

*Fiscal Year 2014-15 Final Engineer's Report*

# Landscaping and Lighting Maintenance District No. 1



Prepared for



ALBERT A.  
**WEBB**  
ASSOCIATES

*Strength Through History and Innovation.*



[www.webbassociates.com](http://www.webbassociates.com)

# Landscape and Lighting Maintenance District No. 1

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July 2014

AGENCY: CITY OF DESERT HOT SPRINGS  
PROJECT: LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1  
TO: CITY COUNCIL  
CITY OF DESERT HOT SPRINGS  
STATE OF CALIFORNIA

### REPORT PURSUANT TO "LANDSCAPING AND LIGHTING ACT OF 1972"

Pursuant to direction from the City Council, submitted herewith is the "Report," consisting of the following parts, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, being the "Landscape and Lighting Act of 1972," as amended, commencing with Section 22500, and which is in accordance with Resolution No. 2014-\_\_\_\_ adopted by the City of Desert Hot Springs City Council, Riverside County, California ordering preparation of the Engineer's Report for Landscaping Maintenance District No. 1 (hereinafter referred to as the "LMD No. 1"). This "Report" is applicable for the ensuing 12-month period, being the Fiscal Year commencing July 1, 2014 to June 30, 2015.

*Section 1* **PLANS AND SPECIFICATION** of the improvements to be maintained and/or improved for the Fiscal Year. The plans and specifications show and describe the existing improvements, and are sufficient in showing and describing the general nature, location and extent of the improvements.

*Section 2* A **COST ESTIMATE** of the improvements to be maintained and/or improved for the mentioned Fiscal Year.

*Section 3* An **ASSESSMENT** showing the proportionate amount of the assessment to be charged in proportion to the benefits to be received by each lot or parcel within the exterior boundaries as shown on the below-referenced Diagram.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

ALBERT A. WEBB ASSOCIATES



\_\_\_\_\_  
 MATTHEW E. WEBB  
 PROFESSIONAL CIVIL ENGINEER NO. 37385  
 ENGINEER OF WORK  
 CITY OF DESERT HOT SPRINGS  
 STATE OF CALIFORNIA

Final approval, confirmation and levy of the annual assessment and all matters in the Engineer's "Report" were made on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by adoption of Resolution No. \_\_\_\_\_ by City Council.

\_\_\_\_\_  
 DEPUTY CITY CLERK  
 CITY OF DESERT HOT SPRINGS  
 STATE OF CALIFORNIA

A copy of the Assessment Roll and Engineer's "Report" were filed in the Deputy City Clerk's Office on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
 DEPUTY CITY CLERK  
 CITY OF DESERT HOT SPRINGS  
 STATE OF CALIFORNIA



**WHEREAS**, on April 15<sup>th</sup>, 2014 the City Council of the City of Desert Hot Springs (the "City"), State of California, under the Landscaping and Lighting Act of 1972 (the "Act"), adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer's Report for Landscape and Lighting Maintenance District No. 1;

**WHEREAS**, the Resolution of Initiation directed Albert A. Webb Associates, to prepare and file a report presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the maintenance, operations and servicing of the improvements for LMD No. 1 for the referenced fiscal year, a diagram for LMD No. 1 showing the area and properties to be assessed, and an assessment of the estimated costs of the maintenance, operations and servicing the improvements, assessing the net amount upon all assessable lots and-or parcels within LMD No. 1 in proportion to the special benefit received;

**NOW THEREFORE**, the following assessment is made to cover the portion of the estimated costs of maintenance, operation and servicing of said improvements to be paid by the assessable real property within LMD No. 1 in proportion to the special benefit received:

**SUMMARY OF ASSESSMENT**

Description	Budgeted for Fiscal Year 2014-15
Total Costs	\$574,516.62
Operating Reserve Collection	\$550.24
<b>Balance to Assessment</b>	<b>\$575,066.86</b>
Zone A parcels subject to A assessment only	13,656
Zone B parcels subject to A assessment	264
Total number of parcels subject to A assessment	13,920
Actual Zone A assessment per parcel	\$40.56
Total amount assessed Zone A parcels only	\$553,887.36
Total amount assessed Zone B parcels	\$10,707.84
Total linear footage in Zone B	20,141.80
Actual B assessment per linear foot	\$0.52
Rounding	(\$2.08)
Linear footage component assessed in Zone B	\$10,471.68
<b>Total Assessment</b>	<b>\$575,066.86</b>

LMD No. 1 provides and ensures the continued maintenance, servicing, administration and operation of various landscaping, park facilities, parkways, trees and street lighting improvements, and associated appurtenances located within the boundaries of LMD No. 1.

### ■ **Description of the Boundaries of LMD No. 1**

The boundary of LMD No. 1 includes all of the territory within the City of Desert Hot Springs. Within the District there are two benefit Zones; Zone A and Zone B. Zone A includes all of the territory within the City. The assessments associated within Zone A include the maintenance costs for the street lighting system and parks. Zone B includes the territory known as the Palm Tree Lighting and Parkway Maintenance boundary.

The boundaries within Zone B include 8<sup>th</sup> street on the north, West Avenue on the west, Verbena Drive on the east, and Hacienda Drive on the south.

### ■ **Description of Improvements and Services for LMD No. 1**

The improvements include the construction, operation, maintenance and servicing of landscaping, sidewalks, trees, street lighting, park facilities, parkways, street tree lighting and appurtenant facilities. Services and maintenance includes, but is not limited to, personnel, electrical energy and lease costs from Edison, utilities such as water and gas, equipment, maintenance vehicles, materials, contracting services, and other items necessary for the satisfactory operation of the facilities.

Reference is made to the plans and specifications for the improvements, which are on file with the office of the Deputy City Clerk.

### ■ **Boundary Map**

An Assessment Diagram for LMD No. 1 has been submitted to the City Clerk in the format required under the provision of the Act. The lines and dimensions shown on maps of the County Assessor of the County of Riverside for the current year are incorporated by reference in a Boundary Map in Appendix B herein and made part of this Report.

The cost of servicing, maintaining, repairing and replacing the actual improvements as described in the Plans and Specifications are summarized as follows:

**■ Zone A and Zone B Budget**

Description	Fiscal Year 2013-14 Estimated Through June 30, 2014	Fiscal Year 2014-15 Estimated Through June 30, 2015
<b>Street Lighting</b>		
Utilities- Street Lighting	\$95,869.43	\$95,869.43
Vehicle Repair and Maintenance	\$554.77	\$554.77
Special Departmental Supplies	\$524.78	\$524.78
Contract Services	\$664.72	\$664.72
<b>Subtotal Street Lighting Direct Costs</b>	<b>\$97,613.69</b>	<b>\$97,613.69</b>
<b>Park Maintenance</b>		
Personnel Services	\$165,080.13	\$165,080.13
Benefits	\$44,741.06	\$44,741.06
Utilities	\$126,711.37	\$126,711.37
Travel/Training	\$564.76	\$564.76
Repairs/Maintenance	\$15,753.33	\$15,753.33
Equipment Repair and Maintenance	\$1,689.29	\$1,689.29
Vehicle Fuel Expense	\$2,388.99	\$2,388.99
Vehicle Repair and Maintenance	\$16,782.90	\$16,782.90
Building Repair and Maintenance	\$8,386.45	\$8,386.45
Uniform Allowance	\$3,248.63	\$3,248.63
Vandalism	\$5,632.62	\$5,632.62
Special Departmental Supplies	\$12,389.76	\$12,389.76
Medical Exam	\$204.91	\$204.91
Fees and Permits	\$734.69	\$734.69
Contract Services	\$62,823.41	\$62,823.41
Contingency Reserve	\$550.01	\$550.01
<b>Subtotal Park Maintenance Costs</b>	<b>\$467,682.31</b>	<b>\$467,682.31</b>
<b>Tree Trimming</b>		
Vehicle Repair and Maintenance	\$1,094.54	\$1,094.54
Contract Services	\$8,676.33	\$8,676.33
<b>Subtotal Tree Trimming Costs</b>	<b>\$9,770.86</b>	<b>\$9,770.86</b>
<b>Total Costs</b>	<b>\$575,066.86</b>	<b>\$575,066.86</b>

### ■ Proposition 218 Compliance

On November 5, 1996 California voters approved Proposition 218 entitled “Right to Vote on Taxes Act” which added Article XIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts. Proposition 218 also requires that with certain specified exception, which are described below, all existing assessment districts must be ratified by the property owners within the District using the new procedures.

Some of these exceptions include:

- 1) Any assessment imposed exclusively to finance the capital cost or maintenance and operation expenses for streets.
- 2) Any assessments levied pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment was initially imposed.

However, even if assessments are initially exempt from Proposition 218, if the assessments are increased in the future, the City will need to comply with the provisions of Proposition 218 for that portion of the increased assessment formula (e.g., CPI increase).

Proposition 218 does not define this term “streets”, however, based on the opinions of the public agency officials, attorneys, assessment engineers and Senate Bill 919, it has been determined that streets include all public improvements located within the street right-of-way. This would include median and parkway landscaping, traffic signals, safety lighting and street lighting.

Proposition 218 defines “assessment” as “any levy or charge upon real property by an agency for a special benefit conferred upon the real property.” Cal. Const., art. XIID, §2(b). A special assessment, sometimes called a “benefit assessment,” is a charge generally levied upon parcels of real property to pay for benefits the parcels receive from local improvements. Special assessments are levied according to statutory authority granted by the Legislature or, in some instances, local charters. Distinguishing among taxes, fees and assessments can be difficult and often depends on the context in which the distinction is made. For example, taxes, assessments and property-related fees all may be imposed on property. The key feature that distinguishes an assessment from a tax, fee or charge is the existence of a special benefit to real property. Without identifying a special benefit, there can be no assessment.

### ■ Distinguishing General and Special Benefit

Proposition 218 added a set of procedures and requirements which a local government must follow to levy an assessment. In addition to notice, hearing and assessment ballot proceedings, Proposition 218 provides that “[only special benefits are assessable” and requires a local government to “separate the general benefits from the special benefits conferred on a parcel.”

By its nature most every public improvement financed through an assessment district contains an element of public benefit. The test is: does there exist, with relation to the improvement, a special benefit to the property assessed? The law requires that portion of the cost of the improvement which benefits the public generally, to be separated from that portion of the cost of the improvement which specially benefits assessed properties. Proposition 218 provides the following definition of “special benefit”:

‘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.’



Below is the description of the Method of Apportionment and Special Benefit and the Assessment Roll summary for the Assessment District.

### ■ Method of Apportionment and Special Benefit

Pursuant to the Landscaping and Lighting Act of 1972 and Article XIII D of the Constitution of the State of California, all parcels that have special benefit conferred upon them as a result of the maintenance and operation of improvements shall be identified and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire cost of the maintenance and operation of the improvements. Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received.

The primary benefits of street lighting are for the convenience, safety and protection of property, property improvements, and goods. The intensity and degree of illumination provided can have a bearing on both.

The benefits to property owners include:

1. Reduction in night accidents and attendant human misery and decrease in personal property loss.
2. Less vulnerability to criminal assault at night.
3. Promotion of business during night time hours.

Security and Property protection benefits include:

1. Increase evening driving safety.
2. Reduction in vandalism and other criminal acts and damage to improvements.
3. Reduction in burglaries.

All street lighting inventory is currently owned by Southern California Edison Company.

The park and parkway benefits to property owners include:

1. Increased leisure time and recreational opportunities.
2. Improved aesthetic enjoyment.
3. Availability and convenient access to five neighborhood parks.
4. Green space contributes to a stress reducing environment.

There are thirteen thousand nine hundred and twenty-six assessable parcels within Zones A and B. Each of these parcels is deemed to receive the same proportional special benefit from the maintenance and operation of the improvements within Zone A, whether improved or unimproved.

The assessment is spread to each of the thirteen thousand nine hundred twenty-six assessable parcels within Zones A and B as follows:

Estimated FISCAL YEAR 2014-15 Cost – Zone A	\$564,595.20
Total Assessable Parcels	13,920
<b>Calculated FISCAL YEAR 2014-15 Assessment per Parcel</b>	<b>\$40.56</b>
<b>Allowable FISCAL YEAR 2014-15 Assessment per Parcel</b>	<b>\$40.56</b>

The calculated assessment is equal to the assessment previously approved by LMD No. 1. If the actual assessment increases, the property owners must be provided an assessment ballot to vote on the matter of the increase. The percentage change in the allowable Fiscal Year 2014-15 assessment from the allowable Fiscal Year 2013-14 assessment is as follows:

Calculated FISCAL YEAR 2014-15 Assessment per Parcel	\$40.56
Allowable FISCAL YEAR 2014-15 Assessment per Parcel	\$40.56
Allowable FISCAL YEAR 2013-14 Assessment per Parcel	\$40.56
<b>Percentage change in the Assessment Rate</b>	<b>0.00%</b>

There are two hundred sixty-three assessable parcels within Zone B. The parcels within Zone B are deemed to receive the special benefit from the maintenance and operation of the improvements within Zone B. The special benefit for the improvement within Zone B is spread on the basis of linear foot of street frontage of the parcel facing either Pierson Boulevard or Palm Drive.

The assessment is spread to each of the two hundred sixty-three assessable parcels within Zone B as follows:

Estimated FISCAL YEAR 2014-15 Cost – Zone B	\$10,471.68
Total linear feet of street frontage within Zone B	20,141.80
<b>Calculated FISCAL YEAR 2014-15 Assessment per Linear Foot</b>	<b>\$0.52</b>
<b>Allowable FISCAL YEAR 2014-15 Assessment per Linear Foot</b>	<b>\$0.52</b>

The calculated assessment is equal to the assessment previously approved by LMD No. 1. If the actual assessment increases, the property owners must be provided an assessment ballot to vote on the matter of the increase.

Proposed Fiscal Year 2014-15 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2013-14 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2012-13 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2011-12 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2010-11 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2009-10 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2008-09 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2007-08 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2006-07 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2005-06 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2004-05 Assessment per Linear Foot	\$0.52
Actual Fiscal Year 2003-04 Assessment per Linear Foot	\$0.52
<b>Percentage change in the Assessment Rate from FY 2013-14 to FY 2014-15</b>	<b>0.00%</b>

Parcel identification, for each lot or parcel within LMD No. 1, shall be the parcel as shown on the Riverside County Assessor Parcel Maps and/or the Riverside County Secured Tax Roll for the year in which this Report is prepared.

Non-assessable lots or parcels may include government owned land, public utility owned property, land principally encumbered with public right-of-ways or easements, and dedicated common areas. These parcels will not be assessed.

A listing of parcels within LMD No. 1, along with the proposed assessment amounts, will be submitted to the City Clerk, are not bound in this Report but by this reference are incorporated and made a part of this Report. Due to recent parcel subdivisions, current situs address and ownership information is unavailable. The individual assessor parcel numbers for the LMD No. 1 are too voluminous to list here. The assessor parcel numbers, along with the Fiscal Year 2014-15 assessment amount for the LMD No. 1 is on file in the Office of the Deputy City Clerk and are incorporated herein by reference.

Upon approval of this Report, and confirmation of the assessments, the assessment information will be submitted to the County Auditor/Controller, and included on the property tax roll in Fiscal Year 2014-15. If the parcels or assessment numbers within LMD No. 1 and referenced in this Report, are re-numbered, re-apportioned, or changed by the County Assessor’s Office after approval of the Report, the new parcel or assessment numbers with the appropriate assessment amount will be submitted to the County Auditor/Controller. If the parcel change made by the County includes a parcel split, parcel merger or tax status change, the assessment amount submitted on the new parcels or assessment numbers will be based on the method of apportionment and levy amount approved in this Report by the City Council.

**ASSESSMENT BY ZONE**

Benefit Area	Parcels <sup>1</sup>	Linear Feet	Assessment
Zone A	13,656		\$564,595.20
Zone B	264	20,141.80	\$10,471.66
<b>Total Assessment</b>	<b>13,920</b>	<b>20,141.80</b>	<b>\$575,066.86</b>

<sup>1</sup> All Zone B parcels are levied in Zone A and included in the Zone A parcel total.

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Appendix A

Final Assessment Roll

A L B E R T A .

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A S S O C I A T E S

**APPENDIX A**

**FY 2014-15 Final Assessment Roll  
Landscape and Lighting Maintenance District No. 1  
(Under Separate Cover)**



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Appendix B

Boundary Map

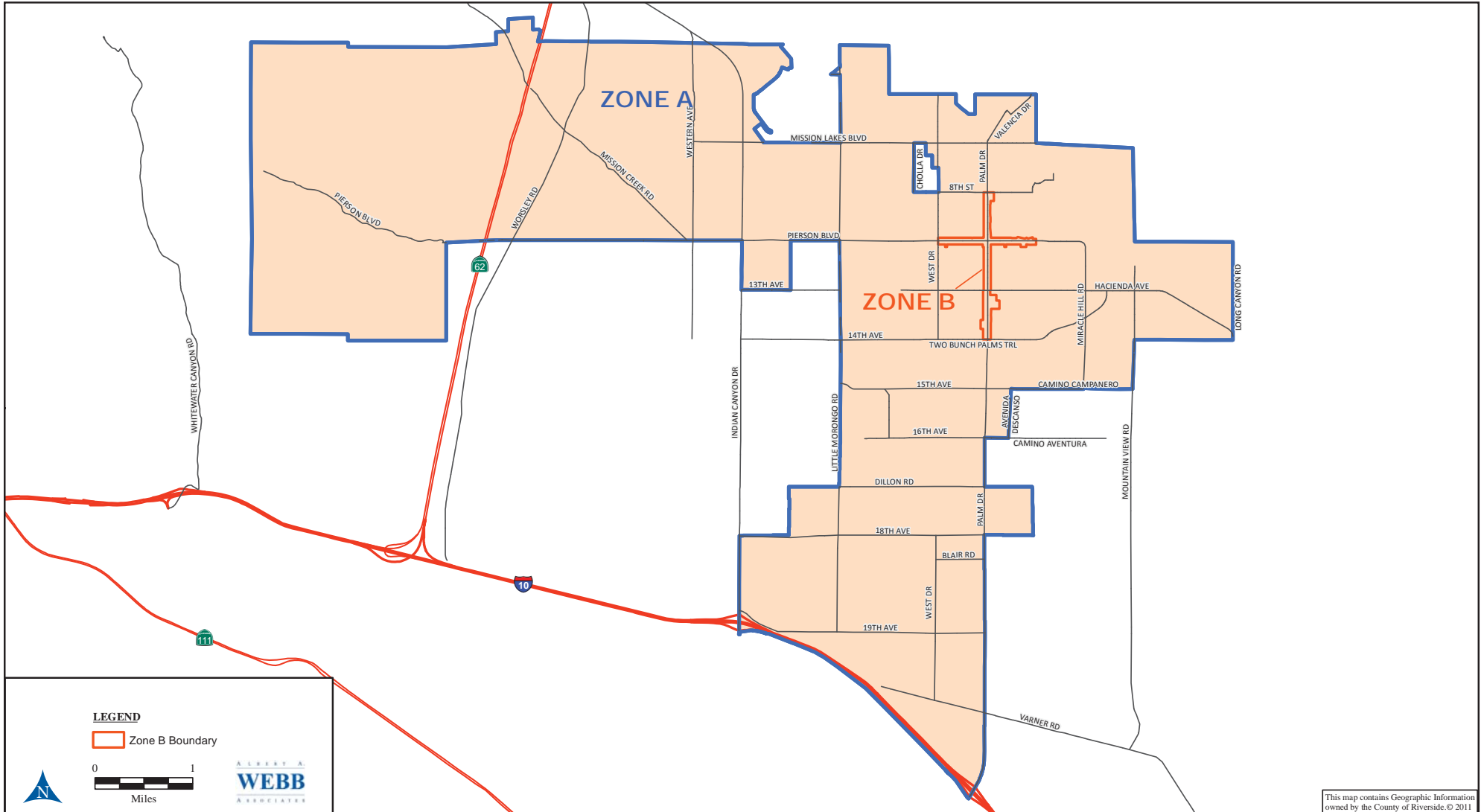
A L B E R T A .

**WEBB**

A S S O C I A T E S

# DISTRICT BOUNDARY MAP

## CITY OF DESERT HOT SPRINGS LANDSCAPE MAINTENANCE DISTRICT No. 1



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Appendix C

Resolution of Initiation

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A S S O C I A T E S

**RESOLUTION NO. 2014-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS,  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, INITIATING PROCEEDINGS FOR  
THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE CITYWIDE  
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 ZONE A AND ZONE  
B FOR FISCAL YEAR 2014-15**

**WHEREAS**, the City Council has by previous Resolutions formed and levied annual assessments for the Citywide Landscape and Lighting Maintenance District No. 1 Zone A and Zone B (hereafter referred to as the "District"), pursuant to the provisions of the Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (hereafter referred to as the "Act") that provides for the levy and collection of assessments by the County of Riverside for the City of Desert Hot Springs to pay the maintenance and services of all improvements and facilities related thereto; and

**WHEREAS**, the City Council has retained Albert A. Webb Associates for the purpose of assisting with the Annual Levy of the District, and to prepare and file a report with the City Clerk in accordance with the Act; and

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:**

**Section 1.      Recitals**

That the Recitals set forth above are true and correct.

**Section 2.      Annual Levy Report**

That the City Council hereby orders Albert A. Webb Associates to prepare and file with the City Clerk the Engineer's Annual Levy Report concerning the levy and collection of assessments for the District for the Fiscal year commencing July 1, 2014 and ending June 30, 2015 in accordance with Chapter 3, Section 22622 of the Act.

**Section 3.      District Improvements**

That the improvements include the construction, operation, maintenance and servicing of landscaping, sidewalks, trees, street lighting, park facilities, parkways, street tree lighting and appurtenant facilities. Services and maintenance includes, but is not limited to, personnel, electrical energy and lease costs from Edison, utilities such as water and gas, equipment, maintenance vehicles, materials, contracting services, and other items necessary for the satisfactory operation of the facilities.

**Section 4.      Severability**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of the Resolution as hereby adopted shall remain in full force and effect.

**Section 5.      Effective Date**

That this Resolution shall take effect upon its adoption.

**Section 6.      Certification**

That the City Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting duly held on the 15th day of April 2014, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Jerryl Soriano, Deputy City Clerk

\_\_\_\_\_  
Adam Sanchez, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven B. Quintanilla, City Attorney



**CERTIFICATE OF CLERK**

I, Jerryl Soriano, Deputy City Clerk of the City of Desert Hot Springs, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of the City of Desert Hot Springs duly and regularly held at the regular meeting place thereof on April 15, 2014, of which meeting all of the members of said City Council had due notice, and at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I do hereby further certify that an agenda of said meeting was posted at least 72 hours before said meeting at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I do hereby further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified, rescinded or revoked in any manner since the date of its adoption, and the same is now in full force and effect.

Dated: April 15, 2014

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Deputy City Clerk of the City of Desert Hot Springs

[SEAL]



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