



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

JANUARY 15, 2020

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (City Council Members)
Faria ____, Johnson-Santos ____, Jones ____, Lewis ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PRESENTATIONS.
 - A. Proclamation Recognizing January as "National Slavery & Human Trafficking Prevention Month".

B. Proclamations Recognizing City Commissioners:

- 1) Dennis Reed – Airport Advisory Commission
- 2) Deborah Lewis – Economic Development Advisory Commission
- 3) Tom Faria – Economic Development Advisory Commission
- 4) Anthony Dominguez – Parks & Recreation Commission
- 5) Rhonda Harper – Parks & Recreation Commission
- 6) John Cates – Planning Commission
- 7) Brenda Latham – Tree Commission
- 8) John Spevak – Tree Commission
- 9) Colleen Menefee – Tree Commission
- 10) Richard Stewart – Measure P Committee
- 11) Gerald Giesel – Measure P Committee
- 12) Tom Neeb – Measure P Committee

6. REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM.

Recommendation: Selection made by the consensus of the City Council.

7. APPOINTMENT OF COMMISSIONERS TO THE FOLLOWING CITY COMMISSIONS:

- A. Airport Advisory Commission – Four (4) Vacancies
Two (2) Two (2) Year Terms – Expiring December 31, 2021
Two (2) Unexpired Terms – Expiring December 31, 2020
- B. Economic Development Advisory Commission – Three (3) Vacancies
One (1) Two (2) Year Terms – Expiring December 31, 2021
Two (2) Unexpired Terms – Expiring December 31, 2020
- C. Parks & Recreation Commission – Two (2) Vacancies
Two (2) Two (2) Year Terms – Expiring December 31, 2021
- D. Tree Commission – Three (3) Vacancies
Three (3) Two (2) Year Terms – Expiring December 31, 2021
- E. Measure H Citizens' Oversight Committee – Two (2) Vacancies
Two (2) Two (2) Year Terms – Expiring December 31, 2021
- F. Planning Commission – District 2
One (1) Unexpired Term – Expiring December 31, 2020

Recommendation: Appoint Commissioners to fill the vacancies.

8. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)

9. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)

- A. Check Register for #219583 – #219953 in the Amount of \$2,318,399.03.

Recommendation: Approve the check register as submitted.

- B. Development Impact Fee Report for Fiscal Years 2015-2019 (AB 1600).

Recommendation: Accept the report as submitted.

- C. Minutes for the December 18, 2019 City Council Meeting.

Recommendation: Approve the minutes as submitted.

- D. City Council Resolution No. 6170 – Appointing Members to the Measure P Citizens Oversight Committee (Tom Neeb, Gerald Giesel & Richard Stewart, Terms Ending December 31, 2022).

Recommendation: Approve the resolution as submitted.

- E. City Council Resolution No. 6171 – Approving the Consultant Agreement – Notice of Augmentation of the Professional Services Agreement with David Taussig & Associates, Inc., to Provide a Nexus Study for the Update of the City of Los Banos Development Impact Fee Program and Adopt a Revised Budget for the Fiscal Year 2019-2020 as it Pertains to the City Hall Admin Impact Fee Account in the Amount of \$29,700 and the Traffic Impact Fee Account in the Amount of \$3,300.

Recommendation: Approve the resolution as submitted.

- F. City Council Resolution No. 6172 – Acting as the City of Los Banos Groundwater Sustainability Agency (GSA) Authorizing and Directing that Application be Made to Obtain a Grant Under the Sustainable Groundwater Management Grant Program’s Planning Grant – Round 3 and To Enter into an Agreement with the California Department of Water Resource to Receive a Grant for the Delta-Mendota Subbasin Supplemental Ground Water Sustainability Plan (GSP) Development Proposal.

Recommendation: Approve the resolution as submitted.

- G. City Council Resolution No. 6173 – Accepting Public Improvements for Mission Village South, Phase 3B, Generally Located within the Area Bounded by Mission Drive to the North, Las Palmas Road to the East, Willmott Road to the South (Developer: Stonefield Home, Inc.)

Recommendation: Approve the resolution as submitted.

- H. City Council Resolution No. 6174 – Authorizing the City Manager to Execute an Agreement for Implementation of the Los Banos Downtown Property and

Business Improvement District (PBID) Management District Plan between the City of Los Banos and the Los Banos Downtown Association.

Recommendation: Approve the resolution as submitted.

10. UPDATE ON MCAG, THE BUS AND REGIONAL WASTE AUTHORITY (RWA) – By Executive Director Stacie Guzman.

Recommendation: Informational item only, no action to be taken.

11. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)

- A. Public Hearing – To Receive Public Comment and Consideration of Amendments to the City Building Code Ordinance by Adoption by Reference the California Building Code 2019 Edition and Related 2019 Edition Codes.

- 1) Ordinance No. 1179 – Adopting by Reference the 2019 Edition of the California Building Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Historical Building Code, the 2019 Edition of the California Referenced Standards Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Administrative Code, the 2019 Edition of the California Existing Building Code, the 2019 Edition of the California Green Building Standards Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. **(Second Reading & Adoption)**

Recommendation: Receive staff report, open public hearing, receive public comment, close the public hearing, waive the second reading and adopt the ordinance as submitted.

- B. Public Hearing – To Receive Public Comment and Consideration of Amendments to the City Fire Prevention Code Ordinance by Adoption by Reference the California Fire Code 2019 Edition and Local Amendments Thereto.

- 1) Ordinance No. 1180 – Adopting by Reference the 2019 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. **(Second Reading & Adoption)**

Recommendation: Receive staff report, open public hearing, receive public comment, close the public hearing, waive the second reading and adopt the ordinance as submitted.

- C. Public Hearing – To Receive Public Comment and Consideration of Approving and Adopting an Updated AB 1600 Development Impact Fee Justification Study Prepared for the City of Los Banos by DTA (David Taussig & Associates, Inc.); Adjusting the City's Development Impact Fees for All

Development within the City of Los Banos; and a Proposed Amendment to Title 9, Chapter 2, Article 6 of the Los Banos Municipal Code Establishing a General Government Facilities Development Impact Fee.

(Continued from December 4, 2019 Meeting)

- 1) City Council Resolution No. 6163 – Adopting a Development Impact Fee Justification Study for the City of Los Banos and Revising Development Impact Fees for All Development within the City of Los Banos.
- 2) Ordinance No. 1178 – Amending Title 9 Chapter 2 Article 6 of the Los Banos Municipal Code Establishing a General Government Facilities Development Impact Fee. **(First Reading & Introduction)**

Recommendation: Receive staff report, open the public hearing, receive public comment, and adopt the resolution and introduce the ordinance as submitted.

12. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6175 – AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH BUXTON COMPANY FOR RETAIL RECRUITMENT STRATEGY AND SERVICES.

Recommendation: Receive staff report and adopt the resolution as submitted.

13. ADVISEMENT OF PUBLIC NOTICES. (No Report)

14. CITY MANAGER REPORT.

15. REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.

Recommendation: Informational item only, no action to be taken.

16. CITY COUNCIL MEMBER REPORTS.

- A. Deborah Lewis
- B. Tom Faria
- C. Daronica Johnson-Santos
- D. Brett Jones
- E. Mayor Mike Villalta

17. ADJOURNMENT.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.


Lucille L. Mallonee, City Clerk

Dated this 9th day of January 2020



Agenda Staff Report

TO: Mayor & City Council Members

FROM: Lucy Mallonee, MMC *LM*
City Clerk/Human Resources Director

DATE: January 15, 2020

SUBJECT: City Commission Appointments

TYPE OF REPORT: Non Consent Agenda

Recommendation:

Appoint members to the following City Commissions:

Airport Advisory Commission – Four (4) Vacancies

Two (2) Two (2) Year Terms – Expiring December 31, 2021
Two (2) Unexpired Terms – Expiring December 31, 2020

Economic Development Advisory Commission – Three (3) Vacancies

One (1) Two (2) Year Terms – Expiring December 31, 2021
Two (2) Unexpired Terms – Expiring December 31, 2020

Parks & Recreation Commission – Two (2) Vacancies

Two (2) Two (2) Year Terms – Expiring December 31, 2021

Tree Commission – Three (3) Vacancies

Three (3) Two (2) Year Terms – Expiring December 31, 2021

Measure H Citizens' Oversight Committee – Two (2) Vacancies

Two (2) Two (2) Year Terms – Expiring December 31, 2021

Planning Commission – District 2

One (1) Unexpired Term – Expiring December 31, 2020

Discussion:

Staff advertised the above vacancies on the City's website and in the Los Banos Enterprise; the deadline to apply was Tuesday, December 31, 2019. Applicants were interviewed by a committee per City policy. Any remaining vacancies will be advertised again.

Fiscal Impact:

None.

Reviewed by:



Alex Terrazas, City Manager

CK # 219583 - # 219953

01/15/2020

\$2,318,399.03

Bank Reconciliation

Checks by Date



City of
Los Banos
At the Crossroads of California

User: jcanchola
Printed: 01/07/2020 - 9:14AM
Cleared and Not Cleared Checks
Print Void Checks

| Check No | Check | Name | Module | Void | Amount |
|----------|------------|---|--------|------|----------|
| 219583 | 12/13/2019 | Abbott & Kindermann, Inc. | AP | | 982.04 |
| 219584 | 12/13/2019 | Ameripride Services | AP | | 149.29 |
| 219585 | 12/13/2019 | Anthony Gomes | AP | | 1,847.82 |
| 219586 | 12/13/2019 | Aramark Uniform Ser Inc | AP | | 518.36 |
| 219587 | 12/13/2019 | AT&T Mobility | AP | | 173.03 |
| 219588 | 12/13/2019 | AT&T | AP | | 179.37 |
| 219589 | 12/13/2019 | AT&T | AP | | 68.10 |
| 219590 | 12/13/2019 | BAE Urban Economics Inc. | AP | | 3,450.00 |
| 219591 | 12/13/2019 | BJ's Consumers Choice | AP | | 220.00 |
| 219592 | 12/13/2019 | Boot Barn | AP | | 537.43 |
| 219593 | 12/13/2019 | Borelli Real Estate Service, Inc. | AP | | 90.00 |
| 219594 | 12/13/2019 | Brinks Inc. | AP | | 735.03 |
| 219595 | 12/13/2019 | Bruce's Tire Inc | AP | | 773.63 |
| 219596 | 12/13/2019 | BSK Associates | AP | | 575.00 |
| 219597 | 12/13/2019 | Central Sanitary Supply | AP | | 220.22 |
| 219598 | 12/13/2019 | Cook's Communications Corp. | AP | | 1,387.50 |
| 219599 | 12/13/2019 | Donlee Pump Company | AP | | 40.52 |
| 219600 | 12/13/2019 | Maria Del Socorro Briseno | AP | | 600.00 |
| 219601 | 12/13/2019 | Fastenal Company | AP | | 428.68 |
| 219602 | 12/13/2019 | Federal Express Corporation | AP | | 20.22 |
| 219603 | 12/13/2019 | Fresno City College | AP | | 114.00 |
| 219604 | 12/13/2019 | Galls Inc | AP | | 1,536.42 |
| 219605 | 12/13/2019 | Great West Equipment, Inc | AP | | 77.94 |
| 219606 | 12/13/2019 | Vivana Maria Gutierrez | AP | | 600.00 |
| 219607 | 12/13/2019 | Hach Company | AP | | 231.26 |
| 219608 | 12/13/2019 | Heppner Precision Machine Shop, Inc. | AP | | 10.81 |
| 219609 | 12/13/2019 | David A Jones | AP | | 2,060.00 |
| 219610 | 12/13/2019 | Lawson Products, Inc. | AP | | 518.57 |
| 219611 | 12/13/2019 | Lucas Business Systems | AP | | 2,033.52 |
| 219612 | 12/13/2019 | Lam Thanh Le | AP | | 50.00 |
| 219613 | 12/13/2019 | Marfab Inc | AP | | 1,172.21 |
| 219614 | 12/13/2019 | Matson Alarm Co Inc | AP | | 181.00 |
| 219615 | 12/13/2019 | Merced Chevrolet Inc. | AP | | 179.71 |
| 219616 | 12/13/2019 | Merced County Regional Waste Management Authority | AP | | 2,279.72 |
| 219617 | 12/13/2019 | Merced County Regional Waste Management Authority | AP | | 4,112.15 |
| 219618 | 12/13/2019 | Merced Truck & Trailer Inc | AP | | 150.03 |
| 219619 | 12/13/2019 | Monterey Auto Services Inc. | AP | | 81.50 |
| 219620 | 12/13/2019 | MOO, Inc. | AP | | 71.81 |
| 219621 | 12/13/2019 | Napa Auto Parts of Los Banos | AP | | 117.18 |
| 219622 | 12/13/2019 | NDN International LLC | AP | | 3,503.80 |
| 219623 | 12/13/2019 | The Office City | AP | | 445.91 |
| 219624 | 12/13/2019 | OSE | AP | | 385.41 |
| 219625 | 12/13/2019 | O'Reilly Auto Parts | AP | | 1,054.42 |
| 219626 | 12/13/2019 | PG&E Company | AP | Void | 25.54 |

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|--------|------------|---|----|------------|
| 219627 | 12/13/2019 | Pacific Water Resources | AP | 1,663.54 |
| 219628 | 12/13/2019 | Pitney Bowes Inc | AP | 473.25 |
| 219629 | 12/13/2019 | Provost and Pritchard Engineering, Inc. | AP | 105.00 |
| 219630 | 12/13/2019 | Protech Security & Electronics, Inc. | AP | 492.00 |
| 219631 | 12/13/2019 | Provident Agency, Inc. | AP | 2,896.00 |
| 219632 | 12/13/2019 | Regal Pacific Aviation Equipment Inc. | AP | 8,120.60 |
| 219633 | 12/13/2019 | Razzari Dodge Chrysler Jeep | AP | 245.38 |
| 219634 | 12/13/2019 | Santos Ford Inc. | AP | 174.67 |
| 219635 | 12/13/2019 | Save Mart Supermarkets | AP | 102.63 |
| 219636 | 12/13/2019 | Shred-It US JV LLC | AP | 420.34 |
| 219637 | 12/13/2019 | Sorensens True Value | AP | 320.46 |
| 219638 | 12/13/2019 | Sorensens True Value | AP | 158.09 |
| 219639 | 12/13/2019 | Technicon Engineering Services, Inc. | AP | 4,370.00 |
| 219640 | 12/13/2019 | Terminix Processing Center | AP | 109.00 |
| 219641 | 12/13/2019 | Tesco Controls, Inc. | AP | 375.00 |
| 219642 | 12/13/2019 | Triangle Rock Products | AP | 123.62 |
| 219643 | 12/13/2019 | United Textile | AP | 195.35 |
| 219644 | 12/13/2019 | USA Blue Book | AP | 146.35 |
| 219645 | 12/13/2019 | Kevin Torresdal | AP | 13.45 |
| 219646 | 12/13/2019 | Vilma Iquin | AP | 152.24 |
| 219647 | 12/13/2019 | Luz Valadez | AP | 89.57 |
| 219648 | 12/13/2019 | Christina Baez | AP | 7.52 |
| 219649 | 12/13/2019 | Gustavo Sanchez | AP | 68.68 |
| 219650 | 12/13/2019 | Alejandro Lugo Perez | AP | 16.43 |
| 219651 | 12/13/2019 | Blossom Valley Realty, JR Souza | AP | 152.24 |
| 219652 | 12/13/2019 | Westside Water Conditioning | AP | 28.50 |
| 219653 | 12/13/2019 | Windecker Inc | AP | 365.35 |
| 219654 | 12/13/2019 | Young's Air Conditioning | AP | 72.00 |
| 219655 | 12/13/2019 | Apex Annex Health Center, Inc. | AP | 1,010.00 |
| 219656 | 12/13/2019 | Richard A Blak Phd | AP | 800.00 |
| 219657 | 12/13/2019 | CSG Consultants Inc. | AP | 57,739.95 |
| 219658 | 12/13/2019 | City of Los Banos Utility | AP | 28,046.41 |
| 219659 | 12/13/2019 | Mary Lou Gilardi | AP | 214.66 |
| 219660 | 12/13/2019 | ICU Technologies Inc. | AP | 12,043.45 |
| 219661 | 12/13/2019 | InfoSend Inc. | AP | 5,846.12 |
| 219662 | 12/13/2019 | Pet Partners | AP | 225.00 |
| 219663 | 12/13/2019 | PG&E Company | AP | 41,904.52 |
| 219664 | 12/13/2019 | Price Paige and Company Accountancy Corporation | AP | 12,000.00 |
| 219665 | 12/13/2019 | R3 Consulting Group | AP | 2,301.25 |
| 219666 | 12/13/2019 | Sinclair General Engineering Construction, Inc. | AP | 147,419.10 |
| 219667 | 12/13/2019 | SWRCB Accounting Office | AP | 70.00 |
| 219668 | 12/13/2019 | Townsend Public Affairs, Inc. | AP | 5,000.00 |
| 219669 | 12/13/2019 | Tractor Supply Credit Plan | AP | 213.09 |
| 219670 | 12/13/2019 | Trans County Title Co | AP | 400.00 |
| 219671 | 12/13/2019 | United Pavement Maintenance, Inc. | AP | 672,739.36 |
| 219672 | 12/13/2019 | Law Offices of William A Vaughn | AP | 8,925.00 |
| 219673 | 12/13/2019 | Xerox Financial Services | AP | 3,363.58 |
| 219683 | 12/19/2019 | Aflac-Customer Service | AP | 494.24 |
| 219684 | 12/19/2019 | Los Banos Fitness & | AP | 416.00 |
| 219685 | 12/19/2019 | Los Banos Police Assn | AP | 350.00 |
| 219686 | 12/19/2019 | Los Banos Police Assn | AP | 175.00 |
| 219687 | 12/19/2019 | Los Banos Police Assn | AP | 840.00 |
| 219688 | 12/19/2019 | MassMutual | AP | 1,176.39 |
| 219689 | 12/19/2019 | MassMutual | AP | 4,142.50 |

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|--------|------------|---|----|------------|
| 219690 | 12/19/2019 | Merced County Sheriff | AP | 150.00 |
| 219691 | 12/19/2019 | Nationwide Retirement Solutions | AP | 3,262.50 |
| 219692 | 12/19/2019 | Professional Fire Fighter | AP | 630.00 |
| 219693 | 12/19/2019 | Public Employees Union, Local One | AP | 1,003.13 |
| 219694 | 12/19/2019 | State Disbursement Unit | AP | 2,088.00 |
| 219695 | 12/19/2019 | Vantagepont Transfer Agents - 306797 | AP | 884.45 |
| 219696 | 12/19/2019 | Vantagepoint Transfer Agents - 705827 | AP | 25.00 |
| 219697 | 12/19/2019 | Vantagepoint Transfer Agents - 801838 | AP | 2,700.00 |
| 219698 | 12/20/2019 | Allied Waste Services #917 | AP | 288,406.99 |
| 219699 | 12/20/2019 | Anderson Pump Company Inc | AP | 24,654.21 |
| 219700 | 12/20/2019 | Daniel Amabile | AP | 190.00 |
| 219701 | 12/20/2019 | Bank of New York Mellon | AP | 750.00 |
| 219702 | 12/20/2019 | Sean Bayard | AP | 808.46 |
| 219703 | 12/20/2019 | BSK Associates | AP | 15,387.50 |
| 219704 | 12/20/2019 | Cavenaugh & Associates | AP | 5,000.00 |
| 219705 | 12/20/2019 | Ford Motor Credit Company LLC | AP | 1,307.85 |
| 219706 | 12/20/2019 | Halcyon Creek Inc. | AP | 6,500.00 |
| 219707 | 12/20/2019 | InfoSend Inc. | AP | 5,594.72 |
| 219708 | 12/20/2019 | JB Anderson Land Use Planning | AP | 6,804.40 |
| 219709 | 12/20/2019 | Liebert Cassidy Whitmore | AP | 11,558.00 |
| 219710 | 12/20/2019 | Los Banos Medical Group A Medical Corp. | AP | 300.00 |
| 219711 | 12/20/2019 | Merced County Auditor Controller | AP | 592.50 |
| 219712 | 12/20/2019 | Merced County Clerk | AP | 50.00 |
| 219713 | 12/20/2019 | Merced College | AP | 1,435.46 |
| 219714 | 12/20/2019 | Merced Sun Star | AP | 824.58 |
| 219715 | 12/20/2019 | Miracle Playsystems, Inc. | AP | 6,725.46 |
| 219716 | 12/20/2019 | PlaceWorks, Inc. | AP | 2,121.99 |
| 219717 | 12/20/2019 | Teresa Provencio | AP | 3,000.00 |
| 219718 | 12/20/2019 | Quad Knopf, Inc. | AP | 7,932.52 |
| 219719 | 12/20/2019 | Ronny's Inc. | AP | 39,044.86 |
| 219720 | 12/20/2019 | Ronny's Inc. | AP | 5,508.73 |
| 219721 | 12/20/2019 | Ronny's Inc. | AP | 12,973.54 |
| 219722 | 12/20/2019 | State Water Resources Control Board | AP | 50.00 |
| 219723 | 12/20/2019 | SWRCB Accounting Office | AP | 38,057.80 |
| 219724 | 12/20/2019 | Alex Terrazas | AP | 20.00 |
| 219725 | 12/20/2019 | US Bank Corp Pymt System | AP | 26,029.64 |
| 219726 | 12/20/2019 | Westamerica Bank - Cafeteria Plan | AP | 56,362.95 |
| 219727 | 12/20/2019 | Ameripride Services | AP | 151.29 |
| 219728 | 12/20/2019 | Anthony Gomes | AP | 3,000.00 |
| 219729 | 12/20/2019 | Aramark Uniform Ser Inc | AP | 992.86 |
| 219730 | 12/20/2019 | AT&T Mobility | AP | 40.24 |
| 219731 | 12/20/2019 | AT&T | AP | 1,235.67 |
| 219732 | 12/20/2019 | Dorothy June Baker | AP | 10.88 |
| 219733 | 12/20/2019 | Barton Overhead Door Inc | AP | 193.13 |
| 219734 | 12/20/2019 | BJ's Consumers Choice | AP | 281.00 |
| 219735 | 12/20/2019 | Bruce's Tire Inc | AP | 3,621.93 |
| 219736 | 12/20/2019 | BSK Associates | AP | 1,140.00 |
| 219737 | 12/20/2019 | Ma Balcazar | AP | 600.00 |
| 219738 | 12/20/2019 | Comcast | AP | 354.97 |
| 219739 | 12/20/2019 | Display Sales | AP | 3,346.99 |
| 219740 | 12/20/2019 | Ducks Unlimited | AP | 500.00 |
| 219741 | 12/20/2019 | Ernest Packaging Solutions | AP | 350.08 |
| 219742 | 12/20/2019 | Farmer Brothers Coffee | AP | 58.10 |
| 219743 | 12/20/2019 | Fastenal Company | AP | 49.42 |

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| 219744 | 12/20/2019 | Fast Track Car Wash | AP | | 245.00 |
| 219745 | 12/20/2019 | Federal Express Corporation | AP | | 34.46 |
| 219746 | 12/20/2019 | Ferguson Enterprises Inc DBA Groeniger & Company | AP | | 192.44 |
| 219747 | 12/20/2019 | Golden State Flow Measurement | AP | | 1,873.65 |
| 219748 | 12/20/2019 | Hardware Distribution | AP | | 204.73 |
| 219749 | 12/20/2019 | Heppner Precision Machine Shop, Inc. | AP | | 1,038.29 |
| 219750 | 12/20/2019 | JC's Pure Water & More | AP | | 70.00 |
| 219751 | 12/20/2019 | Jerry Witt | AP | | 2,389.00 |
| 219752 | 12/20/2019 | Kimball Midwest | AP | | 90.12 |
| 219753 | 12/20/2019 | Kone Inc. | AP | | 719.43 |
| 219754 | 12/20/2019 | Lifetouch National School Studios Inc. | AP | | 686.00 |
| 219755 | 12/20/2019 | Lucas Business Systems | AP | | 498.82 |
| 219756 | 12/20/2019 | Marfab Inc | AP | | 295.89 |
| 219757 | 12/20/2019 | Merced County Environmental Health | AP | | 4,709.00 |
| 219758 | 12/20/2019 | Merced Truck & Trailer Inc | AP | | 85.58 |
| 219759 | 12/20/2019 | Monterey Auto Services Inc. | AP | | 604.07 |
| 219760 | 12/20/2019 | MOO, Inc. | AP | | 191.40 |
| 219761 | 12/20/2019 | Linda Montano | AP | | 600.00 |
| 219762 | 12/20/2019 | Napa Auto Parts of Los Banos | AP | | 4.34 |
| 219763 | 12/20/2019 | NFPA | AP | | 175.00 |
| 219764 | 12/20/2019 | The Office City | AP | | 457.92 |
| 219765 | 12/20/2019 | OSE | AP | | 66.27 |
| 219766 | 12/20/2019 | O'Reilly Auto Parts | AP | | 1,613.80 |
| 219767 | 12/20/2019 | PG&E Company | AP | | 25.54 |
| 219768 | 12/20/2019 | PG Tools & Equipment, LLC | AP | | 22.40 |
| 219769 | 12/20/2019 | PlayPower LT Farmington, INC. | AP | | 493.63 |
| 219770 | 12/20/2019 | Razzari Dodge Chrysler Jeep | AP | Void | 649.28 |
| 219771 | 12/20/2019 | SJVAPCD | AP | | 1,683.00 |
| 219772 | 12/20/2019 | Safe T Lite of Modesto, Inc. | AP | | 2,528.22 |
| 219773 | 12/20/2019 | Santos Ford Inc. | AP | | 334.93 |
| 219774 | 12/20/2019 | Save Mart Supermarkets | AP | | 134.41 |
| 219775 | 12/20/2019 | Sherwin Williams Co | AP | | 236.13 |
| 219776 | 12/20/2019 | Sorensens True Value | AP | | 495.45 |
| 219777 | 12/20/2019 | Sorensens True Value | AP | | 35.83 |
| 219778 | 12/20/2019 | Technicon Engineering Services, Inc. | AP | | 4,029.00 |
| 219779 | 12/20/2019 | Telcion Communications Group | AP | | 2,750.00 |
| 219780 | 12/20/2019 | Triangle Rock Products | AP | | 2,400.85 |
| 219781 | 12/20/2019 | George and Linda Allen | AP | | 176.12 |
| 219782 | 12/20/2019 | D.R. Horton | AP | | 148.01 |
| 219783 | 12/20/2019 | Michelle Sanfilippo | AP | | 43.29 |
| 219784 | 12/20/2019 | James Casto | AP | | 92.56 |
| 219785 | 12/20/2019 | Malinn & Pedro Cisneros | AP | | 98.52 |
| 219786 | 12/20/2019 | Irineo and Juanita Naranjo | AP | | 170.17 |
| 219787 | 12/20/2019 | Qinglong Hu | AP | | 140.32 |
| 219788 | 12/20/2019 | Laura Deitsch | AP | | 5.24 |
| 219789 | 12/20/2019 | Dagoberto & Lucia Rivera-Duran | AP | | 149.80 |
| 219790 | 12/20/2019 | Hector Sanches-Hernandez | AP | | 140.31 |
| 219791 | 12/20/2019 | Jaspal Pannu | AP | | 10.46 |
| 219792 | 12/20/2019 | Vu Ta | AP | | 45.41 |
| 219793 | 12/20/2019 | Denise & Richard Beale | AP | | 173.21 |
| 219794 | 12/20/2019 | Verizon Wireless | AP | | 534.03 |
| 219795 | 12/20/2019 | Vortex Industries, Inc. | AP | | 1,115.00 |
| 219796 | 12/20/2019 | Windecker Inc | AP | | 9,234.59 |
| 219797 | 12/20/2019 | ZW USA Inc. | AP | | 223.51 |

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|--------|------------|---|----|------------|
| 219800 | 12/27/2019 | Aramark Uniform Ser Inc | AP | 39.62 |
| 219801 | 12/27/2019 | AT&T Mobility | AP | 137.10 |
| 219802 | 12/27/2019 | AT&T | AP | 96.64 |
| 219803 | 12/27/2019 | Brenntag Pacific Inc | AP | 2,841.47 |
| 219804 | 12/27/2019 | Bruce's Tire Inc | AP | 44.93 |
| 219805 | 12/27/2019 | BSK Associates | AP | 1,250.00 |
| 219806 | 12/27/2019 | Comcast | AP | 808.00 |
| 219807 | 12/27/2019 | Dutra's | AP | 300.00 |
| 219808 | 12/27/2019 | Edges Electrical Group, LLC | AP | 4,490.00 |
| 219809 | 12/27/2019 | Electric Drives Inc | AP | 194.57 |
| 219810 | 12/27/2019 | Fastenal Company | AP | 21.75 |
| 219811 | 12/27/2019 | Fast Track Car Wash | AP | 21.00 |
| 219812 | 12/27/2019 | Federal Express Corporation | AP | 52.87 |
| 219813 | 12/27/2019 | Ferguson Enterprises Inc DBA Groeniger & Company | AP | 2,045.74 |
| 219814 | 12/27/2019 | Golden State Flow Measurement | AP | 1,555.34 |
| 219815 | 12/27/2019 | Heppner Precision Machine Shop, Inc. | AP | 168.56 |
| 219816 | 12/27/2019 | David A Jones | AP | 75.00 |
| 219817 | 12/27/2019 | Kalmikov Enterprises, Inc | AP | 785.14 |
| 219818 | 12/27/2019 | Krazan & Associates | AP | 3,552.25 |
| 219819 | 12/27/2019 | Lawson Products, Inc. | AP | 38.50 |
| 219820 | 12/27/2019 | Marfab Inc | AP | 1,487.65 |
| 219821 | 12/27/2019 | Merced Sun Star | AP | 2,526.21 |
| 219822 | 12/27/2019 | Monterey Auto Services Inc. | AP | 379.20 |
| 219823 | 12/27/2019 | MOO, Inc. | AP | 81.06 |
| 219824 | 12/27/2019 | Napa Auto Parts of Los Banos | AP | 32.91 |
| 219825 | 12/27/2019 | New Pig Corporation | AP | 923.59 |
| 219826 | 12/27/2019 | North Central Laboratories | AP | 177.21 |
| 219827 | 12/27/2019 | The Office City | AP | 1,798.78 |
| 219828 | 12/27/2019 | OSE | AP | 493.31 |
| 219829 | 12/27/2019 | O'Reilly Auto Parts | AP | 1,217.23 |
| 219830 | 12/27/2019 | The Phone Connection Inc | AP | 191.41 |
| 219831 | 12/27/2019 | Precision Civil Engineering, Inc | AP | 170.00 |
| 219832 | 12/27/2019 | Razzari Dodge Chrysler Jeep | AP | 338.47 |
| 219833 | 12/27/2019 | Santos Ford Inc. | AP | 266.56 |
| 219834 | 12/27/2019 | Sherwin Williams Co | AP | 57.35 |
| 219835 | 12/27/2019 | Sorensens True Value | AP | 257.44 |
| 219836 | 12/27/2019 | USA Blue Book | AP | 112.31 |
| 219837 | 12/27/2019 | Juan Bogarin | AP | 10.49 |
| 219838 | 12/27/2019 | Spencer Tanaka | AP | 19.42 |
| 219839 | 12/27/2019 | Blossom Valley Realty, JR Souza | AP | 119.42 |
| 219840 | 12/27/2019 | Westhill Property Mgmt | AP | 158.22 |
| 219841 | 12/27/2019 | Antonio Ayala | AP | 125.39 |
| 219842 | 12/27/2019 | Manuel D. Vaz | AP | 407.01 |
| 219843 | 12/27/2019 | Verizon Wireless | AP | 114.03 |
| 219844 | 12/27/2019 | Westside Water Conditioning | AP | 173.50 |
| 219845 | 12/27/2019 | Cook's Communications Corp. | AP | 15,106.09 |
| 219846 | 12/27/2019 | Dispensing Technology Corporation | AP | 93,481.24 |
| 219847 | 12/27/2019 | Ford Motor Credit Company LLC | AP | 3,689.59 |
| 219848 | 12/27/2019 | Cody Griffis | AP | 160.00 |
| 219849 | 12/27/2019 | Home Depot | AP | 3,735.11 |
| 219850 | 12/27/2019 | Liebert Cassidy Whitmore | AP | 3,000.00 |
| 219851 | 12/27/2019 | Los Banos Volunteer | AP | 2,416.67 |
| 219852 | 12/27/2019 | Steve Macillas | AP | 122.50 |
| 219853 | 12/27/2019 | Merced County Regional Waste Management Authority | AP | 100,152.89 |

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|--------|------------|--|----|-----------|
| 219854 | 12/27/2019 | Merced County Law Enforcement Chiefs Association | AP | 1,300.00 |
| 219855 | 12/27/2019 | Gerald "Obie" O'Brien | AP | 77.14 |
| 219856 | 12/27/2019 | Michael O'Brien | AP | 141.91 |
| 219857 | 12/27/2019 | Irma Isabel Padilla | AP | 30.50 |
| 219858 | 12/27/2019 | PlaceWorks, Inc. | AP | 55,194.15 |
| 219859 | 12/27/2019 | Provost and Pritchard Engineering, Inc. | AP | 4,028.32 |
| 219860 | 12/27/2019 | Townsend Public Affairs, Inc. | AP | 5,000.00 |
| 219861 | 12/27/2019 | Law Offices of William A Vaughn | AP | 12,000.00 |
| 219874 | 1/3/2020 | Alhambra | AP | 29.02 |
| 219875 | 1/3/2020 | Ameripride Services | AP | 149.29 |
| 219876 | 1/3/2020 | Aramark Uniform Ser Inc | AP | 133.75 |
| 219877 | 1/3/2020 | Airgas, Inc. | AP | 103.80 |
| 219878 | 1/3/2020 | AT&T Mobility | AP | 210.02 |
| 219879 | 1/3/2020 | AT&T | AP | 962.31 |
| 219880 | 1/3/2020 | AT&T | AP | 168.30 |
| 219881 | 1/3/2020 | Automatic Leasing Inc. | AP | 17,241.26 |
| 219882 | 1/3/2020 | Axon Enterprise, Inc. | AP | 2,096.70 |
| 219883 | 1/3/2020 | Richard A Blak Phd | AP | 800.00 |
| 219884 | 1/3/2020 | Bruce's Tire Inc | AP | 512.71 |
| 219885 | 1/3/2020 | BSK Associates | AP | 776.00 |
| 219886 | 1/3/2020 | Ca Dept of Justice | AP | 2,282.50 |
| 219887 | 1/3/2020 | Caliber Bodyworks, Inc. | AP | 3,055.87 |
| 219888 | 1/3/2020 | A & E Industrial Cleaning Equipment | AP | 541.90 |
| 219889 | 1/3/2020 | Central Sanitary Supply | AP | 386.17 |
| 219890 | 1/3/2020 | Coffee Break Service Inc. | AP | 209.50 |
| 219891 | 1/3/2020 | Comcast | AP | 113.59 |
| 219892 | 1/3/2020 | Copy Shipping Solutions | AP | 46.75 |
| 219893 | 1/3/2020 | CPS | AP | 1,027.25 |
| 219894 | 1/3/2020 | Critical Reach Inc. | AP | 550.00 |
| 219895 | 1/3/2020 | Docs Towing & Transport, Inc. | AP | 550.00 |
| 219896 | 1/3/2020 | Double D Towing, LLC | AP | 150.00 |
| 219897 | 1/3/2020 | Drager Safety Diagnostics Inc. | AP | 73.50 |
| 219898 | 1/3/2020 | Fastenal Company | AP | 86.16 |
| 219899 | 1/3/2020 | Galls Inc | AP | 107.05 |
| 219900 | 1/3/2020 | Gouveia Engineering Inc. | AP | 21,049.46 |
| 219901 | 1/3/2020 | Grainger Parts Operations | AP | 69.15 |
| 219902 | 1/3/2020 | Heppner Precision Machine Shop, Inc. | AP | 18.27 |
| 219903 | 1/3/2020 | International Assoc Of Chiefs of Police | AP | 190.00 |
| 219904 | 1/3/2020 | Kings View Corporation | AP | 400.00 |
| 219905 | 1/3/2020 | Language Line Services | AP | 2.69 |
| 219906 | 1/3/2020 | Los Banos Medical Group A Medical Corp. | AP | 100.00 |
| 219907 | 1/3/2020 | Lucas Business Systems | AP | 315.46 |
| 219908 | 1/3/2020 | Marfab Inc | AP | 70.04 |
| 219909 | 1/3/2020 | O'Dell Engineering | AP | 2,500.00 |
| 219910 | 1/3/2020 | OSE | AP | 229.44 |
| 219911 | 1/3/2020 | O'Reilly Auto Parts | AP | 111.66 |
| 219912 | 1/3/2020 | PG&E Company | AP | 7,248.26 |
| 219913 | 1/3/2020 | The Phone Connection Inc | AP | 53.33 |
| 219914 | 1/3/2020 | Pinnacle Healthcare Medical Group | AP | 85.00 |
| 219915 | 1/3/2020 | Polsinelli PC | AP | 100.50 |
| 219916 | 1/3/2020 | Quad Knopf, Inc. | AP | 30,610.66 |
| 219917 | 1/3/2020 | Razzari Dodge Chrysler Jeep | AP | 223.21 |
| 219918 | 1/3/2020 | Razzari Dodge Chrysler Jeep | AP | 426.07 |
| 219919 | 1/3/2020 | Safe T Lite of Modesto, Inc. | AP | 1,211.13 |

| | | | | |
|--------|----------|---|----|------------|
| 219920 | 1/3/2020 | Save Mart Supermarkets | AP | 151.54 |
| 219921 | 1/3/2020 | Angel H. Saucedo | AP | 630.00 |
| 219922 | 1/3/2020 | Sinclair General Engineering Construction, Inc. | AP | 134,662.50 |
| 219923 | 1/3/2020 | Smith & Loveless Inc | AP | 1,401.31 |
| 219924 | 1/3/2020 | Sorensens True Value | AP | 286.34 |
| 219925 | 1/3/2020 | Sprint Solutions, Inc. | AP | 987.74 |
| 219926 | 1/3/2020 | Terminix Processing Center | AP | 164.00 |
| 219927 | 1/3/2020 | Thomson Reuters (Tax & Accounting) Inc. | AP | 359.77 |
| 219928 | 1/3/2020 | Verizon Wireless | AP | 662.41 |
| 219929 | 1/3/2020 | WECO Industries, LLC | AP | 58.65 |
| 219930 | 1/3/2020 | Aflac-Customer Service | AP | 494.24 |
| 219931 | 1/3/2020 | April Booher | AP | 78.00 |
| 219932 | 1/3/2020 | Robin Brown | AP | 20.00 |
| 219933 | 1/3/2020 | Amanda Cobos | AP | 78.00 |
| 219934 | 1/3/2020 | CSJVRMA | AP | 3,462.27 |
| 219935 | 1/3/2020 | CSE Insurance Group | AP | 762.15 |
| 219936 | 1/3/2020 | Hector's Handyman General contractor | AP | 106.60 |
| 219937 | 1/3/2020 | In Shape Health Clubs Inc | AP | 587.71 |
| 219938 | 1/3/2020 | Los Banos Police Assn | AP | 350.00 |
| 219939 | 1/3/2020 | Los Banos Police Assn | AP | 175.00 |
| 219940 | 1/3/2020 | Los Banos Police Assn | AP | 840.00 |
| 219941 | 1/3/2020 | MassMutual | AP | 1,336.96 |
| 219942 | 1/3/2020 | MassMutual | AP | 4,092.50 |
| 219943 | 1/3/2020 | Merced County Sheriff | AP | 150.00 |
| 219944 | 1/3/2020 | Nationwide Retirement Solutions | AP | 3,262.50 |
| 219945 | 1/3/2020 | Professional Fire Fighter | AP | 630.00 |
| 219946 | 1/3/2020 | Purchase Power Inc | AP | 4,000.00 |
| 219947 | 1/3/2020 | Public Employees Union, Local One | AP | 1,004.64 |
| 219948 | 1/3/2020 | State Disbursement Unit | AP | 2,088.00 |
| 219949 | 1/3/2020 | SWRCB Accounting Office | AP | 60.00 |
| 219950 | 1/3/2020 | The Public Restroom Company | AP | 21,248.00 |
| 219951 | 1/3/2020 | Vantagepoint Transfer Agents - 306797 | AP | 884.45 |
| 219952 | 1/3/2020 | Vantagepoint Transfer Agents - 705827 | AP | 25.00 |
| 219953 | 1/3/2020 | Vantagepoint Transfer Agents - 801838 | AP | 3,000.00 |

Break in check sequence due to the following:
Check #219674 - #219682 (Payroll)

Total Void Check Count: 2
Total Void Check Amount: 674.82
Total Valid Check Count: 346

Break in check sequence due to the following:
Check #219798 - #219799 (Payroll)

Total Valid Check Amount: 2,317,724.21
Total Check Count: 348

Break in check sequence due to the following:
Check #219862- #219873 (Payroll)

Total Check Amount: 2,318,399.03



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and Council Members

FROM: Kim Tomas, City Treasurer/Accounting & Budget Supervisor

DATE: January 15, 2020

SUBJECT: Development Impact Fee Report for Fiscal Years 2015-2019 (AB1600 Report)

TYPE OF REPORT: Consent Agenda

Recommendation:

Staff recommends that the City accept the Development Impact Fee Report (AB1600 Report) for Fiscal Years 2015 through 2019.

Background:

This report contains information regarding the City of Los Banos development impact fees for Fiscal Years 2015 through 2019. This information is presented to comply with the reporting requirements contained in Government Code section 66000 et seq., also known as AB1600. Please note that this annual report is not a budget document, but rather is compiled to meet reporting requirements only. It is not intended to represent a full picture of currently planned projects as it only reports revenues and expenditures for the fiscal years referenced above.

Government Code Section 66006 requires local agencies to submit annual and five-year reports detailing the status of development impact fees. This is the administrative report for development fees for the fiscal year ending June 30, 2015 through 2019. This report includes the development related fees, the interest earned, and the amounts expended in connection with those fees for the City of Los Banos and complies with Section 66006 of the California Government Code.

Discussion:

The fees collected from developers that are in the governmental funds (traffic, storm drain, fire, police, public facilities, community center and park) are collected and reported in separate governmental funds for each type of impact fee.

The enterprise funds for Water & Wastewater show the fees collected from developers in a designated account named "restricted cash". It is separate from regular cash and can only be used for capital items related to development.

The City does not earmark development impact fees for any specific project as the fees are collected, but rather the fees are applied toward a series of capital improvement projects. Such projects include but are not limited to:

1. Future Police and Fire facilities
2. Water, Wastewater, and Storm Drain improvements
3. Park and Public facilities
4. Community Center construction and improvements
5. Traffic related projects
6. Other capital facilities

The City is actively undergoing a development impact fee study with David Taussig & Associates, Inc. and will bring to Council results and recommendations from that fee study to the City Council for approval.

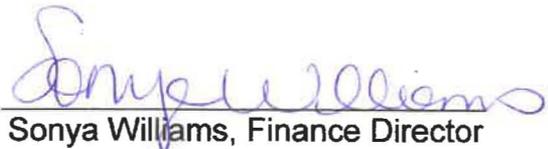
Fiscal Impact:

This report is informational only and has no fiscal impact. The report includes findings relating to the fund held in excess of 5 years. In the past, the City used Goodwin & Associates to review governmental impact funds to provide a basis for the impact fee. The water, wastewater, storm drain, and traffic funds are established under separate master plans to determine the rate charged to the developers. The development impact fee study being conducted by David Taussig & Associates Inc. will provide an update to these fees.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Letter of Transmittal
Development Impact Fee Report
Resolution 4786
Resolution 5119



City of
Los Banos
At the Crossroads of California

LETTER OF TRANSMITTAL

January 15, 2020

Dear Mayor and Members of the City Council:

California Government Code requires reporting of the usage of Development Impact Fees. Therefore, in accordance with the provisions of the State of California and Government Code Section 66000 et seq., I hereby submit the Annual AB 1600 Development Impact Fee Report for the City of Los Banos, CA for the fiscal years ended June 30, 2015 through June 30, 2019.

Development Impact Fees are a monetary exaction other than a tax or special assessment, which is charged by a local government agency to an applicant in connection with approval of a development project. The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development project. The legal requirements for implementing a development impact fee program are set forth in Government Code Section 66000 et seq., the majority of which was adopted as Assembly Bill (AB) 1600 and is commonly referred to as AB 1600 requirements.

The Development Impact Fee program has been in effect in the City of Los Banos since 2000 set forth by Ordinance 954. A comprehensive impact fee nexus study was completed and prepared on June 28, 2006 by Goodwin Consulting Group and complies with California Government Code Section 66000 et seq. This study established the basis for the imposition of the fees on new development impact. The study did the following:

1. Identified the purpose of the fees.
2. Identified the use to which the fees will be put.
3. Showed a reasonable relationship between the use of the fees and the type of development project on which the fees are imposed.
4. Demonstrated a reasonable relationship between the need for the public facilities and the type of development projects on which the fees are imposed.
5. Demonstrated a reasonable relationship between the amount of the fees and the cost of the public facilities or portion of the public facilities attributable to the development on which the fees are imposed.

The fees are collected at the time a building permit is issued unless a developer through a development agreement, is allowed to defer payment until a certificate of occupancy is granted. The purpose of the fees is to mitigate the impact caused by new development on public facilities. They are then used to finance the acquisition, construction, and improvement of public facilities needed as result of the impact of the new development. Separate funds have been created to account for the impact fees.

State law requires the City to prepare and make available to the public an annual report for each fund established to account for the Development Impact Fees. This report must include the beginning and ending balances as well as any changes. The report must also include the amount of fees collected, interest earned, and expenditures made during the fiscal year.

The City Council must review the annual AB1600 Report at a regularly scheduled public meeting. This report was filed with the City Clerk's office and available for public review on January 15, 2020.

Respectfully Submitted,



Kim Tomas
City Treasurer/Accounting & Budget Supervisor



City of
Los Banos
At the Crossroads of California

DEVELOPMENT IMPACT FEE REPORT

FISCAL YEARS 2015-2019

**CITY OF LOS BANOS
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEARS 2015-2019**

Background

This report contains information on the City of Los Banos development impact fees for Fiscal Years 2015 through 2019. This information is presented to comply with the reporting requirements contained in Government Code section 66000 et seq., also known as AB1600. Please note that this annual report is not a budget document, but rather is compiled to meet reporting requirements. It is not intended to represent a full picture of currently planned projects as it only reports revenues and expenditures for Fiscal Years 2015 through 2019. Government Code Section 66006 requires local agencies to submit annual and five-year reports detailing the status of development impact fees.

This report summarizes the following information for each of the development fee programs:

1. A brief description of the fee program.
2. Schedule of fees.
3. Beginning and ending balances of the fee program.
4. Amount of fees collected, interest earned, and transfers/loans.
5. Disbursement information (including interfund transfers/loans) and percentage of the project funded by fees.
6. A description of each interfund loan along with the date the loan will be repaid and the rate of interest.
7. The estimated date when projects will begin if sufficient revenues are available to construct the project.
8. Findings for each fee program.

The City does not earmark development impact fees for any specific project as the fees are collected, but rather the fees are applied toward a series of capital improvement projects, such as a future police and fire facilities, sewer, water, and storm drain improvements, park and public facilities, community center construction, traffic related projects, and other capital facilities.

Development Impact Fee Programs

Development Impact Fees

| Type of Development | Police | Fire | Park Development | Community Center | Corporation Yard | City Hall | 3% Admin Fee |
|------------------------|----------|--------|------------------|------------------|------------------|-----------|--------------|
| Per dwelling unit: | | | | | | | |
| Very Low / Low Density | 2,559.19 | 912.39 | 6,933.95 | 399.13 | 346.15 | 985.76 | 364.10 |
| Medium Density | 2,104.60 | 729.91 | 5,702.26 | 328.24 | 284.66 | 810.65 | 298.81 |
| High Density | 1,515.31 | 437.94 | 4,105.63 | 236.33 | 204.96 | 583.68 | 212.52 |
| Per square ft: | - | - | - | - | - | - | - |
| Commercial | 0.38 | 0.36 | - | 0.07 | 0.06 | 0.15 | 0.03 |
| Office | 0.57 | 0.36 | - | 0.09 | 0.08 | 0.22 | 0.04 |
| Industrial | 0.27 | 0.36 | - | 0.05 | 0.05 | 0.10 | 0.02 |

Police Impact Fee Fund (Fund 245) - this will provide funding for construction and improvement of the City's law enforcement facilities, including a new police sub-station, a new comprehensive radio system, and acquisition of additional new police vehicles and equipment in order to meet the needs of new development.

| Fiscal Year | Beginning Balance | Impact Fees | Interest | Misc Revenue | AB1600 Expenses | Description | Ending Balance |
|-------------|-------------------|-------------|----------|--------------|-------------------|----------------------------------|----------------|
| 2014-2015 | 1,254,165 | 47,472 | 5,756 | - | 15,845 | Detail Below | 1,291,548 |
| 2015-2016 | 1,291,548 | 261,648 | 10,780 | - | 2,713 | Detail Below | 1,561,263 |
| 2016-2017 | 1,561,263 | 580,625 | 8,651 | - | 29,018 | Detail Below | 2,121,521 |
| 2017-2018 | 2,121,521 | 746,036 | 18,971 | 2,574 | 4,028 | Detail Below | 2,885,074 |
| 2018-2019 | 2,885,074 | 574,085 | 69,636 | - | 174,243 | Detail Below | 3,354,552 |
| Fiscal Year | | | | | AB1600 Expenses | Description | |
| 2014-2015 | | | | | 9,444.18 | Equipment Restoration | |
| | | | | | 1,435.00 | Facility Improvement | |
| | | | | | 3,750.00 | Vehicle | |
| | | | | | 1,216.20 | Building/Structures | |
| | | | | | 15,845.38 | | |
| 2015-2016 | | | | | 2,713.00 | Building/Structures | |
| | | | | | 2,713.00 | | |
| 2016-2017 | | | | | 9,672.89 | Equipment Restoration | |
| | | | | | 19,345.12 | Fuel Tank | |
| | | | | | 29,018.01 | | |
| 2017-2018 | | | | | 4,028.22 | Equipment Restoration | |
| | | | | | 4,028.22 | | |
| 2018-2019 | | | | | 3,773.15 | Equipment Restoration | |
| | | | | | 167,977.51 | Police Facility Needs Assessment | |
| | | | | | 2,492.04 | Police Facility Land Purchase | |
| | | | | | 174,242.70 | | |

REQUIRED FINDINGS:

1. The reasonable relationship between the Police Capital Improvement impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the police facilities improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. There have not been enough fees collected in the last five years to fully fund the police facility project listed on the study. In FY 2018-19 expenditures related to the new police facility have been for a needs assessment and land purchase. Other expenditures include equipment and facilities needed to mitigate the impact of existing development.

Fire Facilities Improvement Impact Fee Fund (Fund 243) - this will provide funding for the construction and improvement of the fire protection facilities within the City, including any required acquisition of land to serve the needs of new development.

| Fiscal Year | Beginning Balance | Impact Fees | Interest | Misc Revenues | AB1600 Expenses | Description | Ending Balance |
|--------------------|-------------------|-------------|----------|---------------|------------------------|--------------------------------|----------------|
| 2014-2015 | 1,133,316 | 47,757 | 5,150 | - | 270,281 | Detail Below | 915,942 |
| 2015-2016 | 915,942 | 125,940 | 5,338 | - | 344,939 | Detail Below | 702,281 |
| 2016-2017 | 702,281 | 227,403 | 3,842 | - | 9,719 | Detail Below | 923,807 |
| 2017-2018 | 923,807 | 283,032 | 8,112 | - | 9,448 | Detail Below | 1,205,503 |
| 2018-2019 | 1,205,503 | 205,044 | 29,390 | - | 10,000 | Detail Below | 1,429,937 |
| Fiscal Year | | | | | AB1600 Expenses | Description | |
| 2014-2015 | | | | | 9,659.22 | Vehicle Restoration | |
| | | | | | 260,621.60 | Fire Engine | |
| | | | | | 270,280.82 | | |
| 2015-2016 | | | | | 10,052.60 | Vehicle Restoration | |
| | | | | | 286,657.80 | Fire Engine | |
| | | | | | 43,091.67 | Building & Structures | |
| | | | | | 5,136.92 | Misc Equipment for Fire Engine | |
| | | | | | 344,938.99 | | |
| 2016-2017 | | | | | 9,719.00 | Vehicle Restoration | |
| | | | | | 9,719.00 | | |
| 2017-2018 | | | | | 9,448.00 | Vehicle Restoration | |
| | | | | | 9,448.00 | | |
| 2018-2019 | | | | | 10,000.00 | Buildings & Structures | |
| | | | | | 10,000.00 | | |

REQUIRED FINDINGS:

1. The reasonable relationship between the Fire Facilities Improvement impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the fire facilities improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. There have not been enough fees collected in the last five years to fund the fire facility projects listed on the study, therefore there have been only expenditures made for equipment and facilities needed to mitigate the impact of existing development.

Park Development Impact Fee Fund (Fund 250) – this will provide funding for construction and improvement of parks and recreational facilities within the City, including any required acquisition of land to meet the demands generated by the new development.

| Fiscal Year | Beginning Balance | Impact Fees | Land Dedication | Interest | Transfer In/Out | AB1600 Expenses | Description | Ending Balance |
|-------------|-------------------|-------------|-----------------|----------|-----------------|-----------------|--------------------------|----------------|
| 2014-2015 | (36,709) | - | - | - | - | - | | (36,709) |
| 2015-2016 | (36,709) | 447,420 | 33,670 | 2,472 | - | - | | 446,853 |
| 2016-2017 | 446,853 | 703,431 | 67,562 | 3,692 | - | 7,735 | Soccer Field | 1,213,803 |
| 2017-2018 | 1,213,803 | 1,382,593 | 106,967 | 13,478 | - | 298,632 | Soccer Field | 2,418,209 |
| 2018-2019 | 2,418,209 | 1,159,156 | 89,355 | 71,179 | - | 23,141 | Oliveira Park Renovation | 3,714,758 |

REQUIRED FINDINGS:

1. The reasonable relationship between the Park Development impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete park and recreational improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. The fund deficit was used on parks and recreational facilities to meet the impact generated during the height of growth in Los Banos. Subsequently, this fund's deficit was reduced by continued fees from developers of those areas that had impacted the City's parks and recreation facilities (this impact was mitigated by the fund deficit spending.) A renovation of the soccer fields at Oliveira Park utilized funds as they became available in fiscal years 2016-17, 2017-18, and 2018-19.

Community Center Impact Fee Fund (Fund 244) – this will provide funding for construction, improvement and maintenance of a community center within the City, including any required acquisition of land to meet the demands generated by the new development.

| Fiscal Year | Beginning Balance | Impact Fees | Interest | Misc Revenue | AB1600 Expenses | Description | Ending Balance |
|-------------|-------------------|-------------|----------|--------------|-----------------|----------------------|----------------|
| 2014-2015 | 188,237 | 16,599 | 891 | - | - | | 205,727 |
| 2015-2016 | 205,727 | 58,718 | 1,785 | - | 12,496 | Siding Comm Center | 253,734 |
| 2016-2017 | 253,734 | 125,411 | 1,513 | - | - | | 380,658 |
| 2017-2018 | 380,658 | 116,941 | 3,661 | - | - | | 501,260 |
| 2018-2019 | 501,260 | 89,555 | 11,829 | - | 42,576 | Comm Ctr Parking Lot | 560,068 |

REQUIRED FINDINGS:

1. The reasonable relationship between the Community Center impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the community center improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
3. The former RDA issued Bonds and built a new community center in 2009-10. The fees collected over the last five years will be used as a capital reserve in order to replace equipment and expand the facility as needed.

Corporate Yard Impact Fee Fund (Fund 306) – this will provide funding for corporate yard facilities within the City in order to meet the demands generated by new development.

| Fiscal Year | Beginning Balance | Impact Fees | Interest | AB1600 Expenses | Description | Ending Balance |
|-------------|-------------------|-------------|----------|-----------------|-------------|----------------|
| 2014-2015 | 135,798 | 14,385 | 647 | - | | 150,830 |
| 2015-2016 | 150,830 | 50,897 | 1,369 | - | | 203,096 |
| 2016-2017 | 203,096 | 106,638 | 1,228 | - | | 310,962 |
| 2017-2018 | 310,962 | 99,266 | 2,737 | - | | 412,965 |
| 2018-2019 | 412,965 | 77,674 | 10,206 | - | | 500,845 |

REQUIRED FINDINGS:

1. The reasonable relationship between the Corporate Yard impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
2. The sources and amounts of funding anticipated to complete the corporate yard facilities improvement are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.

- There have not been enough fees collected in the last five years to fund the corporate yard projects listed on the study. The fees collected over the last five years will be used as a capital reserve to purchase facilities needed to mitigate the impact of existing development.

City Hall Impact Fee Fund (Fund 304) – this will provide funding for capital costs relating to municipal services performed in the existing City Hall in order to meet the demands generated by the new development.

| Fiscal Year | Beginning Balance | Impact Fees | Interest | AB1600 Expenses | Description | Ending Balance |
|-------------|-------------------|-------------|----------|-----------------|---------------------|----------------|
| 2014-2015 | 322,900 | 40,657 | 1,551 | - | | 365,108 |
| 2015-2016 | 365,108 | 143,351 | 3,421 | - | | 511,880 |
| 2016-2017 | 511,880 | 302,945 | 3,179 | 23,510 | City Hall Expansion | 794,494 |
| 2017-2018 | 794,494 | 282,174 | 6,203 | 265,202 | City Hall Expansion | 817,669 |
| 2018-2019 | 817,669 | 221,136 | 21,220 | - | | 1,060,025 |

REQUIRED FINDINGS:

- The reasonable relationship between the City Hall impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- The sources and amounts of funding anticipated in order to complete any of the City Hall improvements are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- Fees collected in the last five years have been utilized to fund a minor expansion of City Hall started in fiscal year 2016-17 and completed in 2017-18. Remaining funds will continue to be used as capital reserve for future City Hall projects as needed to mitigate the impact of existing development.

3% Administrative Impact Fee Fund (Fund 202) – this will provide funding for municipal services relating to the administration of the impact fee programs and the administrative demands generated by new development.

| Fiscal Year | Beginning Balance | Impact Fees | Interest | AB1600 Expenses | Description | Ending Balance |
|-------------|-------------------|-------------|----------|-----------------|------------------|----------------|
| 2014-2015 | 83,251 | 14,642 | 376 | 9,015 | SB update | 89,254 |
| 2015-2016 | 89,254 | 51,046 | 885 | 5,000 | CalOpps Software | 136,185 |
| 2016-2017 | 136,185 | 110,688 | 930 | - | | 247,803 |
| 2017-2018 | 247,803 | 103,719 | 2,110 | 42,660 | Impact Fee Study | 310,972 |
| 2018-2019 | 310,972 | 81,450 | 8,014 | 2,625 | Impact Fee Study | 397,811 |

REQUIRED FINDINGS:

- The reasonable relationship between the 3% administrative impact fee and the purpose for which it is charged is demonstrated in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- The sources and amounts of funding anticipated to complete the 3% administrative fees are set forth in the Development Cost and Fee Study done by Goodwin Consulting dated June 28, 2006.
- The City has utilized the fees collected in the last five years to fund rate studies and software updates. Furthermore, the City will continue to use the funds accumulated for the administrative requirements of existing and future development including staff time spent on impact fee related projects.

Traffic Impact Fee Fund (Fund 230) – this will provide funding for the construction, management, and implementation of improvements to key elements of the citywide transportation system sufficient to accommodate future traffic demands generated by new development.

Traffic Impact Fee by Detailed Uses

| Use | Bldg Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|------------------------|-----------|----------|------------|------------|--------------|
| Single Family Dwelling | 1,800 | dwelling | 1.00 | 3,380.85 | 1.88 |
| Fast Food | 3,500 | 1,000 | 5.05 | 59,747.59 | 17.07 |
| Super market | 50,000 | 1,000 | 1.85 | 312,683.10 | 6.25 |
| Office Building | 60,000 | 1,000 | 1.78 | 361,021.56 | 6.02 |
| Light Industrial | 100,000 | 1,000 | 0.91 | 307,612.53 | 3.08 |
| Heavy Industrial | 200,000 | 1,000 | 0.18 | 121,692.40 | 0.61 |

| Fiscal Year | Beginning Balance | Revenues | | AB1600 Expenses | Description | Ending Balance |
|--------------------|-------------------|-------------|----------|------------------------|-----------------------|----------------|
| | | Impact Fees | Interest | | | |
| 2014-2015 | 2,100,305 | 233,067 | 10,608 | 304 | Detail Below | 2,343,676 |
| 2015-2016 | 2,343,676 | 803,655 | 21,430 | - | | 3,168,761 |
| 2016-2017 | 3,168,761 | 999,179 | 17,276 | - | | 4,185,216 |
| 2017-2018 | 4,185,216 | 1,019,541 | 35,757 | 13,842 | Detail Below | 5,226,672 |
| 2018-2019 | 5,226,672 | 746,295 | 125,496 | 17,466 | Detail Below | 6,080,997 |
| Fiscal Year | | | | AB1600 Expenses | Description | |
| 2014-2015 | | | | 304.28 | Technical Services | |
| | | | | 304.28 | | |
| 2017-2018 | | | | 13,841.83 | Professional Services | |
| | | | | 13,841.83 | | |
| 2018-2019 | | | | 17,465.50 | Professional Services | |
| | | | | 17,465.50 | | |

REQUIRED FINDINGS:

1. The reasonable relationship between the Traffic impact fee and the purpose for which it is charged is demonstrated in the City's General Plan.
2. The sources and amounts of funding anticipated to complete traffic improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major traffic improvements in accordance with its General Plan. These projects require a great deal of capital and planning and therefore the fund has consistently funded these projects with its reserves. Future projects utilizing the reserves include several intersection improvements at the following locations: 1) Walmart Shopping Center 2) B Street & Place Rd. 3) San Luis and Mercey Springs 4) Mercey Springs and Vineyard 5) Stonewood and Overland.

Public Facilities Impact Fee Fund (Fund 252) – this will provide funding for the expansion of public facilities that house City staff generated by new development.

| Public Facilities Fee | | Fiscal Year | Beginning Balance | Impact Fees | Interest | AB1600 Expenses | Description | Ending Balance |
|------------------------|------|-------------|-------------------|-------------|----------|-----------------|-------------|----------------|
| Type of Dwelling | Fee | 2014-2015 | 16,215 | 1,060 | 75 | - | | 17,350 |
| Single Family Dwelling | 5.62 | 2015-2016 | 17,350 | 597 | 130 | - | | 18,077 |
| Multi-Family Dwelling | 5.62 | 2016-2017 | 18,077 | 1465 | 87 | - | | 19,629 |
| Commercial Use* | 5.62 | 2017-2018 | 19,629 | 1716 | 154 | - | | 21,499 |
| Industrial Use* | 5.62 | 2018-2019 | 21,499 | 1,307 | 494 | - | | 23,300 |

REQUIRED FINDINGS:

1. The reasonable relationship between the Public Facilities impact fee and the purpose for which it is charged is demonstrated in the City’s General Plan.
2. The sources and amounts of funding anticipated to complete public facilities improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. There have not been enough fees collected in the last five years to fund the expansion of public facilities therefore the funds accumulated will be used as a capital reserve to fund equipment and facilities needed to mitigate the impact of existing development.

Water Impact Fee Fund (Fund 501) – this will provide funding for the construction and implementation of improvements to key elements of the citywide water system sufficient to accommodate future water supply (plus a reserve for storage facilities or additional wells) demand generated by new development.

| Water Development Fees | | Fiscal Year | Beginning Balance | Impact Fees | Interest | AB1600 Expenses | Description | Ending Balance |
|------------------------|------------|-------------|-------------------|-------------|----------|-----------------|-------------|----------------|
| Connection Size | Fee | 2014-2015 | 4,000,954 | 224,840 | 17,225 | - | | 4,243,019 |
| 3/4" - 1" | 3,127.13 | 2015-2016 | 4,243,019 | 937,341 | 27,957 | - | | 5,208,317 |
| 1 1/2" | 9,225.42 | 2016-2017 | 5,208,317 | 1,000,327 | 26,205 | - | | 6,234,849 |
| 2" | 19,856.59 | 2017-2018 | 6,234,849 | 954,714 | 41,331 | - | | 7,230,894 |
| 3" | 58,540.24 | 2018-2019 | 7,230,894 | 726,902 | 131,702 | - | | 8,089,498 |
| 4" | 126,085.60 | | | | | | | |

REQUIRED FINDINGS:

1. The reasonable relationship between the Water impact fee and the purpose for which it is charged is demonstrated in the City’s Master Plan.
2. The sources and amounts of funding anticipated to complete water system improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major water system improvements in accordance with its Master Plan. These projects require a great deal of capital and planning and therefore the fund has consistently funded these projects with its reserves. Future projects that will utilize the reserves are capital improvements to Wells 16, 17, and 18 and a five million gallon water tank.

Wastewater Impact Fee Fund (Fund 502) – this will provide funding for the construction and implementation of improvements to key elements of the citywide wastewater system sufficient to accommodate future sewer demand generated by new development.

Wastewater Development Fees*

| Connection | Fee |
|---------------------------|----------|
| Single Family Residential | 5,420.00 |

*Set by an escalation factor independent of any other factor to maintain parity in the payment of Certificates of Participation issued by the City, set in Resolution 4083.

| Fiscal Year | Balance | Fees | Interest | Expenses | Description | Balance |
|-------------|-----------|-----------|----------|---------------------|-------------------------------------|-----------|
| 2014-2015 | 3,671,511 | 340,106 | 15,827 | 4,069 | Details Below | 4,023,375 |
| 2015-2016 | 4,023,375 | 727,621 | 26,455 | - | Details Below | 4,777,451 |
| 2016-2017 | 4,777,451 | 1,342,150 | 24,158 | 64,969 | Details Below | 6,078,790 |
| 2017-2018 | 6,078,790 | 1,626,406 | 39,898 | 1,718,341 | Details Below | 6,026,753 |
| 2018-2019 | 6,026,753 | 1,249,310 | 105,015 | 1,618,192 | Details Below | 5,762,887 |
| | | | | | | |
| Fiscal Year | | | | AB1600 Expenses | Description | |
| 2014-2015 | | | | 4,068.75 | Northgate Storm Drain Reimbursement | |
| | | | | 4,068.75 | | |
| 2016-2017 | | | | 49,669.00 | WWTP Headworks Project | |
| | | | | 15,300.00 | Manholes Replacement Project | |
| | | | | 64,969.00 | | |
| 2017-2018 | | | | 1,665,020.00 | WWTP Headworks Project | |
| | | | | 10,200.00 | Manholes Replacement Project | |
| | | | | 43,120.67 | Northgate Sewer Lift Station | |
| | | | | 1,718,340.67 | | |
| 2018-2019 | | | | 1,618,191.70 | WWTP Headworks Project | |
| | | | | 1,618,191.70 | | |

REQUIRED FINDINGS:

1. The reasonable relationship between the Wastewater impact fee and the purpose for which it is charged is demonstrated in the City's Master Plan.
2. The sources and amounts of funding anticipated to complete wastewater system improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major sewer system improvements in accordance with its Master Plan. These projects require a great deal of capital and planning and therefore the fund has consistently funded these projects with its reserves. Future projects that will utilize the reserves include Wastewater Plant improvements, Pioneer and North trunk lines, new Nantes Storm Basin and new B Street Storm Line.

Storm Drainage Impact Fee Fund (Fund 232) – this will provide funding for the construction, expansion, reconstruction, and implementation of improvements to key elements of the citywide storm drainage system sufficient to accommodate future demands generated by new development.

Storm Drainage Impact Fee

| Type of Dwelling | Fee |
|--|-------|
| Single Family Dwelling | 22.49 |
| Multi-Family Dwelling | 22.49 |
| Commercial Use* | 22.49 |
| Industrial Use* | 22.49 |
| * per dwelling unit @ 4.3 dwelling units per acre of use | |

| Fiscal Year | Beginning Balance | Impact Fees | Interest | AB1600 Expenses | Description | Ending Balance |
|-------------|-------------------|-------------|----------|-----------------|-------------|----------------|
| 2014-2015 | 6,466 | 4,887 | 34 | - | | 11,387 |
| 2015-2016 | 11,387 | 9,028 | 130 | - | | 20,545 |
| 2016-2017 | 20,545 | 17,468 | 143 | - | | 38,156 |
| 2017-2018 | 38,156 | 6,869 | 312 | - | | 45,337 |
| 2018-2019 | 45,337 | 5,229 | 1,066 | - | | 51,632 |

REQUIRED FINDINGS:

1. The reasonable relationship between the Storm Drainage impact fee and the purpose for which it is charged is demonstrated in the City's Master Plan.
2. The sources and amounts of funding anticipated to complete storm drainage improvements are set forth in the by ordinance No.954 dated February 2, 2000.
3. The City has accumulated fees collected in the last five years to fund major storm drainage system improvements in accordance with its Master Plan. The funds accumulated will be used as a capital reserve to fund improvements needed to mitigate the impact of existing development on city storm drains.

RESOLUTION NO. 4786

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS REVISING DEVELOPMENT IMPACT FEES FOR THE PROVISION OF CAPITAL FACILITIES RELATING TO POLICE, FIRE, PARK IMPROVEMENTS, AND ESTABLISHING DEVELOPMENT IMPACT FEES FOR THE PROVISION OF CAPITAL FACILITIES RELATING TO COMMUNITY CENTER, CITY HALL, CORPORATION YARD, AND PROGRAM ADMINISTRATION

WHEREAS, the City of Los Banos General Plan includes a general description of the location, capacity, and types of capital improvements needed to serve new development in the City, and

WHEREAS, in order to protect the health, safety and welfare of the community and to ensure that adequate capital facilities are provided and maintained for the residents of the City and so that new development in the City pays its fair share of the cost of providing these facilities, levy of a capital facilities fee is necessary, and

WHEREAS, the "City of Los Banos Capital Facilities Fee Nexus Study" dated June 28, 2006, prepared by Goodwin Consulting Group, which Nexus Study has been presented to the City Council and is incorporated herein by this reference, details the relationship between the use of the proposed fees and the types of development on which the fees are imposed, the relationship between the need for the public facilities and the type of development on which the fees are imposed, and the relationship between the amount of the fees and cost of the public facilities, and

WHEREAS, the City Council finds that the fee schedule detailed in Exhibit A attached hereto is limited to those fees associated with Police, Fire, Park Improvement, Community Center, City Hall, Corporation Yard, and Administration and the planned improvements detailed in the Nexus Study are consistent with the Los Banos General Plan, and

WHEREAS, pursuant to Government Code section 66016, the data required to be made available to the public prior to the adoption of the Capital Facilities Fee by this resolution was made available for public review at least 10 days prior to the date of this meeting,

WHEREAS, pursuant to Government Code section 66018, notice of a public hearing on the levy of the Capital Facilities Fee was published in the Los Banos Enterprise for at least ten days prior to the date of this meeting, and

WHEREAS, a duly noticed public hearing before the City Council on the levy of the Capital Facilities Fee was held on October 4, 2006, at which hearing public testimony was received and duly considered, and

WHEREAS, levy of the Capital Facilities Fee is not a "project" subject to the California Environmental Quality Act because it is a funding mechanism having no physical effect on the environment

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos

SECTION 1: That the City Council of the City of Los Banos finds and determines that the Comprehensive Impact Fee nexus study dated June 28, 2006 prepared by Goodwin Consulting Group (the "Study") complies with California Government Code § 66001 by establishing the basis for the imposition of the fees on new development. This finding is based on the fact that the Study

- (a) Identifies the purpose of the fees,
- (b) Identifies the use to which the fees will be put,
- (c) Shows a reasonable relationship between the use of the fees and the type of development project on which the fees are imposed,
- (d) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fees are imposed, and

- (e) Demonstrates a reasonable relationship between the amount of the fees and the cost of the public facilities or portion of the public facilities attributable to the development on which the fees are imposed

SECTION 2. That the City Council hereby determines that the fees collected pursuant to this Resolution shall be used to finance the public facilities described or identified in the Study

SECTION 3 That the City Council has considered the specific project descriptions and cost estimates identified in the Study and hereby approves such project descriptions and cost estimates and finds them reasonable as the basis for calculating and imposing certain development impact fees

SECTION 4 That the City Council finds that the projects and fee methodology identified in the Report are consistent with the City's General Plan and Capital Improvement Plan

SECTION 5. The adoption of the Study and the Development Impact Fee Schedule are statutorily and categorically exempt from the requirements of the California Environmental Quality Act ("CEQA"), because the setting of development impact fees merely establishes a funding mechanism for the provision of future projects, and as such, the Resolution is not an essential step culminating in action which may affect the environment and environmental review required under CEQA will be performed when projects funded by the development impact fees are chosen and defined (Kaufman & Broad South Bay, Inc. v. Morgan Hill, (1993) 9 Cal App, 4th 464

SECTION 6. That the City Council adopts the revisions to existing fees and establishment of new components to the capital facilities fees as set forth in the Development Impact Fee Schedule attached hereto as Exhibit A

SECTION 7 That an annual adjustment to account for construction cost escalations shall be applied to all development impact fees in the manner and at the time specified below

- A At the second meeting of the City Council during January of each calendar year, the City Manager shall report the finding on the escalation of construction costs for the prior 12 months through October of the previous year
- B The basis for this report shall be the National Average Construction Cost Index as published by the Engineering News Record or other similar construction cost indexes
- C Upon this report, the Council shall take action to allow an escalation in development impact fees to become effective the first day of March of each year

SECTION 8. That the Comprehensive Impact Fee Nexus Study dated June 28, 2006 prepared by Goodwin Consulting Group attached hereto as Exhibit A does not amend water, wastewater, traffic, public facilities, and storm drainage impact fees previously established by prior ordinances and resolutions of the City Council

SECTION 9 That the Comprehensive Impact Fee Nexus Study dated June 28, 2006 prepared by Goodwin Consulting Group, attached hereto as Exhibit A is hereby adopted

SECTION 10 That the fees specified in the attached Exhibit A shall become effective sixty (60) days following the adoption of this Resolution by the City Council

PASSED AND ADOPTED by the City Council of the City of Los Banos this 4th day of October, 2006

| | |
|--------|---|
| AYES | Council Member Brooks, Jones, McAdam, Pruitt, Mayor Amabile |
| NOES | None |
| ABSENT | None |

APPROVED


Michael S. Amabile, Mayor

ATTEST

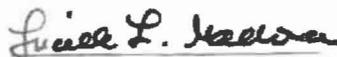
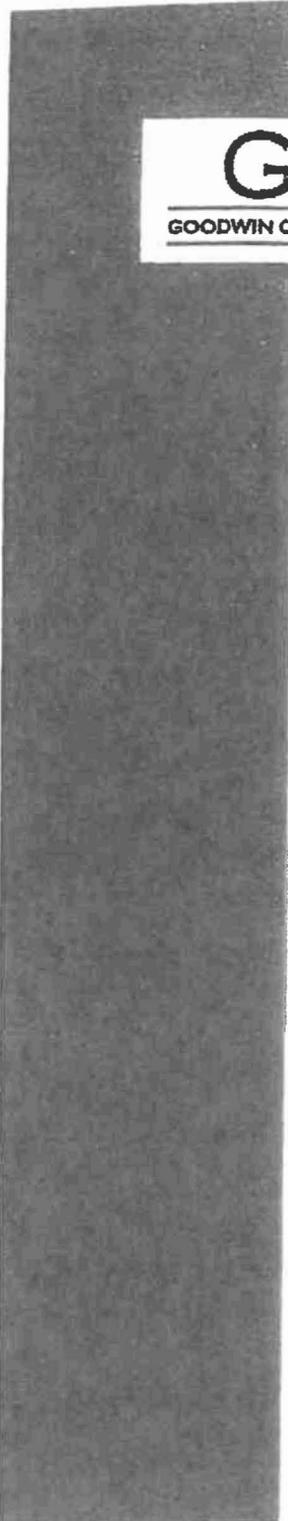

Lucille L. Mallonee, City Clerk

Exhibit A

[under separate cover]



GCG

GOODWIN CONSULTING GROUP

CAPITAL FACILITIES FEE NEXUS STUDY

CITY OF LOS BANOS

JUNE 28, 2006

**555 UNIVERSITY AVE, SUITE 280 • SACRAMENTO, CA 95825
PHONE (916) 561-0890 • FAX (916) 561-0891**

**CITY OF LOS BANOS
CAPITAL FACILITIES FEE NEXUS STUDY**

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CITY OF LOS BANOS
CAPITAL FACILITIES FEE NEXUS STUDY

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Table A-3b Police Vehicles and Equipment Cost Calculation

Table A-3c Police Fee

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Table A-5 Park Improvement Fee

Table A-6 Community Center Fee

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Table A-8 Corporation Yard Fee

CITY OF LOS BANOS
CAPITAL FACILITIES FEE NEXUS STUDY

EXECUTIVE SUMMARY

A. Purpose of the Study

As new development occurs within the City of Los Banos, new capital facilities will be required to meet the various demands of future development. The City has determined that these demands will necessitate additional police, fire protection, park improvement, community center, city hall, and corporation yard facilities. The new capital facilities will be funded through the City's Capital Facilities Fee (hereafter "CFF") and will be presented as individual fee components in accordance with the categories listed above. Furthermore, this CFF Nexus Study will be the basis for the City's revision of its current CFF program, which applies to all future growth within the City.

Goodwin Consulting Group, Inc. has prepared this study to revise the Los Banos Development Impact Fee Schedule, which was originally adopted January 5, 2000 by City Council Resolution No. 4083. The revised CFF is compliant with the regulations set forth in AB 1600 and ensures that a rational nexus exists between new development in the City and (i) the use and need of the proposed facilities, and (ii) the amount of the development impact fee assigned to future land uses. This CFF Nexus Study demonstrates that a rough proportionality exists between the development impact fee to be levied on each type of land use and the cost of the facilities attributable to that land use.

B. Summary of the CFF

Table ES-1 summarizes the fee components of the CFF as calculated in this report. A three percent (3.0%) fee is included to pay for administration of the CFF.

TABLE ES-1
CFF SUMMARY

| Facility Type | RESIDENTIAL LAND USES | | | NON-RESIDENTIAL LAND USES | | |
|---------------------|---------------------------------------|---------------------------------|-------------------------------|---------------------------|-----------------------|---------------------------|
| | Very-Low/Low Density (per Unit) | Medium Density (per Unit) | High Density (per Unit) | Commercial (per Sq Ft) | Office (per Sq Ft) | Industrial (per Sq Ft) |
| Police | \$2,243.96 | \$1,845.36 | \$1,328.66 | \$0.33 | \$0.50 | \$0.24 |
| Fire | \$800.00 | \$640.00 | \$384.00 | \$0.32 | \$0.32 | \$0.32 |
| Park Improvement | \$6,079.84 | \$4,999.87 | \$3,599.91 | N/A | N/A | N/A |
| Community Center | \$349.97 | \$287.81 | \$207.22 | \$0.06 | \$0.08 | \$0.04 |
| City Hall | \$864.34 | \$710.80 | \$511.78 | \$0.13 | \$0.19 | \$0.09 |
| Corporation Yard | \$303.51 | \$249.60 | \$179.71 | \$0.05 | \$0.07 | \$0.04 |
| Administration (3%) | \$319.25 | \$262.00 | \$186.34 | \$0.03 | \$0.03 | \$0.02 |
| Total | \$10,960.87 | \$8,995.44 | \$6,397.62 | \$0.92 | \$1.19 | \$0.75 |

C. Fee Adjustments

The CFF may be adjusted in future years to reflect revised facility standards, receipt of funding from alternative sources (i.e., state or federal grants), revised costs, or changes in demographics or the land use plan. In addition to such adjustments, the fees will be inflated each year by a predetermined index. The City will determine the specific characteristics of the development at the time impact fees are assessed in order to categorize the development into the proper land use category for purposes of levying the CFF.

I. Introduction

The City of Los Banos (hereafter "City") is located in the western portion of Merced County along Highway 152. Incorporated in 1907, the Los Banos economy continues to rely heavily on the agricultural tendencies of the region. However, new enterprise and local government also contribute to the local economy, ensuring the provision of a variety of amenities for City residents.

A. Purpose of the Study

As new development continues within the City of Los Banos, new capital facilities will be required to meet the demands of future development. The City has determined that these demands will necessitate additional police, fire protection, park improvement, community center, city hall, and corporation yard facilities. The additional facilities will be funded through the City's Capital Facilities Fee (hereafter "CFF") and will be presented as individual fee components in accordance with the categories listed above. Furthermore, this CFF Nexus Study will be the basis for the City's revision of its current CFF program, which applies to all future growth within the City.

Goodwin Consulting Group, Inc. has prepared this study to revise the Los Banos Development Impact Fee Schedule, which was originally adopted January 5, 2000 by City Council Resolution No. 4083. The revised CFF is compliant with the regulations set forth in AB 1600 and ensures that a rational nexus exists between new development in the City and (i) the use and need of the proposed facilities, and (ii) the amount of the development impact fee assigned to future land uses. The revised CFF discussed in this report, subject to the fee adjustments and inflation adjustments noted in Section XI, will apply to all future development (except units subject to existing Development Agreements, as discussed in Section III of this study) that occurs within the City as well as any new development in areas that annex to the City in future years.

B. Impact Fee Nexus Requirements (AB 1600)

Assembly Bill (AB) 1600, which was enacted by the State of California in 1987, created Section 66000 et seq of the Government Code. AB 1600, also referred to as the Mitigation Fee Act, requires that all public agencies satisfy the following requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project:

- 1 Identify the purpose of the fee
- 2 Identify the use to which the fee is to be put
- 3 Determine how there is a reasonable relationship between
 - A The fee's use and the type of development project on which the fee is imposed
 - B The need for the public facility and the type of development project on which the fee is imposed
 - C The amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed

As stated above, the purpose of this study is to demonstrate that all fee components of the revised CFF comply with AB 1600. The assumptions, fee methodologies, facility standards and costs, as well as the cost allocation factors that were used to establish the nexus between the CFF and the development on which it will be levied are summarized in the subsequent sections of this report.

C. Organization of Report

The remainder of this report has been organized into the following sections:

- | | |
|------------|---|
| Section II | Provides a detailed explanation of the fee methodologies used to calculate the various individual fee components of the CFF |
|------------|---|

- Section III** Defines the demographic and land use assumptions used in the detailed calculations and in the application of the CFF
- Sections IV-IX** Provides the detailed calculations for the police, fire protection, park improvement, community center, city hall, and corporation yard fees
- Section X** Provides a summary of the individual fee components calculated in this report
- Section XI** Addresses future fee adjustments, fee implementation, annual administrative duties, fee credits or reimbursements and other relevant items

II. Fee Methodology

When impact fees are calculated, an analysis must be presented in enough detail to demonstrate that a logical, thorough consideration was applied in the process of determining how the fees relate to the impacts from new development. As previously described, various findings must be made to ensure that there is a reasonable relationship between the fee and the development on which that impact fee will be levied. There are several generally accepted methods of determining impact fees for future development. The choice of the method used depends on the type of facility for which an impact fee is being calculated. Following is a discussion of the two methods used in this report to calculate the individual fee components of the CFF.

A. Plan-Based Fee Methodology

The plan-based fee methodology is used for facilities that must be designed based on future demand projections and/or the geographic location of anticipated growth. For example, the need for fire protection-related improvements depends specifically on the future area that will be served. An analysis of existing facilities, geographic constraints, and current levels of service must be completed in order to identify future facility needs. This information is analyzed in conjunction with a projection of the amount and location of future development in order to determine the adequacy of existing facilities and the demand for new improvements that will be required. The steps to calculate a CFF component under the plan-based fee methodology include the following:

- Step 1* Identify existing development and estimate future demand projections as well as the geographic location of anticipated growth

- Step 2* Determine facilities needed to serve anticipated growth and, if necessary, existing development in the City

- Step 3* Estimate the gross cost of facilities needed to serve both existing and future development
- Step 4* Subtract the gross cost of any facilities included in the facilities plan that will cure an existing deficiency in service (will serve existing development)
- Step 5* Subtract revenues available from alternative funding sources, if any, to identify a net facilities cost that will be allocated to future development
- Step 6* Select the demand variable (e.g., trips generated, acres, persons served, etc.) that will be used to allocate facility costs on a benefit rationale basis, apply demand variable rates to each of the land uses based on service demand
- Step 7* Estimate the total demand variables that will be generated by all future development land use categories by multiplying each respective land use by its assigned demand variable rate. Sum the totals from the land uses
- Step 8* Divide the net facilities cost allocated to future development by the total demand variables derived in Step 7 to calculate the cost per demand variable (e.g., cost per trip generated, cost per acre, cost per person served, etc.)
- Step 9* Multiply the cost per demand variable by the demand variable assigned to each land use category in Step 6 to determine the impact fee for that particular land use category (e.g., cost per unit, cost per square foot, etc.)

The plan-based fee methodology was used in the calculation of, or portions of the calculation of, the police, fire protection, park improvement, community center, and corporation yard fee components of the CFF

B Standard-Based Fee Methodology

The standard-based fee methodology is used when a consistent facility service level standard is to be applied to each component of new development (i.e., residential unit, non-residential square foot) regardless of future demand projections or the geographic location of anticipated growth. The standard to be used in calculating impact fees under this method may be based on an existing or a preferred standard. To the extent a preferred standard is used which is higher than the existing standard, the public agency will need to rely on other sources of funds to mitigate the deficit related to existing development created through the adoption of the higher standard. The steps to calculate a CFF component under the standard-based fee methodology include the following:

- Step 1* Define the existing facility standard expressed in terms of residents, employees, persons served, or other standard appropriate for the type of facility for which a component of the CFF is being calculated.
- Step 2* Determine a cost for each incremental facility standard identified in Step 1 based on current replacement costs, reduce the facility costs by subtracting existing fee fund revenue or alternative funding sources, if applicable.
- Step 3* Apply demand variable rates to each of the land uses based on service demand (e.g., persons per household, jobs per acre, etc.).
- Step 4* Multiply the demand variable for each type of land use identified in Step 3 by the cost for each incremental facility standard determined in Step 2 to calculate the impact fee for each of the land use categories.

The standard-based fee methodology was used in the calculation of, or portions of the calculation of, the police, park improvement, city hall, and corporation yard fee components of the CFF. Additional detail for each fee component in the CFF is included in sections IV through IX.

III. Population and Land Use Categories

A. Population

Over the last 25 years, the City has experienced significant growth and projections suggest that the strong growth will continue. The California Department of Finance's Demographic Research Unit estimates the household population of Los Banos in 2006 to be 34,048. By the year 2020, assuming a growth rate of 4.0% per year, the population is estimated to be approximately 61,300. Current and future population and employment figures are presented in Table A-2.

Of particular importance to the estimation of future residential units is the treatment of units subject to existing development agreements (hereafter "DAs"). These residential units have separate fee structures as governed by the individual DAs. However, future facility needs reflected in this study consider the impact of these units even though the units are not subject to the fees outlined in this report. Consequently, there is a mismatch between what *should* be collected and what *will* be collected, pursuant to the individual DAs. Including units subject to existing DAs in the calculation of the CFF ensures that residential units that are not subject to a DA will not subsidize costs that *should* be assigned to DA units. The difference between what will be collected from the remaining DA units and what would have been collected if the DAs did not limit fees on the units must be paid by the City from sources other than impact fee revenues.

B. Land Use Categories

The Mitigation Fee Act (§66001) requires that a reasonable relationship exist between the need for public facilities and the type of development on which the impact fee is imposed. The need for public facilities is related to the level of service demanded, which varies in proportion to the number of residents or employees, or building square footage, generated by a particular land use type. Therefore, land use categories have been defined in order to distinguish between relative impacts on facilities. All fee components of the CFF in this study have been calculated per dwelling unit for residential land use categories and per building square foot for non-residential land use categories.

The following land use categories are identified for purposes of this study

Very-Low/Low Density This category is characterized by larger "estate-style" lots for single family residential development. Typical lot sizes would range from 15,000 to 20,000 square feet. Except in extraordinary circumstances, it is not expected that lots greater than one acre in size would be developed within the City limits. Typical development in this Land Use Designation would provide one-half acre lots for approximately two units per acre. This Designation [also] includes single family development on lot sizes more typically found in urban settings. Individual lot sizes would typically range from 6,000 to 12,000 square feet in size. Under a Planned Development Zoning District, smaller lot sizes may be permitted when clustered around an open space amenity such as a park, golf course, open space, or lake. Typical single family subdivisions provide between one and seven dwelling units per gross acre (1999 General Plan p. LU-14 – LU-15)

Medium Density This designation allows typical duplex or lower density apartment complexes and other non-traditional designs such as zero lot lines, patio homes, and townhomes with lot sizes ranging from 4,500 to 7,500 square feet for single family developments. The minimum size of newly created medium density residential zones shall be one acre, unless part of a Planned Development or an infill development. Existing nonconforming lots can also be developed at 3,000 square feet of lot area for each dwelling unit. Density is typically 7-17 dwelling units per gross acre. It is intended that development be conveniently serviced by neighborhood commercial and recreational facilities and have access to major collector or arterial streets. This designation is often sought for in-fill development in existing neighborhoods (1999 General Plan p. LU-15)

High Density This designation is intended primarily for multi-family apartment and condominium development in proximity to major arterial streets, commercial and recreational facilities, and employment centers. When new lots are created by the parcel map or subdivision process, the minimum lot area is to be 7,200 square feet, and the number of units per lot is based on 1,200 square feet of area for each dwelling unit. Typical development under this land use designation is 15 units per acre (1999 General Plan p. LU-15)

Commercial Retail and service businesses including, but not limited to the following:

- 1 food stores
- 2 book stores, video rental stores
- 3 drug stores
- 4 laundry and cleaning establishments, including self-operated
- 5 barber shops and beauty parlors
- 6 repair shops for shoes, radios, TVs, domestic appliances
- 7 professional services, studios, clinics
- 8 automotive service stations, vehicle maintenance and repair
- 9 banking, insurance, and real estate services
- 10 restaurants, small bakeries, theaters, bowling alleys, social clubs
- 11 home supply stores

Office Includes, but is not limited to, buildings in which professional, clerical, or medical activities are conducted.

Industrial Includes, but is not limited to, warehouse and wholesale distribution, mini-warehouses, truck terminals, manufacturing, processing, fabricating, assembly, refining, repairing, packing, or treatment of goods, material, or produce, sheet metal and welding shops, wholesale lumber yards, contractor yards, auto wrecking yards, canneries, feed lots, stock yards.

The City will make the final determination as to which land use category a particular development will be assigned. The City is authorized to determine the land use category that corresponds most directly to the land use. Alternatively, the City can determine that no land use category adequately corresponds to the development in question and may determine applicable ad hoc impact fees.

IV. Police Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the police fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The police fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

| AB 1600 Nexus Test for the Police Fee Component | |
|---|---|
| <i>Identify the purpose of the fee</i> | <i>To fund police-related capital costs attributable to the impact of new development</i> |
| <i>Identify the use of the fee</i> | <i>To purchase or construct the police facilities identified in Table A-3a and Table A-3b</i> |
| <i>Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed</i> | <i>The use of the fee to purchase or construct the police facilities identified in Table A-3a and Table A-3b ensures that police facilities will be available to serve new residential and non-residential development within the City.</i> |
| <i>Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed</i> | <i>New police facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing police facilities.</i> |
| <i>Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed</i> | <i>The police fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses.</i> |

B Demand Variable Persons Served

It is assumed that the demand for police services is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

$$\text{Employee } 40 \text{ hrs/week} - 168 \text{ hrs in a week} \approx 0.24 \text{ residents}$$

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

Using current police staffing numbers, the existing standards for sworn officers and non-sworn personnel per 1,000 persons served are computed. Also presented in Table A-3a and Table A-3b, are the preferred standards for sworn and non-sworn personnel that the City intends to apply to future development with respect to all vehicles and equipment.

The police station sizing and cost assumptions shown in the third section of Table A-3a are derived from the "Master Plan Study, Merced County - City of Los Banos Government Center" prepared by MWM Architects, Inc. Originally released on January 5, 2000, the study conducted a space needs assessment for a county government center and police station in downtown Los Banos. Included were a detailed analysis of the police department's current facilities and an evaluation of future requirements. The study concluded that by 2010, the police department would need 47,900 gross square feet of building space to accommodate the personnel necessary to serve the City at that time.

Table A-3a presents unit costs and building square footage assumptions for each of the following line items: Police Administration/Operations Building, Detention Facility, Service Buildings, and Site Development. The unit costs for the first two line items are based on information gathered by the police department relative to the cities of Clovis and Gilroy, while the remaining unit costs are equal to those in MWM's study inflated by the Engineering News Record's Construction Cost Index.

for the period 2000-2005. Other Costs, which include A-E design fees, topographic and boundary surveys, material testing, furnishings, fixtures, and equipment, environmental study documents, City staff and consultant time, and construction management, are only inflated by ENR's CCI for 2002-2005 as MWM's study indicated that these other costs are presented in 2002 dollars. Finally, it is estimated that 2 acres would be needed for the planned police facilities. At an estimated cost of \$15 per square foot, an additional \$1.3 million for land acquisition was added to the total police station cost. In current day dollars, the facility requirements total approximately \$19.5 million.

The \$19.5 million is to be allocated between existing and future development because the future police station will serve existing and future residents and employees. Allocating the police station cost in direct proportion to total persons served results in \$3.6 million allotted to future development. With future development expected to generate 8,039 persons by 2010, the police station cost per person served equates to \$444.

Animal control facilities and costs are shown in the final section of Table A-3a. Office space, storage space, and lot size assumptions were provided by the City's police department and represent the preferred level of service for existing development in the City. The estimated cost of animal control facilities under this preferred level equates to approximately \$3.2 million. With 35,899 current persons served, the value of the animal control facilities equates to \$90 per person served.

Current police vehicles and equipment are itemized in Table A-3b. It follows that the same types of vehicles and equipment will be needed as new development occurs in the City. The cost includes marked and unmarked patrol cars, support vehicles, office equipment, and personal duty gear for both sworn and non-sworn personnel.

Table A-3b uses the preferred standard of 1.5 sworn officers per 1,000 persons served and 0.6 non-sworn personnel per 1,000 persons served to calculate a vehicle and equipment cost of \$55.45 per person served. Also presented is an additional equipment cost of \$11.96 per person served. Additional equipment consists of seven mobile data terminals and three radio tower receiver sites.

The cost per demand variable, in this case persons served, is applied to the demand variable assigned to each of the land use categories to arrive at a fee per residential unit or non-residential square foot. The range of fees for the different land use categories is discussed below.

D. Police Fee Component

The final section of Table A-3c shows the calculation of the police fee component of the CFF. The \$601.45 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The police fees are as follows:

- \$2,243.96 per unit for Very-Low/Low Density uses,
- \$1,845.36 per unit for Medium Density uses,
- \$1,328.66 per unit for High Density uses,
- \$0.33 per square foot for Commercial uses,
- \$0.50 per square foot for Office uses, and
- \$0.24 per square foot for Industrial uses.

V. Fire Protection Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the fire protection fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The fire protection fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

| AB 1600 Nexus Test for the Fire Protection Fee Component | |
|--|---|
| Identify the purpose of the fee | To fund fire protection-related capital costs attributable to the impact of new development |
| Identify the use of the fee | To purchase or construct the fire protection facilities identified in Table A-4a |
| Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed | The use of the fee to purchase or construct the fire protection facilities identified in Table A-4a ensures that fire protection facilities will be available to serve new residential and non-residential development within the City. |
| Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed | New fire protection facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing fire protection facilities. |
| Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed | The fire protection fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses. |

B Demand Variable. Building Square Feet

As development occurs, it is reasonable to assume that additional square footage will place an increased demand on fire protection services. In choosing building square feet as the fire protection demand variable, assumptions were made as to the average building square footage of the three residential categories. All Very-Low/Low Density units were assumed to be 2,500 square feet, all Medium Density units were assumed to be 2,000 square feet, and all High Density units were assumed to be 1,200 square feet. Furthermore, floor-to-area ratios for the three non-residential categories were required as well. Commercial, office, and industrial land uses were assumed to have floor-to-area ratios of 0.25, 0.30, and 0.30, respectively.

C Required Facilities and Estimated Costs

Based on future development projections and the geographic location of anticipated growth, the City's fire department estimated the impact on the current fire protection network. Fire protection facilities needed to serve future development were identified and quantified in dollar terms. Use of the plan-based fee methodology to calculate the fire protection fee corresponds with the nature of future development's impact on the fire protection network. Only by estimating the amount and location of future development can the appropriate improvements and related costs be identified.

The City has concluded that three new fire stations will be needed to serve future development in the project area. Although the City only has two fire stations at this time, two factors played an important role in the fire department's determination that three additional stations would be needed by 2020: 1) The City's need to replace volunteers with professional fire fighters, and 2) the likely geographic distribution of future development. All of the costs to acquire and develop the land, construct the stations, and purchase the furniture, fixtures, and equipment for the fire stations are presented in Table A-4a. Also identified are certain additional facilities that are proportionately allocated between existing and future development based on the percentage contribution of each to total persons served by 2020. The estimated cost allocated to new development, including the land, fire stations, equipment, and additional facilities is \$7.2 million.

Table A-4b shows the square footage and floor-to-area ratio assumptions used in the calculation of the fire protection fee component of the CFF. The table is divided into two sections with the first calculating the net cost allocated to future development. Since building square feet was selected as the appropriate demand variable for fire protection services, average residential square footages were applied to the various residential land uses and average floor-to-area ratios were applied to the non-residential land uses to arrive at total square footage by land use. The results were used to allocate the total fire costs of \$7.2 million.

D Fire Protection Fee Component

The final section of Table A-4b shows the calculation of the fire protection fee component of the CFF. The \$0.32 cost per building square foot is applied to each of the residential land use categories based on the square footage assumptions mentioned earlier and each of the non-residential land use categories. The fire protection fees are as follows.

- \$800.00 per unit for Very-Low/Low Density uses,
- \$640.00 per unit for Medium Density uses,
- \$384.00 per unit for High Density uses,
- \$0.32 per building square foot for Commercial uses,
- \$0.32 per building square foot for Office uses, and
- \$0.32 per building square foot for Industrial uses

VI. Park Improvement Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the park improvement fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The park improvement fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

| AB 1600 Nexus Test for the Park Improvement Fee Component | |
|--|--|
| Identify the purpose of the fee | To fund park improvement-related capital costs attributable to the impact of new development |
| Identify the use of the fee | To purchase or construct the park improvements necessary to serve future residential development in the City |
| Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed | The use of the fee to make the necessary park improvements ensures that parks will be available to serve new residential development within the City |
| Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed | New park improvements will be needed as new residential development will generate additional residents and increase the demand placed on the City's existing parks |
| Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed | The park improvement fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses. |

B Demand Variable Residents

Residents, as opposed to persons served (where persons served includes residents and employees), was chosen as the appropriate demand variable because the City does not see considerable use of park facilities by employees of local businesses

C. Required Facilities and Estimated Costs

The park improvement fee is calculated using a combination of both fee methodologies. While the aquatic center uses the plan-based approach, the remaining park improvement costs are determined using the standard-based approach. The plan-based approach works well for facilities such as an aquatic center, where significant effort goes into determining the ultimate size and design of a facility for a given service population. Conversely, total park improvement costs can easily be calculated using an existing or preferred standard and various cost assumptions for improvements.

Table A-5 presents the current residential population, the expected residential population in 2020, and the increase in the residential population due to future development. Also shown are the General Plan park standards (in acres per 1,000 residents). The City intends on applying its General Plan park standards to all future development, resulting in total additional acres required at buildout of 136.35. Using improvement costs based on similar studies in other areas of the Central Valley, the total park improvement cost is estimated to be \$41.9 million.

Residents benefit from a wide variety of park amenities including the following: baseball, soccer, and football fields, volleyball, playground, and picnic areas, and horseshoe pits, a skate park, and a swimming pool. The existing swimming pool is a joint-use facility with the school district that the City currently operates. However, because of the school district's growing needs, the City plans on turning the facility back over to the district once construction of the new aquatic center is completed.

The new aquatic center will be built on 5 acres of City-owned park land and will cost an estimated \$4.0 million. The City has valued the land at \$1.8 million, resulting in a total cost of \$5.8 million. The comprehensive facility will include competition pools, instructional pools, a therapeutic pool, and the related support facilities such as restrooms, outdoor showers, locker rooms, and office space.

Future development will only be responsible for a proportionate share of the facility based on the percentage of new residents to total residents at buildout of the project area. Expected to contribute 44.5% of the total number of residents in 2020, future development is allocated \$2.6 million of the total cost of the aquatic center. Including the cost of the aquatic facility, the park improvement cost per resident equates to \$1,629.59.

D. Park Improvement Fee Component

The final section of Table A-5 shows the calculation of the park improvement fee component of the CFF. The \$1,629.59 cost per resident is applied to each of the residential land use categories based on average persons per household. The park improvement fees are as follows:

- \$6,079.84 per unit for Very-Low/Low Density uses,
- \$4,999.87 per unit for Medium Density uses, and
- \$3,599.91 per unit for High Density uses

VII. Community Center Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the community center fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The community center fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

| AB 1600 Nexus Test for the Community Center Fee Component | |
|---|--|
| Identify the purpose of the fee | To fund community center-related capital costs attributable to the impact of new development. |
| Identify the use of the fee | To purchase or construct the community center facilities identified in Table A-6. |
| Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. | The use of the fee to purchase or construct the community center facilities identified in Table A-6 ensures that community center facilities will be available to serve new residential and non-residential development within the City. |
| Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. | New community center facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand on the need for community center facilities within the City. |
| Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. | The community center fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses. |

B Demand Variable. Persons Served

It is assumed that the demand for a community center is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

$$\text{Employee } 40 \text{ hrs/week} \div 168 \text{ hrs in a week} \approx 0.24 \text{ residents}$$

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

At this time, the City does not have a community center, however, a proposed 22,000 square foot facility has been sized to accommodate both existing and future development in the project area. Since the City intends on building the community center on park land acquired through the City's use of the Quimby Act, land costs have been excluded from the calculation of the community center fee. Table A-6 shows the calculation of total persons served as well as the construction cost per square foot to build the facility and purchase the furniture, fixtures, and equipment.

Based on the Planning Department's construction cost estimate of \$278 per square foot, the cost of the 22,000 square foot facility is \$6.1 million. Subtracting the current public facilities fund balance of \$4,225 results in a net cost of \$6.1 million. The net cost is allocated to existing and future development in direct proportion to the total persons served contributed at buildout of the project area. Since 44.9% of the total persons served in 2020 is attributable to future development, only \$2.7 million is allocated to future development, equating to \$93.80 per person served.

D Community Center Fee Component

The final section of Table A-6 shows the calculation of the community center fee component of the CFF. The \$93.80 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The community center fees are as follows:

- \$349.97 per unit for Very-Low/Low Density uses,
- \$287.81 per unit for Medium Density uses,
- \$207.22 per unit for High Density uses,
- \$0.06 per square foot for Commercial uses,
- \$0.08 per square foot for Office uses, and
- \$0.04 per square foot for Industrial uses

VIII. City Hall Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the city hall fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The city hall fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

| AB 1600 Nexus Test for the City Hall Fee Component | |
|---|---|
| Identify the purpose of the fee | To fund city hall-related capital costs attributable to the impact of new development. |
| Identify the use of the fee | To purchase or construct the city hall facilities identified in Table A-7. |
| Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. | The use of the fee to purchase or construct the city hall facilities identified in Table A-7 ensures that city hall facilities will be available to serve new residential and non-residential development within the City. |
| Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. | New city hall facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing city hall facilities. |
| Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. | The city hall fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses. |

B Demand Variable Persons Served

It is assumed that the demand for municipal services housed in the City Hall is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

$$\text{Employee } 40 \text{ hrs/week} - 168 \text{ hrs in a week} \approx 0.24 \text{ residents}$$

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

New development will increase the demand placed on the numerous municipal services housed in the current city hall. Therefore, additional capital costs incurred as the City adjusts to meet the increased demand on its current facilities must be funded by new development. Included in the fee are the costs to acquire additional land, construct the facilities, and purchase the related furniture, fixtures, and equipment.

The city hall fee uses the standard-based fee methodology, which applies a consistent facility service level standard to each component of new development regardless of projected development. The City's current city hall, including the annex facilities, occupies 19,355 building square feet on 52,509 square feet of land. The City intends to apply the same land area and building space standards to new development.

The city hall fee is quite flexible since the fee is established without reference to the ultimate size of the necessary facilities. Since the fee is not dependent on the eventual service population, if less growth occurs, presumably fewer facilities would be required and less fee revenue would be generated. Alternatively, if more growth occurs, the additional fee revenue can be used to mitigate the additional impacts on facilities.

Table A-7 presents total persons served as well as the City's existing standards, which use current square footages as the numerator and total persons served of 35,899 as the denominator. With a current standard of 1.46 land square feet per person served and assuming land acquisition costs of \$15 per square foot, the land acquisition cost per person served equates to \$21.94. Similarly, with a current standard of 0.54 building square feet per person served and building construction costs of \$389 per square foot, the building construction cost per person served totals \$209.73. The building construction cost assumption is based on average city hall construction costs reported in other areas.

D City Hall Fee Component

The final section of Table A-7 shows the calculation of the city hall fee component of the CFF. The \$231.67 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The city hall fees are as follows:

- \$864.34 per unit for Very-Low/Low Density uses,
- \$710.80 per unit for Medium Density uses,
- \$511.78 per unit for High Density uses,
- \$0.13 per square foot for Commercial uses,
- \$0.19 per square foot for Office uses, and
- \$0.09 per square foot for Industrial uses

IX. Corporation Yard Fee Component

This section of the report addresses the AB 1600 nexus requirements as they relate to the calculation of the corporation yard fee. Additionally, it identifies the demand variable selected as well as the facilities, estimated costs, and recommended fees.

A. Nexus Test

The corporation yard fee component meets the AB 1600 nexus requirements, as evidenced by the table below.

| AB 1600 Nexus Test for the Corporation Yard Fee Component | |
|--|--|
| Identify the purpose of the fee | To fund corporation yard-related capital costs attributable to the impact of new development. |
| Identify the use of the fee | To purchase or construct the corporation yard facilities identified in Table A-8. |
| Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed | The use of the fee to purchase or construct the corporation yard facilities identified in Table A-8 ensures that corporation yard facilities will be available to serve new residential and non-residential development within the City. |
| Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed | New corporation yard facilities will be needed as new residential and non-residential development will generate additional residents and employees and increase the demand placed on the City's existing corporation yard facilities. |
| Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed | The corporation yard fee is set so that the fees collected offset the cost of purchasing or constructing the facilities necessary to serve new development. Residential and non-residential development will be responsible for the fair-share portion of the total cost based on the demand variables assigned to the individual land uses. |

B Demand Variable Persons Served

It is assumed that the demand for municipal services that make use of the City's corporation yards is directly correlated with the number of residents and employees. The calculation of total persons served includes the entire residential population plus a portion of the employee population. Assuming the average employee works 40 hours per week, one employee equals approximately 0.24 residents.

$$\text{Employee } 40 \text{ hrs/week} - 168 \text{ hrs in a week} \approx 0.24 \text{ residents}$$

As a result, the cost per employee is approximately 24% of the cost per resident.

C Required Facilities and Estimated Costs

The City's formal corporation yard facilities include the Public Services and Public Works yards, which lie on a total of 2.5 acres. Public Safety, however, uses various parking and storage areas throughout the City. It is the City's intention to consolidate all corporation yard-related needs and build a new facility on 5.0 acres, with a total of 3,200 square feet of office space.

The planned corporation yard is expected to cost \$5 million, with \$0.6 million related to the cost of constructing the necessary office space, \$2.9 million related to the cost of constructing shop building and specialized covered space, and \$1.5 million representing the cost of land. The total cost has been allocated between existing and future development, with future development only responsible for the incremental increase to the City's corporation yard facilities.

In addition to the 2.5 acres of corporation yard facilities that the City currently operates, a combined 2,200 square feet of office space is used by fleet-related maintenance personnel. Because future development will be responsible for 1,000 square feet of office space, it has been allocated 31.3% of the \$0.6 million. Similarly, because future development generates the need for an additional 2.5 acres, it has been allocated 50.0% of the remaining cost.

New development will increase the demand placed on current corporation yard facilities. The City believes that the incremental increase in facilities from the planned corporation yard will adequately meet this increased demand. The total cost of the facility attributable to future development is \$2.4 million, or a cost per future person served of \$81.35. The remaining balance will have to be funded by existing development through means other than impact fees.

D Corporation Yard Fee Component

The final section of Table A-8 shows the calculation of the corporation yard fee component of the CFF. The \$81.35 cost per person served is applied to each of the residential land use categories based on average persons per household and each of the non-residential land use categories based on employee resident-equivalents. The corporation yard fees are as follows:

- \$303.51 per unit for Very-Low/Low Density uses,
- \$249.60 per unit for Medium Density uses,
- \$179.71 per unit for High Density uses,
- \$0.05 per square foot for Commercial uses,
- \$0.07 per square foot for Office uses, and
- \$0.04 per square foot for Industrial uses

X. Fee Component Summary

Table X-1 summarizes the fee components of the CFF as calculated in this report. A three percent (3.0%) fee is included to pay for administration of the CFF.

**TABLE X-1
CFF SUMMARY**

| Facility Type | RESIDENTIAL LAND USES | | | NON-RESIDENTIAL LAND USES | | |
|---------------------|---------------------------------|---------------------------|-------------------------|---------------------------|--------------------|------------------------|
| | Vary-Low/Low Density (per Unit) | Medium Density (per Unit) | High Density (per Unit) | Commercial (per Sq Ft) | Office (per Sq Ft) | Industrial (per Sq Ft) |
| Police | \$2,243.96 | \$1,845.36 | \$1,328.66 | \$0.33 | \$0.50 | \$0.24 |
| Fire | \$800.00 | \$640.00 | \$384.00 | \$0.32 | \$0.32 | \$0.32 |
| Park Improvement | \$6,079.84 | \$4,999.87 | \$3,599.91 | N/A | N/A | N/A |
| Community Center | \$349.97 | \$287.81 | \$207.22 | \$0.06 | \$0.08 | \$0.04 |
| City Hall | \$864.34 | \$710.80 | \$511.78 | \$0.13 | \$0.19 | \$0.09 |
| Corporation Yard | \$303.51 | \$249.60 | \$179.71 | \$0.05 | \$0.07 | \$0.04 |
| Administration (3%) | \$319.25 | \$262.00 | \$186.34 | \$0.03 | \$0.03 | \$0.02 |
| Total | \$10,960.87 | \$8,995.44 | \$6,397.62 | \$0.92 | \$1.19 | \$0.75 |

XI. Ongoing Administration of the CFF Program

A. Fee Study Updates and Fee Adjustments

The CFF may be adjusted in future years to reflect revised facility standards, receipt of funding from alternative sources (i.e., state or federal grants), revised costs, or changes in demographics or the land use plan. It is recommended that the City consider a fee study update annually, or potentially more frequently if circumstances have materially been affected by events such as those listed above. If it is determined that a fee study update is not necessary, the fees will be inflated each year by a predetermined index.

The fee categories summarized in the prior section may not be applicable to specialized development projects in the City. For example, development of a cemetery, golf course, or stadium would not fall under any of the fee categories in this study. For specialized development projects, the City will review the impacts and decide on an applicable ad hoc fee.

B. Fee Implementation

According to the California Government Code, prior to levying a new fee or increasing an existing fee, an agency must hold at least one open and public meeting. At least ten days prior to this meeting, the agency must make data on infrastructure costs and funding sources available to the public. Notice of the time and place of the meeting and a general explanation of the matter are to be published in accordance with Section 6062a of the Government Code, which states that publication of notice shall occur for ten days in a newspaper regularly published once a week or more. The City may then adopt the new fees at the second reading.

C. Annual Administrative Duties

The Government Code requires the City to report every year and every fifth year certain financial information regarding the fees. The City must make available within 180 days after the last day of each fiscal year the following information from the prior fiscal year:

- 1 A brief description of the type of fee in the account or fund
- 2 The amount of the fee
- 3 The beginning and ending balance in the account or fund
- 4 The amount of the fee collected and the interest earned
- 5 An identification of each public improvement for which fees were expended and the amount of expenditures
- 6 An identification of an approximate date by which time construction on the improvement will commence if it is determined that sufficient funds exist to complete the project
- 7 A description of each interfund transfer or loan made from the account and when it will be repaid
- 8 Identification of any refunds made once it is determined that sufficient monies have been collected to fund all fee-related projects

The City must make this information available for public review and must also present it at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public.

For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the City must make the following findings with respect to any remaining funds in the fee account, regardless of whether those funds are committed or uncommitted:

- 1 Identify the purpose to which the fee is to be put
- 2 Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

- 3 Identify all sources and amounts of funding anticipated to complete financing any incomplete improvements
- 4 Designate the approximate dates on which funding in item (3) above is expected to be deposited into the fee account

As with the annual disclosure, the five-year report must be made public within 180 days after the end of the City's fiscal year and must be reviewed at the next regularly scheduled public meeting. These findings must be made by the City, otherwise, the law requires that the City refund the money on a prorated basis to the then current record owners of the development project.

D. Fee Credits or Reimbursements

The City may provide fee credits or possibly reimbursements to developers who dedicate land or construct facilities. Fee credits or reimbursements may be provided up to the cost of the improvement, as shown in an applicable improvement plan, subject to periodic inflation adjustments, or the actual cost paid by the developer, whichever is lower. For construction cost overruns, only that amount shown in the applicable improvement plan, subject to periodic inflation adjustments, should be credited or reimbursed. The City will evaluate the appropriate fee credit or reimbursement based on the value of the dedication or improvement. Credits or reimbursements may be repaid based on the priority of the capital improvements, as determined by the City. In some cases, repayment for constructed facilities that have low priority may be postponed. Fee credits and reimbursements will be determined by the City on a case-by-case basis.

E. Interfund Transfers

It is recommended that the City adopt a policy that will allow for the transfer of fee revenues between fee funds. This will provide greater funding flexibility and facilitate the timely phasing of improvements by allowing fees to be combined and used as necessary. All interfund transfers must be repaid with interest.

F. Inflation Adjustments

All fees calculated in this report are reflected in year 2006 dollars. In addition to the periodic adjustments mentioned earlier, the fees should be inflated each year by a predetermined index, such as the Engineering News Record 20-City Construction Cost Index.

G. Project Costs

Actual costs for a particular project may be more or less than the fee portion calculated for that project. However, it is expected that, on average, the amount collected will be appropriate for financing the planned projects. Fee adjustments will need to be made during periodic updates for differences based on actual costs incurred and revised cost estimates for remaining projects.

APPENDIX A

Capital Facilities Fee Program Calculations

Table A-1
Fee Summary for New Development in the City of Los Banos

| Facility Type | Residential Land Uses | | | Non-Residential Land Uses | | |
|---------------------|---------------------------------------|---------------------------------|-------------------------------|---------------------------|-----------------------|---------------------------|
| | Very-Low/Low Density (per Unit) | Medium Density (per Unit) | High Density (per Unit) | Commercial (per Sq Ft) | Office (per Sq Ft) | Industrial (per Sq Ft) |
| Pipes | \$2,243.06 | \$1,845.98 | \$1,328.66 | \$0.33 | \$0.50 | \$0.24 |
| Fire Protection | \$500.00 | \$640.00 | \$384.00 | \$0.62 | \$0.32 | \$0.32 |
| Park/Improvement | \$6,078.84 | \$4,095.87 | \$3,589.84 | N/A | N/A | N/A |
| Community Center | \$349.97 | \$287.81 | \$207.22 | \$0.06 | \$0.08 | \$0.04 |
| City Hall | \$884.54 | \$710.80 | \$514.78 | \$0.75 | \$0.19 | \$0.09 |
| Corporation Yard | \$303.51 | \$248.50 | \$179.71 | \$0.05 | \$0.07 | \$0.04 |
| Administration (3%) | \$319.25 | \$262.00 | \$185.34 | \$0.03 | \$0.03 | \$0.02 |
| Total | \$10,968.97 | \$8,015.94 | \$6,397.82 | \$0.92 | \$1.19 | \$0.76 |

**Table A-2
Land Uses**

| <i>Existing Development at 1/1/05</i> | | | | | |
|---|---------------|---------------|------------------|------------------|------------------|
| Residential | | Units | Pop. 1/ | PPH 2/ | |
| Very-Low/Low Density | | 5,871 | 21,006 | 3.73 | |
| Medium Density | | 3,373 | 9,825 | 3.07 | |
| High Density | | 1,471 | 3,116 | 2.21 | |
| Subtotal | | 10,714 | 34,048 | - | |
| Estimated Number of Jobs in the City | | | 7,777 | | |
| <i>Future Development through 2020</i> | | | | | |
| Residential | | Units | Pop. 2/ | PPH | |
| Very-Low/Low Density | | 4,610 | 16,826 | 3.73 | |
| Medium Density | | 2,691 | 7,950 | 3.07 | |
| High Density | | 1,130 | 2,496 | 2.21 | |
| Subtotal | | 8,230 | 27,270 | - | |
| Non-Residential | Acres | FAR | Sq. Ft. | Employees | Jobs/Acre |
| Commercial | 62.15 | 0.25 | 678,858 | 1,554 | 25 |
| Office | 26.65 | 0.30 | 348,916 | 1,199 | 45 |
| Industrial | 266.19 | 0.30 | 3,478,684 | 5,590 | 21 |
| Subtotal | 355.00 | - | 4,503,768 | 8,343 | - |
| <i>Total Existing & Future Development through 2020</i> | | | | | |
| Residential | | Units | Pop. 1/ | PPH | |
| Very-Low/Low Density | | 10,390 | 37,831 | 3.73 | |
| Medium Density | | 5,864 | 17,875 | 3.07 | |
| High Density | | 2,600 | 5,611 | 2.21 | |
| Subtotal | | 18,944 | 61,318 | - | |
| Estimated Number of Jobs in the City | | | 16,120 | | |

1/ Population numbers reflect a vacancy rate of 4.08% applied to the number of existing residential units
 2/ Assumes an annual growth rate of 4.00%

Sources: City of Los Banos General Plan, 6/19/09, California Department of Finance

**Table A-3a
Police Station and Animal Control Cost Calculation**

| Development Assumptions | Year | 2006 | 2010 | Future |
|--|-------------|---------------|---------------|---------------|
| Resident Population | | 34,048 | 41,424 | 7,377 |
| Employee Resident Equivalent Population 1/ | | 1,852 | 2,514 | 652 |
| Total Persons Served | | 35,899 | 43,938 | 8,030 |

| | Existing Personnel | Personnel Assuming A Preferred Staffing Standard | Existing Standard Personnel per 1K Persons Served | Preferred Standard Personnel per 1K Persons Served |
|--|---------------------------|---|--|---|
| Police Staffing | | | | |
| Sworn Officers | 38 | 64 | 1.1 | 1.5 |
| Non-Sworn Personnel | 22 | 22 | 0.6 | 0.9 |
| Total Full-time Employee Staffing | 60 | 76 | 1.7 | 2.1 |

| Police Station Facilities | Unit Cost | Total Units | Total Cost |
|--|------------------|--------------------|---------------------|
| Police Administration/Operations Building | \$252/SF | 32,400 SF | \$8,164,800 |
| Detention Facility | \$500/SF | 12,800 SF | \$6,400,000 |
| Service Buildings | \$105/SF | 2,700 SF | \$283,500 |
| Site Development | \$6/SF | 30,000 SF | \$180,000 |
| Lot Size | \$15/SF | 2 acres | \$1,305,000 |
| Other Costs 2/ | | | \$1,172,000 |
| Total Cost | | | \$19,807,100 |
| Total Police Station Cost Allocated to Existing Development | | | \$16,638,000 |
| Total Police Station Cost Allocated to Future Development | | | \$3,169,100 |
| Future Persons Served | | | 8,030 |
| Police Station Facilities Cost per Person Served | | | \$444 |

| Animal Control Facilities 3/ | Unit Cost | Total Units | Total Cost |
|---|------------------|--------------------|--------------------|
| Office Space | \$221/SF | 3,050 SF | \$674,050 |
| Storage Space | \$105/SF | 6,700 SF | \$703,500 |
| Lot Size | \$15/SF | 3 acres | \$1,950,000 |
| Total Cost | | | \$3,222,750 |
| Existing Persons Served | | | 35,889 |
| Animal Control Facilities Cost per Person Served | | | \$90 |

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation
2/ Other costs include A/E design fees, topographic and boundary surveys, materials, testing, furniture, fixtures, and equipment, environmental study documents, City staff and consultant time, and construction management costs. Costs were inflated to 2005 dollars by the ENR CCI
3/ Building sizes represent the City's current preferred space needs, as provided by the Police Department

Sources: City of Los Banos; Los Banos Police Department; MWM Architects, Inc.

**Table A-3b
Police Vehicles and Equipment Cost Calculation**

| Development Assumptions | Year | 2006 | 2010 | Future |
|--|------|---------------|---------------|----------------|
| | | | | Persons Served |
| Resident Population | | 34 048 | 41 424 | 7 377 |
| Employee Resident Equivalent Population 1/ | | 1 852 | 2 514 | 662 |
| Total Persons Served | | 35 899 | 43 938 | 8 039 |

| Police Staffing | Existing Police Personnel | Personnel Assuming A Preferred Starting Standard | Existing Standard Personnel per 1K Persons Served | Preferred Standard Personnel per 1K Persons Served |
|--|---------------------------|--|---|--|
| | Sworn Officers | 38 | 54 | 1.1 |
| Non Sworn Personnel | 22 | 22 | 0.5 | 0.6 |
| Total Full Time Employee Staffing | 60 | 76 | 1.7 | 2.1 |

| Existing Vehicles and Equipment | Number of Units | |
|--|---|----|
| | Marked Patrol Cars (unit = # of vehicles) | 26 |
| Unmarked Patrol Cars (unit = # of vehicles) | 9 | |
| Support Vehicles (unit = # of vehicles) | 13 | |
| Support Trailers (unit = # of vehicles) | 2 | |
| Office Equipment (unit = # of workstations) | 28 | |
| Personal Duty Gear (unit = # of Sworn Officers) | 38 | |
| Personal Duty Gear (unit = # of Non Sworn Personnel) | 22 | |

| Existing Vehicles per Sworn Officer | Number of Units |
|-------------------------------------|-----------------|
| Marked Patrol Cars | 0.68 |
| Unmarked Patrol Cars | 0.24 |

| Existing Vehicles and Equipment per Full Time Employee | Number of Units |
|--|-----------------|
| Support Vehicles | 0.22 |
| Support Trailers | 0.03 |
| Office Equipment (workstations) | 0.48 |

| Calculation of Vehicles and Equipment Under the Preferred Standard | Number of Units | | Estimated Cost per Unit | Total Cost |
|--|---|----------|-------------------------|------------|
| | Marked Patrol Cars (unit = # of vehicles) | 37 | | |
| Unmarked Patrol Cars (unit = # of vehicles) | 13 | \$15 000 | \$191 306 | |
| Support Vehicles (unit = # of vehicles) | 16 | \$15 000 | \$246 500 | |
| Support Trailers (unit = # of vehicles) 2/ | 3 | N/A | N/A | |
| Office Equipment (unit = # of workstations) | 37 | \$3 500 | \$129 311 | |
| Personal Duty Gear (unit = # of Sworn Officers) | 54 | \$4 000 | \$215 306 | |
| Personal Duty Gear (unit = # of Non Sworn Personnel) | 22 | \$500 | \$11 000 | |
| | | | \$1 890 606 | |

| | |
|--|----------------|
| Existing Persons Served | \$35 896 |
| Vehicles and Equipment Cost per Person Served | \$65 43 |

| Additional Equipment Requirements | Number of Units | | Estimated Cost per Unit | Total Cost |
|--|--|----------|-------------------------|------------|
| | Mobile Data Terminals (MDT) @ 1.0 per 0.6 Future Sworn Officers 3/ | 7 | | |
| Radio Tower Receiver Sites | 3 | \$20 000 | \$60 000 | |
| Future Persons Served | | | \$86 000 | |
| Additional Equipment Cost per Person Served | | | \$11 94 | |

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation

2/ The number of support trailers is unlikely to increase in the near future according to the Chief of Police

3/ Measure P will fund the purchase of MDTs for existing City vehicles and the expenditure of terminals but not the purchase of MDTs for future vehicles

Table A-3c
Police Fee

| Development Assumptions | | Year | 2006 | 2018 | Future Persons Served |
|--|--|------|--------|--------|--------------------------|
| Resident Population | | | 34,046 | 41,424 | 7,377 |
| Employee Resident Equivalent Population 1/ | | | 1,862 | 2,514 | 652 |
| Total Persons Served | | | 35,899 | 43,938 | 8,039 |

| | |
|--|----------|
| Police Station Facilities Cost per Person Served | \$443.99 |
| Animal Control Facilities Cost per Person Served | \$80.05 |
| Vehicles and Equipment Cost per Person Served | \$56.46 |
| Additional Equipment Cost per Person Served | \$11.86 |
| Police Cost per Future Person Served | \$601.45 |

| Fee Calculation | | | |
|------------------------|-----------------------|--------------------------|----------------------|
| | Persons per Household | Cost per Future Person | Impact Fee per Unit |
| Residential | | | |
| Very-Low/Low Density | 3.73 | \$601.45 | \$2,243.99 |
| Medium Density | 3.07 | \$601.45 | \$1,845.36 |
| High Density | 2.21 | \$601.45 | \$1,328.66 |
| Non-Residential | Sq Ft per Employee | Cost per Future Employee | Impact Fee per Sq Ft |
| Commercial | 436 | \$143.20 | \$9.33 |
| Office | 290 | \$143.20 | \$9.60 |
| Industrial | 622 | \$143.20 | \$1.24 |

1/ 1.0 employee equals approximately 0.24 residents for purpose of this calculation

Source: City of Los Banos, Los Banos Police Department

Table A-4a
Summary of Fire Protection Costs

| | | | |
|--|-------------------|---|---|
| Fire Station Costs | | | |
| Land Costs | | | |
| Cost of Land per Sq Ft | | \$8 50 | |
| Number of Acres Required for New Station | 1 | | |
| Subtotal | | \$870 260 | |
| Facility Costs | | | |
| Cost of New Station per Square Foot | | \$300 | |
| Number of Square Feet Required for New Station | 3 500 | | |
| Subtotal | | \$1 050 000 | |
| Safety Gear | | | |
| Cost of Safety Gear and Uniform per Fire Fighter | | \$3 500 | |
| Number of Fire Fighters | 6 | | |
| Subtotal | | \$21 000 | |
| Equipment | | | |
| One New Engine | | \$340 000 | |
| Equipment for Engine | | \$45 000 | |
| One Rescue Unit | | \$280 000 | |
| Equipment for Rescue Unit | | \$45 000 | |
| Office Equipment | | \$10 000 | |
| Training and Day Room Equipment | | \$4 500 | |
| Sleeping Quarters | | \$6 000 | |
| Kitchen Supplies | | \$5 000 | |
| Subtotal | | \$715 500 | |
| Cost per Fire Station (including equipment) | | \$2 156 760 | |
| Number of Fire Stations Needed to Serve Future Development | 3 | | |
| Total Fire Stations Cost | | \$6,470 280 | |
| Additional Facilities | Total Cost | % Attributable to New Development 1/ | Cost Attributed to New Development |
| Computer Aided Dispatch | \$50 000 | 49% | \$22 451 |
| Mobile Data Terminals | \$90 000 | 45% | \$40 412 |
| Additional Apparatus Storage Building at Station One | \$65 000 | 45% | \$29 187 |
| Turnout Room at Station One | \$15 000 | 45% | \$6 735 |
| Radio System Improvements | \$35 000 | 45% | \$15 716 |
| Training Tower Steel | \$1 305 000 | 45% | \$585 675 |
| Command Vehicle | \$45 000 | 100% | \$45 000 |
| Subtotal | | | \$745,480 |
| Facilities Cost Summary | | | |
| Fire Stations Cost | | | \$6 470 280 |
| Additional Facilities Cost | | | \$745 480 |
| Net Fire Protection Cost Allocated to Future Development | | | \$7,215,760 |

1/ Equals future development's proportionate share of the cost of these facilities

Source: City of Los Banos (Los Banos Fire Department)

**Table A-4b
Fire Protection Fee**

| Development Assumptions | | | |
|--|--------------|--|--------------------------------------|
| Residential | Units | Average Building Square Footage | Total Building Square Footage |
| Very-Low/Low Density | 4 610 | 2 500 | 11 274 076 |
| Medium Density | 2 591 | 2 000 | 5,182 065 |
| High Density | 1 130 | 1 200 | 1 355 805 |
| Subtotal | 8 230 | - | 17 811 745 |
| Non-Residential | Acres | Floor-to Area Ratio (FAR) | Total Building Square Footage |
| Commercial | 62.2 | 0.25 | 676 858 |
| Office | 26.7 | 0.30 | 348 318 |
| Industrial | 266.2 | 0.30 | 3 478 694 |
| Subtotal | 355.0 | - | 4,503 768 |
| New Building Square Footage at Buildout | | | 22,315,513 |
| Net Fire Protection Cost | | | \$7 215 760 |
| Fire Protection Cost per Building Square Foot | | | \$0.32 |

| Fee Calculation | | | |
|------------------------|--|--------------------------------------|-------------------------------|
| Residential | Average Building Square Footage | Cost per Building Square Foot | Impact Fee per Unit |
| Very-Low/Low Density | 2 500 | \$0.32 | \$808.00 |
| Medium Density | 2 000 | \$0.32 | \$648.00 |
| High Density | 1 200 | \$0.32 | \$384.00 |
| Non-Residential | | | Impact Fee per Sq. Ft. |
| Commercial | | | \$0.32 |
| Office | | | \$0.32 |
| Industrial | | | \$0.32 |

Source: City of Los Banos

**Table A-5
Park Improvement Fee**

| Development Assumptions | | | |
|---|-----------------------|------------------------|---|
| | Year | 2006 | 2020 |
| Resident Population | | 34,048 | 61,318 |
| | | | New Future Residents 27,270 |
| Facilities Assumptions | | | |
| | | | General Plan Standards (Acre per 1,000 Residents) |
| Park Standards | | | |
| Neighborhood Parks | | | 1.50 |
| Community Parks | | | 3.50 |
| Regional Parks | | | - |
| Total | | | 5.00 |
| Park Improvements | | | |
| Neighborhood Park Improvement Cost per Acre | | | \$300,000 |
| Community Park Improvement Cost per Acre | | | \$310,000 |
| Additional Neighborhood Park Acreage Required at Buildout (based on G.P. Standards) | | | 48.81 |
| Additional Community Park Acreage Required at Buildout (based on G.P. Standards) | | | 95.45 |
| Total Additional Park Acreage Required at Buildout (based on G.P. Standards) | | | 148.35 |
| Total Neighborhood Park Improvement Cost | | | \$12,271,616 |
| Total Community Park Improvement Cost | | | \$29,536,220 |
| Total Park Improvement Cost | | | \$41,807,836 |
| Recreational Facilities | | | |
| Aquatic Center | | | \$5,800,000 |
| Proportional Allocation based on Resident Population of Aquatic Center Cost | | | |
| Amount Allocated to Existing Development | | | \$3,220,634 |
| Amount Allocated to Future Development | | | \$2,579,366 |
| Park Improvement Cost per Future Resident | | | \$1,535.00 |
| Land Acquisition Cost per Future Resident 1/ | | | \$0 |
| Recreational Facilities Cost per Future Resident | | | 195 |
| Total Park Improvement Cost per Future Resident | | | \$1,629.59 |
| Fee Calculation | | | |
| | Persons per Household | Cost per Future Person | Impact Fee per Unit |
| Residential | | | |
| Very-Low/Low Density | 3.73 | \$1,629.59 | \$6,079.84 |
| Medium Density | 3.07 | \$1,629.59 | \$4,999.87 |
| High Density | 2.21 | \$1,629.59 | \$3,889.81 |

1/ Land costs are not included as land may be dedicated or acquired with park in-lieu fees

**Table A-6
Community Center Fee**

| Development Assumptions | | Year | 2006 | 2020 | New Future Residents |
|--|--|------|---------------|---------------|----------------------|
| Resident Population | | | 34,048 | 61,318 | 27,270 |
| Employee Resident-Equivalent Population 1/ | | | 1,852 | 3,838 | 1,987 |
| Total Persons Served | | | 35,899 | 65,156 | 29,257 |

| Facilities Assumptions | | | |
|--|--|--|--------------------|
| Planned Community Center Building Space (sq ft) | | | 22,000 |
| Estimated Building Construction Cost per Sq Ft | | | \$278 |
| Total Building Construction Cost | | | \$6,116,000 |
| Gross Total Community Center Cost | | | \$6,116,000 |
| Less Existing Fund Balance | | | (\$4,225) |
| Net Total Community Center Cost | | | \$6,111,775 |
| Proportional Allocation, based on Total Persons Served, of Community Center Cost | | | |
| Amount Allocated to Existing Development | | | \$3,367,431 |
| Amount Allocated to Future Development | | | \$2,744,344 |
| Community Center Cost per Future Person Served | | | \$93.89 |

| Fee Calculation | | | |
|------------------------|-----------------------|--------------------------|----------------------|
| | Persons per Household | Cost per Future Person | Impact Fee per Unit |
| Residential | | | |
| Very-Low/Low Density | 3.73 | \$93.80 | \$349.97 |
| Medium Density | 3.07 | \$93.80 | \$287.81 |
| High Density | 2.21 | \$93.80 | \$207.22 |
| | Sq Ft per Employee | Cost per Future Employee | Impact Fee per Sq Ft |
| Non-Residential | | | |
| Commercial | 436 | \$22.33 | \$0.06 |
| Office | 290 | \$22.33 | \$0.08 |
| Industrial | 622 | \$22.33 | \$0.04 |

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation

Source: City of Los Banos

**Table A-7
City Hall Fee**

| Development Assumptions | | | New Future |
|--|---------------|---------------|-------------------|
| Year | 2006 | 2020 | Residents |
| Resident Population | 34,048 | 61,318 | 27,270 |
| Employee Resident-Equivalent Population 1/ | 1,852 | 3,638 | 1,897 |
| Total Persons Served | 35,899 | 65,156 | 29,257 |

| Facilities Assumptions | |
|---|-----------------|
| Existing City Hall Land Area including Annex (sq ft) | 52,609 |
| Existing City Hall Land Area including Annex, per Person Served (sq ft) | 1.46 |
| Estimated Land Acquisition Cost per Sq Ft | \$15.00 |
| Estimated Land Acquisition Cost per Person Served | \$21.64 |
| Current City Hall Building Space, including Annex (sq ft) | 19,355 |
| Current City Hall Building Space, including Annex, per Persons Served (sq ft) | 0.54 |
| Estimated Building Construction Cost, including furniture, fixtures and equipment per Sq Ft | \$389 |
| Estimated Building Construction Cost per Person Served | \$208.73 |
| City Hall Cost per Future Person Served | \$231.67 |

| Fee Calculation | | | |
|------------------------|------------------------------|---------------------------------|-----------------------------|
| | Persons per Household | Cost per Future Person | Impact Fee per Unit |
| Residential | | | |
| Very-Low/Low Density | 3.73 | \$231.67 | \$864.34 |
| Medium Density | 3.07 | \$231.67 | \$710.80 |
| High Density | 2.21 | \$231.67 | \$511.78 |
| Non-Residential | Sq Ft per Employee | Cost per Future Employee | Impact Fee per Sq Ft |
| Commercial | 436 | \$55.16 | \$0.13 |
| Office | 290 | \$55.16 | \$0.19 |
| Industrial | 622 | \$55.16 | \$0.09 |

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation

Source: City of Los Banos

**Table A-8
Corporation Yard Fee**

| Development Assumptions | | Year | 2006 | 2020 | New Future Residents |
|--|--|------|---------------|---------------|----------------------|
| Resident Population | | | 34,048 | 61,318 | 27,270 |
| Employee Resident-Equivalent Population 1/ | | | 1,852 | 3,838 | 1,987 |
| Total Persons Served | | | 35,899 | 65,156 | 29,257 |

| Facilities Assumptions | | |
|---|--|--------------------|
| Planned Corporation Yard | | |
| Land Area (acres) | | 5 |
| Office Space (sq ft) | | 3,200 |
| Land Area (acres) Expected to Serve the Existing Fleet | | 2.5 |
| Office Space (sq ft) Expected to Serve the Existing Fleet | | 2,200 |
| Land Area (acres) Expected to Serve Future Development | | 2.5 |
| Office Space (sq ft) Expected to Serve Future Development | | 1,000 |
| Estimated Cost of Office Space at \$200 per Sq Ft | | \$640,000 |
| Estimated Cost of Shop Building/Specialized Covered Space | | \$2,660,000 |
| Estimated Cost of Land Acquisition | | <u>\$1,500,000</u> |
| Total Estimated Cost | | \$5,000,000 |
| Future Development's Share of the Estimated Cost of Office Space | | \$200,000 |
| Future Development's Share of the Estimated Cost of Shop Building/Specialized Covered Space | | \$1,430,000 |
| Future Development's Share of the Estimated Cost of Land Acquisition | | <u>\$760,000</u> |
| Future Development's Share of the Total Estimated Cost | | \$2,380,000 |
| Planned Corporation Yard Cost per Future Person Served | | \$81.35 |

| Fee Calculation | | | |
|------------------------|-----------------------|--------------------------|----------------------|
| Residential | Persons per Household | Cost per Future Person | Impact Fee per Unit |
| Very-Low/Low Density | 3.73 | \$81.35 | \$303.51 |
| Medium Density | 3.07 | \$81.35 | \$249.60 |
| High Density | 2.21 | \$81.35 | \$178.71 |
| Non-Residential | Sq Ft per Employee | Cost per Future Employee | Impact Fee per Sq Ft |
| Commercial | 436 | \$19.37 | \$8.05 |
| Office | 290 | \$19.37 | \$8.07 |
| Industrial | 622 | \$19.37 | \$8.04 |

1/ 1.0 employee equals approximately 0.24 residents for purposes of this calculation

Source: City of Los Banos

RESOLUTION NO. 5119

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS ADJUSTING THE
DEVELOPMENT IMPACT FEES BASED ON THE
NEW ENGINEERING RECORD CONSTRUCTION
COST INDEX FOR 2009**

WHEREAS, the City has adopted development impact fees by resolutions 4083, 4163, and 4786 for capital facilities related to new development; and

WHEREAS, each of the foregoing resolutions provide for an annual adjustment to account for construction cost increases; and

WHEREAS, the foregoing resolutions provide that the basis for the annual adjustments be the National Average Construction Cost Index for the prior year as published in the Engineering New Record; and

WHEREAS, the City has conducted a noticed public hearing.

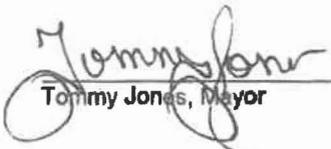
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby by the City Council of Los Banos finds that the National Average Construction Cost Index from October 2007 to October 2008 as it was published in the Engineering New Record and it has been calculated at a 7.2% increase;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Los Banos that it does hereby adjust the aforementioned development impact fees as set forth in Exhibit A-1, A-2, and A-3 attached hereto to take effect on May 4, 2009

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 4th day of March 2009, by Council Member Stone who moved its adoption, which motion was duly seconded by Council Member Sousa and the Resolution adopted by the following vote:

| | |
|--------|--|
| AYES: | Council Members Faria, Sousa, Stone, Villalta, Mayor Jones |
| NOES: | None |
| ABSENT | None |

APPROVED:


Tommy Jones, Mayor

ATTEST

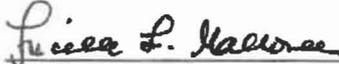

Lucille L. Mallonee, City Clerk

Exhibit A - 1**2009 Adjusted Development Impact Fees**

(Resolution # 4788 adopted on 10/04/2008, effective date 12/03/2008)

| Type of Development | Police | Fire | Park Development | Community Center | Corporation Yard | City Hall | 3% Admin Fee |
|------------------------|----------|--------|---------------------|---------------------|---------------------|-----------|-----------------|
| Per dwelling unit: | | | | | | | |
| Very Low / Low Density | 2,559.19 | 912.39 | 6,933.95 | 399.13 | 346.15 | 985.76 | 364.10 |
| Medium Density | 2,104.60 | 729.91 | 5,702.26 | 328.24 | 284.66 | 810.65 | 298.81 |
| High Density | 1,515.31 | 437.94 | 4,105.63 | 236.33 | 204.96 | 583.68 | 212.52 |
| Per square ft: | | | | | | | |
| Commercial | 0.38 | 0.36 | - | 0.07 | 0.06 | 0.15 | 0.03 |
| Office | 0.57 | 0.36 | - | 0.09 | 0.08 | 0.22 | 0.04 |
| Industrial | 0.27 | 0.36 | - | 0.05 | 0.05 | 0.10 | 0.02 |

Exhibit A - 2

2009 Water Development Fees

(Resolution 4183 adopted on 12/20/2000)

| Connection Size | Fee |
|-----------------|------------|
| 3/4" - 1" | 3,127.13 |
| 1 1/2" | 9,225.42 |
| 2" | 19,856.59 |
| 3" | 58,540.24 |
| 4" | 126,085.60 |

Exhibit A - 3

2009 Public Facilities Fee

(Resolution # 4083 adopted 01/05/2000)

| Type of Dwelling | Fee |
|------------------------|------|
| Single Family Dwelling | 5.62 |
| Multi-Family Dwelling | 5.62 |
| Commercial Use* | 5.62 |
| Industrial Use* | 5.62 |

* per dwelling unit @ 4.3 dwelling units per acre of use

2009 Storm Drainage Impact Fee

(Resolution # 4083 adopted 01/05/2000)

| Type of Dwelling | Fee |
|------------------------|-------|
| Single Family Dwelling | 22.49 |
| Multi-Family Dwelling | 22.49 |
| Commercial Use* | 22.49 |
| Industrial Use* | 22.49 |

* per dwelling unit @ 4.3 dwelling units per acre of use

2009 Wastewater Development Fees*

(Resolution # 4083 adopted 01/05/2000)

| Connection | Fee |
|---------------------------|----------|
| Single Family Residential | 5,420.00 |

* set by an escalation factor independent of any other factor to maintain parity in the payment of Certificates of Participation issued by the City, set in Resolution 4083.

2009 Park Development Impact Fees

(Resolution # 4083 adopted 01/05/2000)

| Type of Dwelling | Total Development Fee |
|------------------|-----------------------|
| Very Low Density | 5,897.28 |
| Low Density | 5,290.43 |
| Medium Density | 4,346.03 |
| High Density | 3,130.35 |

Exhibit A - 3 Continued)

2009 Traffic Impact Fees

(Resolution # 4063 adopted 01/05/2000)

Traffic Impact Fee by Detailed Uses:

| Use | Bldg Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|------------------------|-----------|----------|------------|------------|--------------|
| Single Family Dwelling | 1,800 | dwelling | 1.00 | 3,380.85 | 1.88 |
| Fast Food | 3,500 | 1,000 | 5.05 | 59,747.59 | 17.07 |
| Super market | 50,000 | 1,000 | 1.85 | 312,683.10 | 6.25 |
| Office Building | 80,000 | 1,000 | 1.78 | 361,021.56 | 6.02 |
| Light Industrial | 100,000 | 1,000 | 0.91 | 307,612.53 | 3.08 |
| Heavy Industrial | 200,000 | 1,000 | 0.18 | 121,692.40 | 0.61 |

| Use | Bldg Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|-------------------|-----------|-------|------------|------------|--------------|
| Industrial | | | | | |
| Light Industrial | 100,000 | 1,000 | 0.91 | 307,612.53 | 3.08 |
| Heavy Industrial | 200,000 | 1,000 | 0.18 | 121,692.40 | 0.61 |
| Industrial Park | 200,000 | 1,000 | 0.85 | 574,660.46 | 2.87 |
| Manufacturing | 80,000 | 1,000 | 0.70 | 189,299.59 | 2.37 |
| Warehousing | 200,000 | 1,000 | 0.47 | 317,753.68 | 1.59 |
| Mini-warehousing | 80,000 | 1,000 | 0.15 | 40,564.61 | 0.51 |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|----------------------|------|------|------------|----------|--------------|
| Residential | | | | | |
| Single Family | n/a | 1 | 1.00 | 3,380.85 | n/a |
| Apartment | n/a | 1 | 0.61 | 2,062.25 | n/a |
| Condominium | n/a | 1 | 0.53 | 1,790.94 | n/a |
| Mobile Home Park | n/a | 1 | 0.55 | 1,859.82 | n/a |
| Retirement Community | n/a | 1 | 0.27 | 912.34 | n/a |

| Use | Size | Unit | EDU / Unit | Fee | Fee /room |
|----------------|------|------|------------|------------|-----------|
| Lodging | | | | | |
| Hotel | 120 | room | 0.55 | 223,103.88 | 1,859.20 |
| Business Hotel | 80 | room | 0.42 | 113,579.75 | 1,419.75 |
| Motel | 120 | room | 0.43 | 174,426.65 | 1,453.56 |

| Use | Size | Unit | EDU / Unit | Fee | Fee |
|---------------------|--------|-------|------------|------------|-----------|
| Recreational | | | | | |
| Golf Course | 18 | hole | 3.47 | 211,138.06 | 11,729.89 |
| Movie Theatre | 1,400 | seat | 0.05 | 236,625.88 | 169.02 |
| Racquet Club | 50,000 | 1,000 | 0.82 | 138,592.55 | 2.77 |

| Use | Size | Unit | EDU / Unit | Fee | Fee |
|----------------------|--------|---------|------------|--------------|--------|
| Institutional | | | | | |
| Elementary School | 1,000 | student | 0.01 | 33,804.30 | 33.80 |
| High School | 2,500 | student | 0.12 | 1,014,107.94 | 405.64 |
| Church | 7,500 | 1,000 | 0.46 | 11,662.18 | 1.55 |
| Day Care Center | 3,500 | 1,000 | 3.87 | 45,786.99 | 13.08 |
| Library | 15,000 | 1,000 | 4.93 | 249,977.79 | 16.67 |

| Use | Size | Unit | EDU / Unit | Fee | Fee /bed |
|----------------|------|------|------------|------------|----------|
| Medical | | | | | |
| Hospital | 250 | bed | 0.90 | 760,582.01 | 3,042.33 |
| Nursing Home | 200 | bed | 1.50 | 101,411.50 | 507.06 |

Exhibit A - 3 Continued

2009 Traffic Impact Fees (continued)

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|---------------------------|---------|-------|------------|--------------|--------------|
| Office | | | | | |
| 0 - 50,000 sq. ft. | 7,500 | 1,000 | 2.51 | 63,635.92 | 8.48 |
| 50,001 - 100,000 sq. ft. | 70,000 | 1,000 | 1.78 | 421,192.28 | 6.02 |
| 100,001 - 150,000 sq. ft. | 130,000 | 1,000 | 1.53 | 672,353.72 | 5.17 |
| 150,001 - 200,000 sq. ft. | 170,000 | 1,000 | 1.41 | 810,271.39 | 4.77 |
| 200,001 - 300,000 sq. ft. | 240,000 | 1,000 | 1.29 | 1,046,558.49 | 4.36 |
| Medical - Dental Office | 7,500 | 1,000 | 2.84 | 72,001.60 | 9.60 |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|-----------------------------|---------|---------|------------|--------------|--------------|
| Retail Sales | | | | | |
| Building Materials | | | | | |
| 0 - 20,000 sq. ft. | 10,000 | 1,000 | 0.49 | 16,564.07 | 1.66 |
| Over 20,001 sq. ft. | 30,000 | 1,000 | 0.35 | 35,494.03 | 1.18 |
| Specialty Center | 10,000 | 1,000 | 1.44 | 48,677.24 | 4.87 |
| Discount Store | 10,000 | 1,000 | 0.86 | 29,071.11 | 2.91 |
| Hardware Store | 6,000 | 1,000 | 0.54 | 10,952.27 | 1.83 |
| Nursery | 2,500 | 1,000 | 0.46 | 3,886.93 | 1.55 |
| Shopping Center | | | | | |
| less than 100,000 sq. ft. | 80,000 | 1,000 | 1.10 | 297,471.38 | 3.72 |
| 100,001 - 200,000 sq. ft. | 140,000 | 1,000 | 1.04 | 492,180.33 | 3.52 |
| 200,001 - 500,000 sq. ft. | 300,000 | 1,000 | 1.26 | 1,277,775.02 | 4.26 |
| 500,001 - 1 million sq. ft. | 750,000 | 1,000 | 1.32 | 3,348,554.08 | 4.46 |
| Quality Restaurant | 6,000 | 1,000 | 2.92 | 59,223.25 | 9.87 |
| High Turnover Restaurant | 3,500 | 1,000 | 3.11 | 36,795.76 | 10.51 |
| Fast Food w/o drive thru | 3,000 | 1,000 | 4.31 | 43,707.88 | 14.57 |
| Fast Food with drive thru | 3,000 | 1,000 | 5.05 | 51,211.82 | 17.07 |
| New Car Sales | 10,000 | 1,000 | 1.01 | 34,141.68 | 3.41 |
| Automotive Parts Sales | 5,000 | 1,000 | 1.54 | 26,029.04 | 5.21 |
| Gasoline / Service Station | 8 | station | 1.10 | 29,747.28 | 3,718.41 |
| Gasoline / Serv /Conv | 16 | station | 1.01 | 54,626.41 | 3,414.15 |
| Tire Store | 7,500 | 1,000 | 1.44 | 38,507.58 | 4.87 |
| Super Market | 35,000 | 1,000 | 1.85 | 218,878.17 | 6.25 |
| Convenience Market 24 hr | 3,500 | 1,000 | 3.51 | 41,527.55 | 11.87 |
| Convenience Market < 24 h | 3,500 | 1,000 | 2.26 | 26,738.95 | 7.64 |
| Convenience w Gas Pumps | 3,500 | 1,000 | 3.96 | 48,851.16 | 13.39 |
| Discount Club | 60,000 | 1,000 | 1.37 | 277,865.25 | 4.63 |
| Electronic Superstore | 15,000 | 1,000 | 1.55 | 78,593.21 | 5.24 |
| Pharmacy / Drug no drive th | 15,000 | 1,000 | 1.33 | 67,438.50 | 4.50 |
| Pharmacy / Drug w drive thr | 15,000 | 1,000 | 1.82 | 92,283.90 | 6.15 |
| Furniture Store | 10,000 | 1,000 | 0.25 | 8,451.43 | 0.85 |
| Walk in Bank | 7,500 | 1,000 | 8.09 | 205,103.14 | 27.35 |
| Drive In Bank | 7,500 | 1,000 | 9.89 | 250,738.31 | 33.43 |

Exhibit A - 3 Continued)

2009 Police Impact Fees

(Resolution # 4083 adopted 01/05/2000)

Police Impact Fee by Detailed Uses:

| Use | Bldg. Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|------------------------|------------|----------|------------|-----------|--------------|
| Single Family Dwelling | n/a | dwelling | 1.00 | 1,145.69 | n/a |
| Fast Food | 3,500 | 1,000 | 5.05 | 3,424.44 | 0.978 |
| Super market | 50,000 | 1,000 | 1.85 | 17,917.81 | 0.358 |
| Office Building | 7,500 | 1,000 | 2.51 | 3,646.54 | 0.486 |
| Light Industrial | 100,000 | 1,000 | 0.91 | 17,626.82 | 0.176 |
| Heavy Industrial | 200,000 | 1,000 | 0.18 | 6,973.97 | 0.035 |

| Use | Bldg. Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|-------------------|------------|-------|------------|-----------|--------------|
| Industrial | | | | | |
| Light Industrial | 100,000 | 1,000 | 0.91 | 17,626.82 | 0.176 |
| Heavy Industrial | 200,000 | 1,000 | 0.18 | 6,973.97 | 0.035 |
| Industrial Park | 200,000 | 1,000 | 0.85 | 32,929.92 | 0.165 |
| Manufacturing | 80,000 | 1,000 | 0.70 | 10,846.83 | 0.136 |
| Warehousing | 200,000 | 1,000 | 0.47 | 18,208.81 | 0.091 |
| Mini-warehousing | 80,000 | 1,000 | 0.15 | 2,325.12 | 0.029 |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|----------------------|------|------|------------|----------|--------------|
| Residential | | | | | |
| Single Family | n/a | 1 | 1.00 | 1,145.69 | n/a |
| Apartment | n/a | 1 | 0.61 | 698.66 | n/a |
| Condominium | n/a | 1 | 0.53 | 607.29 | n/a |
| Mobile Home Park | n/a | 1 | 0.55 | 629.78 | n/a |
| Retirement Community | n/a | 1 | 0.27 | 309.27 | n/a |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|----------------|--------|---------|------------|----------|--------------|
| Lodging | | | | | |
| Hotel | 38,016 | sq. ft. | 0.55 | 4,049.99 | 0.107 |
| Business Hotel | 25,344 | sq. ft. | 0.42 | 2,062.25 | 0.081 |
| Motel | 38,016 | sq. ft. | 0.43 | 3,167.18 | 0.083 |

| Use | Size | Unit | EDU / Unit | Fee | Fee |
|---------------------|--------|---------|------------|----------|-------|
| Recreational | | | | | |
| Golf Course | 5,000 | sq. ft. | 3.47 | 3,361.18 | 0.672 |
| Movie Theatre | 15,000 | 1,000 | 1.10 | 3,196.69 | 0.213 |
| Racquet Club | 50,000 | 1,000 | 0.82 | 7,942.54 | 0.159 |

| Use | Size | Unit | EDU / Unit | Fee | Fee |
|----------------------|--------|---------|------------|----------|-------|
| Institutional | | | | | |
| Elementary School | 1,000 | student | 0.01 | n/a | n/a |
| High School | 2,500 | student | 0.12 | n/a | n/a |
| Church | 7,500 | 1,000 | 0.46 | 667.73 | 0.089 |
| Day Care Center | 3,500 | 1,000 | 3.87 | 2,623.15 | 0.749 |
| Library | 15,000 | 1,000 | 4.93 | n/a | n/a |

| Use | Size | Unit | EDU / Unit | Fee | Fee /bed |
|-----------------|---------|---------|------------|-----------|----------|
| Medical | | | | | |
| Hospital | 120,000 | sq. ft. | 0.90 | 20,920.51 | 0.174 |
| Nursing Home | 62,400 | sq. ft. | 0.15 | 1,813.42 | 0.029 |
| Congregate Care | 65,000 | sq. ft. | 0.07 | 881.41 | 0.014 |

Exhibit A - 3 Continued)

2009 Police Impact Fees (continued)

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|---------------------------|---------|-------|------------|-----------|--------------|
| Office | | | | | |
| 0 - 50,000 sq. ft. | 5,000 | 1,000 | 2.51 | 2,430.55 | 0.486 |
| | 20,000 | 1,000 | 2.51 | 9,723.64 | 0.486 |
| 50,001 - 100,000 sq. ft. | 70,000 | 1,000 | 1.78 | 24,135.48 | 0.345 |
| 100,001 - 150,000 sq. ft. | 130,000 | 1,000 | 1.53 | 38,527.65 | 0.296 |
| 150,001 - 200,000 sq. ft. | 170,000 | 1,000 | 1.41 | 46,430.83 | 0.273 |
| 200,001 - 300,000 sq. ft. | 240,000 | 1,000 | 1.29 | 59,971.11 | 0.250 |
| Medical - Dental Office | 7,500 | 1,000 | 2.51 | 3,646.54 | 0.486 |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|-------------------------------|---------|-------|------------|------------|--------------|
| Retail Sales | | | | | |
| Building Materials | | | | | |
| 0 - 20,000 sq. ft. | 10,000 | 1,000 | 0.49 | 948.89 | 0.095 |
| | 30,000 | 1,000 | 0.35 | 2,034.13 | 0.068 |
| Over 20,001 sq. ft. | 10,000 | 1,000 | 1.44 | 2,789.02 | 0.279 |
| Specialty Center | 10,000 | 1,000 | 0.86 | 1,665.83 | 0.167 |
| Discount Store | 10,000 | 1,000 | 0.86 | 1,665.83 | 0.167 |
| Hardware Store | 6,000 | 1,000 | 0.54 | 626.97 | 0.104 |
| Nursery | 2,500 | 1,000 | 0.46 | 222.11 | 0.089 |
| Shopping Center | | | | | |
| less than 100,000 sq. ft. | 80,000 | 1,000 | 1.10 | 17,046.25 | 0.213 |
| 100,001 - 200,000 sq. ft. | 140,000 | 1,000 | 1.04 | 28,203.75 | 0.201 |
| 200,001 - 500,000 sq. ft. | 300,000 | 1,000 | 1.26 | 73,220.39 | 0.244 |
| 500,001 - 1 million sq. ft. | 750,000 | 1,000 | 1.32 | 191,768.10 | 0.256 |
| Quality Restaurant | 6,000 | 1,000 | 2.92 | 3,393.51 | 0.566 |
| High Turnover Restaurant | 3,500 | 1,000 | 3.11 | 2,108.63 | 0.602 |
| Fast Food w/o drive thru | 3,000 | 1,000 | 4.31 | 2,505.06 | 0.835 |
| Fast Food with drive thru | 3,000 | 1,000 | 5.05 | 2,935.23 | 0.978 |
| New Car Sales | 10,000 | 1,000 | 1.01 | 1,956.82 | 0.196 |
| Automotive Parts Sales | 5,000 | 1,000 | 1.54 | 1,491.52 | 0.298 |
| Gasoline / Service Station | 2,500 | 1,000 | 1.10 | 1,215.98 | 0.486 |
| Gasoline / Serv. /Conv | 2,500 | 1,000 | 1.01 | 2,446.02 | 0.978 |
| Tire Store | 7,500 | 1,000 | 1.44 | 2,091.77 | 0.279 |
| Super Market | 35,000 | 1,000 | 1.85 | 12,542.19 | 0.358 |
| Convenience Market 24 hr | 3,500 | 1,000 | 3.51 | 3,424.44 | 0.978 |
| Convenience Market < 24 hr | 3,500 | 1,000 | 2.26 | 3,424.44 | 0.978 |
| Convenience w Gas Pumps | 3,500 | 1,000 | 3.96 | 3,424.44 | 0.978 |
| Discount Club | 60,000 | 1,000 | 1.37 | 15,923.04 | 0.265 |
| Electronic Superstore | 15,000 | 1,000 | 1.55 | 4,504.05 | 0.300 |
| Pharmacy / Drug no drive thru | 15,000 | 1,000 | 1.33 | 3,864.43 | 0.258 |
| Pharmacy / Drug w drive thru | 15,000 | 1,000 | 1.82 | 5,288.47 | 0.353 |
| Furniture Store | 10,000 | 1,000 | 0.25 | 483.59 | 0.048 |
| Walk in Bank | 7,500 | 1,000 | 8.09 | 11,753.55 | 1.567 |
| Drive in Bank | 7,500 | 1,000 | 9.89 | 14,368.26 | 1.916 |

Exhibit A - 3 Continued)

2009 Fire Impact Fees

(Resolution # 4083 adopted 01/05/2000)

Fire Impact Fee by Detailed Uses:

| Use | Bldg Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|------------------------|-----------|----------|------------|-----------|--------------|
| Single Family Dwelling | n/a | dwelling | 1.00 | 1,213.17 | n/a |
| Fast Food | 3,500 | 1,000 | 5.05 | 4,612.30 | 1.318 |
| Super market | 50,000 | 1,000 | 1.85 | 24,136.90 | 0.483 |
| Office Building | 7,500 | 1,000 | 2.51 | 4,911.72 | 0.655 |
| Light Industrial | 100,000 | 1,000 | 0.91 | 23,746.10 | 0.237 |
| Heavy Industrial | 200,000 | 1,000 | 0.18 | 9,393.28 | 0.047 |

| Use | Bldg Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|-------------------|-----------|-------|------------|-----------|--------------|
| Industrial | | | | | |
| Light Industrial | 100,000 | 1,000 | 0.91 | 23,746.10 | 0.237 |
| Heavy Industrial | 200,000 | 1,000 | 0.18 | 9,393.28 | 0.047 |
| Industrial Park | 200,000 | 1,000 | 0.85 | 44,380.15 | 0.222 |
| Manufacturing | 80,000 | 1,000 | 0.70 | 14,612.87 | 0.183 |
| Warehousing | 200,000 | 1,000 | 0.47 | 24,529.10 | 0.123 |
| Mini-warehousing | 80,000 | 1,000 | 0.15 | 3,130.63 | 0.039 |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|----------------------|------|------|------------|----------|--------------|
| Residential | | | | | |
| Single Family | n/a | 1 | 1.00 | 1,213.17 | n/a |
| Apartment | n/a | 1 | 0.61 | 739.43 | n/a |
| Condominium | n/a | 1 | 0.53 | 642.44 | n/a |
| Mobile Home Park | n/a | 1 | 0.55 | 667.73 | n/a |
| Retirement Community | n/a | 1 | 0.27 | 351.12 | n/a |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|----------------|--------|---------|------------|----------|--------------|
| Lodging | | | | | |
| Hotel | 38,016 | sq. ft. | 0.55 | 5,455.75 | 0.144 |
| Business Hotel | 25,344 | sq. ft. | 0.42 | 2,777.78 | 0.110 |
| Motel | 38,016 | sq. ft. | 0.43 | 4,265.08 | 0.112 |

| Use | Size | Unit | EDU / Unit | Fee | Fee |
|---------------------|--------|---------|------------|-----------|-------|
| Recreational | | | | | |
| Golf Course | 5,000 | sq. ft. | 3.47 | 4,527.96 | 0.906 |
| Movie Theatre | 15,000 | 1,000 | 1.10 | 4,305.85 | 0.287 |
| Racquet Club | 50,000 | 1,000 | 0.82 | 10,699.24 | 0.214 |

| Use | Size | Unit | EDU / Unit | Fee | Fee |
|----------------------|--------|---------|------------|----------|-------|
| Institutional | | | | | |
| Elementary School | 1,000 | student | 0.01 | n/a | n/a |
| High School | 2,500 | student | 0.12 | n/a | n/a |
| Church | 7,500 | 1,000 | 0.46 | 899.68 | 0.120 |
| Day Care Center | 3,500 | 1,000 | 3.87 | 3,534.07 | 1.010 |
| Library | 15,000 | 1,000 | 4.93 | n/a | n/a |

| Use | Size | Unit | EDU / Unit | Fee | Fee /bed |
|-----------------|---------|---------|------------|-----------|----------|
| Medical | | | | | |
| Hospital | 120,000 | sq. ft. | 0.90 | 28,181.27 | 0.235 |
| Nursing Home | 62,400 | sq. ft. | 0.16 | 2,441.80 | 0.039 |
| Congregate Care | 65,000 | sq. ft. | 0.07 | 1,187.87 | 0.018 |

Exhibit A - 3 Continued)

2009 Fire Impact Fees (continued)

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|---------------------------|---------|-------|------------|-----------|--------------|
| Office | | | | | |
| 0 - 50,000 sq. ft. | 5,000 | 1,000 | 2.51 | 3,275.41 | 0.655 |
| | 20,000 | 1,000 | 2.51 | 13,098.87 | 0.655 |
| 50,001 - 100,000 sq. ft. | 70,000 | 1,000 | 1.78 | 32,513.81 | 0.464 |
| 100,001 - 150,000 sq. ft. | 130,000 | 1,000 | 1.53 | 51,900.64 | 0.399 |
| 150,001 - 200,000 sq. ft. | 170,000 | 1,000 | 1.41 | 62,547.87 | 0.368 |
| 200,001 - 300,000 sq. ft. | 240,000 | 1,000 | 1.29 | 80,787.60 | 0.337 |
| Medical - Dental Office | 7,500 | 1,000 | 2.51 | 4,911.72 | 0.655 |

| Use | Size | Unit | EDU / Unit | Fee | Fee /sq. ft. |
|-------------------------------|---------|-------|------------|------------|--------------|
| Retail Sales | | | | | |
| Building Materials | | | | | |
| 0 - 20,000 sq. ft. | 10,000 | 1,000 | 0.49 | 1,279.24 | 0.128 |
| Over 20,001 sq. ft. | 30,000 | 1,000 | 0.35 | 2,739.83 | 0.091 |
| Specialty Center | 10,000 | 1,000 | 1.44 | 3,757.60 | 0.376 |
| Discount Store | 10,000 | 1,000 | 0.86 | 2,243.59 | 0.224 |
| Hardware Store | 6,000 | 1,000 | 0.54 | 844.86 | 0.141 |
| Nursery | 2,500 | 1,000 | 0.46 | 299.43 | 0.120 |
| Shopping Center | | | | | |
| less than 100,000 sq. ft. | 80,000 | 1,000 | 1.10 | 22,963.08 | 0.287 |
| 100,001 - 200,000 sq. ft. | 140,000 | 1,000 | 1.04 | 37,993.46 | 0.271 |
| 200,001 - 500,000 sq. ft. | 300,000 | 1,000 | 1.26 | 98,635.12 | 0.329 |
| 500,001 - 1 million sq. ft. | 750,000 | 1,000 | 1.32 | 258,330.82 | 0.344 |
| Quality Restaurant | 6,000 | 1,000 | 2.92 | 4,571.53 | 0.762 |
| High Turnover Restaurant | 3,500 | 1,000 | 3.11 | 2,841.04 | 0.812 |
| Fast Food w/o drive thru | 3,000 | 1,000 | 4.31 | 3,373.82 | 1.125 |
| Fast Food with drive thru | 3,000 | 1,000 | 5.05 | 3,953.00 | 1.318 |
| New Car Sales | 10,000 | 1,000 | 1.01 | 2,635.80 | 0.264 |
| Automotive Parts Sales | 5,000 | 1,000 | 1.54 | 2,008.82 | 0.402 |
| Gasoline / Service Station | 2,500 | 1,000 | 1.10 | 1,637.71 | 0.655 |
| Gasoline / Serv /Conv | 2,500 | 1,000 | 1.01 | 3,293.70 | 1.317 |
| Tire Store | 7,500 | 1,000 | 1.44 | 2,818.55 | 0.376 |
| Super Market | 35,000 | 1,000 | 1.85 | 16,895.82 | 0.483 |
| Convenience Market 24 hr. | 3,500 | 1,000 | 3.51 | 4,612.30 | 1.318 |
| Convenience Market < 24 hr. | 3,500 | 1,000 | 2.26 | 4,612.30 | 1.318 |
| Convenience w Gas Pumps | 3,500 | 1,000 | 3.96 | 4,612.30 | 1.318 |
| Discount Club | 60,000 | 1,000 | 1.37 | 21,449.09 | 0.357 |
| Electronic Superstore | 15,000 | 1,000 | 1.55 | 6,067.26 | 0.404 |
| Pharmacy / Drug no drive thru | 15,000 | 1,000 | 1.33 | 5,205.53 | 0.347 |
| Pharmacy / Drug w drive thru | 15,000 | 1,000 | 1.82 | 7,122.98 | 0.475 |
| Furniture Store | 10,000 | 1,000 | 0.25 | 652.28 | 0.065 |
| Walk in Bank | 7,500 | 1,000 | 8.09 | 15,833.07 | 2.111 |
| Drive in Bank | 7,500 | 1,000 | 9.89 | 19,355.90 | 2.581 |

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
DECEMBER 18, 2019**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 7:02 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Daronica Johnson-Santos, Deborah Lewis, Brett Jones, Mayor Michael Villalta; Absent: Council Member Faria.

STAFF MEMBERS PRESENT: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, City Treasurer/Accounting & Budget Supervisor Tomas, Finance Director Williams, Police Chief Brizzee, Fire Chief Hurley, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lewis, seconded by Johnson-Santos to approve the City Council Meeting agenda. The motion carried by the affirmative action of all City Council Members present, Faria absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. SANDY LEMAS, Los Banos, spoke regarding the opportunity to be a bell ringer for the Salvation Army and the services they provide and to the Salvation Homeless Grant they recently received, spoke to Habitat for Humanity and the services they provide and the New Years Eve event they are having this year in order to establish funds for future projects, wished everyone a very merry Christmas and happy New Year; RAQUEL WHITE, Fresno, representing an organization called CIFAC - Construction Industry Force Account Council, aimed at public contract code compliance and education, they are a resource to both the construction industry as well as public entities to ensure public works bidding requirements are met, she left her business card and made herself available for any questions or concerns anyone had, wished all a merry Christmas; JIM VALENTINE, Los Banos, spoke regarding the Kiwanis 33rd Annual Christmas Eve dinner being held at Fire Station No. 1, Santa will be visiting and dinner is free to all, deliveries will be available to those who are unable to go to the Fire Station, he thanked the City and the Fire Department for co-sponsoring the event; JOHN CATES, Los

Banos Chamber of Commerce President, thanked Police Chief Brizzee, the police task force and the Police Department VITAL volunteers for the making the Christmas Parade a successful and safe event, he was just reinstated as the 2020 Los Banos Chamber of Commerce President and looks forward to further partnership with the City and the Los Banos Downtown Association, wished everyone a merry Christmas and a happy New Year. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Jones, seconded by Johnson-Santos to approve the consent agenda as follows: Check Register for #219346 – #219582 in the Amount of \$1,081,132.36; Minutes for the December 4, 2019 City Council Meeting; City Council Resolution No. 6165 – Approving a Lease Agreement Between the City of Los Banos and Pentagon Company DBA Delta Farms for Approximately 50 Acres of Pasture Land and 150 Acres of Farmable Land Located at the Wastewater Treatment Plant; City Council Resolution No. 6166 – Approving and Adopting Final Tract Map No. 2016-02 East Center Phase 2B and Accompanying Subdivision Improvement Agreement; More Specifically Identified as APN 431-270-005; Applicant: Pioneer Development Company, Inc.; City Council Resolution No. 6167 – Amending City Council Resolution No. 5604 Regarding Use of City Council Chambers to Include City Hall Conference Rooms. The motion carried by the affirmative action of all Council Members present; Faria absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT FOR BERTHA CARILLO DBA AJUA! RESTAURANT TO BE LOCATED AT 1041 EAST PACHECO BOULEVARD; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 026-182-003; CITY COUNCIL RESOLUTION NO. 6168 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2019-04 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE AT 1041 EAST PACHECO BOULEVARD; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-182-003. Community & Economic Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Johnson-Santos seconded by Jones to adopt City Council Resolution No. 6168 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301, Existing Facilities and Approving Conditional Use Permit #2019-04 to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License at 1041 East Pacheco Boulevard; More Specifically Identified as Assessor’s Parcel Number: 026-182-003. The motion carried by the affirmative action of all City Council Members present; Faria absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT FOR TARIQ ABEDI DBA MOUNTAIN MIKE’S PIZZA TO BE LOCATED AT 2260 E. PACHECO BOULEVARD SUITES A AND B; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 428-160-027; CITY COUNCIL RESOLUTION NO. 6169 – FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, EXISTING FACILITIES AND APPROVING CONDITIONAL USE PERMIT #2019-06 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE AT 2260 EAST PACHECO BOULEVARD, SUITES A AND B; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-160-027. Community & Economic Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding exterior camera coverage.

Mayor Villalta opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6169 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301, Existing Facilities and Approving Conditional Use Permit #2019-06 to Allow for the Sale of Alcohol under a Type 41 On-Sale Beer and Wine License at 2260 East Pacheco Boulevard, Suites A and B; More Specifically Identified as Assessor’s Parcel Number: 428-160-027. The motion carried by the affirmative action of all City Council Members present; Faria absent.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDMENTS TO THE CITY BUILDING CODE ORDINANCE BY ADOPTION BY REFERENCE THE CALIFORNIA BUILDING CODE 2019 EDITION AND RELATED 2019 EDITION CODES; ORDINANCE NO. 1179 – ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA ENERGY CODE, THE 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA REFERENCED STANDARDS CODE, THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2019 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; BY AMENDMENT TO TITLE 8 CHAPTER 1 OF THE LOS BANOS MUNICIPAL CODE (FIRST READING & INTRODUCTION). Fire Chief Hurley presented the staff report.

Mayor Villalta opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Lewis, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1179 – Adopting by Reference the 2019 Edition of the California Building Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Historical Building Code, the 2019 Edition of the California Referenced Standards Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Administrative Code, the 2019 Edition of the California Existing Building Code, the 2019 Edition of the California Green Building Standards Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Lewis, seconded by Johnson-Santos to introduce Ordinance No. 1179 – Adopting by Reference the 2019 Edition of the California Building Code, the 2019 Edition of the California Energy Code, the 2019 Edition of the California Historical Building Code, the 2019 Edition of the California Referenced Standards Code, the 2019 Edition of the California Electrical Code, the 2019 Edition of the California Mechanical Code, the 2019 Edition of the California Administrative Code, the 2019 Edition of the California Existing Building Code, the 2019 Edition of the California Green Building Standards Code, the 2019 Edition of the California Residential Code, the 2019 Edition of the California Plumbing Code; by Amendment to Title 8 Chapter 1 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF AMENDMENTS TO THE CITY FIRE PREVENTION CODE ORDINANCE BY ADOPTION BY REFERENCE THE CALIFORNIA FIRE CODE 2019 EDITION AND LOCAL AMENDMENTS THERETO; ORDINANCE NO. 1180 – ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA FIRE CODE BY AMENDMENT TO TITLE 4 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE AND ADOPTION OF LOCAL AMENDMENTS THERETO (FIRST READING & INTRODUCTION). Fire Chief Hurley presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Lewis, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1180 – Adopting by Reference the 2019 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. The motion carried by the affirmative action of all City Council Members present; Faria absent.

Motion by Lewis, seconded by Johnson-Santos to introduce Ordinance No. 1180 – Adopting by Reference the 2019 Edition of the California Fire Code by Amendment to Title 4 Chapter 3 of the Los Banos Municipal Code and Adoption of Local Amendments Thereto. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

ANNOUNCEMENT OF DISTRICT 2 VACANCY ON PLANNING COMMISSION. City Clerk Mallonee announced that a recent vacancy has occurred on the Planning Commission in District 2, for an unexpired term that expires December 31, 2020.

CITY OF LOS BANOS IMPROVEMENT STANDARDS AND SPECIFICATIONS UPDATE, IN REGARDS TO COUNCIL MEMBER JONES' COUNCIL MEMBER REQUEST. Public Works Director/City Engineer Fachin presented the staff report.

There was Council Member and staff discussion related to property characteristics that are more desirable than what is currently present in certain neighborhoods. Items such as wider sidewalks, rolled curbs, and alternative placement of fire hydrants that block parking spaces were discussed. These items will be brought up and further discussed at the City Council/Planning Commission Joint Meeting.

Informational item only, no action taken.

ADVISEMENT OF PUBLIC NOTICES (Two Reports). Community & Economic Development Director Elms stated that the two reports noted on the agenda was in error and that there are actually no reports.

CITY MANAGER REPORT; REPORT PURSUANT TO GOVERNMENT CODE SECTION 54953(C)(3) EXECUTIVE COMPENSATION: FINANCE DIRECTOR. City Manager Terrazas stated that on December 3, 2019, based upon his performance review, the Finance Director's salary was increased to \$11,758 monthly (\$141,096 annually) retroactive to August 15, 2019; He along with City staff consisting of the Public Works Director, the Police Chief, the Fire Chief, and the Mayor attended the first CalTrans SR-152 Safety Task Force meeting yesterday. This task force was established in order to identify different methods of improving highway safety operations for drivers, motorcyclists and pedestrians on SR-152 within the city limits. Information will be passed on to the Council as it is received; The 7th Street ballpark restroom was craned into place this morning and is closer to being completed; On January 9th from 5:30 p.m. to 7:30 p.m., a Parks Master Plan Workshop will be held at the Community Center in order for the public to provide input on the city's park needs; He wished all happy holidays and a happy and safe New Year.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta reiterated how a motion for \$5 million to be set aside for an alternative route from SR-152 was denied and instead the funds went to the Atwater-Merced Expressway project. He thanked the Council for its support during the MCAG voting process. He spoke to how there are improvements being constructed by the CalTrans Safety Task Force in order to make SR-152 safer,

however the City needs to stay persistently active in the conversations and plans made for these improvements to be sure the safety concerns are addressed.

CITY COUNCIL MEMBER REPORTS.

BRETT JONES: Council Member Jones wished everyone a merry Christmas and a safe New Year.

DEBORAH LEWIS: Council Member Lewis spoke to how she presented a council member request at a prior meeting in regards to the standards of the downtown area business buildings and how City Manager Terrazas informed her that staff was already working on an item related to this that is planned to be presented at a council meeting in February; therefore, she withdrew her request. She wished all a merry Christmas and a safe and happy New Year.

TOM FARIA: Absent.

DARONICA JOHNSON-SANTOS: Mayor Pro Tem Johnson-Santos spoke regarding the Christmas Parade and how it was the largest one she has seen thus far in the city. She thanked all who helped put that on and wished everyone a happy holiday and merry Christmas.

MAYOR MICHAEL VILLALTA: Mayor Villalta reminded everyone about the Christmas Eve Dinner at Fire Station 1 and encouraged all to enjoy this meal. He further spoke regarding the Christmas Parade noting that it was a great event and also one of the safest. He wished all a merry Christmas and a happy New Year.

ADJOURNMENT. The meeting was adjourned at 8:01 PM.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mason Hurley, Fire Chief 
DATE: January 15, 2020
SUBJECT: Measure P Citizens Oversight Committee
TYPE OF REPORT: Consent Agenda

Recommendation:

It is recommended that Council approve the attached Resolution approving the re-appointment of Tom Neeb, Gerald Giesel and Richard Stewart to the Measure P Citizens Oversight Committee.

Background:

Ordinance No. 1020 (Measure P) established a seven (7) member Citizens Oversight Committee to represent the community and to insure that Measure P monies are expended as specified in the Ordinance.

The Ordinance also requires the Fire Chief and Police Chief to submit Committee Member names to the City Council for ratification.

Discussion:

The City advertised in the local newspaper for persons interested in serving on the Measure P Citizens Oversight Committee. Staff received requests from current Committee Members Tom Neeb, Gerald Giesel and Richard Stewart requesting re-appointment to the Measure P Committee to serve an additional term. It has been past practice to appoint members to an additional term when requested.

Chief Brizzee and I are both in agreement with the re-appointment of Tom Neeb, Gerald Giesel and Richard Stewart to serve an additional term.

Fiscal Impact:

No Fiscal Impact.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Ordinance 1020
Resolution

ORDINANCE NO. 1020

AN ORDINANCE OF THE PEOPLE OF THE CITY OF LOS BANOS, CALIFORNIA, AMENDING TITLE 3, "REVENUE AND FINANCE," OF THE LOS BANOS MUNICIPAL CODE BY ADDING CHAPTER 12.1, "LOS BANOS POLICE, FIRE, PUBLIC SAFETY/911 SPECIAL TRANSACTIONS (SALES) AND USE TAX," TO THE LOS BANOS MUNICIPAL CODE

The People of the City of Los Banos do ordain as follows:

Section 1. AMENDMENT TO CODE. Title 3, "Revenue and Finance," of the Los Banos Municipal Code is hereby amended by the addition of Chapter 12.1, "**LOS BANOS POLICE, FIRE, PUBLIC SAFETY/911 SPECIAL TRANSACTIONS (SALES) AND USE TAX**" to read as follows:

"CHAPTER 12.1"

Los Banos Police, Fire, Public Safety/911 Special Transactions (Sales) and Use Tax

Sections:

| | |
|------------|--|
| 3-12.1.005 | Chapter Title |
| 3-12.1.010 | Purposes |
| 3-12.1.020 | Operative Date |
| 3-12.1.030 | Special Transactions (Sales) Tax |
| 3-12.1.040 | Special Use Tax |
| 3-12.1.050 | Citizens Oversight Committee |
| 3-12.1.060 | Account and Report |
| 3-12.1.070 | Maintenance of Effort |
| 3-12.1.080 | Revenue Distribution |
| 3-12.1.090 | Disposition of Monies Collected; Expenditure Plan |
| 3-12.1.100 | Advancement of Funds |
| 3-12.1.110 | Specially-Funded Personnel and Purchases Authorization |
| 3-12.1.120 | State Requirements |
| 3-12.1.130 | Contract with State |
| 3-12.1.140 | Place of Sale |
| 3-12.1.150 | Additional Permits Not Required |
| 3-12.1.160 | Adoption of Provisions of State Law – Generally |
| 3-12.1.170 | Adoption of Provisions of State Law – Limitations |
| 3-12.1.180 | Exemptions and Exclusions |
| 3-12.1.190 | Amendments to State Law |
| 3-12.1.200 | Non-Exclusivity |
| 3-12.1.210 | Enjoining Collection Forbidden |
| 3-12.1.220 | Authority to Amend |
| 3-12.1.230 | Termination Date |

3-12.1.005 Chapter Title. This Chapter shall be known as the "**LOS BANOS POLICE, FIRE, PUBLIC SAFETY/911 SPECIAL TRANSACTIONS (SALES) AND USE TAX,**" (the 'Act'). This Chapter shall be applicable in the incorporated territory of the City.

3-12.1.010 Purposes. The People of the City of Los Banos declare that this Chapter is adopted for the special purpose of funding additional public safety personnel, supplies and services, capital outlay items, equipment, facilities and technology improvements over the term of the tax imposed under this Chapter and paying for all incidental costs of operating this special transactions (sales) and use tax program, including administration and collections costs reimbursable to the State Board of Equalization, with any unused revenue committed to police and firefighting equipment and services.

3-12.1.020 Operative Date. This Chapter shall be effective ten (10) days after certification by the City Council of the returns of the election indicating approval by voters by a two-thirds margin of the Ordinance enacting this Chapter, and the special transactions (sales) and use tax imposed hereunder shall be operative the first day of the first calendar quarter commencing more than 110 days after the adoption of this Chapter. Based on a November 2, 2004 election, the special transactions (sales) and use tax imposed hereunder shall be operative April 1, 2005. Upon notice

to the State Board of Equalization as required by law, this Chapter may be suspended, and all funding related thereto stopped, if the revenue generated under this Chapter is diverted by the State of California for purposes other than those specifically enumerated herein.

3-12.1.030 Special Transactions (Sales) Tax. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after April 1, 2005.

3-12.1.040 Special Use Tax. An excise tax is hereby imposed on the storage, use, or other consumption in the City of tangible personal property purchased from any retailer for storage, use, or other consumption in the City at the rate of one-half of one percent (0.50%) of the sales price of the property sold on and after April 1, 2005. The sales price shall include delivery charges when such charges are subject to the State sales or use tax regardless of the place to which delivery is made.

3-12.1.050 Citizens Oversight Committee.

- A. Pursuant to the Act, there is hereby created a Los Banos Police, Fire, Public Safety/911 Special Transactions (Sales) and Use Tax Citizens Oversight Committee to review the revenues and expenditures generated and spent under this Chapter.
- B. Said Committee shall consist of seven (7) members. The Police and Fire Chiefs shall together nominate each committee member. Nominees shall be appointed by motion of the City Council adopted by majority vote.
- C. Membership to the Committee shall be restricted to individuals who are registered voters within the City of Los Banos. Elected officials at any level of government and employees of the City of Los Banos are ineligible to serve as members of the Committee.
- D. The members so appointed shall serve without compensation for a term of three (3) years. Except that members of the first/original Committee shall have staggered tenures. Two members will be appointed to a one-year term, two members will be appointed to a two-year term and three members will be appointed to a three-year term. All subsequent appointments will be for a three-year term.
- E. The Committee shall review the revenues and expenditures generated and spent under this Chapter, and provide its findings to the City Council for approval, in the form of two semi-annual reports, one report (including fourth quarter information), shall be submitted no later than October 1st of each year. Unless modified by City Council Resolution, the Committee shall not have any function, power, or authority other than those expressly provided herein.

The Committee shall meet semi-annually or as often as it deems necessary to accomplish the objectives stated in this Chapter.

3-12.1.060 Account and Report. Prior to the adoption of the City budget in June of each year, the City Manager and the Finance Officer shall present to the City Council an account of the tax revenues received and expenditures made under this Chapter, and the funds remaining in the accounts established for their respective purposes hereunder. Concurrent with the annual account presentation, the City Manager and Finance Officer shall also report to the City Council that no funds received under this Chapter were spent for purposes other than those authorized by this Chapter.

3-12.1.070 Maintenance of Effort. Notwithstanding any provision to the contrary, revenues received under this Chapter shall not be used to replace general fund expenditures for normal operations at the previous years' levels, nor shall revenues received under this Chapter be used to fund, supplant, or supplement the salaries and benefits of existing personnel or other positions not created under this Chapter.

3-12.1.080 Revenue Distribution. Net revenues received under Section 3-12.1.090 shall be distributed as follows:

- A. Tax proceeds sufficient to hire 3 additional firefighter/emt's in year one and 3 additional firefighter/emt's in year two for a total of 6 firefighter/emt's which shall include start up equipment and protective gear not to exceed \$4,000 per firefighter, salaries and benefits, merit based wage increases, and up to a 2% annual cost of living adjustment as negotiated per labor agreements and rank adjustments in year two, transitioning 3 firefighters to the rank of Captain to accommodate span of control and training needs.
- B. Tax proceeds sufficient to hire 2 additional sworn police officers in year one and 1 additional sworn police officer in year twelve for a total of 3 sworn police officers which shall include start up equipment and protective gear not to exceed \$4,000 per officer, salaries and benefits, merit based wage increases, and up to a 2% annual cost of living adjustment as negotiated per labor agreements and 2 police cruisers.
- C. Tax proceeds sufficient to hire additional support police staff as follows; 1 additional community services officer in year one and 1 additional community services officer in year eighteen and 1 additional police crime analyst in year three which shall include salaries and benefits, merit based wage increases, and up to a 2% annual cost of living adjustment as negotiated per labor agreements.
- D. Tax proceeds will be collected for police and fire facility upgrades and new construction of police, jail, fire and related training facilities. Police facility funding starts at \$450,000 per year in year two, and increases by a 2% cost of living adjustment annually. Fire facility funding starts at \$200,000 per year in year three, and increases by a 2% cost of living adjustment annually.
- E. Tax proceeds not to exceed \$90,000 in year one and \$90,000 in year two will be utilized for specialty fire safety equipment including but not limited to upgrades to "SCBA" breathing apparatus.
- F. Tax proceeds will be utilized to acquire and support 911/dispatch capabilities to dispatch emergency and routine police and fire calls through a mobile display computerized process. After initial acquisition of the mobile display dispatch system \$100,000 will be allocated in year two and each year thereafter with a 2% cost of living adjustment to support this process and to fund additional technology, equipment, and vehicle upgrades.

3-12.1.090 Disposition of Monies Collected; Expenditure Plan. After deduction of all incidental costs of operating this special transactions (sales) and use tax program, including, but not limited to, administration and collection costs reimbursable to the State Board of Equalization, and in accordance with the distribution allocation set forth in Section 3-12.1.080, all remaining monies collected under and pursuant to the provisions of this Chapter shall not be deposited into the City's general fund, but shall, instead, be deposited and paid into a special account of the City, which is hereby established, and earmarked for the purposes as outlined section 3-12.1.080, and which shall be paid only from the revenues of this account and not from the City's general fund.

Additional funds [after allocating funds as outlined in section 3-12.1.080] will be allocated to augment public safety services. Additional manpower, equipment, services and supplies, capital outlay items and facility needs will be submitted by the police and fire chiefs to the oversight committee and the committee will make funding suggestions to the city manager and City Council. The City Council will then approve and authorize additional expenditures to the benefit of public safety services.

The balance on this special account shall earn interest, which shall be deposited back into the account.

3-12.1.100 Advancement of Funds. The City Council, at its sole and complete discretion, may advance funds from the City's general fund into the special account, established in section 3-12.1.090, in order to accomplish the objectives of this Chapter. Any advancement from the City shall be reimbursed by the special account, to the City, with interest calculated at the same rate the City receives in its investment portfolio during the time of the advancement, within twenty-four (24) months of the date of the advance.

3-12.1.110 Specially-Funded Personnel and Purchases Authorization. Pursuant to the purposes and intent of this Chapter, the hiring of additional personnel and purchases necessary to accomplish the goals of this Chapter are hereby authorized. The City Manager is directed to create a system to designate and classify the employees hired and supplies and services and capital outlay purchases made from the tax revenue generated under this Chapter, as Specially-Funded Personnel, Supplies and Services, and Capital Outlay Items, so that City general fund expenditures for public safety are not reduced or avoided.

3-12.1.120 State Requirements. Pursuant to the requirements of the State Board of Equalization, this Chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions (sales) and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a 2/3 majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions (sales) and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions (sales) and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions (sales) and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions (sales) and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Chapter.

3-12.1.130 Contract with State. Prior to the operative date of this Chapter, as required by State law, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the special transactions (sales) and use tax imposed under this Chapter; provided, however, that if the City shall not have contracted with the State Board of Equalization prior to the operative date of this Chapter, the City shall nevertheless so contract and in such case the operative date of the special sales tax shall be the first day of the first calendar quarter following the execution of such contract.

3-12.1.140 Place of Sale. For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer, or his or her agent, to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State, or

has more than one place of business, the place or places at which retail sales are consummated shall be determined under the rules and regulations to be prescribed and adopted by the State Board of Equalization.

3-12.1.150 Additional Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this Chapter.

3-12.1.160 Adoption of Provisions of State Law - Generally. Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3-12.1.170 Adoption of Provisions of State Law - Limitations. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:
1. The word 'State' is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this special sales tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provision of that code.
 4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word 'City' shall be substituted for the word 'State' in the phrase 'retailer engaged in business in this State' in Section 6203 and in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

3-12.1.180 Exemptions and Exclusions.

- A. There shall be excluded from the measure of the special transactions (sales) and use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any State-administered transactions or use tax.
- B. There are exempted from the computation of the amount of the special transactions (sales) tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Chapter.
 5. For the purposes of subparagraphs (3) and (4) of this Section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the special use tax imposed by this Chapter, the storage, use, or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. A retailer engaged in business in the City shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3-12.1.190 Amendments to State Law. All amendments subsequent to the effective date of this Chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter.

3-12.1.200 Non-Exclusivity. The special sales tax levied under this Chapter is in addition to, not in lieu of, any and all other applicable taxes already in existence.

3-12.1.210 Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Chapter, of any tax or any amount of tax required to be collected hereunder.

3-12.1.220 Authority to Amend. In order to further the purposes and intent of this Chapter, the City Council is authorized to amend this Chapter in the following areas without a further vote of the People:

- A. The composition of the Citizens Oversight Committee;
- B. Any change required by the State of California as a precondition to the collection of the special tax authorized hereunder; and,
- C. The appropriateness to raise and increase, but not to decrease, the number of Specially-Funded Personnel Supplies and Services and Capital Outlay Items authorized under Section 3-12.1.110.

Notwithstanding any provision to the contrary, any proposed change to the tax rate or the disposition of the revenue generated under this Chapter shall be submitted to the "vote of the People."

3-12.1.230 Termination Date. The authority to levy the tax imposed by this ordinance shall not expire except upon repeal by the City Council. The City Council shall consider repeal of the special transactions (sales) and use tax at public hearings in year twenty and every ten years thereafter held for that purpose.

Section 2. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of the City transactions (sales) and use tax shall be in full force and effect ten (10) days after the certification by the City Council of the election returns indicating passage of the Ordinance by two-thirds of the voters casting votes in the election.

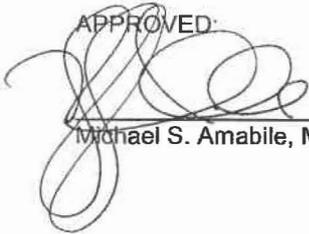
Section 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Los Banos hereby declare that they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4. PUBLICATION. The City Clerk is directed to cause a copy of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its approval by the voters.

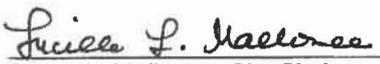
APPROVED: The foregoing Ordinance was approved by the voters of the City of Los Banos at a special election held on the 2nd day of November 2004, by the following vote tally: Yes: 5,677; No: 1,607.

CERTIFIED: The election results for the foregoing Ordinance was certified by the City Council of the City of Los Banos on the 17th day of November 2004, indicating passage of the Ordinance by two-thirds of the voters casting votes in the election.

APPROVED:


Michael S. Amabile, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LOS BANOS APPOINTING MEMBERS TO THE
MEASURE P CITIZENS OVERSIGHT COMMITTEE**

WHEREAS, on November 2, 2004 the voters of the City of Los Banos by more than a two thirds margin approved the Los Banos Police, Fire, Public Safety/911 Special Transactions (Sales) and Use Tax known as "Measure P"; and

WHEREAS, City Council Ordinance 1020 established a Citizens Oversight Committee to review the revenues and expenditures generated and spent under the Los Banos Police, Fire, Public Safety/911 Special Transactions and Use Tax; and

WHEREAS, the Citizens Oversight Committee shall consist of seven (7) individuals who are registered voters within the City of Los Banos; and

WHEREAS, the Police Chief and Fire Chief shall together nominate each committee member to be appointed by a motion of the City Council and adopted by majority vote; and

WHEREAS, the members so appointed shall serve without compensation for a term of three (3) years.

NOW, THEREFORE, BE IT RESOLVED that Tom Neeb, Gerald Giesel and Richard Stewart have been nominated by the Police Chief and Fire Chief to serve on the Los Banos Measure P Citizens Oversight Committee.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Los Banos does hereby appoint the following individuals to serve on the Los Banos Measure P Citizens Oversight Committee:

| | |
|-----------------|-------------------------------|
| Tom Neeb | term ending December 31, 2022 |
| Gerald Giesel | term ending December 31, 2022 |
| Richard Stewart | term ending December 31, 2022 |

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer
DATE: January 15, 2020
TYPE OF REPORT: Consent Agenda

SUBJECT: Consultant Agreement – Notice of Augmentation of the Professional Services Agreement with David Taussig & Associates, Inc. to provide a Nexus Study for the Update of City of Los Banos Development Impact Fee Program and amending the Fiscal Year 2019-2020 Budget by increasing the appropriation amount of \$29,700 in the City Hall Admin Impact Fee Account and increasing the appropriation amount of \$3,300 in the Traffic Impact Fee Account, which also includes additional costs pertaining to the Development Impact Fee Update.

Recommendation:

That the City Council adopts the Resolution to amend the 2019-2020 Fiscal Year Budget by increasing appropriation amount for expenditures in the City Hall Admin Impact Fee Account and increasing the appropriation amount for expenditures in the Traffic Impact Fee Account and approve the Notice of Augmentation to the Professional Services Agreement with David Taussig & Associates, Inc. to provide a Nexus Study for the Update of the City of Los Banos Development Impact Fee Program. The administration of this budget augmentation is to be performed by the Public Works Director/City Engineer.

Background:

Development Impact Fees are fees placed on the development of land or conditions required for the approval of a development project. The fees are typically justified as an offset to the future impact that development will have on existing infrastructure. The fees that are collected must be expended for identified projects for which the fees are charged. Development impact fees must be roughly proportional to the impact of the project, and imposed for purposes related to the impacts of the project. When imposing the fees, local agency must make certain specific findings in this regard. As a basis for such findings, local agencies typically prepare a fee study and tie the charges to their capital improvement program. Fees may be levied for the construction of capital improvements, but not for the maintenance or operation of public capital facilities. The last study was performed in 2006 by Goodwin Consulting Group at which time such fees

were increased to meet the demands of future development. CPI increases to all fees were made on an annual basis for the next three years, ending in 2009.

At the September 6, 2017 City Council Meeting, David Taussig & Associates, Inc. (DTA) were approved to perform a Nexus Study for the Update of the City of Los Banos Development Impact Fee Program.

Discussion:

Due to increased consultant effort beyond the scope of services as outlined in the Professional Services Agreement for the Development Impact Fee Program Update/Nexus Study between DTA and the City of Los Banos, City Attorney fees to review the study and prepare an ordinance, consultant Attorney fees to review the study for legal justification, advertisement costs for legal ads for the public hearing and for an existing budget deficit of \$6,407 that was for legal and advertisement fees previously paid; the request for a budget amendment is required.

The attached DTA Consultant Agreement – Notice of Augmentation for \$20,000 is required for the below items outside of the original scope of services:

1. Additional three (3) meetings with staff and the stakeholders at \$2,500 per meeting.
2. Age – restricted fee category added which resulted in a new report.
3. Incorporate the current balance forwards into the fee study.
4. Incorporate the Police Station needs study including the animal shelter component into the fee study.

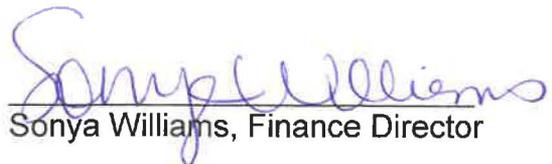
Fiscal Impact:

Based on the fee schedule as outlined in the Professional Services Agreement between DTA and the City of Los Banos, additional legal services, advertising and publication costs, and an existing deficit account balance of roughly \$6,407.00; if approved, this budget amendment will increase expenditures by \$29,700 in the City Hall Admin Impact Fee Account 202-410-100-231 and increase expenditures by \$3,300 in the Traffic Impact Fee Account 230-430-220-231.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution

Consultant Agreement – Notice of Augmentation

Professional Services Agreement including Section V, Scope of Services

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING THE CONSULTANT AGREEMENT – NOTICE OF AUGMENTATION OF THE PROFESSIONAL SERVICES AGREEMENT WITH DAVID TAUSSIG & ASSOCIATES, INC., TO PROVIDE A NEXUS STUDY FOR THE UPDATE OF THE CITY OF LOS BANOS DEVELOPMENT IMPACT FEE PROGRAM AND ADOPT A REVISED BUDGET FOR THE FISCAL YEAR 2019-2020 AS IT PERTAINS TO THE CITY HALL ADMIN TRAFFIC IMPACT FEE ACCOUNT AND THE TRAFFIC IMPACT FEE ACCOUNT

WHEREAS, the City of Los Banos establishes Development Impact Fees that reflect the impact of a project; and

WHEREAS, at the Los Banos City Council Meeting of September 6, 2017, a Professional Services Agreement with David Taussig & Associates, Inc. (DTA) to provide a Nexus Study for the update of the City of Los Banos Development Impact Fee Program was approved; and

WHEREAS, due to the required additional meetings and additional services beyond the approved Scope of Services as outlined in the said Professional Services Agreement with DTA, a Notice of Augmentation has been presented to the City Council of the City of Los Banos; and

WHEREAS, the Notice of Augmentation will increase the said Professional Services Agreement in the amount of \$20,000; and

WHEREAS, City Attorney fees, Consultant Attorney fees, legal advertisement costs, and an existing budget deficit of \$6,407; has increased the costs associated with the Nexus Study for the Update of the City of Los Banos Development Impact Fee Program; and

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the Fiscal Year 2019-2020 budget; and

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the Fiscal Year by action to amend the budget; and

WHEREAS, the proposed amendment would increase expenditures by \$29,700 in the City Hall Admin Impact Fee Account (202-410-100-231) and would increase expenditures by \$3,300 in the Traffic Impact Fee Account (230-430-220-231).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby:

1. Approve the Notice of Augmentation to the Professional Services Agreement with DTA and authorizes the Public Works Director/City Engineer to administer said Augmentation.
2. Amend the 2019-2020 Fiscal Year Budget to include an increase of \$29,700 to expenditures in account 202-410-100-231 and to include an increase of \$3,300 to expenditure account 230-430-220-231.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January, 2020, by Council Member _____, who moved its adoption, which motion was duly seconded by Council Member _____, and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



99 Almaden Blvd., Suite 875
San Jose, CA 95113

CONSULTANT AGREEMENT - NOTICE OF AUGMENTATION

| | |
|-----------------------------|---|
| Date: | December 16, 2019 |
| Project: | Development Impact Fee Program Update – City of Los Banos |
| Description of Work: | AB1600 Nexus and Fee Justification Study (Update) |

Professional Services Budget: Time and Materials up to \$20,000. This Notice increases the total budget for this engagement from \$57,750 according to the Professional Services Agreement executed on September 6, 2017 to \$77,750.

| Hourly Rate Schedule | |
|-----------------------------|------------|
| President/Managing Director | \$250/Hour |
| Vice President | \$225/Hour |
| Manager | \$200/Hour |
| Associate | \$160/Hour |
| Senior Analyst | \$140/Hour |
| Financial Analyst | \$120/Hour |
| Research Assistant | \$110/Hour |

Client shall reimburse DTA for out-of-pocket and administrative expenses by paying a charge equal to 3% of DTA's monthly billings for labor. All hourly rates for services apply through December 31, 2019 and are subject to a cost-of-living increase at that time. On or about the first two weeks of each month during which consulting services are rendered hereunder, Consultant shall present to Client an invoice covering the current consulting services performed and the reimbursable expenses incurred pursuant to this Notice of Authorization. Invoices shall be paid by Client within thirty (30) days of the date of each invoice. A 1.2% charge may be imposed monthly against accounts that are not paid within 45 days of the date of each invoice. The prevailing party in any legal action brought by one party against the other and arising out of this Consultant Agreement shall be entitled, in addition to any other rights and remedies it may have, to reimbursement for its expenses, including court costs and reasonable attorneys' fees.

Consultant:
DTA



David Taussig, President

Client:
City of Los Banos

Authorized Representative

Brief Description of Scope of Services:

DTA shall work with City staff to review and identify the facility and capital needs required to serve new development within the City of Los Banos, develop and determine new impact fee amounts based on a consistent methodology, updating the Nexus Study to include an Age-Restricted Component at request of City staff, prepare and present report at Stakeholders meeting on November 20, 2019, and prepare and present a final fee report before Council on January 15, 2020 for consideration. Additional meetings shall be billed at the hourly rates noted above.

Notably, should time and materials reach the above budget maximum, DTA shall contact Client for a budget augmentation prior to completing additional work.

**PROFESSIONAL SERVICES AGREEMENT
FOR DEVELOPMENT IMPACT FEE PROGRAM
UPDATE / NEXUS STUDY
[DAVID TAUSSIG & ASSOCIATES, INC.]**

THIS AGREEMENT is made and entered into this 6th day of September 2017, by and between the **City of Los Banos**, a municipal Corporation (herein referred to as "City") and **David Taussig & Associates, Inc.**, a California corporation (herein referred to as "Consultant").

RECITALS

A. WHEREAS, City proposes to have Consultant perform the services described herein below; and

B. WHEREAS, Consultant represents that it has that degree of specialized expertise contemplated within California Government Code, Section 37103, and holds all necessary licenses to practice and perform the services herein contemplated; and

C. WHEREAS, City has solicited and received a proposal from Consultant, has reviewed the previous experience and evaluated the expertise of Consultant, and desires to retain Consultant to render professional services under the terms and conditions set forth in this Agreement; and

D. WHEREAS, City and Consultant desire to contract for specific services described below and desire to set forth their rights, duties and liabilities in the services to be performed; and

E. WHEREAS, no official or employee of City has a financial interest, within the provisions of California Government Code, Sections 1090-1092, in the subject matter of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1. **Term.** The term of this Agreement shall commence upon execution of this Agreement and City's issuance to Consultant a notice to proceed for all or a portion of the work and shall terminate upon City's acceptance and payment for all or such portion of the work as was authorized by such notice, unless terminated earlier as set forth herein.

2. **Scope of Services.** Consultant shall provide the professional services described in the City's Request for Proposal dated May 15, 2017 (the "RFP") attached hereto as **Exhibit A** and incorporated herein by reference and Consultant's Response to City's RFP dated July 25, 2017 (the "Proposal") attached hereto as **Exhibit B** and incorporated herein by this reference.

Notwithstanding services described above, the City may request and Consultant may agree to perform other services. The scope of such services and compensation shall be agreed to in writing, signed by both parties and shall become a part of this Agreement.

2.1. All professional services shall be performed by Consultant or under Consultant's supervision. All professional services to be provided by Consultant pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional Consultants in accordance with sound professional practices.

2.2 Consultant acknowledges that City may enter into agreements with other consultants for services similar to the services that are subject to this Agreement or may have its own employees perform services similar to those services contemplated by this Agreement.

3. **Time of Performance.** Time is of the essence in the performance of services under this Agreement and Consultant shall perform the services in accordance with the Proposed Schedule as set forth in **Exhibit B** and incorporated herein by this reference. The failure by Consultant to strictly adhere to the schedule may result in termination of this Agreement by City.

Notwithstanding the foregoing, Consultant shall not be responsible for delays due to causes beyond Consultant's reasonable control. However, in the case of any such delay in the services to be provided for the Project, each party hereby agrees to provide notice to the other party so that all delays can be addressed.

4. **Compensation.** City shall pay Consultant for the services on a time and expense not-to-exceed basis in accordance with the provisions of this Section, the Cost Proposal and the Professional Services Fee Schedule submitted by Consultant as set forth in **Exhibit B** and incorporated herein by this reference. Consultant's compensation for all work performed in accordance with this Agreement, including all reimbursable items and sub Consultant fees, shall not exceed **\$57,750.00** unless authorized in writing by the City and approved by the City Council.

4.1 Consultant shall submit monthly invoices to City describing the work performed the preceding month. Consultant's bills shall include the name of the person who performed the work, a brief description of the services performed and the specific Task in the Scope of Services to which it relates, the date the services were performed, the number of hours spent on all work billed on an hourly basis, and a description of any reimbursable expenditures. No billing rate changes shall be made during the term of this Agreement without the prior written approval of City. City shall pay Consultant no later than thirty (30) days after receipt of the monthly invoice by the City.

4.2 City shall reimburse Consultant only for those costs or expenses specifically approved in this Agreement, or specifically approved in advance by City. Unless otherwise approved, such costs shall be limited and in accordance with Cost Proposal set forth in **Exhibit B** and incorporated herein by this reference.

4.3 Consultant shall not receive any compensation for Additional Work without the prior written authorization of City. As used herein, "Additional Work" means any work that is determined by City to be necessary for the proper completion of the Project, but which is not included within the Scope of Services and which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Compensation for any authorized Additional Work shall be billed in accordance with the Professional Services Fee Schedule as set forth in **Exhibit B** and on the terms set forth in this Article 4.

5. **Contract Administration.** The City Manager shall have the authority to act for City under this Agreement. The City Manager or his/her authorized representative shall represent City in all matters pertaining to the services to be rendered pursuant to this Agreement. Consultant shall designate a representative for purposes of this Agreement who shall have the authority to act for Consultant under this Agreement. **Nathan D. Perez, Esq.**, shall have the authority to act for Consultant under this Agreement.

6. **Project Managers.** City has designated **Mark Fachin P.E.**, as its Project Manager to work directly with Consultant in the performance of this Agreement. Consultant has designated **Nathan D. Perez, Esq.**, as its Project Manager, who shall coordinate all phases of the Project. The Consultant's Project Manager shall be available to City at all reasonable times during the Agreement term. Consultant shall not remove or reassign the Project Manager without the prior written consent of City. City's approval shall not be unreasonably withheld.

7. **Indemnification.** To the fullest extent permitted by law, Consultant shall indemnify, defend and hold harmless City, its City Council, boards and commissions, officers, agents and employees (collectively, the "Indemnified Parties) from and against any and all claims (including, without limitation, claims for bodily injury, death or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including, without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever, which may arise from or in any manner relate (directly or indirectly) to any work performed or services provided under this Agreement (including the negligent and/or willful acts, errors and/or omissions of Consultant, its principals, officers, agents, employees, vendors, suppliers, Consultants, subcontractors, anyone employed directly or indirectly by any of them or for whose acts they may be liable or any or all of them).

Notwithstanding the foregoing, nothing herein shall be construed to require Consultant to indemnify the Indemnified Parties from any Claim arising from the active negligence or willful misconduct of the Indemnified Parties. Nothing in this indemnity shall be construed as authorizing any award of attorney's fees in any action on or to enforce the terms of this Agreement. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by the Consultant.

In the event the City indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from Consultant's performance of this agreement, the Consultant shall provide a defense to the City indemnitees, or at the City's option, reimburse the City

indemnites their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims.

8. **Insurance.** Without limiting Consultant's indemnification of City, and prior to commencement of work, Consultant shall obtain, provide and maintain at its own expense during the term of this Agreement, a policy or policies of liability insurance of the type and amounts described below and in a form satisfactory to City.

A. **Certificates of Insurance.** Consultant shall provide certificates of insurance with original endorsements to City as evidence of the insurance coverage required herein. Insurance certificates must be approved by the City Attorney prior to commencement of performance or issuance of any permit. Current certification of insurance shall be kept on file with City at all times during the term of this Agreement.

B. **Signature.** A person authorized by the insurer to bind coverage on its behalf shall sign certification of all required policies.

C. **Acceptable Insurers.** All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A (or higher) and Financial Size Category Class VII (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City Attorney.

D. **Coverage Requirements.**

i. **Workers' Compensation Coverage.** Consultant shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance with limits of at least one million dollars (\$1,000,000). Consultant shall submit to City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of City, its officers, agents, employees, and volunteers.

ii. **General Liability Coverage.** Consultant shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than two million dollars (\$2,000,000) per occurrence, four million dollars (\$4,000,000) general aggregate, for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. Consultant's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10 to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies. For construction contracts, an endorsement providing completed operations to the additional insured, ISO form CG 20 37, is also required.

iii. **Automobile Liability Coverage.** Consultant shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than one million dollars (\$1,000,000) per accident. If Consultant owns no vehicles, this requirement may be met through a non-owned auto endorsement to the CGL policy.

iv. Professional Errors and Omissions Insurance. Consultant shall maintain professional liability insurance that insures against professional errors and omissions that may be made in performing the Services to be rendered in connection with this Agreement, in the minimum amount of one million dollars (\$1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this agreement, and Consultant agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this agreement. The cost of such insurance shall be included in Consultant's bid.

E. Endorsements. Each general liability and automobile liability insurance policy shall be endorsed with the following specific language:

i. The City, its elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the Consultant.

ii. This policy shall be considered primary insurance as respects to City, its elected or appointed officers, officials, employees, agents and volunteers as respects to all claims, losses, or liability arising directly or indirectly from the Consultant's operations or services provided to City. Any insurance maintained by City, including any self-insured retention City may have, shall be considered excess insurance only and not contributory with the insurance provided hereunder.

iii. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.

iv. The insurer waives all rights of subrogation against City, its elected or appointed officers, officials, employees, agents and volunteers.

v. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its elected or appointed officers, officials, employees, agents or volunteers.

vi. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits, by either party except after thirty (30) calendar days (10 calendar days written notice of non-payment of premium) written notice has been received by City.

8.1 Nothing in this Section shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

9. Nondiscrimination. In the performing of this Agreement, Consultant shall not discriminate against any subcontractor, employee or applicant for employment because of race,

religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation race, religion, color, national origin, handicap, ancestry, sex or age.

10. **Independent Contractor.** It is understood that City retains Consultant on an independent contractor basis and Consultant is not an agent or employee of City. The manner and means of conducting the work are under the control of Consultant, except to the extent they are limited by statute, rule or regulation and the expressed terms of this Agreement. Nothing in this Agreement shall be deemed to constitute approval for Consultant or any of Consultant's employees or agents, to be the agents or employees of City. Consultant shall have the responsibility for and control over the means of performing the work, provided that Consultant is in compliance with the terms of this Agreement. Anything in this Agreement that may appear to give City the right to direct Consultant as to the details of the performance or to exercise a measure of control over Consultant shall mean only that Consultant shall follow the desires of City with respect to the results of the services.

10.1 The Consultant shall at all times remain an independent contractor with respect to the services to be performed under this Agreement and shall be responsible for the payment of Federal and State Employer Withholding Taxes, Unemployment Insurance Taxes, FICA Taxes, Retirement, Life and/or Medical Insurance, and Worker's Compensation Insurance for the employees of the Consultant or any other person performing services under this Agreement. Consultant and its employees are not entitled to the rights or benefits afforded to City's employees, including disability or unemployment insurance, workers' compensation, medical insurance, sick leave, or any other employment benefit. Consultant agrees to indemnify and hold City harmless from any claims, costs, losses, fees, penalties, interest, or damages suffered by City as a result of any claim by any person or entity contrary to the provisions of this Section 10.

11. **Ownership of Documents.** All documents, information and materials of any and every type prepared by the Consultant pursuant to this Agreement shall be the property of the City. Such documents shall include but not be limited to all findings, reports, documents, information and data including, but not limited to, electronic media, computer tapes or discs, files, and tapes furnished or prepared or accumulated by the Consultant in performing work under this Agreement, whether completed or in process.

12. **Confidentiality.** All City information disclosed to Consultant during the course of performance of services under this Agreement shall be treated as confidential and shall not be disclosed to any other persons or parties except as authorized by City, excepting that information which is public record and subject to disclosure pursuant to the Public Records Act, or otherwise required by law. All documents, including drafts, notes and communications that result from the services in this Agreement, shall be kept confidential unless City authorizes in writing the release of information, excepting that information which is public record and subject to disclosure pursuant to the Public Records Act, or otherwise required by law.

13. **Access to Records.** Consultant shall maintain all books, records, documents, accounting ledgers, and similar materials relating to work performed for City under this Agreement on file for at least three (3) years following the date of final payment to Consultant

by City. Any duly authorized representative(s) of City shall have access to such records for the purpose of inspection, audit and copying at reasonable times, during Consultant's usual and customary business hours. Consultant shall provide proper facilities to City's representative(s) for access and inspection. Consultant shall be entitled to reasonable compensation for time and expenses relate to such access and inspection activities, which shall be considered to be an additional service to the City, subject to the provisions of Section 4 hereinabove.

14. **Conflict of Interest.** The Consultant or its employees may be subject to the provisions of the California Political Reform Act of 1974 (the "Act"), which (1) requires such persons to disclose any financial interest that may foreseeably be materially affected by the work performed under this Agreement, and (2) prohibits such persons from making, or participating in making, decisions that will foreseeably financially affect such interest.

If subject to the Act, Consultant shall conform to all requirements of the Act. Failure to do so constitutes a material breach and is grounds for immediate termination of this Agreement by City. Consultant shall indemnify and hold harmless City for any and all claims for damages resulting from Consultant's violation of this Section.

Consultant represents that neither Consultant, nor any of its employees, agents or subcontractors, have a conflict of interest with respect to the work to be performed under this Agreement, nor shall such individuals, during this term of this Agreement, acquire any interest, which would conflict in any manner with the performances of services hereunder.

15. **Assignment.** This is a personal service contract, and the duties set forth herein shall not be delegated or assigned to any person or entity without the prior written consent of City. Consultant may engage a subcontractor(s) as permitted by law and may employ other personnel to perform services contemplated by this Agreement at Consultant's sole cost and expense.

16. **Compliance with Laws, Rules, Regulations.** Consultant shall perform the services required by this Agreement in compliance with all applicable Federal and California employment laws including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation insurance and safety in employment; and all other Federal, State and local laws and ordinances applicable to the services required under this Agreement. Consultant shall indemnify and hold harmless City from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description including attorneys' fees and costs, presented, brought, or recovered against City for, or on account of any liability under any of the above-mentioned laws, which may be incurred by reason of Consultant's performance under this Agreement.

17. **Integration; Amendment.** This Agreement represents the entire understanding of City and Consultant as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered in it. This Agreement may not be modified or altered except by amendment in writing sign by both parties.

18. **Severability.** If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict with said laws, but the remainder of the Agreement shall continue to be in full force and effect.

19. **Waiver/Validity.** Consultant agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver of any other condition of performance under this Agreement. The acceptance by the City of the performance of any work or services by Contractor shall not be deemed to be a waiver of any term or condition of this Agreement.

20. **Jurisdiction.** City and Consultant agree that the law governing this Agreement shall be that of the State of California. Any suit brought by either party against the other arising out of the performance of this Agreement shall be filed and maintained in the County of Merced.

21. **Notice.** Any notices required to be given pursuant to this Agreement shall be deemed to have been given by their deposit, postage prepaid, in the United States Postal Service, addressed to the parties as follows:

To City:

City of Los Banos
411 Madison Avenue
Los Banos, California 93635
(209) 827-7056
Attn: Mark Fachin P.E.

With courtesy copy to:

City of Los Banos
520 J Street
Los Banos, California 93635
Attn: Alex Terrazas

To Consultant:

David Taussig and Associates, Inc.
1302 Lincoln Avenue, Suite 204
San Jose, California 95125
(800) 969-4382
Attn: Nathan D. Perez, Esq.

Nothing hereinabove shall prevent either City or Consultant from personally delivering any such notices to the other.

22. **Termination.** City may, in its sole discretion, terminate this Agreement at any time and for any reason whatsoever by giving written notice of such termination to Consultant. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the City. In the event of such termination, Consultant

shall be entitled to compensation for all services rendered and work performed for City to the date of such termination.

23. **Order of Precedence.** In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of the RFP or the Response, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, this Agreement shall govern over both the Response and the RFP and the Response shall govern over the RFP.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates set forth below.

Date: August 17 2017

**DAVID TAUSSIG & ASSOCIATES,
INC., a California corporation**

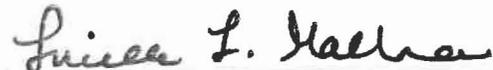

by: Nathan Peretz, Managing Director

Date: Sept 11, 2017

**CITY OF LOS BANOS, a California
municipal corporation**


by: **ALEX TERRAZAS, City Manager**

**ATTEST:
CITY CLERK**


Lucille L. Mallonee, City Clerk

APPROVED AS TO FORM:


**William A. Vaughn
City Attorney**

SECTION V. SCOPE OF SERVICES

Work products stemming from the Work Plan described in this section will include:

- A memorandum summarizing the fee methodology options
- The draft and final administrative reports

DTA and TJKM (collectively, "DTA") have an enviable reputation for producing high quality work in a quick and efficient manner to correspond with even the most aggressive project schedule. DTA's clients also receive high levels of personal attention from senior staff, with the President or senior management always available to meet with public agency staff and other groups.

TASK NO. 1 – KICK-OFF MEETING

DTA staff will meet with City staff in an initial kick-off meeting to finalize the details of the Work Plan, discuss the fee methodologies and best practices, identify needed and information (i.e., reports, project/needs lists, stakeholder groups, data, etc.), prepare final schedule, discuss the public process, and resolve other concerns.

TASK NO. 2 - DEVELOP POPULATION AND DWELLING UNIT PROJECTIONS

DTA will compile and document existing and future population and development estimates for the City. The projections resulting from this task will ultimately calculate fee levels. At this stage DTA would evaluate City resources, influences, all factors affecting the existing Study, and pertinent Impact Fees as outlined by the City (including Capital Facility Fees, Park Fees, Water, Wastewater, and Storm Drain Fees, Traffic Impact Fees, etc.).

This task comprises four subtasks.

Subtask 2(A) – Population Projections

DTA will gather existing information on present and future population for the City from various sources, including City Staff, the General Plan, existing Master Plans, the U. S. Census, MCAG, the State Department of Finance, and from other data sources, including the City's CIP:

Subtask 2(B) – Conduct Entitlement Research and Projections

DTA will coordinate with the City Community Development Department to determine existing and future residential and non-residential development within the City over the planning horizon (five (5) years, or otherwise). To complete this subtask, DTA will:

- Review the General Plan/CIP and related plans to determine expected development land use patterns in the City.
- Review City records to identify existing entitlements for dwelling units and commercial/industrial development.
- Project the number of new dwelling units and commercial/industrial development based on existing entitlements and on population projections through 2035, or such other target year as selected by City staff.

Subtask 2(C) - Review Current City Fee Structure

DTA shall review and summarize City's current development fee structures, and current City policies and procedures and other regulatory requirements affecting potential fee structures and revenue program requirements.

SECTION V ■ SCOPE OF SERVICES

Subtask 2(D) - Review Prior City Fee Justification Studies

DTA shall review the approach and methodology utilized in prior City fee justification studies so they can be evaluated in light of the City's current needs.

TASK NO. 3 - REVIEW FACILITY / CAPITAL NEEDS AND LEVELS OF SERVICE

This task entails review of the facility and capital needs required to serve the new development in the study area projected in Task 2. DTA will use existing City materials (and any relevant developers' facilities reports) as base documents and focus our effort on updating this information.

For any fee program to be comprehensive in its scope, it is necessary to complete a thorough identification and review of all the facilities impacted by additional growth, including those already discussed in the General Plan, PFFP, or CIP. This task will require close coordination with all City departments.

Subtask 3(A) - Survey/Interview City Staff

DTA shall survey/interview City staff to review projected facilities in the City, along with major equipment needs, the timing at which improvements will be needed, and any physical data that would assist in developing the costs estimated below in Subtask 3(C). Based upon the results of the surveys and interviews, DTA will verify and, if appropriate, expand the list of new facilities found in the General Plan /CIP to be included within the fee program for the City. Intrinsic in this review would be a consideration for the elimination/consolidation of existing fees in alignment with the needs of the City.

TJKM, for its part, will evaluate the current version of the Los Banos Traffic Impact Fees, and akin to the work provided by DTA, make recommendations for a project list that reflects the needs and goals of the City. In most fee updates, TJKM has found that the current project list, less those projects recently completed, forms the basis of the projects needed for the future. Usually, a few additional projects may be needed to reflect the needs of the community. Following the selection of the projects, TJKM will update the costs of the projects to reflect 2017 construction costs including allowances for costs of environmental review, design, and construction management. If any new projects with current deficiencies are added to the project list, TJKM will determine the appropriate portion of the costs that can be included in the fee, since the nexus analysis does not allow future developers to fund previously existing impacts.

Subtask 3(B) -Facilities List

Based on the information collected in Subtask 3(A), DTA shall prepare a facilities needs list that details the new facilities and equipment to serve new development in the City.

Subtask 3(C) - Review Cost Estimates

TJKM, following the selection of Traffic Improvements, shall estimate and update project costs and provide this information to DTA and, as requested, the City.

DTA's engineering and technical staff will then, as necessary: consult with City department heads and/or engineering staff or equivalent to ascertain and understand in-house cost data for existing and projected facilities and equipment; apply inflation and cost of living escalators to the list of projected public facilities to determine future costs; review and/or refine existing cost data; examine major sources of revenue to fund construction of new public facilities; and provide a proportional estimate between projected costs for new facilities and projected revenue from mitigation fees and other sources.

SECTION V ■ SCOPE OF SERVICES

TASK NO. 4 - DEVELOP METHODOLOGY FOR CALCULATING NEW FEE AMOUNTS

This task entails developing the methodology used to establish the fee amount for each fee component to the extent appropriate. Two critical issues must be considered in developing a fee program. The fee program must generate revenues in a timely manner and the methodology must meet the nexus or benefit requirements of AB 1600. Since fees of any sort are controversial, it is critical that any fee established be legally defensible.

DTA's fee study methodology must meet the nexus or benefit requirements of AB 1600, which requires there be a nexus between fees imposed, the use of the fees, and the development projects on which the fees are imposed. Furthermore, there must be a relationship between the amount of the fee and the cost of the improvements. To impose a fee as a condition for a development project, the methodology must accomplish:

- Identify the purpose of the fee.
- Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities must be identified.
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is being imposed.

Implicit in these requirements is a stipulation that a public agency cannot impose a fee to cure existing deficiencies in public facilities or improve public facilities beyond what is required based on the specific impacts of new development. The benefit methodology established in this subtask will be documented in the Report.

DTA shall prepare a memorandum to City staff summarizing available methodologies and their pros and cons, and providing detailed examples of other counties' or agencies' impact fee programs. Methodologies to review will include programs based on auto vehicle trips, all mode trips (e.g., auto, transit, bike, walk, etc.), square footages or household units, etc. The memo will also discuss, as applicable, context-sensitive and transportation-demand management adjustments, "credits" for capital improvements required as part of a project application, and discuss various treatments of pass-through trips to ensure "fair share" fees. DTA will recommend a fee expenditure plan to ensure that projects can be fully funded and implemented within any required time limits for expenditures of such funds, as well as possible flexibility to allow collected fees to be used to provide the City match for grant applications. Finally, the memo will include recommendations for methodology and next steps. Upon review and discussion by City staff, a methodology will be selected.

Deliverable: Memorandum summarizing the fee methodology options

TASK NO. 5 - DETERMINE FEE LEVELS

This task entails calculating the fee amounts based upon the dwelling unit and commercial/industrial development projections completed in Task No. 2, facilities needs and costs determined in Task No. 3, and the methodology selected in Task No. 4.

Subtask 5(A) – Calculate Recommended Fee Amounts

DTA shall calculate fees for the City by inputting the data compiled under the preceding tasks, and computing each fee to be levied. This work will be done in a spreadsheet format which can be updated annually.

SECTION V ■ SCOPE OF SERVICES

TJKM will convert future growth into trips so that the growth in total trips (daily or peak hour) over the study period can be determined. TJKM will utilize the EDU (equivalent dwelling unit) approach utilized in the current fee to reflect accurate proportions of trips relative to the impact of a single family dwelling unit. The equivalent dwelling units will be summed so that the cost per EDU can be calculated. The final step is to apply the cost per EDU to the EDU rates that are based on information related to the *Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition*. The result of this is the maximum allowable traffic impact fee that the City may impose on the development community.

DTA will also evaluate this data compared to surrounding cities (e.g., Merced, Madera, Manteca, Tracy, etc.) to arrive at comparable and palatable fee levels.

Subtask 5(B) – Document Fee Derivation

DTA shall document the methodology utilized for the fee calculation model that can be understood by the City and the public. DTA shall prepare written statements documenting the validity of the methodology for deriving each of the fees for the City. These statements will be made to meet the requirements of AB 1600 and will be documented in the Final Report discussed below.

TASK NO. 6 - PREPARE DRAFT AND FINAL REPORTS

This task entails preparation of the draft and final reports for consideration by the City Council and City Staff.

Subtask 6(A) – Prepare Draft Report For Comments

Based on the work completed in Task Nos. 1 through 5, DTA will prepare the Draft Report for review and consideration by City staff. The report will be prepared under the standards of AB 1600 and is expected to include:

- Executive Summary
- Population Projections
- Facilities and Improvements List
- Areas of Benefit (if applicable)
- Fee Calculations
- Recommended Fee Levels
- Recommended Process for Keeping Fees Current
- Fee Credits
- Incentives & Waivers
- Administrative Component

Subtask 6(B) – Prepare Final Report

Based on the incorporation of City staff comments and concerns on the Draft Report, DTA will prepare the Report for presentation to the City Council and City Staff.

Deliverable: Draft and Final Report.

SECTION V ■ SCOPE OF SERVICES

TASK No. 7 – ATTEND MEETINGS AND PUBLIC OUTREACH

This task entails attendance at seven (7) meetings/workshops with the Community & Economic Development Department (or similar), the planning commission, other City staff, the developers, the stakeholders, and the City Council. The first will be working with City staff and/or the developers at the kick-off meeting (Task No. 1 above), and the final meetings will include presentation(s) to the Commissions, Council, or City Manager's Office, as well as various stakeholders, in addition to a public hearing before the City Council.

During these meetings, and throughout the Project, DTA will make recommendations regarding the use and collection of proposed fees, and recommendations regarding specific components or elements of concern.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer 
DATE: January 15, 2020
SUBJECT: Groundwater Sustainability Plan Grant Application Approval
TYPE OF REPORT: Consent

Recommendation:

That the City Council of the City of Los Banos acting as the City of Los Banos Groundwater Sustainability Agency (GSA) adopt a resolution that

1. Approves that the West Stanislaus Irrigation District submits an application to obtain a grant under the 2019 Sustainable Groundwater Management (SGM) grant program; and
2. That the West Stanislaus Irrigation District executes said grant agreement if grant funds are received.

Background:

In 2014, legislation passed that provides a statewide framework for sustainable groundwater management in California (SB 1168, AB 1739, and SB 1319). This legislation, collectively referred to as the Sustainable Groundwater Management Act (SGMA), is intended to support local groundwater management through the oversight of local agencies. An overarching goal of SGMA is to achieve a groundwater balance in each basin or sub-basin by 2040.

Also in 2014, the Department of Water Resources (DWR) prioritized the alluvial groundwater basins and sub-basins in California for sustainability. Among others, the criteria used were: reliance on groundwater, overlying irrigated acreage, overdraft, and subsidence. DWR's findings designated the Delta-Mendota Sub-basin as High Priority.

Based on the findings described above, in August 2015 the Delta-Mendota Sub-basin was also placed on DWR's Draft List of Critically Overdrafted Basins.

As such, local agencies in the Sub-basin, such as the City of Los Banos, were required to form Groundwater Sustainability Agencies (GSAs) or one multi-agency GSA by June 30, 2017. SGMA provides GSAs with the authority to:

- Conduct investigations of water rights;
- Require registration of groundwater wells;
- Require well-operators to measure and report extractions;
- Require reporting of diversions of surface water to storage;
- Regulate groundwater extractions, including limiting or prohibiting groundwater production;
- Impose fees and assessments;
- Request revisions of basin boundaries, including establishing new sub-basins; and
- Undertake enforcement actions for noncompliance.

The GSA(s) in critically Overdrafted Basins must develop Groundwater Sustainability Plans (GSPs) or one GSP by January 31, 2020. The SGMA allows the State to intervene where GSPs are found to be incomplete or inadequate. SGMA defines "sustainable groundwater management" as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results. SGMA then defines "undesirable result" as one or more of the following effects caused by groundwater conditions occurring throughout the basin:

- Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon;
- Significant and unreasonable reduction of groundwater storage;
- Significant and unreasonable seawater intrusion;
- Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies;
- Significant and unreasonable land subsidence that substantially interferes with surface land uses; and
- Depletions of interconnected surface water that has significant and unreasonable adverse impacts on beneficial uses of the surface water.

SGMA requires that GSPs include prescribed components set forth in State guidelines to achieve sustainable groundwater management to avoid the "undesirable results". GSPs must also include long-term planning goals, measurable objectives and interim milestones in increments of five years that are designed to achieve the basin's sustainability goal within twenty years of GSP implementation.

The City of Los Banos resides within the Delta-Mendota Sub-basin. The Delta-Mendota limits are roughly from Tracy in the north to Tranquility in the south. It is essentially bounded on west by the coastal range and the east by the San Joaquin River. The San Luis & Delta-Mendota Water Authority is taking the lead in facilitating GSA and GSP development in the basin.

At the January 18, 2017 Council Meeting, the City of Los Banos City Council adopted Resolution No. 5831 which made the City of Los Banos the exclusive Groundwater Sustainability Agency (GSA) for the portion of the proposed Delta-Mendota Subbasin within the jurisdictional boundaries of the City.

There have been twenty-three (23) Groundwater Sustainability Agencies (GSA) that have formed in the Delta-Mendota Subbasin.

Currently, these GSA's are developing six (6) Groundwater Sustainability Plans (GSP).

The GSP of the City of Los Banos GSA is a GSP collaboration of the following GSA's

- a) City of Dos Palos GSA
- b) City of Newman GSA
- c) City of Firebaugh GSA
- d) City of Gustine GSA
- e) City of Los Banos GSA
- f) City of Mendota GSA
- g) Portion of Merced County GSA
- h) Portion of Fresno County Area B GSA
- i) Portion of Madera County 3 GSA
- j) San Joaquin River Exchange Contractors GSA
- k) Turner Island Water District GSA

This GSP collaboration is called the San Joaquin River Exchange Contractors GSP group.

At the November 7, 2018 City Council Meeting, the City Council, acting as the City of Los Banos Groundwater Sustainability Agency (GSA), approved entering into three agreements related to the Groundwater Sustainability Plan (GSP). These agreements were the Delta-Mendota Subbasin Coordination Agreement, the Cost Sharing Agreement, and the MOU between the City of Los Banos Groundwater Sustainability Agency and the San Joaquin River Exchange Contractors Groundwater Sustainability Agency.

At the December 4, 2019 City Council Meeting, the City Council acting as the City of Los Banos Groundwater Sustainability Agency (GSA) adopted Resolution No. 6164 approving the Groundwater Sustainability Plan for the San Joaquin River Exchange Contractors GSP group in the Delta-Mendota Subbasin (5-022.07) dated December 2019 as it pertains to the City of Los Banos GSA.

Discussion:

The recommendation is for the West Stanislaus Irrigation District GSA to submit an application to obtain a grant under the 2019 Sustainable Groundwater Management (SGM) grant program, and for the West Stanislaus Irrigation District GSA to execute said grant agreement if grant funds are received.

There are four (4) components to the Grant Request. The components are:

1. Grant administration
2. A well census and inventory throughout the entire Delta-Mendota Subbasin
3. A subsidence characterization and project feasibility determination study
4. Supplemental funds associated with GSP development for the six (6) GSPs within the subbasin

This is a competitive grant and the requested grant amount is \$500,000.

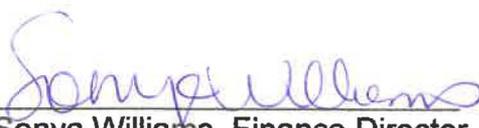
Fiscal Impact:

The City's share of the costs to develop the Groundwater Sustainability Plan (GSP) and the shared costs in coordinating the Delta-Mendota Subbasin GSP's have been budgeted for in the 2019-2020 City of Los Banos Adopted Budget. The amount that has been budgeted in 2019-2020 is \$150,000 in Water Master Plan account number 501-461-100-739. Future costs to implement the recommended projects from the Plan will need to be budgeted in future years. Future projects and budgets to implement the recommended projects will be presented for the City Council review and approval during future budget cycles. If this grant funding is received, it will offset some of the costs associated with the City of Los Banos Groundwater Sustainability Agency (GSA) and their GSP.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution
Grant Project Description
Budget Sheets

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ACTING AS THE CITY OF LOS BANOS GROUNDWATER SUSTAINABILITY AGENCY (GSA) AUTHORIZING AND DIRECTING THAT APPLICATION BE MADE TO OBTAIN A GRANT UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT GRANT PROGRAM'S PLANNING GRANT – ROUND 3 AND TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCE TO RECEIVE A GRANT FOR THE DELTA-MENDOTA SUBBASIN SUPPLEMENTAL GSP DEVELOPMENT PROPOSAL

WHEREAS, in 2014, the California Legislature passed and the Governor signed Senate Bill 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act of 2014; and

WHEREAS, SGMA requires all high-and medium-priority groundwater basins, as designated by the California Department of Water Resources (DWR) in Bulletin 118, to be managed under a Groundwater Sustainability Plan (GSP); and

WHEREAS, SGMA requires a Groundwater Sustainability Plan (GSP) be developed and implemented for each medium-or high-priority basin by a Groundwater Sustainability Agency (GSA) or combination of GSA's; and

WHEREAS, the Delta-Mendota Subbasin, DWR Basin No. 5-22.07, has been designated by DWR as a high-priority critically overdrafted basin; and

WHEREAS, the City of Los Banos has formed the City of Los Banos Groundwater Sustainability Agency (City of Los Banos GSA) in the Delta-Mendota Subbasin in accordance with SGMA; and

WHEREAS, the combined boundaries of the 23 Delta-Mendota Subbasin GSAs cover the entire Delta-Mendota Subbasin; and

WHEREAS, the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access For All Act of 2019 (Proposition 68) was passed by the voters of California on June 5, 2018 to provide grants for the development and implementation of groundwater plans and projects; and

WHEREAS, the City of Los Banos GSA is eligible to apply for funding under Proposition 68.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos acting as the City of Los Banos Groundwater Sustainability Agency, approve the

following:

1. That application be made by the West Stanislaus Irrigation District GSA, on behalf of the City of Los Banos GSA, to the California Department of Water Resources to obtain a grant under the 2019 Sustainable Groundwater Management (SGM) Grant Program Planning – Round 3 Grant pursuant to the 2019 California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act (Proposition 68) (Pub. Resources Code, § 80000 et seq.), and if such grant funding is awarded, to enter into an agreement on behalf of the Delta-Mendota Subbasin GSAs to receive said grant funds to be used in the manner described in the grant application titled, “Delta-Mendota Subbasin Supplemental GSP Development Proposal.”
2. The West Stanislaus Irrigation District is hereby authorized and directed to compile the necessary data and investigations, file such application, and if grant funds are awarded to execute the grant agreement and all documents related to the grant agreement with California Department of Water Resources.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January, 2020, by Council Member _____, who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Grant Proposal Title: **Delta-Mendota Subbasin Supplemental GSP Development**

Applicant: **West Stanislaus Irrigation District Groundwater Sustainability Agency**

PROJECT JUSTIFICATION

A. Project Description

A.1 Detailed Project Description

Project Overview

West Stanislaus Irrigation District (WSID) Groundwater Sustainability Agency (GSA) is requesting funding on behalf of the Delta-Mendota Subbasin for grant administration (Component 1), a well census and inventory throughout the entire Delta-Mendota Subbasin (Subbasin) (Component 2), a subsidence characterization and project feasibility determination study (Component 3), and supplemental funds associated with Groundwater Sustainability Plan (GSP) development for the six GSPs within the Subbasin (Component 4). The primary purpose of these components is to address currently known data gaps within the Subbasin recently identified during the development of the six Subbasin GSPs and to reduce the financial burden on local agencies and GSAs (some of which are identified Disadvantaged Areas [DAs]). Six GSPs, due to the California Department of Water Resources (DWR) by January 31, 2020, have been developed for the Delta-Mendota Subbasin that collectively meet SGMA requirements. The GSP groups developing these plans (composed of one or more Subbasin GSAs) include: Aliso Water District, Farmers Water District, Fresno County, Grassland Water District, Northern & Central Delta-Mendota Region, and San Joaquin River Exchange Contractors GSPs. As of November 2019, drafts of the six Subbasin GSPs have been completed, some of which are available on the Delta-Mendota Subbasin website at www.deltamendota.org. In compliance with SGMA regulations and the GSP Emergency Regulations, representatives from the six Delta-Mendota Subbasin GSP groups coordinated through the established Delta-Mendota Subbasin Coordination Committee (Coordination Committee) and Delta-Mendota Subbasin Technical Working Group to develop their individual GSPs and the Common Chapter that collectively work together to achieve sustainable groundwater conditions throughout the Subbasin by 2040. During the GSP development process, data gaps were identified through meetings of the Coordination Committee and Technical Working Group that include a regional understanding of groundwater pumping and groundwater characteristics in each principal aquifer as it relates both to areas prone to inelastic land subsidence and interconnected surface waters.

Information and data gathered as part of this Proposal will improve groundwater subbasin management to meet the sustainability goals identified in the six Delta-Mendota Subbasin GSPs and Common Chapter. The proposed Project benefit area for all components contained in this Proposal, as well as the underlying GSAs, are shown in **Figure 1**, while the proposed Project benefit area for all components relative to Severely Disadvantaged Communities, Disadvantaged Communities, and Economically Distressed Areas (collectively known as Disadvantaged Areas or DAs) are shown in **Figure 2** and **Figure 3**, respectively.

Component 1 covers ongoing administration of the Subbasin's existing grant agreement with the State for funding received under the Proposition (Prop) 1 Sustainable Groundwater Planning (SGWP) Grant program, as amended to include the scope of work outlined in this attachment and associated budget and schedule included in **Attachments 4** and **5**, respectively, of this Proposal. Amending the Delta-Mendota Subbasin's existing grant agreement with the State to include the Proposal components outlined herein will result in an increase in funded tasks and an extended agreement schedule that will include additional progress reports and invoicing packages. The additional funds requested in Component 1 will cover the extended agreement administration costs and will allow WSID GSA, the proposal applicant, and its designees to continue coordinating with DWR to meet requirements of both the existing SGWP Grant agreement as well as the amended grant agreement. An amendment to the existing grant agreement to account for work described in this Proposal will assist the Delta-Mendota Subbasin GSAs in meeting the sustainability goal of the Subbasin through activities supported by the SGWP Grant and Sustainable Groundwater Management (SGM) Grant funds.

The proposed Well Census and Inventory, described in Component 2, will improve Subbasin understanding and support GSP development by identifying the location and construction details of thousands of wells in the Subbasin. A detailed well

census will be performed by analyzing available online data portals and geophysical logs to identify the location of wells not previously identified during GSP development. Well construction and features will be inventoried through a review of well logs and a determination of the wells' screened interval(s) relative to the principal aquifers will be made. If necessary, video surveying will be performed on up to 20 wells at monitoring, abandoned, or otherwise accessible well sites to identify and/or confirm screened intervals. A template for access agreements will be developed and used as needed to obtain access to wells for conducting the well census, as well as for future monitoring and data collection efforts. The goal of this component is to improve the overall understanding of regional groundwater pumping and groundwater characteristics in each principal aquifer as it relates both to areas prone to inelastic land subsidence and interconnected surface waters, which are two key data gaps identified in the Delta-Mendota Subbasin. A summary report will be developed that shows the locations of existing wells in the Subbasin, basic well construction information, and a high-level analysis of identified wells to define active and inactive wells for use in other analysis (such as estimating groundwater extractions by principal aquifer). Information related to the well inventory will be uploaded to the Delta-Mendota Subbasin Data Management System. This component will be implemented collectively and collaboratively by the 23 GSAs in the Subbasin.

The proposed Subsidence Characterization and Project Feasibility Determination, described in Component 3, utilizes the results of the Well Census and Inventory summary report, along with other data contained within the six Subbasin GSPs, to improve understanding of regional subsidence causes and risks as well as identify opportunities to address this challenge through projects and/or management actions. Wells in areas prone to inelastic land subsidence will be identified and information within the inventory described in Component 2 will be used to improve overall understanding of regional groundwater pumping and groundwater characteristics in each principal aquifer by area of interest. Potential projects and management actions will subsequently be identified to support the Subbasin GSPs in determining next steps to address regional subsidence both from within and adjacent to the Subbasin. Examination and improved understanding of the causes and factors influencing inelastic land subsidence is paramount for sustainable groundwater management in the Delta-Mendota Subbasin, where critical infrastructure may be at risk of potential direct impacts to surface water supply availability and overall achievement of sustainable conditions. The analysis of the well inventory developed in Component 2 will consist of pump tests, an estimation of extractions or groundwater use for each well, and estimation of localized sustainable yield and other pertinent subsidence-related factors and variables in the two key Subbasin areas identified as being prone to inelastic land subsidence. Additionally, utilizing data collected in Component 2, estimated pumping by principal aquifer from aquifer-specific and composite wells will be evaluated considering the location and extent of the Corcoran Clay and aquifer properties of the principal aquifers. Such activities will refine estimates of aquifer-specific pumping at key well locations, especially in areas with observed subsidence. This component will result in a report that characterizes areas impacted by inelastic land subsidence, potential causes of land subsidence, analysis of wells identified in the well census and in the composite well investigation as it relates specifically to inelastic land subsidence, potential sources that could be causing inelastic land subsidence and associated assumptions, and identification of feasible projects and/or management actions that can minimize subsidence risk. This component will be implemented collectively and collaboratively by the Subbasin GSAs, as shown in **Figure 1**.

Supplemental GSP funding, as described in Component 4, includes funds to aid in the completion of the six GSPs in the Subbasin. A summary report will be prepared documenting the work completed between June 5, 2018 and January 31, 2020 by each GSP group with sufficient justification and rationale for reimbursable costs incurred to date. Such funding will allow for robust GSPs within the Delta-Mendota Subbasin while reducing financial burden on GSAs and those within the GSA, many of which are comprised of DAs, due to unanticipated costs associated with complying with SGMA regulations as well as GSP Emergency Regulations. Each of the six GSP groups in the Subbasin have identified reimbursable GSP development activities, where details regarding these activities and justification for additional funds are provided in **D.a Scope of Work**. As a result of this component, the six Delta-Mendota Subbasin Final GSPs in full compliance with SGMA regulations, including GSP Emergency Regulations, will be submitted to DWR prior to January 31, 2020 with a reduced financial burden on the DAs.

Component 2 (Well Census and Inventory) and Component 3 (Subsidence Characterization and Project Feasibility Determination) were developed and agreed upon by the six Delta-Mendota GSP groups to fill data gaps identified during GSP development relating to better understanding of where and how groundwater extractions are occurring in the Subbasin, and to improve understanding of the relationship between groundwater extractions and elevations (by principal aquifer), inelastic land subsidence, and interconnected surface waters. By filling these identified data gaps and improving technical

understanding of the relationship between groundwater extractions and sustainability indicators, more robust GSPs can be developed and improved basin management actions identified.

Collectively, the components described in this work plan aim to improve understanding of groundwater characteristics and groundwater use throughout the Subbasin, directly supporting sustainable subbasin management and refined GSPs, where the developed summary reports will be used to inform and develop projects and management actions and other GSP components that will ultimately improve sustainable groundwater management throughout the Subbasin.

Project Need

The Delta-Mendota Subbasin is a critically-overdrafted groundwater subbasin, and as such, is required to comply with SGMA regulations, including conformity with the GSP Emergency Regulations. To comply with technical aspects of the GSP Emergency Regulations, a better understanding of regional groundwater pumping and groundwater characteristics is essential to support sustainable groundwater management, particularly in understanding the relationship between groundwater elevations and extractions and inelastic land subsidence and the extent of interconnected surface waters. Such information is relevant and critical to support the development and implementation of sound, achievable sustainability goals and sustainability criteria (including minimum thresholds and measurable objectives) and to identify projects and management actions for obtaining and maintaining sustainable groundwater conditions throughout the Subbasin. The fundamental goal of this Proposal is to collect information and data to inform projects and/or management actions that ensure the long-term sustainability of the Subbasin.

An understanding of groundwater pumping and groundwater characteristics in each principal aquifer within the Subbasin through the proposed Well Census and Inventory (Component 2) is critical to filling key data gaps associated with understanding the connection between groundwater elevations, pumping volumes and timing, inelastic land subsidence, and interconnected surface waters. By filling these data gaps, benefits are observed in achieving long-term water use planning for all sustainability indicators. With cities and communities throughout the Delta-Mendota Subbasin (as well as domestic well users), many of whom are DAs, heavily dependent and sometimes solely reliant on groundwater for potable and non-potable supplies, understanding groundwater use and aquifer dynamics throughout the Subbasin will aid in ensuring the long-term sustainability of groundwater supplies for all beneficial users.

The Delta-Mendota Subbasin is characterized as a subbasin in critically overdraft conditions due to inelastic land subsidence. The California Aqueduct, which conveys State Water Project deliveries, and the Delta-Mendota Canal, which conveys Central Valley Project deliveries, run the entire length of the Subbasin and are of state-wide importance in term of supplying water for both municipal and agricultural use to South of the Delta beneficial users. Within the Subbasin, groundwater and surface water are conjunctively used. Critical infrastructure owned and operated by the State, federal government, local agencies, or private landowners is at risk of direct impacts related to inelastic land subsidence, thus impacting availability of surface water supplies and overall water supply reliability in the Subbasin. A greater understanding of regional subsidence causes and risks will aid in identifying opportunities for projects and/or management actions and determining steps to address regional subsidence within and adjacent to the Delta-Mendota Subbasin.

In complying with SGMA and the GSP Emergency Regulations, GSAs in the Delta-Mendota Subbasin decided to prepare multiple GSPs, each to reflect the unique groundwater management conditions and geo-political structures of their areas. These GSPs have been prepared to meet the regulation requirements and the resulting costs have been borne by the GSAs and their composing local entities. As public entities, these costs are ultimately passed down to the larger population living within the Subbasin, many of whom are DAs. Additional funding to support development of the Subbasin GSPs reduces the costs that ultimately are passed down to the DAs.

The Well Census and Inventory and Supplemental GSP Development Funding components included in this Proposal cover the entirety of the Subbasin, whereas the proposed Subsidence Characterization and Project Feasibility Determination area consists of the portion of the Subbasin that lies within Stanislaus County as well as portions of Fresno County (areas known or suspected to be at risk of inelastic land subsidence). Nearly the entirety of the Subbasin area (93 percent) and population (87 percent) consists of DAs, which include Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), and Economically Distressed Areas (EDAs) (see **Attachment 6** for more information about DAs). Funding provided through the SGM Planning Grant – Round 3 (Round 3) would help to reduce the financial burden on local DAs while still developing and implementing robust GSPs that are compliant with SGMA regulations and will serve to sustainably manage groundwater resources, which many DAs rely either heavily or solely upon for water supply.

Goals and Objectives

The goals and objectives for each component included in this Proposal are described individually under **A.1 Detailed Project Description**. The overall goal of this Proposal is to improve understanding of groundwater use and aquifer characteristics relative to inelastic land subsidence and interconnected surface waters and the sustainability indicators detailed in the six Delta-Mendota Subbasin GSPs. The objective is to develop and compile information in the form of data and summary reports to inform projects and management actions as well as overall groundwater management throughout the Subbasin, promoting achievement of sustainable conditions for all sustainability indicators for all GSPs in the Subbasin.

Filling data gaps through the components identified in this Proposal and providing additional data necessary will support the development of robust GSPs for the Delta-Mendota Subbasin. This will allow the Subbasin GSP groups to sustainably manage the Delta-Mendota Subbasin in a coordinated and collaborative fashion through GSP implementation and to maintain and enhance groundwater extraction capacity while ensuring long-term sustainability and achievement of the sustainability goal for the Subbasin by 2040.

A.2 Coordination and Funding Need

Coordination Efforts for Subbasin and GSP Preparation

The six GSP groups within the Delta-Mendota Subbasin and their respective combined 23 GSAs have coordinated extensively throughout the GSP development process to agree upon the required coordinated aspects of GSPs, as detailed in the GSP Emergency Regulations for subbasins developing more than one GSP. Such aspects of coordination include agreed-upon methodologies and assumptions for water budgets, change in storage, and sustainable yield. The common data and methodologies required in Water Code Section 10727.6 and Title 23, California Code of Regulations, Section 357.4 to prepare coordinated GSPs and utilized in preparation of the Subbasin GSPs are set forth in eight Technical Memoranda appended to the Subbasin Coordination Agreement, along with the *Common Chapter for the Delta-Mendota Subbasin Groundwater Sustainability Plan*, which addresses key GSP components at the Subbasin level. Coordination activities have taken place through regularly-scheduled Subbasin Coordination Committee meetings and Technical Working Group meetings throughout the GSP development process, which are subject to the Brown Act. The Coordination Committee and Technical Working Group meetings have allowed representatives from the six Subbasin GSP groups and Subbasin stakeholders to work collaboratively and effectively to develop robust GSPs and the Common Chapter that are in full compliance with SGMA regulations and GSP Emergency Regulations prior to the January 31, 2020 deadline for critically-overdrafted basins.

Coordination with Surrounding Basins

San Joaquin Valley Groundwater Basin subbasins adjacent to the Delta-Mendota Subbasin include Tracy, Eastern San Joaquin, Modesto, Turlock, Merced, Chowchilla, Madera, Kings, and Westside. The GSPs for the Tracy, Modesto, and Turlock Subbasins are not due to DWR until January 31, 2022. Due to the differing timelines of GSP development, coordination with the Tracy, Modesto, and Turlock Subbasins has been limited during GSP development for the Delta-Mendota Subbasin. For the remaining adjacent subbasins that are also critically overdrafted basins, time limitations have not allowed for in-depth discussions necessary to effectively coordinate GSP development. As GSP development and implementation continues, representatives from the Delta-Mendota Subbasin will continue to coordinate with adjacent subbasins, to the extent required by SGMA and beneficial to all parties involved, to ensure undesirable results are not observed by the action or inaction of neighboring subbasins and the respective sustainability goals can be met in the designated timeframe for each subbasin. Documentation of coordination occurring between adjacent subbasins will be reflected in subsequent GSP updates.

| Component Number | Component Name | Implementing Agency(ies) | Goal | Description | Relation to other Components |
|------------------|---|--|--|--|--|
| Component 1 | Grant Agreement Administration | WSID GSA | Assist the Subbasin GSAs in meeting the sustainability goal of the Subbasin through activities supported by the SGWP Grant and SGM Grant funds | Increase in funded tasks and an extended agreement schedule that will include additional progress reports and invoicing packages | Amendment to existing SGWP grant agreement to reflect addition of this Work Plan (Components 2 through 4) |
| Component 2 | Well Census and Inventory | All Delta-Mendota Subbasin GSAs | Improve Subbasin understanding and support GSP development by identifying the location and well construction details of thousands of wells in the Subbasin to confirm and expand understanding of where groundwater extractions are occurring and from which principal aquifer | Includes a comprehensive analysis of publicly available online databases hosted by DWR, review of well logs to determine well construction features, determination of the principal aquifer wells are constructed in by analyzing geology and well construction information, and video surveying of up to 20 wells to identify/confirm well construction; Resulting in summary report showing location of existing wells, basic well construction, and high-level analysis of active and inactive wells for groundwater extraction estimation to be uploaded to the Subbasin DMS | Improved understanding of groundwater characteristics and groundwater use throughout the Subbasin, where summary report will be used to inform sustainable groundwater management |
| Component 3 | Subsidence Characterization and Project Feasibility Determination | All underlying Delta-Mendota Subbasin GSAs | Improve understanding of regional subsidence causes and risks and identify opportunities to address this challenge | Utilize results of Component 2 to identify areas of the Subbasin prone to inelastic land subsidence and improve overall understanding of regional groundwater pumping and groundwater characteristics in each principal aquifer; Summary report will be developed summarizing findings, identifying potential | Builds upon work conducted under Component 2 and contributes to improved understanding of groundwater characteristics and groundwater use throughout the Subbasin, where summary report will be used to inform |

| Component Number | Component Name | Implementing Agency(ies) | Goal | Description | Relation to other Components |
|------------------|--------------------------------------|---|---|--|---|
| | | | | projects and management actions, and identifying possible connections between groundwater use and causes of inelastic land subsidence at identified locations | sustainable groundwater management |
| Component 4 | Supplemental GSP Development Funding | Aliso Water District GSA, Farmers Water District GSA, Fresno County Management Areas A & B GSAs, Grassland Water District GSA, WSID GSA, San Joaquin River Exchange Contractors GSA | Completion of six robust Subbasin GSPs submitted to DWR prior to January 31, 2020 | Supplemental funds to aid in the completion of the six Subbasin GSPs with a summary report documenting work completed between June 5, 2018 and January 31, 2020 with sufficient justification and rational for reimbursable costs incurred to date | Improve understanding of groundwater characteristics and groundwater use throughout the Subbasin, directly supporting sustainable subbasin management, where the developed summary reports will be used to inform and develop projects and management actions that improve sustainable groundwater management throughout the Subbasin |

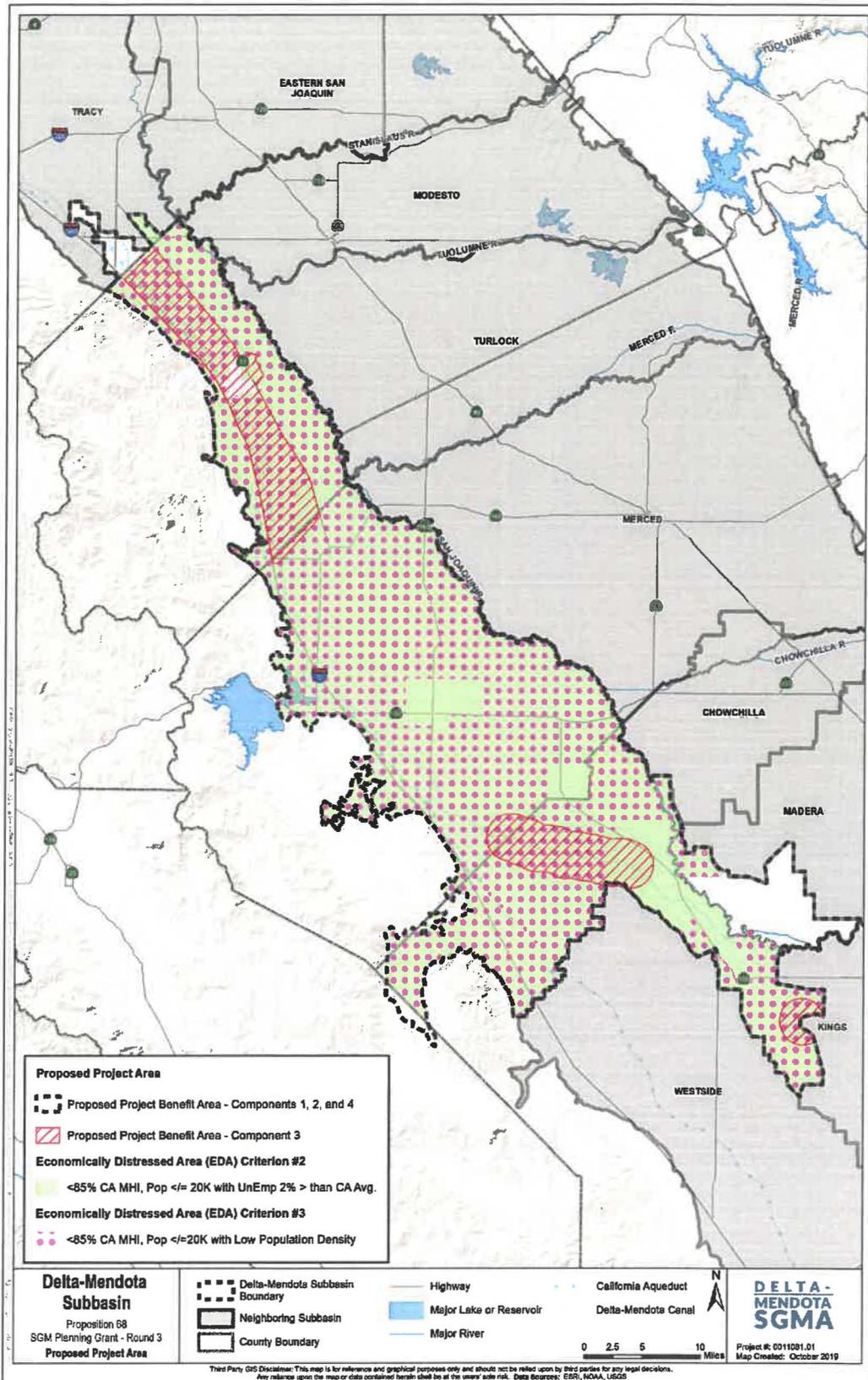


Figure 3. Proposed Project Area and EDAs

City of Los Banos
Water
2019-2020

| Account Number | Description | 2016-2017 Actual | 2017-2018 Actual | 2018-2019 Estimated | 2019-2020 Adopted |
|-----------------|---------------------------|---------------------|---------------------|------------------------|----------------------|
| 501-461-100-739 | Water Master Plan Improve | 387,435 | 319,547 | 918,000 | 1,856,000 |
| 501-461-100-740 | Miscellaneous Equipment | 0 | 0 | 0 | 50,000 |
| 501-461-100-750 | Vehicles | 40,061 | 77,908 | 43,357 | 166,039 |
| 501-461-100-752 | Communication Equipment | 1,133 | 39 | 1,776 | 2,047 |
| 501-461-100-753 | Specialized Equipment | 0 | 130,168 | 229,216 | 32,500 |
| 501-461-100-770 | Computer Equipment | 407 | 0 | 0 | 0 |
| | Capital Outlay | 635,856 | 628,392 | 1,346,349 | 2,381,586 |
| 501-495-100-900 | Contingency | 0 | 0 | 100,000 | 100,000 |
| | Contingency | 0 | 0 | 100,000 | 100,000 |
| | Total Water | \$3,352,355 | \$3,506,690 | \$4,384,711 | \$5,622,228 |

Water (continued)

laboratory for water quality analysis, and repair parts for pumps and electric motors for the wells & chemical feed equipment. Asphalt repair following repair of underground distribution facilities.

273-SPECIAL DEPARTMENTAL EXPENSES: For miscellaneous safety equipment and employee longevity awards.

274-BOOKS & PERIODICALS: Expenditures for books, textbooks, periodicals, reference books, and workbooks. Books to include purchase of pertinent volumes of the Federal Code of Regulations, subscription to environmental compliance guide, State Water Code, and miscellaneous books.

CAPITAL OUTLAY

737-METERS: Purchase of water meters for new construction service accounts estimated at \$150,000.

738-WELLS: Costs associated with meeting State of California Maximum Contaminant Levels (MCL) for Parts per Billion (PPB) of Chromium 6. These costs include studying cost effective solutions to treat City water and any litigation that may arise from Chromium 6 levels; total estimated cost \$125,000.

739-WATER MASTER PLAN IMPROVEMENTS: Groundwater Sustainability Agency estimated at \$150,000; Idaho Water Line (P10) finish construction estimated at \$180,000; 8th & 9th Water Line project construction estimated at \$450,000; and Valve Replacements (valve insertion method) estimated at \$50,000. Purchase land for new well (#16) estimated at \$900,000; Fire hydrants and water meters to be relocated and replaced with the sidewalk improvements, ADA pedestrian ramps, and storm drain catch basins in the area of Colorado Ballpark on Maryland Avenue, Pennsylvania Avenue, Vermont Avenue, Pine Street and Colorado Avenue. Construction costs will be shared accordingly with Measure V, Water, and Wastewater Collection funds. Costs are estimated at \$1,030,000 for the construction (Measure V-alternative \$820,000, Water \$126,000, and Collections \$84,000).

740-MISCELLANEOUS EQUIPMENT: Install new Sensus tower in the Northeast area of the City to improve communication estimated cost \$50,000.

750-VEHICLES: Purchase of two (2) ¾ ton utility pickup trucks estimated at \$50,000 each. Purchase of a one ton service body pickup truck at \$132,078 (cost shared between Water \$66,039 and Collections \$66,039).

752-COMMUNICATION EQUIPMENT: Expenses related to Telephone System Replacement.

753-SPECIALIZED EQUIPMENT: Purchase of Programmable Message Board estimated at \$20,000; and a Portable Air Compressor (cost shared between Water \$12,500 and Collections \$12,500).

CONTINGENCY

900-CONTINGENCY: For unexpected and unforeseen costs associated with Water activities.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
FROM: Mark Fachin, P.E., Public Works Director/City Engineer 
DATE: January 15, 2020
TYPE OF REPORT: Consent Item
SUBJECT: Accepting Public Improvements for Mission Village South, Phase 3B

Recommendation:

That the City Council adopts the Resolution accepting Public Improvements for Mission Village South, Phase 3B.

Background:

The Tentative Tract Map No. 2001-02 was approved by the City of Los Banos Planning Commission on April 25, 2001 by Resolution No. 2001-17. In April 2018, the Public Works staff was contacted by the developer, Stonewood Home, Inc., for Final Map approval. The City Council adopted a resolution approving the Final Map for Mission Village South, Phase 3B, with accompanying Subdivision Improvement Agreement on April 3, 2019.

The subject site is generally located within the area bounded by Mission Drive to the north, Las Palmas Road to the east, Willmott Road to the south, and APN. 428-280-002 to the west, more specifically identified as APN. 428-280-010. The map consists of 14 single family lots on 2.07 acres and Lot B on 12.14 acres. Public improvements were subject to all Subdivision Improvement Agreement conditions. A Landscaping and Lighting District letter of inclusion was executed for the parcels.

Discussion:

All public improvements for Mission Village South, Phase 3B have been completed by the Developer.

Fiscal Impact:

None

Reviewed by:



Alex Terrazas, City Manager

Attachments:

Resolution

Site Map

Subdivision Improvement Agreement, including Tract Map

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS ACCEPTING PUBLIC
IMPROVEMENTS FOR MISSION VILLAGE
SOUTH, PHASE 3B**

WHEREAS, the City Council of the City of Los Banos has received a request from the developers of Mission Village South, Phase 3B that public Improvements for Mission Village South, Phase 3B be accepted by the City of Los Banos; and,

WHEREAS, the City Council of the City of Los Banos has reviewed said request and finds that the public Improvements of said project are in a position to be accepted by the City of Los Banos.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos that is does hereby accept the Public Improvements for Mission Village South, Phase 3B as presented.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January, 2020 by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

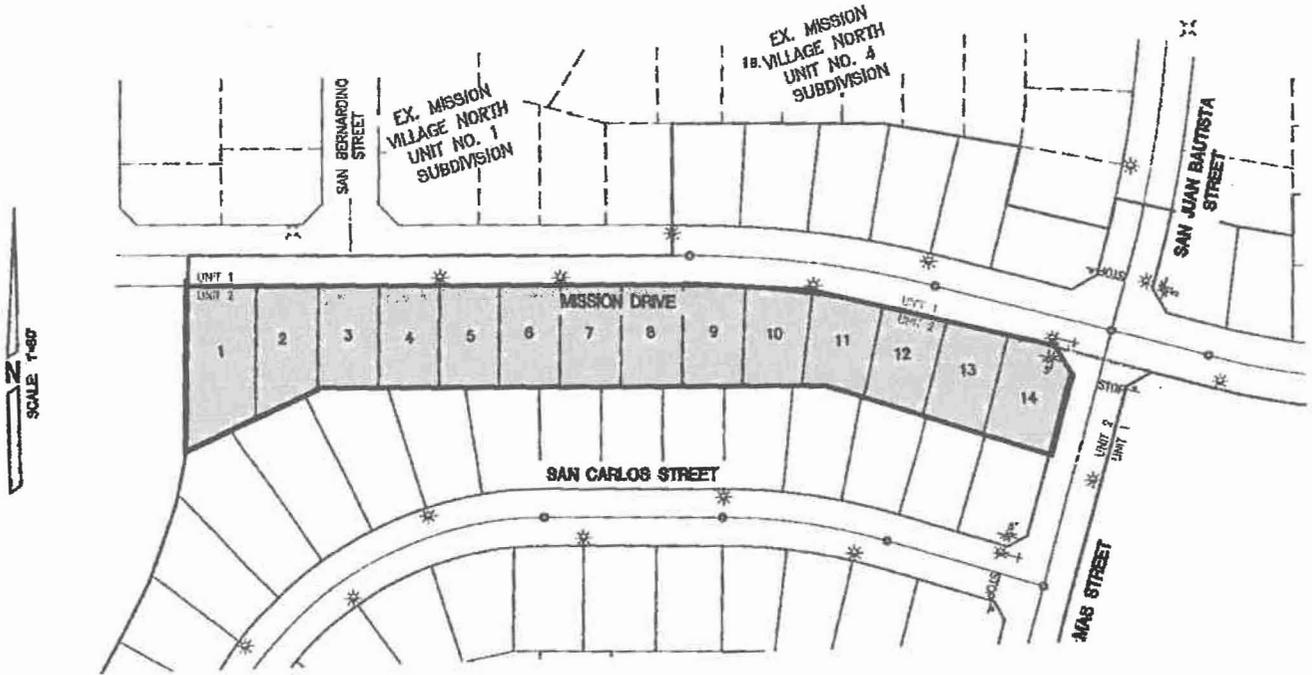
Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Site Map

Mission Village South
Phase 3B
Los Banos, California



COPY

Recording Requested By:

City of Los Banos

And When Recorded Mail to:

Lucille L. Mallonee, City Clerk
City of Los Banos
520 J Street
Los Banos CA 93635

Filed in Official Records,
MERCED COUNTY
Doc#: 2019014072
05/16/2019 09:07 AM

Space above this line for Recorder's use.

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT made this 11th day of April, 2019, between STONEFIELD HOME, INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract Map 2001-02 Mission Village South, Phase 3B, comprised of 14 residential lots and Lot B, a total of 14.21± acres, a copy of which is on file at the City of Los Banos Community and Economic Development Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

WHEREAS, the CITY requires as a condition precedent to the acceptance and approval of said Final Map, the dedication of said easements as are delineated and shown on said Final Map, and deems the same as necessary for public use, and requires and deems as necessary for the public use that any and all street improvements delineated and shown thereon shall be improved by the construction thereon and the installation therein of the improvements hereinafter specified in Paragraph One herein; and,

WHEREAS, certain sections of the Los Banos Municipal Code require the DEVELOPER(S) to enter into this AGREEMENT with the CITY whereby DEVELOPER(S) agree to do, perform, and complete the works and matters hereinafter in this AGREEMENT mentioned

| | |
|------------------|-----------------------------|
| 6. PAVEMENT | \$ 30,925.40 |
| 7. MISCELLANEOUS | \$ 2,500.00 |
| TOTAL | <u>\$ 182,660.65</u> |

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the improvements, agreed to by the CITY for Performance at 100%, \$182,660.65 and Labor and Materials at 50%, \$91,330.33 and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of \$18,266.

3. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid.

FINAL MAP REVIEW

| | |
|--|-----------------------|
| Charges for | \$ 3,266.84 |
| Less: Map Review Deposit (Receipt# 01184580) | \$ (1,000.00) |
| Less: Payment (Receipt# 01295242) | \$ (2,266.84) |
| TOTAL | <u>\$ 0.00</u> |

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for \$182,660.65 (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.

5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map 2001-02 Mission Village South, Phase 3B. All public improvements and utilities must be installed prior to occupancy of units.

6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.

7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of

12. The CITY shall not be liable to the DEVELOPER(S) or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this AGREEMENT, or any part thereof.

13. The DEVELOPER(S) hereby release and agree to indemnify and hold the CITY harmless from and against any and all injuries to and deaths of persons and injuries to property, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or nonperformance of any or all work to be done in and upon the street rights-of-way in said subdivision and upon the premises adjacent thereto pursuant to this AGREEMENT, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, either directly or indirectly made or suffered by the DEVELOPER(S), the DEVELOPER(S) agents, employees, and subcontractors, while engaged in the performance of said work.

14. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The

20. That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.
21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map # 2001-02, prior to acceptance of public improvements or final of any housing units.
22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.
23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.
24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.
25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map #2001-02 and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.
26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Merced

On March 11, 2019 before me, Regina A Robles, Notary Public,
(here insert name and title of the officer)

personally appeared Greg Hostetler
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Regina A Robles
Signature

(Seal)



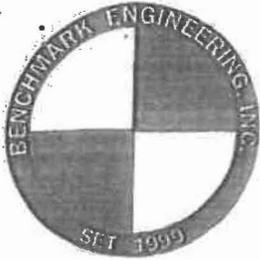


EXHIBIT A

BENCHMARK ENGINEERING INC.
CIVIL ENGINEERING & LAND SURVEYING

JOB #209258
 JANUARY 16, 2019

**ENGINEERS BOND ESTIMATE
 FOR
 MISSION VILLAGE SOUTH PHASE 3B
 14 LOTS
 LOS BANOS, CA**

| ITEM | DESCRIPTION | UNIT | QUAN. | UNIT PRICE | AMOUNT |
|----------------------------|--|------|---------|------------|-------------|
| A. SITE PREPARATION | | | | | |
| 1. | CLEAR AND GRUB | LS | 1 | \$1,500.00 | \$1,500.00 |
| 2. | GRADING | SF | 111,517 | \$0.15 | \$16,727.55 |
| SUB-TOTAL | | | | | \$18,227.55 |
| B. DEMOLITION | | | | | |
| 1. | SAWGUT EXISTING PAVEMENT | LF | 1,166 | \$2.50 | \$2,890.00 |
| 2. | REMOVE EXISTING PAVEMENT | SF | 2,014 | \$6.25 | \$12,587.50 |
| SUB-TOTAL | | | | | \$15,477.50 |
| C. WATER | | | | | |
| 1. | 1" WATER SERVICE | EA | 8 | \$1,950.00 | \$15,600.00 |
| 2. | CONNECT 1" SERVICE TO EXISTING 12" WATER | EA | 8 | \$3,500.00 | \$28,000.00 |
| 3. | FIRE HYDRANT WITH TEE, GATE VALVE, BURY | EA | 1 | \$7,800.00 | \$7,800.00 |
| SUB-TOTAL | | | | | \$51,400.00 |
| D. SEWER | | | | | |
| 1. | 6" SEWER | LF | 140 | \$27.00 | \$3,780.00 |
| 2. | 4" SEWER SERVICE | EA | 8 | \$1,200.00 | \$9,600.00 |
| 3. | STANDARD MANHOLE | EA | 1 | \$3,750.00 | \$3,750.00 |
| 4. | CONNECT 4" SERVICE TO EXISTING 6" SEWER | EA | 5 | \$4,000.00 | \$20,000.00 |
| 5. | CONNECT TO EXISTING MANHOLE | EA | 1 | \$4,000.00 | \$4,000.00 |
| SUB-TOTAL | | | | | \$41,130.00 |
| E. CONCRETE | | | | | |
| 1. | 6" VERTICAL CURB & GUTTER | LF | 445 | \$15.00 | \$6,675.00 |
| 2. | SIDEWALK (INCLUDING RETURNS) | SF | 2,392 | \$4.35 | \$10,405.20 |
| 3. | RESIDENTIAL DRIVEWAY | EA | 8 | \$740.00 | \$5,920.00 |
| SUB-TOTAL | | | | | \$23,000.20 |
| F. PAVEMENT | | | | | |
| 1. | 0.25' AC/0.83' AB | SF | 2,014 | \$4.85 | \$9,767.90 |
| 2. | 0.20' AC OVERLAY | SF | 12,090 | \$1.75 | \$21,157.50 |
| SUB-TOTAL | | | | | \$30,925.40 |

MODESTO: 915 17th Street • Modesto, CA 95354 • 209.548.9300

LOS BANOS: 507 J Street • Los Banos, CA 93635 • 209.737.0900

NOTES

1. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
3. ALL RECORD INFORMATION SHOWN IS FROM MERCED COUNTY RECORDS.

BASIS OF BEARINGS:

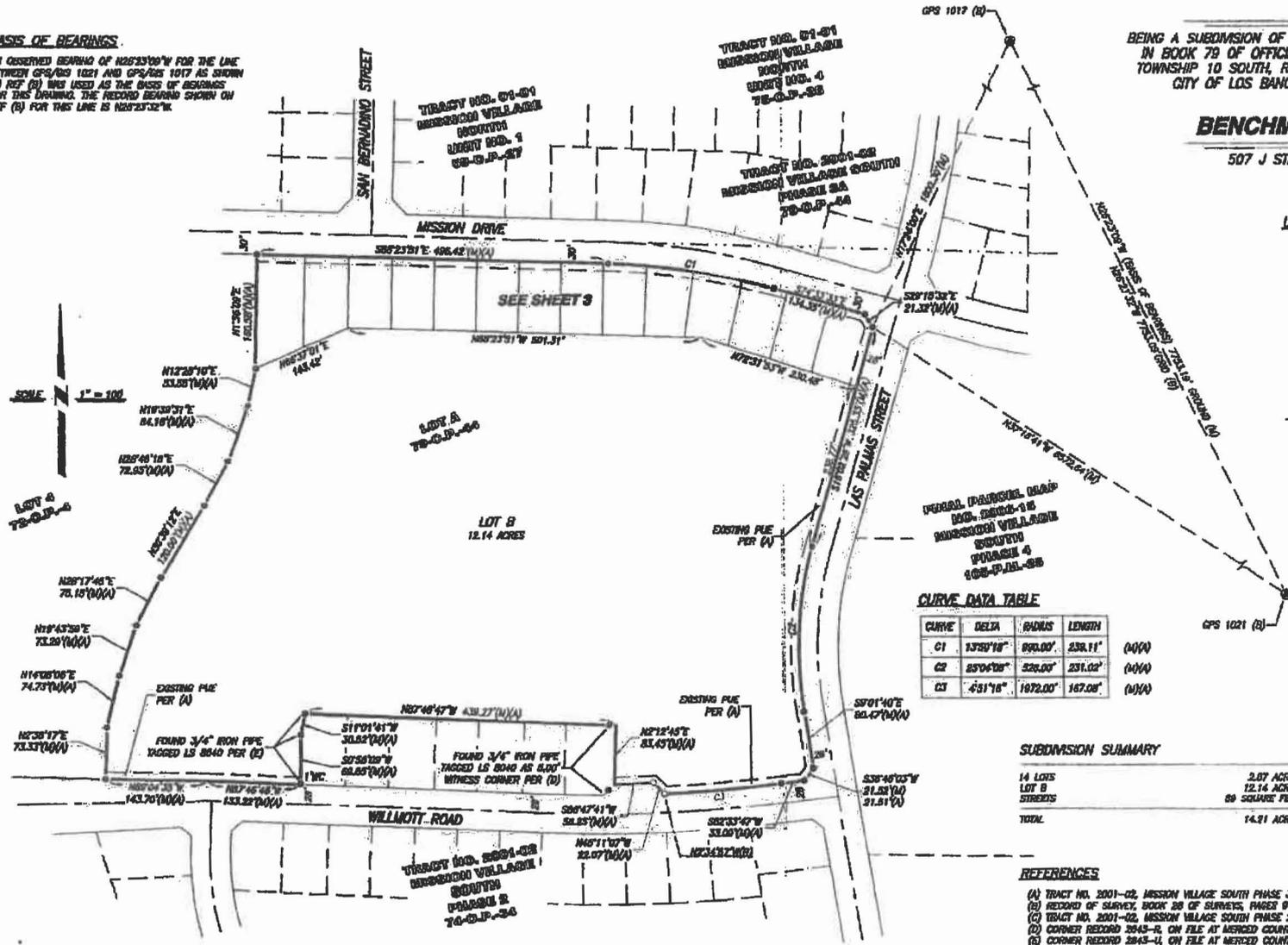
AN OBSERVED BEARING OF $N26^{\circ}33'00''W$ FOR THE LINE BETWEEN GPS/BIS 1021 AND GPS/BIS 1017 AS SHOWN ON REF (B) WAS USED AS THE BASIS OF BEARINGS FOR THIS DRAWING. THE RECORD BEARING SHOWN ON REF (B) FOR THIS LINE IS $N26^{\circ}23'32''W$.

**TRACT NO. 2001-02
MISSION VILLAGE SOUTH,
PHASE 3B**

BEING A SUBDIVISION OF LOT A OF MISSION VILLAGE SOUTH, PHASE 3A, FILED IN BOOK 79 OF OFFICIAL PLATS, PAGES 44 TO 47, LYING IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT Diablo BASE AND MERIDIAN, CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA
OCTOBER 2018

BENCHMARK ENGINEERING, INC.

507 J STREET, LOS BANOS, CALIFORNIA, 93835



LEGEND

- NOTE: ALL PIPE SIZES ARE INSIDE DIAMETER
- FOUND 3/4" IRON PIPE, TAGGED LS 8040 PER (A), OR AS NOTED
 - FOUND 3/4" IRON PIPE, TAGGED LS 8040 IN MONUMENT WELL PER (A), OR AS NOTED
 - FOUND GPS MONUMENT, AS SHOWN PER (B)
 - SET 3/4" x 24" IRON PIPE, WITH PLASTIC FLAG STAMPED LS 8040 IN MONUMENT WELL
 - SET 3/4" x 24" IRON PIPE, WITH PLASTIC FLAG STAMPED LS 8040 AT ALL BEAR LOT CORNERS, AND LOT ANGLE POINTS, UNLESS NOTED AS A WITNESS CORNER
 - SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00 FOOT PROJECTION OF ALL LOT LINES INTO STREET AND 1.00 FOOT RADIAL OR PERPENDICULAR TO RIGHT-OF-WAY AT ALL RIGHT-OF-WAY ANGLE AND CURVE POINTS
- O.P. OFFICIAL PLATS
 - P.M. PARCEL MAP
 - (M) MEASURED ON THIS SURVEY
 - (R) RADIAL BEARING
 - SPN SEARCHED, FOUND NOTHING
 - POE PUBLIC UTILITY EASEMENT
 - CH2 CURVE TABLE REFERENCE
 - WC WITNESS CORNER

CURVE DATA TABLE

| CURVE | DELTA | RADIUS | LENGTH | (M) |
|-------|----------|----------|---------|-----|
| C1 | 1359'18" | 890.00' | 238.11' | (M) |
| C2 | 850'08" | 528.00' | 231.02' | (M) |
| C3 | 451'18" | 1872.00' | 167.08' | (M) |

SUBDIVISION SUMMARY

| | |
|---------|----------------|
| 14 LOTS | 14.21 ACRES |
| LOT B | 12.14 ACRES |
| STREETS | 88 SQUARE FEET |
| TOTAL | 14.21 ACRES |

REFERENCES

- (A) TRACT NO. 2001-02, MISSION VILLAGE SOUTH PHASE 3A, BOOK 79 OF OFFICIAL PLATS, PAGES 44 TO 47
- (B) RECORD OF SURVEY, BOOK 28 OF SURVEYS, PAGES 9 TO 12
- (C) TRACT NO. 2001-02, MISSION VILLAGE SOUTH PHASE 2, BOOK 74 OF OFFICIAL PLATS, PAGES 34 TO 39
- (D) CORNER RECORD 2843-4, ON FILE AT MERCED COUNTY SURVEYOR'S OFFICE
- (E) CORNER RECORD 2843-4, ON FILE AT MERCED COUNTY SURVEYOR'S OFFICE

LEGEND:

- FOUND 3/4" IRON PIPE, TAGGED LS 8040 PER (A), OR AS NOTED
- FOUND 3/4" IRON PIPE, TAGGED LS 8040 IN MONUMENT WELL PER (A), OR AS NOTED
- FOUND GPS MONUMENT, AS SHOWN PER (B).
- SET 3/4" x 24" IRON PIPE, WITH PLASTIC PLUG STAMPED LS 8040
- SET 3/4" x 24" IRON PIPE, WITH PLASTIC PLUG STAMPED LS 8040 IN MONUMENT WELL
- SET 3/4" x 24" IRON PIPE, WITH PLASTIC PLUG STAMPED LS 8040 AT ALL NEW LOT CORNERS, AND LOT ANGLE POINTS, UNLESS NOTED AS A WITNESS CORNER

- O.P. OFFICIAL PLATS
- P.M. PARCEL MAP
- (A) MEASURED ON THIS SURVEY
- (B) BENCH. BEARING
- SPN SEARCHED, FOUND NOTHING
- PUE PUBLIC UTILITY EASEMENT
- CA2 CURVE TABLE REFERENCE
- WC WITNESS CORNER

REFERENCES

- (1) TRACT NO. 2001-02, MISSION VILLAGE SOUTH PHASE 3A, BOOK 79 OF OFFICIAL PLATS, PAGES 44 TO 47
- (2) RECORD OF SURVEY, BOOK 28 OF SURVEYS, PAGES 9 TO 12
- (3) TRACT NO. 2001-02, MISSION VILLAGE SOUTH PHASE 2, BOOK 74 OF OFFICIAL PLATS, PAGES 34 TO 39
- (4) CORNER RECORD 2845-R, ON FILE AT MERCED COUNTY SURVEYOR'S OFFICE
- (5) CORNER RECORD 2845-L, ON FILE AT MERCED COUNTY SURVEYOR'S OFFICE

NOTES

1. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
3. ALL RECORD INFORMATION SHOWN IS FROM MERCED COUNTY RECORDS.

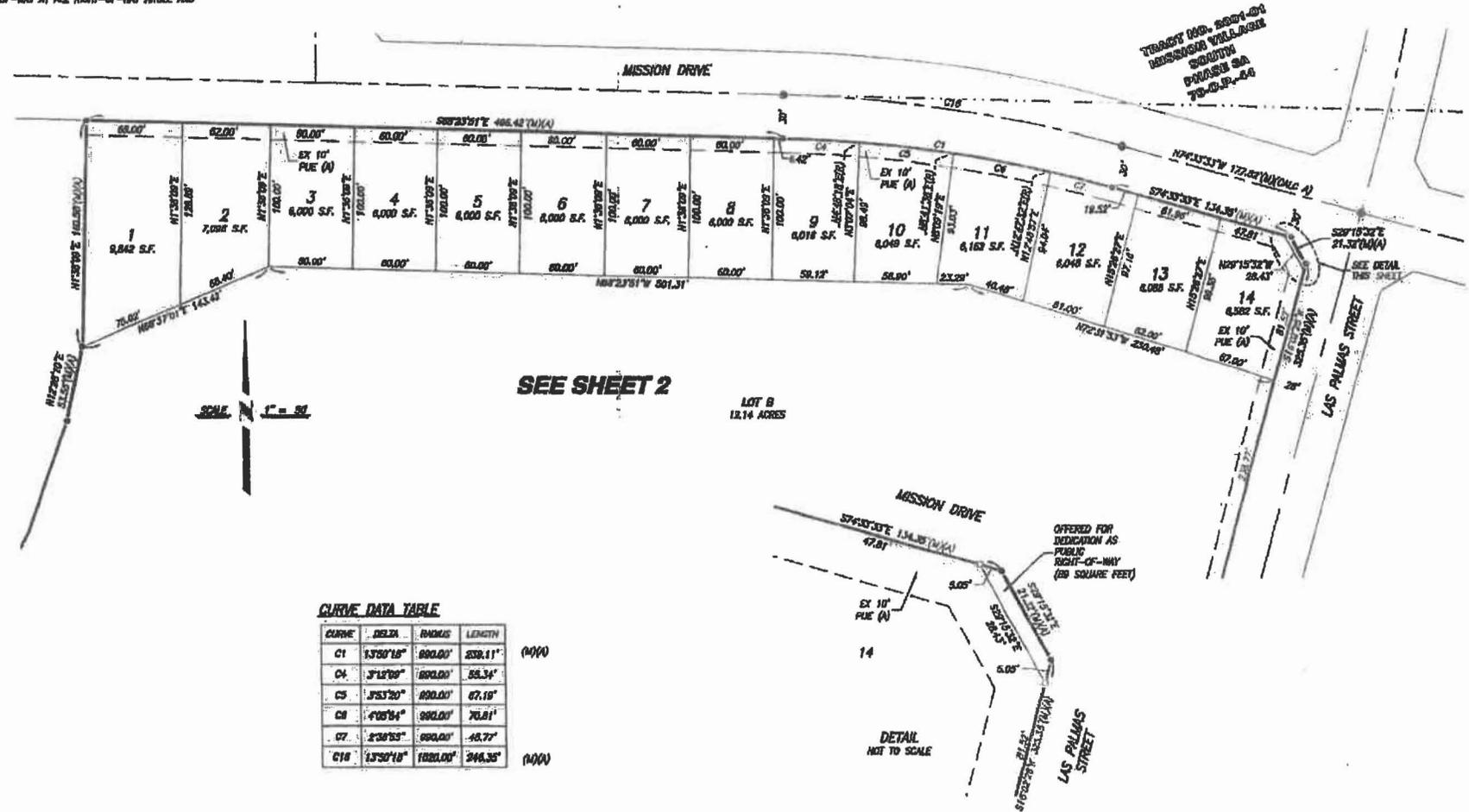
**TRACT NO. 2001-02
MISSION VILLAGE SOUTH,
PHASE 3B**

BEING A SUBDIVISION OF LOT A OF MISSION VILLAGE SOUTH, PHASE 3A, FILED IN BOOK 79 OF OFFICIAL PLATS, PAGES 44 TO 47, LYING IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT Diablo BASE AND MERIDIAN, CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA
OCTOBER 2018

BENCHMARK ENGINEERING, INC.

507 J STREET, LOS BANOS, CALIFORNIA, 93635

SET GRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00 FOOT PROJECTION OF ALL LOT LINES INTO STREET AND 1.00 FOOT RADIAL OR PERPENDICULAR TO RIGHT-OF-WAY AT ALL RIGHT-OF-WAY ANGLE AND CURVE POINTS



SEE SHEET 2

LOT B
12.14 ACRES

CURVE DATA TABLE

| CURVE | DELT | RADIUS | LENGTH | (000) |
|-------|-----------|----------|---------|-------|
| C1 | 13°50'18" | 890.00' | 239.11' | (000) |
| C4 | 3°12'09" | 1000.00' | 53.34' | |
| C5 | 3°53'20" | 890.00' | 67.19' | |
| C8 | 4°05'54" | 890.00' | 70.81' | |
| C7 | 2°38'53" | 890.00' | 48.77' | |
| C18 | 13°50'18" | 1000.00' | 246.35' | (000) |

BOOK _____ PAGE _____

SHEET 3 OF 3

RESOLUTION NO. 6067

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING AND
ADOPTING FINAL TRACT MAP NO. 2001-02
MISSION VILLAGE SOUTH PHASE 3B AND
ACCOMPANYING SUBDIVISION IMPROVEMENT
AGREEMENT**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2001-02 Mission Village South, Phase 3B, and accompanying Subdivision Improvement Agreement; and

WHEREAS, the single-family residential subdivision consists of 14 residential lots and Lot B consisting of 14.21± acres; and

WHEREAS, the Public Works Director/City Engineer has approved the Final Map, the plan check and inspection fees have been paid in full, the City has received all necessary bonds and financial security, and said Final Tract Map has been submitted to the City Council of the City of Los Banos for approval.

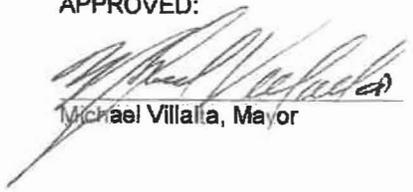
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2001-02 Mission Village South, Phase 3B and accompanying Subdivision Improvement Agreement for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2001-02.
2. Financial security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees have been paid.
4. All bonds have been paid to Merced County.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 3rd day of April, 2019, by Council Member Johnson-Santos who moved its adoption, which motion was duly seconded by Council Member Faria and the Resolution adopted by the following vote:

AYES: Council Members Faria, Johnson-Santos, Jones, Lewis,
Mayor Villalta
NOES: None
ABSENT: None

APPROVED:


Michael Villalta, Mayor

ATTEST:

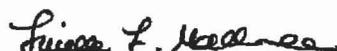

Lucille L. Mallonee, City Clerk

EXHIBIT A
Legal Description

For APN/Parcel ID(s): 428-280-010

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Lot A as shown on map entitled "Tract No. 2001-2 - Mission Village South, Phase 3A" filed for record December 12, 2017 in Book 79 of Official Plats, Pages 44 - 47, Merced County Records.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director 

DATE: January 15, 2020

TYPE OF REPORT: Consent Agenda

SUBJECT: Los Banos Downtown Property and Business Improvement District (PBID) Agreement

Recommendation:

That the City Council authorize the City Manager to execute an agreement between the City of Los Banos and the Los Banos Downtown Association for implementation of the Los Banos Downtown PBID Management District Plan

Background:

The Los Banos Downtown Property and Business Improvement District was approved and established for a five (5) year term beginning January 1, 2020 through December 31, 2024 and encompasses approximately five (5) whole and partial blocks in the commercial core of Downtown Los Banos (**Attachment 3**). To allow the City to distribute the assessments collected by Merced County, a written and approved agreement between the City and the Organization administering the services on behalf of the PBID is necessary.

Discussion:

The agreement (**Attachment 2**) establishes a formal relationship between the City of Los Banos and the official PBID organization, which is governed by the Los Banos Downtown Association, a California 501(c)(3) nonprofit organization. The agreement

includes a number of provisions intended to protect the City and its role as essentially a fiscal agent for the PBID assessments. Some of the provisions include:

- Purchasing – requiring future subcontracts to be put out for a competitive bidding process;
- Transparency – requiring PBID matters are heard, discussed, or deliberated in a manner consistent with Brown Act and subject to the California Public Records Act;
- Indemnity – PBID organization would indemnify, hold harmless and defend the City in any case involving liability associated with PBID operations;
- Insurance – PBID organization, and subcontractors, must carry appropriate insurance naming the City as a protected party;
- Audit – PBID organization would be required to retain all documents sufficient to complete an audit, and at the request of the City, the organization must undertake, at sole cost, an independent financial audit of the use of all PBID funds;
- Annual Report – required to provide a written report by March 1st of each year of operation to the City in accordance with Streets and Highway Code Section 36650.

In turn, the City takes on the responsibility similar to a fiscal agent in order to collect assessments from Merced County and to remit the assessments to the PBID organization in a timely fashion. The City agrees to coordinate with Merced County to collect the assessment with the regular county property taxes. With respect to assessable parcel(s) of any public agencies that Merced County does not bill the annual PBID assessments, the City will bill agencies for PBID assessments. The City will deduct the City's reasonable and necessary administrative expenses, including consulting costs, and the PBID organization will be paid the balance of revenue actually received from the County.

Fiscal Impact:

The City will recoup a reasonable charge for administering its obligation to the PBID, which would be the necessary administrative cost of providing the service.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

1. Resolution
2. Agreement
3. PBID Boundary Map
4. Management District Plan

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR IMPLEMENTATION OF THE LOS BANOS DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN BETWEEN THE CITY OF LOS BANOS AND LOS BANOS DOWNTOWN ASSOCIATION

WHEREAS, on October 2, 2019, the Los Banos City Council established the Property and Business Improvement District (PBID) in accordance with the Property and Business Improvement District Law of 1994 (Streets and Highway Code, Sec. 36600-36671); and

WHEREAS, the PBID's purpose is to levy a special assessment that will fund the activities and improvements described in the PBID's Management District Plan; and

WHEREAS, the management district plan indicates that the Los Banos Downtown Association, a private nonprofit corporation, will provide the activities and improvements described in the plan and otherwise be charged with managing the PBID's day-to-day operations;

WHEREAS, the Property and Business Improvement District Law of 1994 requires that the City contract with the nonprofit corporation designated in the plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby authorize the City Manager to execute an agreement for implementation of the Los Banos Downtown Property and Business Improvement District Management District Plan between the City of Los Banos and Los Banos Downtown Association.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 15th day of January 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**AGREEMENT FOR IMPLEMENTATION OF MANAGEMENT
DISTRICT PLAN BETWEEN THE CITY OF LOS BANOS AND
LOS BANOS DOWNTOWN ASSOCIATION**

Los Banos Downtown Property and Business Improvement District

This Agreement is made and entered into this ____ day of _____, 20__, by and between the City of Los Banos, a California Municipal Corporation, hereinafter referred to as "City," and the Los Banos Downtown Association, a California 501(c)(3) nonprofit organization, hereinafter referred to as "Association."

RECITALS

WHEREAS, on October 2, the City Council (the "City Council") established the Property and Business Improvement District (the "PBID") in accordance with the Property and Business Improvement District Law of 1994 (Streets and Highway Code, §§ 36600-36671);

WHEREAS, the PBID's purpose is to levy a special assessment that will fund the activities and improvements described in the PBID's management district plan. A copy of the plan is attached to, and made part of, this agreement.

WHEREAS, the management district plan indicates that the Association, a private nonprofit corporation, will provide the activities and improvements described in the plan and otherwise be charged with managing the PBID's day-to-day operations.

WHEREAS, the Property and Business Improvement District Law of 1994 requires that the City contract with the nonprofit corporation designated in the plan.

AGREEMENT

NOW, THEREFORE, City and Association, for the consideration hereinafter described, mutually agree as follows:

1. Effective Date, Term. This agreement becomes effective on the date it is fully subscribed, as indicated by the dates in the signature blocks below. The term of this agreement begins on the effective date and ends at 11:59 p.m. on December 31, 2024.

1.1. City may terminate this agreement early if it determines that the Association:

(a) has misappropriated funds, committed malfeasance, or violated any law in providing the activities and improvements described in the management district plan or in otherwise administering and implementing the plan; or

(b) has materially breached this agreement and has failed to cure the breach within 30 days after receiving the City's written demand for cure.

1.2. Upon expiration or termination of this agreement, the Association shall do all of the following as expeditiously as is reasonably possible: terminate all of its activities on behalf of the PBID, pay all obligations and administration costs it incurred on behalf of the PBID, and return to the City all remaining PBID funds and all assets acquired with PBID funds. The City will hold all returned funds and assets on behalf of the PBID.

2. Use of Funds. Funds received by Association pursuant to this agreement shall only be expended for the purposes stated in the Resolution as authorized by the Law, and shall only be expended in accordance with the Management District Plan, attached hereto and incorporated herein by this reference, and each annual report prepared by the Association pursuant to Section 36650 of the Streets and Highway Code, as approved by the City.

3. Association Responsibilities and Obligations. Association agrees to do all of the following:

(a) *Management District Plan.* Provide the activities and improvements described in the management district plan and otherwise administer and implement the plan.

(b) *Initial Report.* By March 1 of the first year of operation, submit to the City a written estimate of the PBID's budget for the next year. The estimate must include the amount of any anticipated increase in the assessment.

(c) *Annual Reports.* By March 1 of each year of operation after the first, submit to the City a written report in accordance with Streets and Highway Code section 36650.

(d) *Subcontracts.* Award and administer all subcontracts necessary for providing the activities and improvements. Follow the following procedure when awarding a subcontract: (1) solicit bids for the work; (2) consider the bids received before awarding the subcontract; and (3) make a written "Bid Record" after the subcontract is awarded (the Bid Record must list the name and amount bid for each bidder and describe the reasons for awarding the subcontract to the successful bidder). For any subcontract, upon request, provide the City with a copy of the subcontract and the Bid Record.

(e) *Compliance with Laws.* Comply with all federal, state, and local laws; and secure all necessary permits and authorizations for work on public property or within public right-of-ways such as sidewalks, alleys, streets, pedestrian malls, public easements, public buildings, and public-parking areas.

(f) *Data Base.* Maintain a complete data base of assessed properties within the PBID. Update the data base at least once each year to reflect changed conditions and to accurately reflect the status of assessed parcels. Provide a copy of the data base when submitting the annual reports described in subsection 3(c).

(g) *Transparency.* Notwithstanding the fact that the Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose; pursuant to Streets and Highway Code section

36612 the Association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

(h) *Records/Audit.* During the term of this agreement, and for three years after the term expires or terminates, the Association agrees to maintain detailed records pertaining to PBID administration, including but not limited to records concerning budgeting, expenditures, subcontracts (e.g., Bid Records), insurance, permits, administrative expenses, and overhead. The Association agrees to make all such records available to the City at all reasonable times. If the City requests, the Association will obtain and provide to the City, at the Association's sole cost, an independent financial audit of the Association's use of PBID funds for any or all years of the PBID's operation.

4. City Responsibilities and Obligations. City agrees to do all of the following:

(a) *PBID Administration.* Administer annual PBID proceedings. This includes preparation of the assessment spread, assessment roll, annual City Council reports, notices to property owners, and any changes to the PBID's organization or to the cost-spread formulas.

(b) *Billing and Collecting.* Coordinate with the County of Merced on the annual levy and collection of PBID assessments.

(c) *Payments to the Association.* The annual PBID assessments will be collected with the regular county property taxes. With respect to the assessable parcel(s) of any public agencies for which the County of Merced does not bill the annual PBID assessments, City shall bill such agencies for PBID assessments, including the enforcement of the collection of such assessments. After deducting the City's reasonable and necessary administrative expenses, including consultant costs, the City will pay the Association the balance of revenue actually received from County. Payment will occur twice each year, with the City becoming obligated to make a payment only when both of the following have occurred:

- (1) The County of Merced has disbursed the assessment revenue to the City (typically within 60 to 90 days after December 10 and April 10).
- (2) The Association has served the City with a written notice requesting payment. A notice will be valid only if served after the City has received the disbursement concerned.

5. Indemnification. To the full extent permitted by law, Association shall indemnify, defend, and hold harmless City, and any and all of its employees, officials and agents from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including legal counsel's fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this agreement by

Association or by any individual or City for which Association is legally liable, including, but not limited to officers, agents, employees, or subcontractors of Association.

Notwithstanding the foregoing, nothing herein shall be construed to require Association to indemnify the Indemnified Parties from any Claim arising from the active negligence or willful misconduct of the Indemnified Parties. Nothing in this indemnity shall be construed as authorizing any award of attorney's fees in any action on or to enforce the terms of this agreement. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by the Association.

In the event the City indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from Association's performance of this agreement, the Association shall provide a defense to the City indemnitees, or at the City's option, reimburse the City indemnitees their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims.

6. Insurance. Without limiting Association's indemnification of City, and prior to commencement of services, Association shall obtain, provide and maintain at its own expense during the term of this agreement, a policy or policies of liability insurance of the type and amounts described below and in a form satisfactory to City.

A. Certificates of Insurance. Association shall provide certificates of insurance with original endorsements to City as evidence of the insurance coverage required herein. Insurance certificates must be approved by the City Attorney prior to commencement of performance or issuance of any permit. Current certification of insurance shall be kept on file with City at all times during the term of this agreement.

B. Signature. A person authorized by the insurer to bind coverage on its behalf shall sign certification of all required policies. Electronic signatures on endorsements and other forms are acceptable.

C. Acceptable Insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VII (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City Attorney.

D. Coverage Requirements.

i. Workers' Compensation Coverage. Association shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance with limits of at least one million dollars (\$1,000,000). Association shall submit to City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of City, its officers, agents, employees, and volunteers.

ii. General Liability Coverage. Association shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than two million dollars (\$2,000,000) per occurrence, four million dollars (\$4,000,000) general aggregate, for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. Association's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10 to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies. For construction contracts, an endorsement providing completed operations to the additional insured, ISO form CG 20 37, is also required.

iii. Automobile Liability Coverage. Association shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than two million dollars (\$2,000,000) per accident. If Association owns no vehicles, this requirement may be met through a non-owned auto endorsement to the CGL policy.

E. Endorsements. Each general liability and automobile liability insurance policy shall be endorsed with the following specific language:

i. The City, its elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the Association.

ii. This policy shall be considered primary insurance as respects to City, its elected or appointed officers, officials, employees, agents and volunteers as respects to all claims, losses, or liability arising directly or indirectly from the Association's operations or services provided to City. Any insurance maintained by City, including any self-insured retention City may have, shall be considered excess insurance only and not contributory with the insurance provided hereunder.

iii. This insurance shall act for each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.

iv. The insurer waives all rights of subrogation against City, its elected or appointed officers, officials, employees, agents and volunteers.

v. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its elected or appointed officers, officials, employees, agents or volunteers.

vi. The insurance provided by this policy shall not be suspended, voided, canceled, or reduced in coverage or in limits, by either party except after thirty (30) calendar days (10 calendar days written notice of non-payment of premium) written notice has been received by City.

6.1. Nothing in this Section shall be construed as limiting in any way, the indemnification provision contained in this agreement, or the extent to which Association may be held responsible for payments of damages to persons or property.

7. Nondiscrimination. In the performing of this agreement, Association shall not discriminate against any subcontractor, employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation race, religion, color, national origin, handicap, ancestry, sex or age.

8. Independent Contractor. It is understood that City retains Association on an independent contractor basis and Association is not an agent or employee of City. The manner and means of conducting the work are under the control of Association, except to the extent they are limited by statute, rule or regulation and the expressed terms of this agreement. Nothing in this agreement shall be deemed to constitute approval for Association or any of Association's employees or agents, to be the agents or employees of City. Association shall have the responsibility for and control over the means of performing the work, provided that Association is in compliance with the terms of this agreement. Anything in this agreement that may appear to give City the right to direct Association as to the details of the performance or to exercise a measure of control over Association shall mean only that Association shall follow the desires of City with respect to the results of the services.

8.1 Association shall at all times remain an independent Contractor with respect to the services to be performed under this agreement and shall be responsible for the payment of Federal and State Employer Withholding Taxes, Unemployment Insurance Taxes, FICA Taxes, Retirement, Life and/or Medical Insurance, and Worker's Compensation Insurance for the employees of the Association or any other person performing services under this agreement. Association and its employees are not entitled to the rights or benefits afforded to City's employees, including disability or unemployment insurance, workers' compensation, medical insurance, sick leave, or any other employment benefit. Association agrees to indemnify and hold City harmless from any claims, costs, losses, fees, penalties, interest, or damages suffered by City as a result of any claim by any person or entity contrary to the provisions of this Section 10.

9. Conflict of Interest. For the duration of this agreement, neither Association nor its employees will act as consultants or perform services of any kind for any other person or entity in regard to the District without the prior written consent of City. In addition, neither members of the Board of Directors of Association, nor its Chief Executive Officer, may enter into any other contracts regarding the District, nor vote on any District matter when such contract or matter would be of financial benefit to the member or director over and above the general financial benefit to all members in the District.

10. General Fund Not Liable. Neither the general fund nor any other fund or monies of the City other than actual PBID revenues will be liable for payment of any obligations arising from this agreement. Those obligations are not a debt of the City, nor are they a legal or

equitable pledge, charge, lien, or encumbrance upon any of the City's property, income, receipts, or revenues.

11. Notices. To be effective , any notice concerning this agreement must be served by placing it in the U. S. Mail, addressed as set forth below, with postage prepaid (registered or certified mail, return receipt requested):

If to the City:

City of Los Banos
520 J Street
Los Banos, CA 93635

If to the Association:

Los Banos Downtown Association
940 6th street
Los Banos, CA 93635

A notice will be considered delivered two business days after the date of deposit in the U. S. Mail. Any party may change its address for these purposes by giving written notice of the change to the other party in the manner provided in this Section 11.

12. Attorneys' Fees. The prevailing party in any litigation or arbitration brought to enforce this agreement will be entitled to recover reasonable attorneys' fees and costs incurred in connection with the litigation or arbitration, through final resolution.

13. Integration; Amendment. This agreement represents the entire understanding of City and Association as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered in it. This agreement may not be modified or altered except by amendment in writing sign by both parties.

14. Severability. If any part of this agreement is found to be in conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict with said laws, but the remainder of the agreement shall continue to be in full force and effect.

15. Waiver/Validity. Association agrees that waiver by City of any one or more of the conditions of performance under this agreement shall not be construed as waiver of any other condition of performance under this agreement. The acceptance by the City of the performance of any work or services by Contractor shall not be deemed to be a waiver of any term or condition of this agreement.

16. Jurisdiction. City and Association agree that the law governing this agreement shall be that of the State of California. Any suit brought by either party against the other arising out of the performance of this agreement shall be filed and maintained in the County of Merced.

17. Entire Agreement. This agreement sets forth the parties' entire understanding regarding the subjects covered. It supersedes all prior or contemporaneous agreements,

representations, and negotiations regarding those subjects (whether written, oral, express, or implied) and may be modified only by another written agreement signed by both parties.

18. Counterparts. The parties may execute this agreement in counterparts, each of which will be considered an original, but all of which will constitute the same agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates set forth below.

LOS BANOS DOWNTOWN
ASSOCIATION, a California 501(c)(3)
nonprofit organization,

Dated:

By:
Title:

CITY OF LOS BANOS,
a California Municipal corporation

Dated:

By: Alex Terrazas,
City Manager

ATTEST:
CITY CLERK

Lucille L. Mallonee, City Clerk

APPROVED AS TO FORM:

William A. Vaughn
City Attorney

Boundary Map

Los Banos PBID



2020-2024



**LOS BANOS DOWNTOWN PROPERTY AND
BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT DISTRICT PLAN AND ENGINEER'S REPORT**

*Prepared pursuant to the Property and Business Improvement District Law of
1994, Streets and Highways Code section 36600 et seq.*

July 1, 2019

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Prepared by Civitas with the assistance of SS Consulting



I. OVERVIEW

Developed by a growing coalition of property owners, the Los Banos Downtown Property and Business Improvement District (LBDPBID) is a benefit assessment district whose main goal is to provide improvements and activities which constitute and convey a special benefit to assessed parcels. This approach has been used successfully in other cities throughout the country to provide special benefits to property owners, namely increased sales, attraction of new tenants, increased occupancies, and specifically increased property values. As required by state law, property owners have created this Management District Plan (Plan) to form the LBDPBID.

Location: The LBDPBID generally includes parcels in the downtown area of the City of Los Banos, as show on the map in Section IV.

Purpose: The purpose of the LBDPBID is to provide activities and improvements which constitute and convey a special benefit to assessed parcels. The LBDPBID will provide maintenance and general security, marketing and placemaking, and small infrastructure programs directly and only to assessed parcels within its boundaries.

Budget: The LBDPBID annual assessment budget for the initial year of its five (5) year operation is anticipated to be \$146,357.76. The annual budget may be subject to an increase in assessment rates of no more than two and one half of one percent (2.5%) per year. The assessment funds will be supplemented by non-assessment funds (such as grants and event income), so that the total budget for the initial year is estimated at \$158,587.84.

Cost: The assessment rate (cost to the parcel owner) is based on parcel type and parcel square footage. The initial annual rate to each parcel is shown in the table below. Assessment rates may be subject to an increase of no more than two and one half of one percent (2.5%) per year.

| Initial Parcel Assessment Rates | |
|---------------------------------|-----------------------|
| Parcel Type | Parcel Size (sq. ft.) |
| Standard | \$0.270 |
| Government | \$0.200 |

Formation: LBDPBID formation requires submittal of petitions from property owners representing more than fifty percent (50%) of the total assessment. The “Right to Vote on Taxes Act” (also known as Proposition 218) requires a ballot vote in which more than fifty percent (50%) of the ballots received, weighted by assessment, be in support of the LBDPBID.

Duration: The LBDPBID will have a five (5) year life beginning January 1, 2020 and ending December 31, 2024. Near the end of the term, the petition, ballot, and City Council hearing process must be repeated for the LBDPBID to be renewed.

Management: The Los Banos Downtown Property Owners Association (LBDPOA) will serve as the Owners’ Association for the LBDPBID.

II. IMPETUS

There are several reasons why now is the time to form the LBDPBID. The most compelling reasons are as follows.

1. The Need to be Proactive in Determining the Future of Los Banos.

In order to protect their investment, parcel owners must be partners in the process that determines the level and frequency of services, and how new improvements and development projects are implemented. The LBDPBID will allow these owners to lead and shape future services and improvements through the LBDPBID.

2. The Need to Attract New Business and Investment Throughout Los Banos.

If Los Banos is to compete as a successful commercial district it must develop its own well-financed, proactive strategy to retain businesses and tenants as well as attract new business and investment. The LBDPBID provides the financial resources to develop and implement a focused strategy that will work to prevent and fill vacancies and attract new tenants to all areas of Los Banos.

3. An Opportunity to Create a Private/Public Partnership with a Unified Voice for Los Banos.

Because parcel owners would be investing financial resources through the LBDPBID, they will be looked upon as a strong partner in negotiations with the City. This partnership will have the ability to leverage the parcel owner's investment with additional public investment in Los Banos.

4. An Opportunity to Establish Private Sector Management and Accountability.

A non-profit, private organization formed for the sole purpose of improving Los Banos will manage the services provided and the LBDPBID. Annual LBDPBID work plans and budgets are developed by a board composed of stakeholders that own property in the Los Banos. Improvements and activities provided by the LBDPBID are subject to private sector performance standards, controls, and accountability.

III. BACKGROUND

The International Downtown Association estimates that more than 1,500 Property and Business Improvement Districts (PBIDs) currently operate throughout the United States and Canada. PBIDs are a time-tested tool for property owners who wish to come together and obtain collective services which benefit their properties.

PBIDs provide supplemental services in addition to those provided by local government. They may also finance physical and capital improvements. These improvements and activities are concentrated within a distinct geographic area and are funded by a special parcel assessment. Services and improvements are only provided to those who pay the assessment.

Although funds are collected by the local government, they are then directed to a private nonprofit. The nonprofit implements services and provides day-to-day oversight. The nonprofit is managed by a Board of Directors representing those who pay the assessment, to help ensure the services meet the needs of property owners and are responsive to changing conditions within the PBID.

PBIDs all over the globe have been proven to work by providing services that improve the overall viability of commercial districts, resulting in higher property values, lease rates, occupancy rates, and sales volumes.

The LBDPBID will be formed pursuant to a state law that took effect in January of 1995. The “Property and Business Improvement District Law of 1994,” which was signed into law by Governor Pete Wilson, ushered in a new generation of Property and Business Improvement Districts in California. Key provisions of the law include:

- Allows a wide variety of services which are tailored to meet specific needs of assessed properties in each individual PBID;
- Requires property owner input and support throughout the formation process;
- Requires written support on both a petition and ballot from property owners paying 50% of proposed assessments;
- Allows for a designated, private nonprofit corporation to manage funds and implement programs, with oversight from property owners and the City;
- Requires limits for assessment rates to ensure that they do not exceed the amount owners are willing to pay; and
- Requires the PBID be renewed after a certain time period, making it accountable to property owners.

The “Property and Business Improvement Business District Law of 1994” is provided in Appendix 1 of this document.

IV. BOUNDARIES

The LBDBPID generally includes parcels in the downtown area of the City of Los Banos, as show on the map below. The service area includes approximately eighty-three (83) parcels with sixty-one (61) parcel owners. The LBDBPID boundary is illustrated by the map below. A larger map is available on request by calling (916) 437-4300 or (800) 999-7781.



V. SERVICE PLAN & BUDGET

A. Establishment

Property and business owners in Los Banos have been concerned about the need for coordinated supplemental services in the area for several years. City services and efforts in the area have been welcomed, but limited resources have not allowed for a more comprehensive approach to managing the commercial area.

A service plan to provide special benefits to assessed properties was developed using several methods. A series of property owner meetings, a survey of property owners, an analysis of current property conditions and needs, and an intercept survey of visitors were all conducted. The primary needs identified were: maintenance, security, marketing, promotional materials, branding, and infrastructure improvements. To meet those needs, the LBDPBID will provide a maintenance and general security, marketing and placemaking, and small infrastructure programs to assessed parcels within its boundaries.

B. Improvements and Activities

The LBDPBID will provide supplemental improvements and activities that are above and beyond those provided by the City and other government agencies. None of the services to be provided by the LBDPBID are provided by the City or other government agencies. The improvements and activities will be provided directly and only to assessed parcels; they will not be provided to parcels that are not assessed. Each and every service is unique to the LBDPBID, thus the benefits provided are particular and distinct to each assessed parcel.

1. Maintenance and General Security

The maintenance and general security programs will be designed to maintain and increase usability of assessed parcels for the benefit of assessed parcels. The maintenance programs will focus on providing a cleaner, more accessible, and more attractive environment for potential tenants and customers. The security programs will aim to increase safety and address issues which discourage property owners, tenants, and customers from visiting the LBDPBID. The maintenance and security program will include, but is not limited to:

- Pressure washing sidewalks;
- Litter removal services, including garbage, debris and leaves, and enhanced solid waste and recycling infrastructure needs throughout the LBDPBID;
- Graffiti removal services;
- Landscape improvements and maintenance, including the trimming and planting of trees and flowers;
- Contracting with private security patrols to surveil the LBDPBID and respond to incidents occurring on assessed parcels; and
- Coordination with the Los Banos Police Department to support crime prevention throughout the LBDPBID.

2. Marketing and Placemaking

Marketing and placemaking efforts will highlight the LBDPBID as a unique destination in an effort to increase visitor activity and sales that directly benefit the assessed parcels. Marketing may include, but is not limited to: promotions and marketing of the LBDPBID as a destination area, special events to attract visitors, the maintenance of a LBDPBID brand package and website, promotional materials, visitor guides, maps, press releases and newsletters. It is the intent of this

program to allow the public to view the LBDPBID as a single destination with a rich collection of attractions, events and services.

3. Small Infrastructure

The small infrastructure portion of the budget will be used to fund tangible items that will better the area of the LBDPBID to help with promoting and improving the look and feel of the LBDPBID. Infrastructure may include, but are not limited to: the addition of pole banners, wayfinding signage, park benches, trash receptacles, bike racks, planters, public art and other similar initiatives.

4. Operations

The administration portion of the budget will be utilized for administrative costs associated with providing the services. Those costs may include rent, telephone charges, legal fees, accounting fees, postage, administrative staff, insurance, and other general office expenses.

C. Annual Budget

A projected five (5) year budget for the LBDPBID is provided below. The overall budget shall remain consistent with this Plan. In the event of a legal challenge, assessment funds may be used to defend the LBDPBID. The annual budget is based on the following assumptions and guidelines:

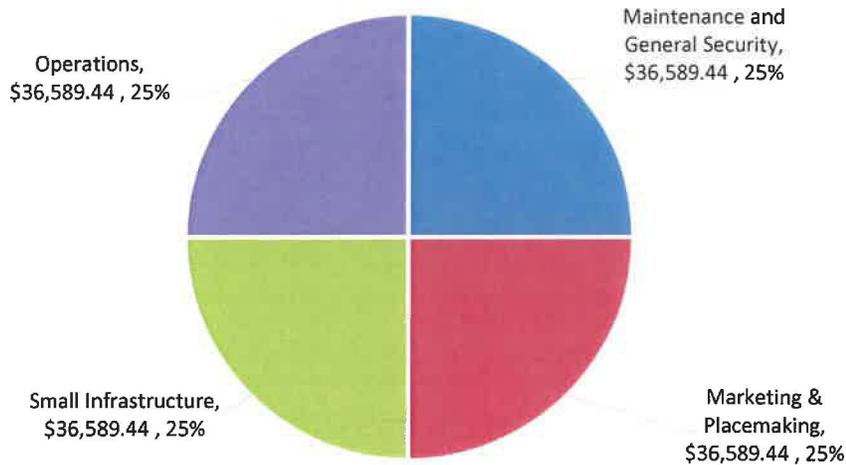
1. The cost of providing improvements and activities may vary depending upon the market cost for those improvements and activities. Expenditures may require adjustment up or down to continue the intended level of improvements and activities. The LBDPOA shall annually have the ability to re-allocate up to ten percent (10%) of the budget allocation by line item within the budgeted categories. Any change will be approved by the LBDPOA and submitted with the Annual Report.
2. Funds not spent in any given year may be rolled over to the next year.
3. The assessment rate may be subject to annual increases that will not exceed two and one half of one percent (2.5%) per year. Increases will be determined by the LBDPOA and will vary each year. The projections below illustrate the maximum annual two and one half of one percent (2.5%) increase for all budget items.
4. Each budget category includes all costs related to providing that service, in accordance with Generally Accepted Accounting Procedures (GAAP). For example, the marketing and placemaking budget includes the cost of staff time dedicated to overseeing and implementing the security program. Staff time dedicated purely to administrative tasks is allocated to the administration portion of the budget. The costs of an individual staff member may be allocated to multiple budget categories, as appropriate in accordance with GAAP. The staffing levels necessary to provide the LBDPBID services will be determined by the LBDPOA on an as-needed basis.

D. Assessment Budget

The total improvement and activity budget for 2020 that is funded by property assessments is \$146,357.76. In addition to the assessment revenue, the programs will be supplemented by non-assessment funds. The total of non-assessment funds, and the determination of special and general benefit, is included in the Engineer's Report. The total of assessment and non-assessment funds is provided in Appendix 4. Below is an illustration of the estimated total budget allocations for each budget category for the five (5) year life of the LBDPBID. The allocation of the assessment funds is governed

by Section E below. Non-assessment funds may be shifted between budget categories as needed by the LBDPOA Board.

Initial Year Assessment Budget - \$146,357.76



E. Annual Maximum Budget

The budget below assumes the maximum annual increase of two and one half of one percent (2.5%) is enacted and that there are no changes to the categorical budget allocations.

| Year | Maintenance & General Security | Marketing & Placemaking | Small Infrastructure | Operations | Total |
|--------------|--------------------------------|-------------------------|----------------------|---------------------|---------------------|
| 2020 | \$36,589.44 | \$36,589.44 | \$36,589.44 | \$36,589.44 | \$146,357.76 |
| 2021 | \$37,504.18 | \$37,504.18 | \$37,504.18 | \$37,504.18 | \$150,016.72 |
| 2022 | \$38,441.78 | \$38,441.78 | \$38,441.78 | \$38,441.78 | \$153,767.12 |
| 2023 | \$39,402.82 | \$39,402.82 | \$39,402.82 | \$39,402.82 | \$157,611.28 |
| 2024 | \$40,387.89 | \$40,387.89 | \$40,387.89 | \$40,387.89 | \$161,551.56 |
| Total | \$192,326.11 | \$192,326.11 | \$192,326.11 | \$192,326.11 | \$769,304.44 |

VI. GOVERNANCE

A. Owners' Association

The District shall be governed by the Los Banos Downtown Property Owners Association, with oversight from the Los Banos City Council. The Los Banos Downtown Property Owners Association (LBDPOA) shall serve as the Owners' Association described in the Streets and Highways Code §36651. The Board of Directors of the LBDPOA and its staff are charged with the day-to-day operations of the LBDPBID.

B. Brown Act & Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association must act as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the LBDPOA Board of Directors and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

C. Annual Report

The LBDPOA shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report is a prospective report for the upcoming year and must include:

1. Any proposed changes in the boundaries of the LBDPBID or in any benefit zones or classification of property within the district;
2. The improvements, maintenance, and activities to be provided for that fiscal year;
3. The estimated cost of providing the improvements, maintenance, and activities to be provided for that fiscal year;
4. The method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year;
5. The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
6. The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this Plan.

VII. ENGINEER'S REPORT

The LBDPBID's parcel assessments will be imposed in accordance with the provisions of Article XIII D of the California Constitution. Article XIII D provides that "only special benefits are assessable,"¹ and requires the City to "separate the general benefits from the special benefits conferred on a parcel."² Special benefits are a "particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public-at-large."³ Conversely, a general benefit is "conferred on real property located in the district or to the public-at-large."⁴ Assessment law also mandates that "no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."⁵

The Engineer determined the total cost of the improvements and activities, quantified the general benefit accruing to the public-at-large and non-assessed parcels adjacent to and within the LBDPBID, and separated that amount from the special benefit accruing to the assessed parcels. Then, the Engineer determined the proportional special benefit derived by each parcel and allocated the special benefit value of the improvements and activities accordingly. The Engineer's determinations and detailed calculations are summarized in this report.

A. Boundary Description and Rationale

The LBDPBID boundaries include parcels in the downtown area of the City of Los Banos. The LBDPBID boundaries include eighty-three (83) parcels with sixty-one (61) parcel owners.

Boundaries were carefully developed to ensure all and only those parcels which will receive special benefits from the proposed activities and improvements are included. This boundary was chosen because it includes parcels within the downtown area of the City Los Banos that will receive special benefits from LBDPBID improvements and activities and generally excludes residential parcels that are statutorily exempt from LBDPBID assessments.

B. Separation of General and Special Benefits

Each of the improvements and activities, and the associated costs and assessments within the LBDPBID, were reviewed, identified, and allocated based on special and general benefits pursuant to Article XIII D of the California Constitution. The assessment has been apportioned based on the proportional special benefits conferred to the assessed parcels located within the LBDPBID boundaries as determined below.

1. General Benefits

Unlike special benefits, which are conferred directly and only upon assessed parcels, a general benefit is conferred on the general public or non-assessed parcels. Existing City and other public services, which are provided to every person and parcel, everywhere within the City, are an example of a general benefit. Although the LBDPBID's boundaries have been narrowly drawn and programs have been carefully designed to provide special benefits, and activities and improvements will only be provided directly to assessed parcels, it is acknowledged that there will be general benefits as a result of the LBDPBID's activities and improvements.

¹ Cal. Const., art. XIII D, §4(a)

² Cal. Const., art. XIII D, §4(a)

³ *Id.*, §2(i)

⁴ Cal. Const., art. XIII D §2(i)

⁵ Cal. Const., art. XIII D, §4(a)

The California Constitution mandates that “only special benefits are assessable, and an agency shall separate the general benefits from the special benefits.”⁶ “Generally, this separation and quantification of general and special benefits must be accomplished by apportioning the cost of a service or improvement between the two and assessing property owners only for the portion of the cost representing special benefits.”⁷ The first step that must be undertaken to separate general and special benefits provided by the LBDPBID’s activities and improvements is to identify and quantify the general benefits. There are two bodies who can receive general benefits: the public-at-large within the LBDPBID, and non-assessed parcels within and surrounding the LBDPBID.

a. General Benefit to the Public-at-Large

Although the activities and improvements are narrowly designed and carefully implemented to specially benefit the assessed parcels, and only provided directly to assessed parcels, they will generate a general benefit to the public-at-large within the LBDPBID. State law indicates that “Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed.”⁸ However, “the mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.”⁹ Further, “the value of any incidental or collateral effects that arise from the improvements, maintenance or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.”¹⁰ Thus, although there may be some incidental benefit to persons engaged in business on the assessed parcels, that incidental benefit is not considered general benefit because it is inherently produced by activities and improvements that provide special benefits to the assessed parcels. There is, however, a general benefit to persons not engaged in business on the assessed parcels.

Intercept surveys conducted in similar districts have found that approximately 97.3% of pedestrian traffic within PBID boundaries is engaged in business on assessed parcels, while the remaining approximately 2.7% is simply passing through and not engaging in business on the assessed parcels¹¹. The 2.7% of traffic passing through does not have any connection to the assessed parcels, and therefore does not represent a special benefit to the assessed parcels. The 2.7% will, however, receive a derivative and indirect general benefit as a result of the activities and improvements being provided in the LBDPBID. Therefore, it is estimated that 2.7% of the benefit created by the LBDPBID’s services is general benefit provided to the public-at-large. To ensure that the assessment dollars do not fund general benefits to the public-at-large, that portion of the cost of activities and improvements will be paid for with funds not obtained through assessments. Using the 2.7% figure, based on the initial year activity and improvement budget, the value of this general benefit to the public-at-large is \$4,281.88 ($\$158,587.84 * 0.027$).

b. General Benefit to Non-Assessed Parcels

Although they are only provided directly to the assessed parcels, the LBDPBID’s activities and improvements may also confer general benefits upon non-assessed parcels within and surrounding the LBDPBID. One study examining property values in PBID areas found “no evidence of spill-over

⁶ Cal. Const, art XIII D §4(a)

⁷ Golden Hill Neighborhood Association v. City of San Diego (2011) 199 Cal.App.4th 416

⁸ Streets and Highways Code section 36601(h)(2)

⁹ Ibid

¹⁰ Streets and Highways Code Section 36622(k)(2)

¹¹ Surveys conducted in: North Park, San Diego (January 2015); Mack Road, Sacramento (July 2014); and Sunrise MarketPlace, Citrus Heights (December 2013)

July 1, 2019

impacts (either good or bad) on commercial properties located just outside the BID’s boundaries;”¹² however, the California Court of Appeals has stated that “services specifically intended for assessed parcels concomitantly confer collateral general benefits to surrounding properties.”¹³ It is reasonable to conclude that activities and improvements within the LBDPBID will have an incidental impact on non-assessed parcels surrounding or within the LBDPBID’s boundaries. Although the legislature has indicated that “the value of any incidental or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall *not* be deducted from the entirety of the cost of any special benefit,”¹⁴ the California Court of Appeals has noted that “the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement...or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement.”¹⁵ Those derivative and indirect impacts are considered general benefits and will be quantified and separated.

In this Engineer’s opinion, because activities and improvements are provided only within the LBDPBID and on its perimeter, parcels separated from the LBDPBID by either at least one intervening parcel or an impassable physical barrier such as a wall, railroad track, freeway, or ditch will not receive spill over benefits. Parcels separated from the LBDPBID will not benefit because they are physically removed from the actual location of activities and improvements provided, and do not face serviced parcels. Therefore, this analysis considers non-assessed parcels within the LBDPBID’s boundaries and surrounding parcels that are immediately adjacent to and accessible from the LBDPBID’s boundaries.

The total LBDPBID activity and improvement budget for the first year is \$158,587.84. After reducing the activity and improvement budget by the general benefit to the public-at-large (\$4,281.88), the remaining benefit to parcels is \$154,305.96. This benefit has been distributed to both assessed and non-assessed parcels using the following methodology. The general benefit to the public-at-large has been proportionally allocated to the LBDPBID’s activity and improvement categories as shown in the following table.

| Category | Benefit to Parcels | Benefit to Public-at-Large | Total |
|--------------------------------|---------------------|----------------------------|---------------------|
| Maintenance & General Security | \$38,576.47 | \$1,070.47 | \$39,646.94 |
| Marketing & Placemaking | \$38,178.95 | \$1,059.44 | \$39,238.39 |
| Small Infrastructure | \$38,974.05 | \$1,081.50 | \$40,055.55 |
| Operations | \$38,576.49 | \$1,070.47 | \$39,646.96 |
| TOTAL | \$154,305.96 | \$4,281.88 | \$158,587.84 |

To determine the general benefit to parcels, the Engineer assigned each parcel group a benefit factor, determined the appropriate parcel characteristic to use in the calculation, multiplied the benefit factor by the benefit characteristic to determine the benefit units attributable to each parcel group, and apportioned the remaining service cost (service cost minus general benefit to the public) in accordance with the benefit units derived by each parcel group.

¹² Furman Center for Real Estate & Urban Policy; The Impact of Business Improvement Districts on Property Values: Evidence from New York City (2007) p. 4

¹³ Beutz v. Riverside (2010) 184 Cal.App.4th 1516

¹⁴ Streets and Highways Code section 36622(k)(2)

¹⁵ Tiburon v. Bonander (2009) 180 Cal.App.4th 1057, 1077

i. Benefit Factors

All parcels within and adjacent to the LBDPBID have been assigned a benefit factor to mathematically represent the proportional special and general benefit and quantify the value of each. The determination of benefit factors for each type of activity follows.

Improvements

The improvements to be provided by the LBDPBID provide two types of special benefits:

Improvement – The primary special benefit provided by the LBDPBID’s improvements is the improvements themselves, which are available to tenants and customers of assessed parcels.

Proximity – The LBDPBID’s improvements also provide the special benefit of being in proximity to a parcel that is benefitting from an improvement, as parcels will enjoy the spillover benefits of neighboring parcels utilizing the improvements.

The majority of the benefit is the improvements themselves; proximity is a lesser benefit. It is this Engineer’s estimation that eighty-five percent (85%) of the special benefit from the LBDPBID’s improvements is the improvement, while the presence and proximity special benefits each account for fifteen percent (15%) of the special benefit. Assessed parcels will receive both benefits; non-assessed parcels within and adjacent to the LBDPBID will not be directly improved, and therefore only receive the general benefit of proximity.

Tangible Activities

The tangible activities (those that are physically provided via a person or people working throughout the district) to be provided by the LBDPBID generate three types of special benefits:

Service – The primary special benefit provided by the LBDPBID’s physical activities is the actual service.

Presence – the LBDPBID’s physical activities also provide the special benefit of an individual’s presence on the assessed parcel as the activities are provided, which can have a deterrent effect and creates a positive impression that the area is well-maintained and safe. The “Disneyland effect” is the benefit the parcels receive from the observation that parcels are being maintained. There are studies which link the perception of cleanliness to a perception of increased security.

Proximity – the LBDPBID’s physical activities also provide the special benefit of being in proximity to a cleaner, safer parcel. Neighboring parcels enjoy the spillover benefits of being adjacent to increased safety and cleanliness.

The majority of the benefit received by the parcels is the results of the LBDPBID’s services; onsite presence and proximity are lesser benefits. It is this Engineer’s estimation that seventy-five percent (75%) of the special benefit from the LBDPBID’s physical activities is the service, while the presence and proximity benefits each account for twelve and one-half percent (12.5% presence, 12.5% proximity) of the special benefit. Assessed parcels will receive all three benefits; non-assessed parcels within and adjacent to the LBDPBID will not be directly serviced and therefore only receive the general benefit of proximity.

Intangible Activities

Some of the LBDPBID’s activities, such as marketing, are distinct in that they are not provided to a targeted area within the LBDPBID, rather they are provided via Internet, radio, and other forms of

media and targeted at an audience outside the LBDPBID in an effort to bring the audience into the LBDPBID. These activities provide two types of special benefits:

Direct Exposure – The primary special benefit provided by the LBDPBID’s intangible activities is exposure. The intangible activities increase awareness of the LBDPBID as a commercial and business destination and lead to increased patronage.

Incidental Exposure – The LBDPBID’s intangible activities will also have a secondary special benefit of incidental exposure, such as word-of-mouth exposure, that results from the direct exposure and increases awareness of the LBDPBID as a commercial and business destination.

The majority of the benefit from these activities is the direct exposure; the incidental exposure is a lesser benefit. It is this Engineer’s estimation that ninety percent (90%) of the special benefit from the intangible activities is direct exposure, while ten percent (10%) is incidental exposure. Assessed parcels will receive both as special benefits; non-assessed parcels within and adjacent to the LBDPBID will not be directly marketed and therefore only receive the general benefit of incidental exposure.

Factors Determined

Based on the foregoing analysis, all assessed parcels within the LBDPBID specially benefit from the LBDPBID’s activities and improvements, and have been assigned a benefit factor of 1.0. Parcels that are not assessed have been assigned benefit factors based on the portion of the benefit they will receive, as described above. The non-assessed parcels will benefit from 15% of the improvements, 12.5% of the tangible activities, and 10% of the intangible activities; therefore, they have been assigned benefit factors of 0.15, 0.125, and 0.10, respectively.

ii. Non-Assessed Benefit Characteristics

There are two types of parcels that are not assessed; those within the LBDPBID and those immediately adjacent to and accessible from the LBDPBID. Because they generally benefit in a differing manner, distinct parcel characteristics are used to quantify the general benefit to each type.

Inside – Non-assessed parcels inside of the LBDPBID are surrounded by parcels that are assessed and receiving the full special benefits; they will, therefore, receive the general benefits of proximity and indirect exposure. These parcels are impacted on more than one side by the LBDPBID’s activities and improvements, marketing has a direct impact all around them, and activities and improvements are provided all around them. Because these parcels are surrounded by specially benefitted parcels, it is appropriate that parcel square footage be used to measure the general benefit they receive.

Adjacent – Adjacent parcels are those that are immediately adjacent to or directly across the street from specially benefitted parcels, and accessible from specially benefitted parcels. These parcels generally benefit differently than those inside the LBDPBID, because these parcels are adjacent to, rather than surrounded by, specially benefitted parcels. Square footage is not an appropriate measure of benefit to these parcels. Because the parcels are not surrounded by serviced parcels, a long, shallow parcel with the same square footage as a deep, narrow parcel will receive a different level of general benefit. Likewise, two parcels with the same depth but a different width adjacent to serviced parcels will benefit differently. To account for this difference, it is appropriate that parcel linear frontage be used to measure the general benefit the adjacent parcels receive.

iii. Calculations

To quantify and separate the general benefit to non-assessed parcels, the following calculations were undertaken for each budget category.

1. The total service budget for each category was determined and the amount of general benefit to the public-at-large was subtracted from the category budget.
2. To determine the amount of general benefit to adjacent parcels, the parcel linear front footage of parcels within the District was compared to the parcel linear front footage of adjacent parcels. Assessed parcels within the District were assigned a benefit factor of 1.0 because they are the recipients of District services. The benefit factor applicable to each activity or improvement for non-assessed parcels was multiplied by the parcel linear frontage to determine the number of benefit units for each parcel group. The benefit units for the parcel groups were summed, and the percentage of benefit units attributable to each parcel group was calculated. The percentage of benefit units for each parcel group was used to apportion the general benefits to non-assessed parcels adjacent to the District (less the general benefit to the public-at-large) for each category.
3. The remaining activity and improvement budget, less the general benefit to the public-at-large and general benefit to the adjacent parcels, was allocated to inside assessed parcels and inside non-assessed parcels based upon parcel square footage. Inside assessed parcels were assigned a benefit factor of 1.0 because they are the recipients of District services. The benefit factor applicable to each activity or improvement was multiplied by the parcel square frontage to determine the number of benefits units for each parcel group:
4. The special and general benefit resulting from the operations portions of the budget was determined based on the proportional allocation of benefits derived from activities and improvements.

Maintenance & General Security

The maintenance & general security budget (\$39,646.94), minus the amount of general benefit to the public-at-large (\$1,070.47), is \$38,576.47. The calculations below determine the amount of general benefit to parcels adjacent to the LBDPBID. The maintenance & general security budget category contains tangible activities; the Engineer used the 0.125 benefit factor to quantify the general benefit.

| Parcel Type | Parcel Linear Footage | Benefit Factor | Benefit Units | Benefit Percent | Adjacent Benefit |
|----------------------------|------------------------------|-----------------------|----------------------|------------------------|-------------------------|
| Inside Assessed (LF) | 6,684 | 1.000 | 6,684 | 94.89% | \$0.00 |
| Inside Non-Assessed (LF) | 375 | 0.125 | 47 | 0.67% | \$0.00 |
| Adjacent Non-Assessed (LF) | 2,506 | 0.125 | 313 | 4.45% | \$1,715.22 |
| Subtotal | 9,565 | | 7,044 | 100.00% | \$1,715.22 |

The maintenance & general security budget, minus the amount of general benefit to the public-at-large (\$38,576.47) minus general benefit to parcels adjacent to the LBDPBID (\$1,715.22), is \$36,861.25. The calculations below determine general benefit to non-assessed parcels within the LBDPBID and special benefit to the assessed parcels.

| Parcel Type | Parcel Square Footage | Benefit Factor | Benefit Units | Benefit Percent | Inside Non-Assessed Benefit | Special Benefit |
|--------------------------|------------------------------|-----------------------|----------------------|------------------------|------------------------------------|------------------------|
| Inside Assessed (SF) | 567,861 | 1.000 | 567,861 | 99.26% | \$0.00 | \$36,589.44 |
| Inside Non-Assessed (SF) | 33,748 | 0.125 | 4,219 | 0.74% | \$271.81 | \$0.00 |
| Subtotal | 601,609 | | 572,080 | 100.00% | \$271.81 | \$36,589.44 |

Therefore, the allocation of the maintenance & general security budget is as follows:

| | |
|------------------------------------|--------------------|
| General Benefit – Public-At-Large | \$1,070.47 |
| General Benefit – Adjacent Parcels | \$1,715.22 |
| General Benefit – Inside Parcels | \$271.81 |
| Special Benefit | \$36,589.44 |
| Total | \$39,646.94 |

Marketing & Placemaking

The marketing & placemaking budget (\$39,238.39), minus the amount of general benefit to the public-at-large (\$1,059.44), is \$38,178.95. The calculations below determine the amount of general benefit to parcels adjacent to the LBDPBID. The marketing & placemaking budget category contains intangible activities; the Engineer used the 0.10 benefit factor to quantify the general benefit.

| Parcel Type | Parcel Linear Footage | Benefit Factor | Benefit Units | Benefit Percent | Adjacent Benefit |
|----------------------------|------------------------------|-----------------------|----------------------|------------------------|-------------------------|
| Inside Assessed (LF) | 6,684 | 1.00 | 6,684 | 95.87% | \$0.00 |
| Inside Non-Assessed (LF) | 375 | 0.100 | 38 | 0.54% | \$0.00 |
| Adjacent Non-Assessed (LF) | 2,506 | 0.100 | 251 | 3.59% | \$1,372.06 |
| Subtotal | 9,565 | | 6,972 | 100.00% | \$1,372.06 |

The marketing & placemaking budget, minus the amount of general benefit to the public-at-large (\$38,178.95) minus general benefit to parcels adjacent to the LBDPBID (\$1,372.06), is \$36,806.89. The calculations below determine general benefit to non-assessed parcels within the LBDPBID and special benefit to the assessed parcels.

| Parcel Type | Parcel Square Footage | Benefit Factor | Benefit Units | Benefit Percent | Inside Non-Assessed Benefit | Special Benefit |
|--------------------------|------------------------------|-----------------------|----------------------|------------------------|------------------------------------|------------------------|
| Inside Assessed (SF) | 567,861 | 1.00 | 567,861 | 99.41% | \$0.00 | \$36,589.44 |
| Inside Non-Assessed (SF) | 33,748 | 0.100 | 3,375 | 0.59% | \$217.45 | \$0.00 |
| Subtotal | 601,609 | | 571,236 | 100.00% | \$217.45 | \$36,589.44 |

Therefore, the allocation of the marketing & placemaking budget is as follows:

| | |
|------------------------------------|--------------------|
| General Benefit – Public-At-Large | \$1,059.44 |
| General Benefit – Adjacent Parcels | \$1,372.06 |
| General Benefit – Inside Parcels | \$217.45 |
| Special Benefit | \$36,589.44 |
| Total | \$39,238.39 |

Small Infrastructure

The small infrastructure budget (\$40,055.55), minus the amount of general benefit to the public-at-large (\$1,081.5), is \$38,974.05. The calculations below determine the amount of general benefit to parcels adjacent to the LBDPBID. The small infrastructure budget category contains improvements; the Engineer used the 0.150 benefit factor to quantify the general benefit.

| <u>Parcel Type</u> | <u>Parcel Linear Footage</u> | <u>Benefit Factor²</u> | <u>Benefit Units³</u> | <u>Benefit Percent⁴</u> | <u>Adjacent Benefit</u> |
|----------------------------|------------------------------|-----------------------------------|----------------------------------|------------------------------------|-------------------------|
| Inside Assessed (LF) | 6,684 | 1.00 | 6,684 | 93.93% | \$0.00 |
| Inside Non-Assessed (LF) | 375 | 0.150 | 56 | 0.79% | \$0.00 |
| Adjacent Non-Assessed (LF) | 2,506 | 0.150 | 376 | 5.28% | \$2,058.43 |
| Subtotal | 9,565 | | 7,116 | 100.00% | \$2,058.43 |

The small infrastructure budget, minus the amount of general benefit to the public-at-large (\$38,974.05) minus general benefit to parcels adjacent to the LBDPBID (\$2,058.43), is \$36,915.62. The calculations below determine general benefit to non-assessed parcels within the LBDPBID and special benefit to the assessed parcels.

| <u>Parcel Type</u> | <u>Parcel Front Footage</u> | <u>Benefit Factor²</u> | <u>Benefit Units³</u> | <u>Benefit Percent⁴</u> | <u>Inside Non-Assessed Benefit</u> | <u>Special Benefit</u> |
|--------------------------|-----------------------------|-----------------------------------|----------------------------------|------------------------------------|------------------------------------|------------------------|
| Inside Assessed (SF) | 567,861 | 1.00 | 567,861 | 99.12% | \$0.00 | \$36,589.44 |
| Inside Non-Assessed (SF) | 33,748 | 0.150 | 5,062 | 0.88% | \$326.18 | \$0.00 |
| Subtotal | 601,609 | | 572,923 | 100.00% | \$326.18 | \$36,589.44 |

Therefore, the allocation of the small infrastructure budget is as follows:

| | |
|------------------------------------|--------------------|
| General Benefit – Public-At-Large | \$1,081.50 |
| General Benefit – Adjacent Parcels | \$2,058.43 |
| General Benefit – Inside Parcels | \$326.18 |
| Special Benefit | \$36,589.44 |
| Total | \$40,055.55 |

Operations

The operations budget line item relates to the activities and improvements provided. These costs have been allocated proportionally based on the special and general benefit provided by each category.

| Service Provided | Special Benefit Value to Parcels | General Benefit Value to Parcels | Total Benefit to Parcels |
|--------------------------------|---|---|---------------------------------|
| Maintenance & General Security | \$36,589.44 | \$1,987.03 | \$38,576.47 |
| Marketing & Placemaking | \$36,589.44 | \$1,589.51 | \$38,178.95 |
| Small Infrastructure | \$36,589.44 | \$2,384.61 | \$38,974.05 |
| TOTAL | \$109,768.32 | \$5,961.15 | \$115,729.47 |
| % of Benefit to Parcels | 94.85% | 5.15% | 100.00% |
| TOTAL | \$36,589.44 | \$1,987.05 | \$38,576.49 |

iv. Total Benefits

Based on the foregoing calculations, the total benefits to assessed parcels, non-assessed parcels, and the general public are:

| Service Provided | General Benefit to Public | General Benefit to Parcels | Special Benefit to Parcels | Total Budget |
|--------------------------------|----------------------------------|-----------------------------------|-----------------------------------|---------------------|
| Maintenance & General Security | \$1,070.47 | \$1,987.03 | \$36,589.44 | \$39,646.94 |
| Marketing & Placemaking | \$1,059.44 | \$1,589.51 | \$36,589.44 | \$39,238.39 |
| Small Infrastructure | \$1,081.50 | \$2,384.61 | \$36,589.44 | \$40,055.55 |
| Operations | \$1,070.47 | \$1,987.05 | \$36,589.44 | \$39,646.96 |
| TOTAL | \$4,281.88 | \$7,948.20 | \$146,357.76 | \$158,587.84 |

c. Non-Assessment Funding

The programs funded by the LBDPBID receive additional non-assessment funding in the form of grants, corporate sponsorships, event income, and other miscellaneous funds. These funding sources are anticipated to equal or exceed the amount of general benefit conferred annually by the LBDPBID’s activities and improvements, \$12,230.08. These non-assessment funds will be used to pay for the general benefit provided by the LBDPBID’s activities and improvements, ensuring that parcel assessments will only be used to provide special benefits.

2. Special Benefit

The activities and improvements to be provided by the LBDPBID constitute and convey special benefits directly to the assessed parcels. Assessment law requires that “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.”¹⁶ Further, “no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit

¹⁶ Cal. Const., art XIII D §4(a)
July 1, 2019

conferred on that parcel.”¹⁷ Special benefit “includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed.”¹⁸

To determine the total special benefit value to be conveyed to the assessed parcels, we deduct the general benefit value (\$12,230.08) from the total value of the activities and improvements (\$158,587.84). The remaining \$146,357.76 is considered the special benefit to assessed parcels (the “Total Assessment”). The Total Assessment represents the total value of the special benefit to be provided by the activities and improvements. The Total Assessment has been proportionally divided among the assessed parcels so that no assessment exceeds the reasonable cost of the proportional special benefit conferred on a parcel. The assessment rate has been designed to ensure that “properties that receive the same proportionate special benefit pay the same assessment.”¹⁹

| Service Provided | Total Benefit Value | General Benefit Value to Public | Benefit Value to Parcels (Special & General) | Special Benefit to Parcels |
|--------------------------------|----------------------------|--|---|-----------------------------------|
| Maintenance & General Security | \$39,646.94 | \$1,070.47 | \$38,576.47 | \$36,589.44 |
| Marketing & Placemaking | \$39,238.39 | \$1,059.44 | \$38,178.95 | \$36,589.44 |
| Small Infrastructure | \$40,055.55 | \$1,081.50 | \$38,974.05 | \$36,589.44 |
| Operations | \$39,646.96 | \$1,070.47 | \$38,576.49 | \$36,589.44 |
| TOTAL | \$158,587.84 | \$4,281.88 | \$154,305.96 | \$146,357.76 |

C. Assessment Methodology

1. Base Formula

Each parcel will be assessed based on proportional special benefits received. The variables used for determining the annual assessment formula is parcel type and parcel size. These variables are an appropriate measure of the proportional special benefit because the need for services, level of services, and quantity of services are all relative to these variables; thus, the special benefit provided to each parcel by the services can be proportionally measured using these variables.

Determination of Assessment Rates

“Because not all parcels in the district are identical in size...some will receive more special benefit than others.” Each of the variables used relates directly to the service level and special benefit provided to each parcel. Parcel square footage is the size of the parcel, measured in square feet. Size is an appropriate measure of proportional special benefit because it relates directly to the quantity of services provided to the parcel, the highest and best use of a parcel, and reflects the long-term value implications of the LBDPBID. The larger a parcel, the more services and benefit the parcel will receive.

Because not all parcels in the LBDPBID are identical in use, some will receive more special benefit than others. For example, a government parcel will benefit to a lesser degree than a standard parcel, because it will not enjoy the benefits of increased commerce resulting from the services. Further detail

¹⁷ Ibid

¹⁸ Streets and Highways Code section 36615.5

¹⁹ *Tiburón v. Bonander* (2009) 180 Cal.App.4th 1057

on the benefit to each parcel type is in the following pages. To determine the assessment rates, the assessed parcels were classified by the estimated benefit each type of parcel receives, the estimated special benefit value of the activities and improvements provided to each type was determined based on approximate cost of service provision, and an assessment rate that is proportional to the estimated proportional benefit received by each parcel type was determined.

To determine the assessment rates, the estimated special benefit value for each parcel type was divided by the total assessable parcel square footage as shown in the tables below.

Parcel Type

Parcel types were categorized based on the typical amount of foot and vehicle traffic on the various standard and government parcels. Parcels with heavy traffic, such as standard parcels, will receive the highest level of services. Parcels with lower traffic, such as government parcels, will receive a lower level of services. The approximate cost of services by parcel type was determined. Then, the cost of services by type was divided by the parcel square footage of those parcels to determine the assessment rates.

Parcel Size

The LBDPBID's services will benefit each assessed parcel as a whole. The service budget, which in this Engineer's estimation, represents special benefits to the parcels, has been allocated based on parcel size.

| Parcel Type | Initial Parcel Size Budget | Parcel Square Footage | Initial Parcel Assessment Rate (\$/sqft/yr) |
|-------------|----------------------------|-----------------------|---|
| Standard | \$153,322.47 ÷ | 468,365 = | \$0.270 |
| Government | \$153,322.47 | 99,496 | \$0.200 |

Summary of Assessment Rates

Therefore, for the initial year, the maximum annual assessment rates to parcels are as shown below and in Appendix 1. Maximum annual assessment rates may be subject to an increase of no more than two and one-half of one percent (2.5%) percent per year as shown in Appendix 1.

| Initial Parcel Assessment Rates | |
|---------------------------------|-----------------------|
| Parcel Type | Parcel Size (sq. ft.) |
| Standard | \$0.270 |
| Government | \$0.200 |

Parcel assessment calculations are shown in Appendix 3.

2. Standard Parcels

Standard parcels will receive and benefit from all LBDPBID activities and improvements, and will therefore be assessed the full rate.

3. Government Parcels

The California Constitution, in Article XIII D, provides that “parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.” No public agency owning parcels in the district has made such a

demonstration However, because they do not have a for-profit commercial component, they will be assessed at a reduced rate commensurate with the special benefit they receive.

4. Non-Assessed Parcels

There are six (6) parcels within the LBDPBID that will not be assessed. These parcels are not standard parcels and will not specially benefit from or directly receive the LBDPBID's activities and improvements. These parcels are accounted for in the analysis of general benefit provided to non-assessed parcels within the LBDPBID. These parcels have the following uses:

Residential. The state legislature has determined that "properties zoned exclusively for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and services funded through these assessments, and shall not be subject to any assessment."²⁰ The activities and improvements to be provided are designed to specially benefit standard parcels via increased commerce, occupancy, and lease rates. None of these benefits apply to residential parcels, which will not be serviced or benefit from the LBDPBID's activities and improvements. Residential parcels are those parcels with four family units or less, residential common areas, residential condos and planned unit development of single-family residences. There are six (6) residential parcels within the LBDPBID that will not be assessed.

5. Changes in Data

It is the intent of this Plan and Engineer's Report that each parcel included in the LBDPBID can be clearly identified. Every effort has been made to ensure that all parcels included in the LBDPBID are consistent in the boundary map and the assessment calculation table. However, if inconsistencies arise, the order of precedence shall be: 1) the assessment calculation table and 2) the boundary map.

If the parcel size or type of parcel changes during the LBDPBID's term, the assessment calculation may be modified accordingly.

D. Assessment Notice

During the hearing process, an Assessment Ballot will be sent to owners of each parcel in the LBDPBID. The Assessment Ballot provides an estimated assessment. The final individual assessment for any particular parcel may change, up or down, if the parcel square footage or type differ from those used to calculate the amount shown on the notice, which can be found in Appendix 3.

E. Time and Manner for Collecting Assessments

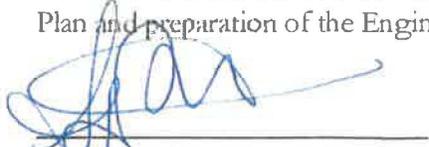
As provided by State Law, the the LBDPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Merced. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Merced shall distribute funds collected to the LBDPOA. Existing laws for enforcement and appeal of property taxes, including penalties and interest, apply to the LBDPBID assessments.

²⁰ Streets and Highways Code § 36632(c)

F. Engineer's Certification

I hereby certify, to the best of my knowledge and experience, that each of the identified assessed parcels located within the Los Banos Downtown Property and Business Improvement District will receive a special benefit over and above the general benefits conferred and that the amount of the assessment is no greater than the proportional special benefits conferred on each parcel, as described in this Engineer's Report.

Review of this Los Banos Downtown Property and Business Improvement District Management District Plan and preparation of the Engineer's Report was completed by:



Stacey Lynch
State of California
July 6, 2019
Date



This Engineer's Report is intended to be distributed as part of the Management District Plan in its entirety, including the Assessment Calculation Table (Appendix 3) and the Boundary Map. Reproduction and distribution of only Section VII of this Management District Plan violates the intent of this stamp and signature.

APPENDIX 1 – MAXIMUM ANNUAL ASSESSMENT RATES

The table below illustrates the maximum annual assessment rate with the assumption that the rates will be increased annually by two and one half of one percent (2.5%) with approval of the LBDPOA. The maximum rates listed are a required disclosure and not the anticipated course of action.

| Maximum Parcel Assessment Rates | | |
|---------------------------------|----------|------------|
| Year | Standard | Government |
| 2020 | \$0.270 | \$0.200 |
| 2021 | \$0.277 | \$0.205 |
| 2022 | \$0.284 | \$0.210 |
| 2023 | \$0.291 | \$0.215 |
| 2024 | \$0.298 | \$0.221 |

APPENDIX 2 – PBID LAW

*** THIS DOCUMENT IS CURRENT THROUGH THE 2019 SUPPLEMENT ***
(ALL 2018 LEGISLATION)

STREETS AND HIGHWAYS CODE DIVISION 18. PARKING PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

(a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.

(d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.

(e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:

(1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.

(2) Job creation.

(3) Business attraction.

(4) Business retention.

(5) Economic growth.

(6) New investments.

(f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.

(g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.

(h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.

(1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed.

Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. “Activities”

“Activities” means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. “Assessment”

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. “Business”

“Business” means all types of businesses and includes financial institutions and professions.

36608. “City”

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. “City council”

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. “Clerk”

“Clerk” means the clerk of the legislative body.

36609.5. “General benefit”

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

36610. “Improvement”

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

36611. “Management district plan”; “Plan”

“Management district plan” or “plan” means a proposal as defined in Section 36622.

36612. “Owners’ association”

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

36614. “Property”

“Property” means real property situated within a district.

36614.5. “Property and business improvement district”; “District”

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

36614.6. “Property-based assessment”

“Property-based assessment” means any assessment made pursuant to this part upon real property.

36614.7. “Property-based district”

“Property-based district” means any district in which a city levies a property-based assessment.

36615. “Property owner”; “Business owner”; “Owner”

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. “Special benefit”

“Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

36616. “Tenant”

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
 - (1) A map showing the boundaries of the district.
 - (2) Information specifying where the complete management district plan can be obtained.
 - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
 - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
 - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
- (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation

are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively 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 activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.

(m) In a property-based district, the total amount of general benefits, if any.

(n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(o) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is

interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
- (2) The number, date of adoption, and title of the resolution of intention.
- (3) The time and place where the public hearing was held concerning the establishment of the district.
- (4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
- (5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
- (6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.
- (7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by

the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Reflection of modification in notices recorded and maps

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

CHAPTER 3.5. Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

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(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements, maintenance, and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

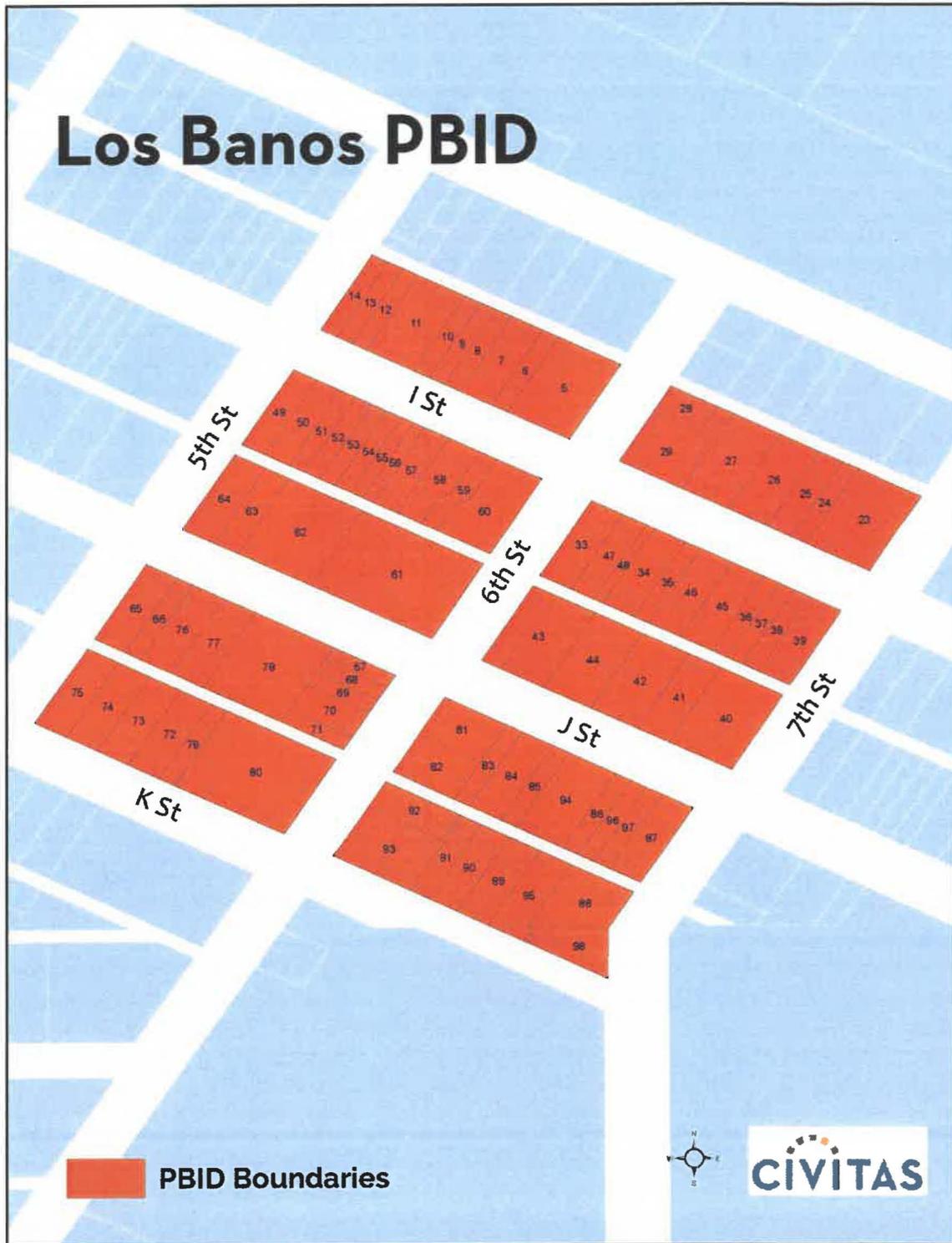
36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district

is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 3 – MAP



APPENDIX 4 – TOTAL ESTIMATED MAXIMUM COST OF IMPROVEMENTS, MAINTENANCE, AND ACTIVITIES

The estimated maximum cost of the line items below was developed based on the estimated costs of providing services in the proposed LBDPBID. The costs below are estimated, the actual line item costs will fluctuate. The table below shows expenditures from assessment and non-assessed funds. Assessment funds are governed by Section V. There is no limit on reallocation of non-assessment funds by the LBDPOA. The total maximum budget may exceed the maximum listed in this table if parcel ownership changes results in parcels being assessed at a higher rate due to a higher estimated benefit.

| Year | Maintenance & General Security | Marketing & Placemaking | Small Infrastructure | Operations | Total |
|--------------|---|------------------------------------|-----------------------------|---------------------|---------------------|
| 2020 | \$39,646.94 | \$39,238.39 | \$40,055.55 | \$39,646.96 | \$158,587.84 |
| 2021 | \$40,638.11 | \$40,219.35 | \$41,056.94 | \$40,638.13 | \$162,552.54 |
| 2022 | \$41,654.07 | \$41,224.83 | \$42,083.36 | \$41,654.09 | \$166,616.35 |
| 2023 | \$42,695.42 | \$42,255.45 | \$43,135.45 | \$42,695.44 | \$170,781.76 |
| 2024 | \$43,762.80 | \$43,311.84 | \$44,213.83 | \$43,762.83 | \$175,051.30 |
| Total | \$208,397.34 | \$206,249.87 | \$210,545.13 | \$208,397.45 | \$833,589.79 |

APPENDIX 5 – PARCEL ASSESSMENT CALCULATIONS

| MAP KEYS | APN | OWNERNAME | LOT SQFT | ASSESSMENT | CATEGORY |
|----------|-----------------|---|----------|------------|------------|
| 5 | 025-191-011-000 | BANK OF AMERICA NT&SA | 15,000 | \$4,050.00 | COMMERCIAL |
| 6 | 025-191-012-000 | IDA LEWIS TOSCANO | 3,750 | \$1,012.50 | COMMERCIAL |
| 7 | 025-191-013-000 | ELAINE CORY | 7,499 | \$2,024.73 | COMMERCIAL |
| 8 | 025-191-014-000 | MILTON J MEDINA | 3,749 | \$1,012.23 | COMMERCIAL |
| 9 | 025-191-015-000 | IMELDA YERA CORTES | 3,749 | \$1,012.23 | COMMERCIAL |
| 10 | 025-191-016-000 | DAVID & MARILU M NIETO | 3,750 | \$1,012.50 | COMMERCIAL |
| 11 | 025-191-017-000 | SERRETA PROPERTIES LP | 11,249 | \$3,037.23 | COMMERCIAL |
| 12 | 025-191-018-000 | LOS BANOS ARTS COUNCIL INC | 3,750 | \$1,012.50 | COMMERCIAL |
| 13 | 025-191-019-000 | MICHAEL G & LESLIE VILLALTA | 3,749 | \$1,012.23 | COMMERCIAL |
| 14 | 025-191-020-000 | MICHAEL G & LESLIE VILLALTA | 3,749 | \$1,012.23 | COMMERCIAL |
| 23 | 025-201-008-000 | A & L PARTIDA LLC | 14,999 | \$4,049.73 | COMMERCIAL |
| 24 | 025-201-009-000 | DANIEL HARRISON EAKINS | 3,750 | \$1,012.50 | COMMERCIAL |
| 25 | 025-201-010-000 | REDEVELOPMENT AGENCY OF CITY OF LOS BANOS | 5,625 | \$1,125.00 | GOVERNMENT |
| 26 | 025-201-011-000 | CITY OF LOS BANOS | 9,375 | \$1,875.00 | GOVERNMENT |
| 27 | 025-201-012-000 | CITY OF LOS BANOS | 11,249 | \$2,249.80 | GOVERNMENT |
| 28 | 025-201-013-000 | CITY OF LOS BANOS | 3,750 | \$750.00 | GOVERNMENT |
| 29 | 025-201-014-000 | THOMAS EDWARD KALJIAN | 11,249 | \$3,037.23 | COMMERCIAL |
| 33 | 025-231-001-000 | LYNNE JAMES | 7,500 | \$2,025.00 | COMMERCIAL |
| 34 | 025-231-003-000 | JESUS O & YOLANDA N MURILLO | 7,500 | \$2,025.00 | COMMERCIAL |
| 35 | 025-231-004-000 | JESUS O & YOLANDA N MURILLO | 3,750 | \$1,012.50 | COMMERCIAL |
| 36 | 025-231-006-000 | JOSE & ANA MARIA FLORES | 3,749 | \$1,012.23 | COMMERCIAL |
| 37 | 025-231-007-000 | REYNALDO GARIBAY | 3,749 | \$1,012.23 | COMMERCIAL |
| 38 | 025-231-008-000 | REYNALDO GARIBAY | 3,750 | \$1,012.50 | COMMERCIAL |
| 39 | 025-231-009-000 | DAVID R & CATHLEEN GOULD | 7,500 | \$2,025.00 | COMMERCIAL |
| 40 | 025-231-010-000 | CITY OF LOS BANOS | 14,999 | \$2,999.80 | GOVERNMENT |
| 41 | 025-231-011-000 | WOLFSEN PROPERTIES L L C | 7,499 | \$2,024.73 | COMMERCIAL |
| 42 | 025-231-012-000 | LAWRENCE J & DAINE M WOLFSEN | 11,250 | \$3,037.50 | COMMERCIAL |
| 43 | 025-231-015-000 | LODGE MOUNTAIN BROW NO 82 IOOF HALL ASSN | 14,999 | \$4,049.73 | COMMERCIAL |
| 44 | 025-231-016-000 | MOUNTAIN BROW HALL ASSN OF THE IOOF | 11,249 | \$3,037.23 | COMMERCIAL |
| 45 | 025-231-017-000 | RAYMOND B & MARIA C RAZO | 7,499 | \$2,024.73 | COMMERCIAL |
| 46 | 025-231-018-000 | RADHAKRISHNAN SHARMA | 7,499 | \$2,024.73 | COMMERCIAL |
| 47 | 025-231-019-000 | DAVID H DIECKMANN | 5,497 | \$1,484.19 | COMMERCIAL |
| 48 | 025-231-020-000 | JOSE G & SOCORRO GUTIERREZ | 2,002 | \$540.54 | COMMERCIAL |
| 49 | 025-241-001-000 | TADESSE ADEFRIS | 5,625 | \$1,518.75 | COMMERCIAL |
| 50 | 025-241-002-000 | TADESSE ADEFRIS | 5,624 | \$1,518.48 | COMMERCIAL |
| 51 | 025-241-003-000 | MANUEL AVILA | 3,750 | \$1,012.50 | COMMERCIAL |
| 52 | 025-241-004-000 | CARMEN A LOPEZ | 3,749 | \$1,012.23 | COMMERCIAL |
| 53 | 025-241-005-000 | FRANK L & MARIA L VIERRA | 3,750 | \$1,012.50 | COMMERCIAL |
| 54 | 025-241-006-000 | LULU MICHELOTTI | 3,749 | \$1,012.23 | COMMERCIAL |
| 55 | 025-241-007-000 | LULU MICHELOTTI | 2,850 | \$769.50 | COMMERCIAL |
| 56 | 025-241-008-000 | WINDECKER ENTERPRISES LLC | 2,774 | \$748.98 | COMMERCIAL |
| 57 | 025-241-009-000 | FRED M & MARY H SUBEGA | 5,624 | \$1,518.48 | COMMERCIAL |
| 58 | 025-241-010-000 | JOSEPH A & JEANNETTE M CARDINALE | 6,818 | \$1,840.86 | COMMERCIAL |

| MAP KEYS | APN | OWNERNAME | LOT SQFT | ASSESSMENT | CATEGORY |
|--------------|-----------------|--|----------------|---------------------|-------------|
| 59 | 025-241-011-000 | MARLENE FARNHAM | 3,990 | \$1,077.30 | COMMERCIAL |
| 60 | 025-241-012-000 | ESCALLIER - KALJIAN LLC | 11,691 | \$3,156.57 | COMMERCIAL |
| 61 | 025-241-013-000 | ADITI INVESTORS L L C | 29,250 | \$7,897.50 | COMMERCIAL |
| 62 | 025-241-014-000 | CITY OF LOS BANOS | 17,625 | \$3,525.00 | GOVERNMENT |
| 63 | 025-241-015-000 | CITY OF LOS BANOS | 5,625 | \$1,125.00 | GOVERNMENT |
| 64 | 025-241-016-000 | CITY OF LOS BANOS | 7,499 | \$1,499.80 | GOVERNMENT |
| 65 | 026-052-001-000 | OSCAR & CLARA PEREZ | 7,500 | \$2,025.00 | COMMERCIAL |
| 66 | 026-052-002-000 | STEPHEN WILLIAM SLOAN | 3,749 | \$1,012.23 | COMMERCIAL |
| 67 | 026-052-006-000 | HARDIAL & SARNJIT SINGH | 2,499 | \$674.73 | COMMERCIAL |
| 68 | 026-052-007-000 | HARDIAL & SARNJIT K SINGH | 2,500 | \$675.00 | COMMERCIAL |
| 69 | 026-052-008-000 | SHAWN MATHEW & JASMINE GEORGE | 2,500 | \$675.00 | COMMERCIAL |
| 70 | 026-052-009-000 | SAN LUIS WATER DISTRICT | 5,000 | \$1,000.00 | GOVERNMENT |
| 71 | 026-052-010-000 | PSV LLC | 2,499 | \$674.73 | COMMERCIAL |
| 72 | 026-052-013-000 | WOLFSEN PROPERTIES L L C | 7,500 | \$2,025.00 | COMMERCIAL |
| 73 | 026-052-014-000 | FRANKLIN H & MARIA NIVEA OLIVEIRA | 7,500 | \$0.00 | NONASSESSED |
| 74 | 026-052-015-000 | LEROY & LYDIA WENTZ | 7,499 | \$0.00 | NONASSESSED |
| 75 | 026-052-016-000 | DONNA GONSALVES | 7,499 | \$0.00 | NONASSESSED |
| 76 | 026-052-017-000 | PIEDRAZUL INVESTMENTS LLC | 7,500 | \$2,025.00 | COMMERCIAL |
| 77 | 026-052-019-000 | WILLIAM A VAUGHN | 7,499 | \$2,024.73 | COMMERCIAL |
| 78 | 026-052-021-000 | CITY OF LOS BANOS | 18,749 | \$3,749.80 | GOVERNMENT |
| 79 | 026-052-023-000 | MONICA M BARTON | 3,749 | \$1,012.23 | COMMERCIAL |
| 80 | 026-052-024-000 | BENJAMIN H SWIG | 26,250 | \$7,087.50 | COMMERCIAL |
| 81 | 026-053-001-000 | JOHN O GERMINO | 7,500 | \$2,025.00 | COMMERCIAL |
| 82 | 026-053-002-000 | FELIX GIUSSEPPE & KATHLEEN NINO GASTELLO | 7,500 | \$2,025.00 | COMMERCIAL |
| 83 | 026-053-003-000 | WOLFSEN PROPERTIES LLC | 3,749 | \$1,012.23 | COMMERCIAL |
| 84 | 026-053-004-000 | WOLFSEN PROPERTIES L L C | 7,500 | \$2,025.00 | COMMERCIAL |
| 85 | 026-053-005-000 | JOHN O GERMINO | 3,749 | \$1,012.23 | COMMERCIAL |
| 86 | 026-053-008-000 | DELFINO OLVERA RUIZ | 3,750 | \$0.00 | NONASSESSED |
| 87 | 026-053-010-000 | BRUCE L & LINDA M VOGT | 7,499 | \$2,024.73 | COMMERCIAL |
| 88 | 026-053-011-000 | GWENETTE A BENDER | 10,206 | \$2,755.62 | COMMERCIAL |
| 89 | 026-053-013-000 | SUNSET HILLS DEVELOPMENT LLC | 7,500 | \$2,025.00 | COMMERCIAL |
| 90 | 026-053-014-000 | EMIL D ERRECA | 6,750 | \$1,822.50 | COMMERCIAL |
| 91 | 026-053-015-000 | TAYLOR CHRISTIAN WOLFSEN | 4,500 | \$1,215.00 | COMMERCIAL |
| 92 | 026-053-016-000 | TRAJAN SOARES | 6,000 | \$1,620.00 | COMMERCIAL |
| 93 | 026-053-017-000 | TAYLOR CHRISTIAN WOLFSEN | 12,750 | \$3,442.50 | COMMERCIAL |
| 94 | 026-053-019-000 | WILLIAM V & BEVERLY STENBERG | 11,250 | \$3,037.50 | COMMERCIAL |
| 95 | 026-053-020-000 | SUNSET HILLS DEVELOPMENT LLC | 7,685 | \$2,074.95 | COMMERCIAL |
| 96 | 026-053-021-000 | DELFINO OLVERA RUIZ | 3,750 | \$0.00 | NONASSESSED |
| 97 | 026-053-022-000 | DELFINO OLVERA RUIZ | 3,750 | \$0.00 | NONASSESSED |
| 98 | 026-123-001-000 | EUGENE J & CAROLYN D VIERRA | 6,254 | \$1,688.58 | COMMERCIAL |
| Total | 83 | | 601,609 | \$146,357.75 | |