land within the boundaries of the Assessment District and are evenly spread throughout the Assessment District.. Similarly, the benefits to properties within ZB-1 though ZB-6 are specific to the parcels within these narrowly-drawn zones. Accordingly, the costs associated with these improvements are assessed to all assessable parcels located within the boundaries of the Assessment District.

ASSESSMENT APPORTIONMENT

The total operation and maintenance cost for the public trails, regional parkland areas and related improvements are apportioned in accordance with the following methodology that is consistent with standard engineering practices and is consistent with the methodology that was established when the Assessment District was formed in 1993. This methodology, which was reconfirmed by voters in 1996, was developed to calculate the total assessments based upon Equivalent Dwelling Unit factors (EDUs) by land use. Since this Assessment District was established prior to Proposition 218 and was reconfirmed by a voter election, it is exempt from the procedures and requirements imposed by Proposition 218.

This methodology of EDU special benefit factors by parcel was deemed to be appropriate by the original assessment engineer because an apportionment by parcel, without considering land use would not be equitable, since a single-family parcel would be paying the same assessment levy as a 50-unit apartment parcel, and these larger parcels are deemed to receive higher benefit.

The Engineer's land use classification for each parcel is been based upon the Alameda County Assessor's data, the Contra Costa County Assessor's data, as well as other property data and field research.

SINGLE-FAMILY RESIDENTIAL: An improved single family parcel is the base unit for calculation of benefit assessments and is defined as one Equivalent Dwelling Unit. Each single family residence receives benefit in the form of 1.0 EDU per parcel, regardless of the parcel size. Condominiums, mobile homes, rural residential, and agricultural parcels with residential units receive 1.0 EDU per parcel.

MULTIPLE RESIDENTIAL: The EDUs for land designated as multi-family uses, which includes apartments, will be assessed a benefit factor of one-half (0.50) EDU per dwelling unit. This apportionment is based on a determination by the Assessment Engineer that formed the Assessment District in 1993 of the reduction in population and activity associated with large, multi-unit residential uses.

NON-RESIDENTIAL: Non-residential uses which include industrial, commercial, manufacturing, institutional, etc. properties, are assessed 1.00 EDU per parcel.

EXEMPT AND SPECIAL CASES: Parcels within the Liberty Union High School (East Contra Costa County) and within Murray Township (East Alameda County) are exempt and assigned 0.0 EDUs. Other parcels assigned 0.0 EDUs include public utility owned or leased properties, common areas, churches, and agricultural and ranch properties that are not used for residential purposes. Senior citizens whose annual income is below State of California defined poverty level are entitled to a 50% reduction of their assessment.

The land use classification used for each parcel are based upon Alameda and Contra Costa Counties Assessor's Roll land use classifications, as well as other property data and field research. A summary of the parcel assessment information and number of EDU's are shown on the following page in Table 3. Refer to Appendix A for a listing of Alameda County use code designations and Appendix B for a listing of Contra Costa County use code designations.

A summary of EDUs and rates is provided in Table 3, below.

TABLE 3

Summary of Assessments FY 2009-10				
	EDUs Alameda	EDUs Contra Costa	Assessment Rate	Assessments
A/CC -1	444,849.85	331,331.26	\$5.44	\$4,222,425.26
Five Canyons - ZB-1	1,120.00		\$37.10	\$41,556.21
Dublin Hills - ZB-2	565.00		\$26.85	\$15,172.71
Walpert Ridge - ZB-3	706.00		\$119.73	\$84,526.30
San Ramon Hills - ZB-4		140.00	\$33.57	\$4,699.51
Stone Valley - ZB-5		39.00	\$139.67	\$5,447.09
Sibley Volcanic Regional Preserve - ZB - 6		245.00	\$83.09	\$20,357.28
Total				\$4,368,379.99

APPEALS OF ASSESSMENT LEVY TO PROPERTY

Any property owner, who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Assistant General Manager of the EBRPD, or her or his designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Assistant General Manager or his or her designee will promptly review the appeal and any information provided by the property owner. If the Assistant General Manager or her or his designee finds the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of collection, The Assistant General Manager or his or her designee is authorized to refund the property owner the amount of any approved reduction. Any dispute over the decision of the Chief Financial Officer/Controller or designee or her or his designee shall be referred to the EBRPD Board of Directors and the decision of the Board shall be final.

ASSESSMENT

WHEREAS, on June 2, 2009 the East Bay Regional Park District Board of Directors adopted its Resolution Directing Preparation of the Engineer's Report for Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (A/CC-1) for the Levy of Assessments within the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (A/CC-1), pursuant to the provisions of the Landscaping and Lighting Act of 1972, to proceed with the proposed continuation of levy of annual assessments;

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

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

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

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

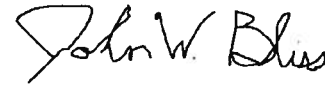
The annual assessment to be levied upon parcels per Equivalent Dwelling Units (EDUs) assigned shall be calculated annually by dividing the total annual assessment revenue needed by the sum of all EDUs. The annual assessment per EDU for fiscal year 2009-10

will be \$5.44 for properties in the A/CC-1 area. Assessments in the Zones of Benefit are adjusted 0.018% for increases in the Consumer Price Index: \$37.10 for Zone of Benefit #1, \$26.85 for Zone of Benefit #2, \$119.73 for Zone of Benefit #3, \$33.57 for Zone of Benefit #4, \$139.67 for Zone of Benefit #5, and \$83.09 for Zone of Benefit #6.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the Counties of Alameda and Contra Costa for the fiscal year 2009-10. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2009-10 for each parcel or lot of land within the said Assessment District.

Dated: May 15, 2009



Engineer of Work

By

John W. Bliss, License No. C52091



APPENDIX A – 2009-10 ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment for parcels shown on the last equalized roll from the County Assessor) has been filed with the Clerk of the Board and is, by reference, made part of this Report.

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

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009-7-

July 7, 2009

APPROVAL OF ENGINEER'S REPORT FOR FISCAL YEAR 2009/10, ADOPT RESOLUTION CONFIRMING DIAGRAM AND ASSESSMENT, ORDER MAINTENANCE, IMPROVEMENTS AND LEVY ANNUAL ASSESSMENT FOR ALAMEDA COUNTY/CONTRA COSTA COUNTY REGIONAL TRAILS LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. I INCLUDING ZB-1 (FIVE CANYONS), ZB-2 (DUBLIN HILLS), ZB-3 (WALPERT RIDGE), ZB-4 (SAN RAMON HILLS), ZB-5 (STONE VALLEY), AND ZB-6 (SIBLEY VOLCANIC)

WHEREAS, on March 4, 2008 pursuant to Chapter 3 of the Landscaping & Lighting Act of 1972, the Board of Directors appointed SCI Consulting Group as Engineer of Work for the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District No. I (A/CC-1), and directed the Engineer to prepare and file an Engineer's Report for Fiscal Year 2009/10; and

WHEREAS, in November 1996, consistent with the provisions of Proposition 218, the continuation of the assessment rate and services provided by A/CC-1 was placed on the ballot as Measure KK and this ballot measure was approved (78.5% in favor) by the electorate of Alameda and Contra Costa counties; and

WHEREAS, on June 2, 2009, the Board of Directors granted preliminary approval to the Draft A/CC-1 Engineer's Report for Fiscal Year 2009/10, adopted a Resolution of Intention to Order Improvements within A/CC-1 for Fiscal Year 2009/10, and set a public hearing to be held on July 7, 2009, at 2 p.m. in the EBRPD Headquarters, 2950 Peralta Oaks Court, Oakland, CA. Notice of the hearing was given in the time and manner required by law; and

WHEREAS, at the public hearing the Board of Directors afforded to interested persons an opportunity to protest to the annual report either in writing or in person, and the Board of Directors has considered the protests;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby approves the FY 2009/10 Engineer's Report for Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District No. I, including ZB-1 (Five Canyons), ZB-2 (Dublin Hills), ZB-3 (Walpert Ridge), ZB-4 (San Ramon Hills), ZB-5 (Stone Valley), and ZB-6 (Sibley Volcanic), approves the diagram and assessment, orders the maintenance and operation of the Regional Trails Assessment District, and hereby levies the assessment, all as set forth in the Engineer's Report for Fiscal Year 2009/10; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary and appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and
adopted this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 - 7 -

July 7, 2009

RESOLUTION OVERRULING PROTESTS
(Pursuant to the Landscaping & Lighting Act of 1972)

WHEREAS, on July 7, 2009, the Board of Directors opened a public hearing on the approval of the Engineer's Report on the proposed maintenance and operation of the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District No. I, including ZB-1 (Five Canyons), ZB-2 (Dublin Hills), ZB-3 (Walpert Ridge), ZB-4 (San Ramon Hills), ZB-5 (Stone Valley), and ZB-6 (Sibley Volcanic); and

WHEREAS, at or before the time set for hearing, certain interested persons made protest, or objections to the proposed maintenance and operation, the extent of the assessment district, or the proposed assessment; and

WHEREAS, the Board of Directors finds that the protest against the proposed maintenance and operation (including all written protests not withdrawn in writing before the conclusion of the protest meeting) is made by the owners of less than one-half (50%) of the area of the land to be assessed;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby overrules each of these protests.

Moved by Director _____, seconded by Director _____, and adopted this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: