



**City Council
Successor Redevelopment Agency
Financing Authority
Housing Authority**

AGENDA

Wednesday

Regular

**Closed Session 5:00 p.m.
Regular Session 6:00 p.m.**

April 20, 2016

**City Hall
100 West California Avenue
Ridgecrest CA 93555**

(760) 499-5000

**Peggy Breeden, Mayor
James Sanders, Mayor Pro Tempore
Lori Acton, Vice Mayor
Eddie B. Thomas, Council Member
Mike Mower, Council Member**

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CITY OF RIDGECREST
Telephone 760 499-5000
FAX 499-1500

100 West California Avenue, Ridgecrest, California 93555-4054

**NOTICE AND CALL OF SPECIAL CLOSED SESSION MEETING OF THE
RIDGECREST CITY COUNCIL / SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AGENCY**

**TO THE MEMBERS OF THE RIDGECREST CITY COUNCIL / SUCCESSOR REDEVELOPMENT
AGENCY/FINANCING AUTHORITY / HOUSING AGENCY AND CITY CLERK:**

PUBLIC NOTICE that a **SPECIAL CLOSED SESSION MEETING** of the Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Agency is hereby called to be held on **Wednesday, April 20, 2016, at 5:00 p.m.**, in the **Council Chambers Conference Room**, 100 W. California Avenue, Ridgecrest, California.

Said **SPECIAL CLOSED SESSION MEETING** shall be for the purpose of:

- GC54956.8 Local Agency Real Property Negotiations – Negotiation For Sale – Ridgecrest Business Park Lot Nos. 1, 2, 3, 28, 29, 30, 31, 32, 33, 34, 35, And 36 – Agency Negotiators Economic Development Program Manager Gary Parsons And City Manager Dennis Speer
- GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant would prejudice the City of Ridgecrest

Dated: April 14, 2016

Peggy Breeden, Mayor / Chair

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Dated: April 14, 2016

Ricca Charlton, CMC, Acting City Clerk

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LAST ORDINANCE NO. 16-01
LAST RESOLUTION CITY COUNCIL NO. 16-36

CITY OF RIDGECREST

CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY

AGENDA

Regular Council
Wednesday April 20, 2016

CITY COUNCIL CHAMBERS CITY HALL
100 West California Avenue
Ridgecrest, CA 93555

Closed Session – 5:00 p.m.
Regular Session – 6:00 p.m.

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENT – CLOSED SESSION

CLOSED SESSION

GC54956.8

Local Agency Real Property Negotiations – Negotiation For Sale – Ridgecrest Business Park Lot Nos. 1, 2, 3, 28, 29, 30, 31, 32, 33, 34, 35, And 36 – Agency Negotiators Economic Development Program Manager Gary Parsons And City Manager Dennis Speer

GC54956.9 Conference with Legal Counsel – Potential Litigation –
Public Disclosure of Potential Litigant would prejudice the
City of Ridgecrest

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
- Other

PRESENTATIONS

1. Presentation Of Awards For The Animal Shelter Solar Park Strand
2. Presentation of A Proclamation Recognizing May 1 through May 7, 2016 as National Municipal Clerk Week Council
3. A Presentation On The Development Of The East Kern County Diversification Plan By The Consultant TIP Strategies Inc. Parsons

PUBLIC COMMENT

COUNCIL ANNOUNCEMENTS

CONSENT CALENDAR

4. Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated April 6, 2016 Ford
5. Adopt A Resolution Approving A Proclamation Recognizing Parental Alienation Awareness Day And Authorizing The City Clerk To Mail The Proclamation To The Requestor Ford
6. A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Establishment Of A New Fund And Requesting Assessment Collection Services For The Drainage Benefit Assessment District No. 2016-1 And Authorizing the City Manager to Sign a Letter to Establish the Fund Speer

7. Adoption Of Resolutions (1) Declaring The City's Intention To Form The Drainage Benefit Assessment District And Initiating Proceedings To Form The Drainage Benefit Assessment District No 2016-1, And To Levy Assessments Commencing In Fiscal Year 2016-2017; And (2) The Preparation And Filing Of The Engineer's Report Regarding The Formation Of The Drainage Benefit Assessment District No 2016-1, And To Conduct A Property Owner Protest Ballot Proceeding For The Assessments And Set The Time And Place For The Public Hearing Culp
8. Adoption of Resolutions (1) The City's Intention To Annex Territory To The Ridgecrest Landscaping And Lighting District No. 2012-1; And To Levy And Collect Annual Assessments Related Thereto Commencing Fiscal Year 2016/2017; And (2) Approving A Preliminary Engineer's Report In Connection With The Annexation; And Declaring The City's Intention To Levy Assessments, Conduct The Required Protest Ballot Proceeding And Setting A Time And Place For The Public Hearing Culp
9. A Resolution Of The Ridgecrest City Council Accepting A Grant of Easement Deed for Additional Street Right of Way for North Warner Street Improvements From Mr. Robert Jennings and Mrs. Guadalupe Lopez Jennings for Valuable Consideration of Four Thousand Five Hundred Eighty Seven Dollars, (\$4,587.00); And Authorizing The City Manager To Sign the Acquisition of Easement Agreement and The Mayor To Sign The Certificate Of Acceptance Culp
10. A Resolution Approving The Program Supplement Agreement No. 039-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorize Tax Allocation Bonds In The Amount of Seventy-Four Thousand One Hundred and Fifty-Nine Dollars (\$74,159.00) Be Used For Matching Funds And Authorize The City Manager, Dennis Speer, To Sign The Program Supplement Agreement For Construction Of The South China Lake Boulevard Project from Bowman Road to College Heights Boulevard Speer

DISCUSSION AND OTHER ACTION ITEMS

11. Nomination And Appointment To The City Of Ridgecrest Personnel Commission Ford
12. Approve a Resolution to Authorize the City Manager, or his designee, to execute a Municipal Service Agreement (MSA) with the Timbisha Shoshone Tribe Parsons

13. Approve A Resolution To Allocate \$25,000 From The Wastewater Fund To Partially Fund The Preparation Of The Salt & Nutrient Management Plan

Council

14. Approve A Resolution Creating An Ad Hoc Budget Review Committee

Lemieux

COMMITTEE REPORTS

(Committee Meeting dates are subject to change and will be announced on the City website)

City Organization and Services Committee

Members: Lori Acton; Mike Mower
Meeting: 4th Wednesday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Infrastructure Committee

Members: Jim Sanders; Mike Mower
Meeting: 4th Thursday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton
Meeting: 1st Tuesday each month at 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas
Meeting: 2nd Wednesday of each month, 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Eddie Thomas; Lori Acton
Meeting: Biannually 3rd Tuesday of the month at 4:00 p.m. as needed
Location: Kerr McGee Center Meeting Rooms

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Lori Acton and Eddie Thomas
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: To Be Announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

CITY MANAGER REPORT

MAYOR AND COUNCIL COMMENTS

ADJOURNMENT

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: Presentation Of Awards For The Animal Shelter Solar Park
PRESENTED BY: Ron Strand, Chief of Police
SUMMARY: The Police Department will be recognizing individuals who have donated time and money to the Animal Shelter Solar Park
FISCAL IMPACT: No negative fiscal impact Reviewed by Finance Director
ACTION REQUESTED: None
CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION: Action as requested:

Submitted by: Ricca Charlton
(Rev. 02/13/12)

Action Date: April 20, 2016

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Presentation of A Proclamation Recognizing May 1 - 7, 2016 as National Municipal Clerk Week

PRESENTED BY:

City Council

SUMMARY:

Council will present a Proclamation Recognizing May 1 - 7, 2016 as National Municipal Clerk Week.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Presentation of Proclamation by Council

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested

Submitted by: Ricca Charlon
(Rev. 02/13/12)

Action Date: April 20, 2016

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***A Proclamation of
The City Of Ridgecrest, California***

***Municipal Clerks Week
May 1 – 7, 2016***

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

Whereas, The Office of the Municipal Clerk is the oldest among public servants; and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, The Municipal Clerk serves as the information center on functions of local government and community; and

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, Be It Proclaimed:

The City Council of the City of Ridgecrest does recognize the week of May 1 through May 7, 2016, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Rachel Ford, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Proclaimed April 20, 2016

Peggy Breeden

M. 'Peggy' Breeden, Mayor

James E. Sanders

***James Sanders
Council Member***

Eddie B. Thomas

***Eddie B. Thomas
Council Member***

Lori Acton

***Lori Acton
Council Member***

Michael R. Mower

***Michael Mower
Council Member***

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International Institute of Municipal Clerks

Professionalism in Local Government

CONTACT: Chris Shalby
Executive Director

FOR IMMEDIATE RELEASE
909/944-4162 (chriss@iimc.com)

IIMC ANNOUNCES 47th ANNUAL MUNICIPAL CLERKS WEEK May 1-7, 2016

RANCHO CUCAMONGA – January 2016 -- The International Institute of Municipal Clerks (IIMC), a professional non-profit association with 10,000 members comprised of City, Town, Township, Village, Borough, Deputy and County Clerks throughout the United States, Canada and 15 other countries, announces its 47th Annual Municipal Clerks Week—May 1 through May 7, 2016. This event features a weeklong series of activities aimed at increasing the public’s awareness of Municipal Clerks and the vital services they provide for local government and the community.

IIMC has sponsored Municipal Clerks Week since 1969. In 1984 and in 1994, Presidents Ronald Reagan and Bill Clinton, respectively, signed a Proclamation officially declaring Municipal Clerks Week the first full week of May and recognizing the essential role Municipal Clerks play in local government. During this week, Municipal Clerks throughout the world will host open houses and tours of the Municipal Clerk’s office, visit local schools and participate in other various events.

“The true worth of the Municipal and Deputy Clerk is often not realized,” said IIMC President Monica Simmons, MMC, and City Clerk for the City of Seattle, Washington. “But Clerks perform some of the principal functions of the democratic process.”

“One of the most important responsibilities Clerks administer is advising their municipality’s council of the legislative restrictions that apply to the ordinances and resolutions they wish to enact,” said Simmons.

MORE

Municipal Clerks Week
2-2-2-2-2

Municipal and Deputy Clerks' main function is to serve as the council's foundation. Other duties include, but are not limited to, preparing agendas, taking minutes, maintaining ordinance and resolutions files, keeping the municipality's historical records, processing permits and serving as the clearinghouse for information about the local government.

They also record the actions of the various commissions and committees appointed by the council. Many serve as financial officers or treasurers and, in small municipalities, may act as chief administrative officers. Another important responsibility is administering part or all of the local election functions.

"The public often takes the administration of an election for granted," stated Simmons. "In reality, it takes Municipal Clerks months to organize and prepare this key element in the democratic process which must be done correctly for the whole system to work."

One of local government's oldest positions is the Municipal Clerk. Their duties have expanded over the years and, today, modern technology assists them with their increasing responsibilities. To stay abreast of new computer applications, records management and other relevant information, many Municipal and Deputy Clerks return to the classroom to increase their knowledge of these issues, learn new material and sharpen old skills.

"Because some elements of government are constantly changing, Clerks must stay current of changes so they can advise their council and inform their community," said Simmons. "As the focus of each level of government changes, Clerks must also adapt."

Founded in 1947, IIMC is a professional nonprofit association with more than 10,000 members throughout North America and 15 other countries, representing municipalities with populations of 1,000 to more than 8 million. IIMC prepares its membership to meet the challenge of the diverse role of the Municipal Clerk by providing services and continuing educational development opportunities in 46 permanent college-and university-based learning centers. IIMC offers Municipal and Deputy Clerks a Certified Municipal Clerk Program (CMC), a Master Municipal Clerk (MMC) Program and other opportunities to benefit members and the government entities they serve. A 26-member Board of Directors governs IIMC.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Presentation On The Development Of The East Kern County Diversification Plan By The Consultant, TIP Strategies Inc.

PRESENTED BY:

Gary Parsons

SUMMARY:

A brief presentation to council members to share what the East Kern Diversification Plan is all about and answer any questions they might have concerning the planning process.

FISCAL IMPACT:

None

ACTION REQUESTED:

None

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Gary Parsons
(Rev. 02/13/12)

Action Date: April 20, 2016

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated April 6, 2016

PRESENTED BY:

Rachel Ford, City Clerk

SUMMARY:

Draft minutes of the Regular City Council / Successor Redevelopment Agency / Housing Authority / Financing Authority Meeting of April 6, 2016

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Approval of minutes

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested

Submitted by: Ricca Charlon
(Rev. 02/13/12)

Action Date: April 20, 2016

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MINUTES OF THE REGULAR MEETING OF THE RIDGECREST CITY SUCCESSOR AGENCY, FINANCING AUTHORITY, AND HOUSING AUTHORITY

**City Council Chambers
100 West California Avenue
Ridgecrest, California 93555**

**April 6, 2016
5:00 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded solely for the purpose of preparation of minutes.

CALL TO ORDER – 5:00 p.m.

ROLL CALL

Council Present: Mayor Peggy Breeden; Council Members Eddie B. Thomas and Mike Mower
Council Absent: Mayor Pro Tempore James Sanders, Vice Mayor Lori Acton
Staff Present: City Manager Dennis Speer; Acting City Clerk Ricca Charlon; City Attorney Keith Lemieux, and other staff

APPROVAL OF AGENDA

Motion To Approve Agenda Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 3 Ayes; 0 Noes; 0 Abstain; And 2 Absent.

PUBLIC COMMENT (Closed Session)

- None Presented

Mayor Pro Tempore James Sanders showed up prior to closed session

CLOSED SESSION

REGULAR SESSION – 6:07 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
 - Property Negotiations – no reportable action taken
 - Labor Negotiations – no reportable action taken

➤ Other

- Joint Powers Authority / GSA – process is moving forward; attorneys have been meeting to wordsmith the agreement of the proposed agency; He doesn't anticipate any issue(s) will hold it up. Current schedule should put agreement in front of Council in May.
Next GSA community meeting April 15th 5pm - 7pm @ City Hall

PRESENTATIONS

1. Presentation Of A Proclamation To Bob Peoples And Representatives Of The 'International Community Day' Working Group Recognizing The Month Of April As Jazz Appreciation Month Ford

- City Council presented a proclamation recognizing the month of April as Jazz Appreciation Month

2. Presentation Of The Public Works Quarterly Report Speer

- Dennis Speer presented an update via PowerPoint on the public works department
 - Sanders – CDBG/Sr. Center – already approved correct?
 - Speer – there is a 3 yr. delay from approval to construction so it may seem as if you are hearing it again,
 - Breeden - I understand the 'worst is not first' philosophy, but what if the worst is a well-traveled street?
 - Speer – 1. That is where we are going after specific program monies for those heavily traveled roads.
 - Thomas - Where do our streets sit in the city as a whole?
 - Speer - streets as a whole in the nation are not in good shape. Our streets are bad but with work already done (Measure L / TAB); he expects the PCI will have improved compared to 5 years ago.
 - Mower – Is this info on the website?
 - Speer – not currently but this power point and/or the streets list can be placed on the website.
 - Breeden – regarding Wastewater (WW) production – percent of water usage is down and our capacity is this high. Do you see us coming up any higher? What do you anticipate for the future of WW use?
 - Speer – from the time of water ordinance passage we seem to be trending about the same after the 3rd year.
 - Breeden – do we need to do it next year then? What is the potential need if our percentage stays the same?
 - Speer – the plant rebuild isn't just about capacity, it is the age of the system.

Public Comment –

- T. Wiknich – is this report done in house - Wow! Complimented the amount of information in the report.
- D. Mathews – Speer said the Federal gov't gives us money, not true. They take our money and then decide how it is to be distributed and along the way we don't get it all back. Spike about the renewing of Measure L and its importance.
- S. Merck – thanked Speer and staff for the comprehensive report. Asked about progress of S. Downs.
- Breeden – thanked Speer and staff for the report.

3. Presentation Of Tax Allocation Bond (TAB) Funds

Parsons

- Gary Parsons presented a report on the TAB funds receipts, expenditures, and encumbrances.
 - Mower – Asked about the agreement with EH Group and the status of the feasibility study and the remaining \$420,000
 - Parsons – legal counsel is requesting annual audits from each firm (EH group, Monarch, Pertexa) so we can get status.
 - Breeden – would like to see a further report about what have we received from WEDA, the contract details, would like to have history of expenditures.
 - Mower – what is left on R/C Blvd.?
 - Speer – we have to submit our final invoice to close the project out
 - Sanders – In regards to the Downs project expected to allocate to it how much?
 - Speer – 2.5 million
 - Mower – in the presentation for the bonds there were 3 specific projects mentioned and only 2 have been done. Norma Street is listed and not done.
 - Speer – there has been changes, the list has evolved. Upon bond allocation, and as an afterthought of the PMS study, infrastructure committee suggested reallocation of the funds.
 - Mower – early Jan. bowman channel flooded over Norma St. and for some reason it is not on the management plan. Is there money there for it?
 - Parsons – it would need to be reallocated with the TAB funds (or other source of funds) if so desired.
 - Speer – if the city is successful with the 2.9M pending litigation (AMG) there would be those funds available also.
 - Breeden – within the 7.8M currently uncommitted, we have 5.2m (approx.) there, Of that, we haven't even accounted for the 420,000 (EH Group). If they don't perform that money could come available. There are those monies allocated, not committed, that are not part of the unallocated amount accounted here.
 - Breeden – like to see us make a commitment, in concept, as to what we are going to do with the WW loan.

- Parsons – another factor in this is the issue about the IRS and grey money/soft costs. We have about 5% that can be used in grey money before we are vulnerable to audit. So we have to be cautious. We don't want to go over the 5 %.
 - Mower – winning the litigation and getting money back to pay the loans, is that a soft cost?
 - Parsons – they vary; the one case (solar loan) can be considered as a project if paid back
- Public comment - None

PUBLIC COMMENT (*Regular Session*)

- D. Mathews – Ted Cruz is who I am voting for. April 1st our telephone provider switched to frontier – he encountered them the day before because he had questions and it was not a pleasant experience. Anyone else had problems – file a complaint so resolution can happen. In PW presentation, google maps provides street view, focus on the pavement and you will see streets worse than R/C.
- S. Rajtora – in Oct 2015, 800,000 was authorized for a new finance system. Can we have a presentation from staff about the transition of the old to new system? Also would like to know what type of reports the new system can give. Breeden agreed.
- S. Merck – thanked the city and county for the meeting to be held April 15th on the GSA. Please make sure enough copies of handouts are available for the community.

COUNCIL ANNOUNCEMENTS

- Sanders – none
- Breeden – on 30th of April the Finnish community, 18 families, meeting at Freedom park, eating pizza, come introduce you. They will be here for 18 months
- Thomas – none
- Mower – presented a plaque to Mayor Breeden from KernCOG to recognize the city as a patriotic employer

CONSENT CALENDAR

4. Adopt A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Application For Federal Funding Under The Federal Transit Act (FTA) Section 5311 (49 U.S.C. Section 5311) With The California Department Of Transportation Speer

5. Adopt A Resolution To Approve A Professional Services Agreement With The Engineering Firm Of Quad Knopf, Inc. In The Amount Of \$32,414.00 To Prepare Applications For The Congestion Mitigation Air Quality Program (CMAQ) And Active Transportation Program (ATP) And Regional Surface Transportation Program (RSTP) For The City Of Ridgecrest And Authorize The City Manager, Dennis Speer, To Execute The Agreement Speer
6. Adopt A Resolution To Approve A Professional Services Agreement With The Engineering Firm Of David Evans & Associates In The Amount Of \$15,000 To Prepare An Application For The Highway Safety Improvement Program (HSIP) For The City Of Ridgecrest And Authorize The City Manager, Dennis Speer, To Execute The Agreement Speer
7. Adopt A Resolution To Approve A Professional Services Agreement With David Evans And Associates For Traffic Engineering Services In The Amount Of Eleven Thousand Nine Hundred Dollars, (\$11,900), And Authorize The City Manager, Dennis Speer, To Execute The Professional Services Agreement Speer
8. Adopt A Resolution Of The City Council Of The City Of Ridgecrest Approving Contract Change Order Number One In The Amount Of Thirteen Thousand Six Hundred Twenty-Four Dollars And Ninety-One Cents (\$13,624.91) With The Contractor, C.S. Legacy Construction Inc., For The Corporation Yard Site Improvements And Authorizing The City Manager, Dennis Speer, To Sign Change Order One Speer
9. Adopt A Resolution Approving Contract Change Order Number Two In The Amount Of Thirty-Four Thousand Nine Hundred Seventy-Three Dollars And Twenty-Six Cents (\$34,973.26) With The Contractor, C.S. Legacy Construction Inc., For The Corporation Yard Site Improvements And Authorize The City Manager, Dennis Speer, To Sign Change Order Number Two Speer
10. Adopt A Resolution Of The Ridgecrest City Council Approving A Community Development Activity Agreement (CD# 17.13.1) With The County Of Kern For The Community Development Block Grant (CDBG) Funding For The Senior Center Improvements (Design Only), And Accepting The Terms Of The Receipt Of The Advanced 2016-2017 CDBG Funds Along With The Original CDBG Funds And The Authorizing The City Manager, Dennis Speer To Sign The Agreement Patin
11. Adopt A Resolution Of The Ridgecrest City Council Approving Adjustments To The Parks & Recreation Department Youth Programs And Facility Rental Fees Patin

- 12. Approve A Resolution Authorizing A Contract With York Risk Services Group, Inc. For Workers Compensation Third Party Administration In The Amount Of \$42,500 And Authorizing The City Manager To Sign The Contract** Ford
- 13. Approve Draft Minutes Of The Ridgcrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated March 16, 2016** Ford

Item(s) Pulled From Consent Calendar: Item No(s). 6, 7, 9, 10, 11

Motion To Approve Consent Calendar Item Nos. 4, 5, 8, 12, & 13 Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 1 Absent.

Item 6

- D. Mathews – contractor I haven't heard of, have we used them before?
- Speer – David Evans bought Hall & Foreman and we have done work with them before.

Motion To Approve Consent Calendar Item No. 6 Made By Council Member Thomas, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 1 Absent.

Item 7

- D. Mathews – same question as above with contractor

Motion To Approve Consent Calendar Item No. 7 Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 1 Absent.

Item 9

- Pulled because of a 1 cent discrepancy (more), it actually totals the same as listed on the staff report. We have contacted the project manager; it was a computer rounding error. Checked with our attorney and we are okay to proceed
- Mower – can't believe this many items were not on the original plans and were left off thus needing a change order. Also, as an example #9 2e – shouldn't supervision be included??
- Culp – some of these were items requested by IT. This is an itemized change order and they broke out hours and therefore identified supervision as actual costs. These were all confirmed in the field by hourly and daily reports.

Motion To Approve Consent Calendar Item No. 9 with correct amount as stated in staff report Made By Council Member Sanders, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 1 Absent.

Item 10

- Sanders – CDBG – confused because title says design only, but summary refers to contracts and construction.
- Patin – originally council approved this in the amount of 26K; by the time we went out to bid that was not enough money to do the project. We went after 2016/2017 funds so we could add to the amount and get the project done. The paperwork required for these funds would absorb the funds so more was needed to hopefully entice bids.

Motion To Approve Consent Calendar Item No. 10 Made By Council Member Thomas, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 1 Absent.

Item 11

- Sanders – - you are asking us to approve modification of fees?
- Mowers – what are the proposed modifications?
- Patin – 10% increase in fees is proposed on these specific items
- Mowers – when was the last increase?
- Patin – I have been here 3 years so it has been over 3 years. We need to go higher than this, but it will be gradual over time.
- Thomas – why did racquetball courts go down?
- Patin – did a study and our rate was higher than others and we are hoping this will entice more use.

Public comment

- T. Wiknich – possibly consider adding a rate to include TV rate in the council chamber rate?
- Council – thinks it would be appropriate to get an estimate to look at this use/rate
- Attorney – cautioned that city would not be able to control the content - Freedom of speech and we couldn't stop them.
- Peggy – how would we do that then?
- Attorney – recommends keep it as a forum that is only used for city purposes. We can develop a written policy for public use if you would like.
- Breeden – make it generic that if staff has concerns we can accomplish it.
- Mower – pointed out IT services are already here as an add on

Motion To Approve Consent Calendar Item No. 11 Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 1 Absent.

DISCUSSION AND OTHER ACTION ITEMS

14. Nomination And Appointment To The City Of Ridgecrest Personnel Commission Ford

Lori Acton (absent)

- Speer – Acton left no word for him.
- move to next agenda

15. Nomination And Appointment To The Measure ‘L’ Citizens Advisory Committee Ford

- Thomas nominated – Mr. Jerry Poteet
- Breeden – has seen him at past 2-3 Measure L meetings and thanked him for that interest
- Poteet – thanked council for nomination and trust in him

Motion To Approve Nomination To The Measure ‘L’ Citizens Advisory Committee Made By Council Member Thomas, Second By Council Member Mower Motion Carried By Roll Call Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 1 Absent.

16. Discussion Of A Code Of Ethics And Conduct For Elected And Appointed Officials Speer

- Speer presented staff report
- Breeden – within the City of Torrance version, under responsibly section, how do you determine an inappropriate activity? Under transparency, how would I determine if a hidden agenda on an item is within someone?
- Mower – Pismo Beach #3 conduct of members; verbal attacks, etc., really open to interpretation. If we disagree are we being abusive?
- Breeden – City of Belmont referenced being critical, and I think that is our job to be critical and back them up with facts. Did LOCC question if we had one?
- Speer – no, it was in a discussion at a round table meeting at a conference I attended. I asked the clerk for our code, we don’t have one, and that is the reason it is in front of you now.
- Breeden – do we need it? Are we required to have one?
- Attorney – no legal requirement to have one. If adopted, that doesn’t mean anything illegal happened per say. It simple is going to be guidelines. So the remedy would be some sort of formal censorship. There is no impeachment or anything like that. If adopted, you can craft it to say anything you want – as broad or narrow as you want. It is more of an agreement amongst your fellow council members.
- Mower – doesn’t believe this is needed.
- Breeden – agreed with mower and if that time arises we need this it is time to discuss this and/or no longer time to serve
- Attorney – it also serves as a public message, similar to a mission statement. You are subject to municipal code, for something like these ethics to have teeth it must be in the municipal code.
- Breeden – Mower – Thomas – Sanders - don’t think it is needed

Public Comment

- D. Mathews – shared Moses 10 ‘codes of ethics’ we should refer to instead

17. Discussion Of The Ridgecrest City Council In Regards To The Water Use Of The Fountain Located At The City Hall/Kerr McGee Community Center Complex Patin

Jason Patin - Presented staff report

- Breeden- LADWP has 16 fountains going right now. Doesn’t mean because they do that we should, just trying to put it in perspective.
- Mower – referenced how other cities are green and we are so brown
- Attorney – the rule allows for water in recirculating fountains.
- Mower – it is the same as someone using a pool
- Sanders – when I come here most people are gathering around the fountain
- Mower – Thomas - in favor of leaving it alone

Public Comment

- D. Mathews – commends Patin for presentation. The fountain is a physical and emotional attraction, a place for reflection.
- J. Hiser – presentation numbers are off due to wind, but from a parks stand point they are fine. The concern (perception) is that you are not acting in our water crisis situation.
- E. Wilson – resident of Lone Pine – you have spent several thousand dollars discussing the fountain now and you also have a memorial to a deceased soldier out there. Don’t turn off the fountain!

COMMITTEE REPORTS

(Committee Meeting dates are subject to change and will be announced on the City website)

City Organization and Services Committee

Members: Lori Acton; Mike Mower
Meeting: 4th Wednesday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Mike Mower

- Discussed broadband, Mediacom made a presentation for their new service.

Infrastructure Committee

Members: Jim Sanders; Mike Mower
Meeting: 4th Thursday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Mike Mower

- Discussed sumps in city and enlarging them.

❖ **Ad Hoc Water Conservation Committee**

Members: Jim Sanders; Peggy Breeden
Meeting: 1st Monday each month at 5:00 p.m. as needed
Location: Conference Room B

Peggy Breeden

- o Asking for cost of removing grass and putting in grass at Denny's park from Peter Brown. Will bring back to council, per Mayor, committee no longer needs to meet- remove from next agenda

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton
Meeting: 1st Tuesday each month at 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

Eddie Thomas

- o Did not meet

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas
Meeting: 2nd Wednesday of each month, 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

Eddie Thomas

- o Did not meet.

Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Eddie Thomas; Lori Acton
Meeting: Biannually the 3rd Tuesday of the month at 4:00 p.m. as needed
Location: Kerr McGee Center Meeting Rooms

Eddie Thomas

- o No Report

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Lori Acton and Eddie Thomas
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: To Be Announced

Eddie Thomas

- o Did not meet as they are working on the highway 395 sign.

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Mower – KernCOG – received a report on how many cities/districts are having tax measures on the next elections and it is amazing how many there are! The Mayor of CA city was elected as the chair for one more year.

Mower – Salt & Nutrient meeting – we have to present a report to Lahaton at their June meeting. It was recommended to use either Todd Company or RMC. RMC's bid for report is 50,000. Proposed cost is split 50/50 with IWWWD and City. Put on next council agenda to approve \$25,000 allocation. IWWWD has agreed to be the lead agency for the contract. They are not going to bid, sole sourcing.

CITY MANAGER REPORT

Dennis Speer

- Attended TTAC meeting this morning and they mentioned anyone planning budget for next year that for budget planning purposes we reduce our budget by 10% within TDA allocations.

MAYOR AND COUNCIL COMMENTS

Jim Sanders

- Thanked staff for excellent reports today.

Eddie Thomas

- Thanked staff.

Mike Mower

- Thanked staff.
- Requested at last meeting municipal code be placed on the next agenda also.
- Still doesn't understand the 6 month finance report given prior and how it balanced. Budget should make sense and if you have a balanced budget and you under by 600k then the GF should come up. We need to have more information about the budget. Budget cut vs. budget adjustment – they are not the same thing and if council have to approve budget how can you make adjustments without council approving them? Proposes we change code that the CM and Finance Director prepare the budget under the direction of a city council finance committee consisting of 2 council members. 2nd Mayors request to have code on next agenda.

Peggy Breeden

- Thanked staff for reports.
- Proud of Measure L committee and the work they do.
- Asked staff (for the 7th time) for the municipal code to be on agenda. Wants to address how we deal with the budget and the process. Wants to participate (as a committee) and have input so council understands where we are and what we are approving. Doesn't believe the current process does justice to the council and staff involved
Attorney – the council would like a discussion item in regards to relevant portions of the municipal code and an explanation of the budget process

ADJOURNMENT at 9:23 p.m.

Ricca Charlton, CMC
Deputy City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
HOUSING AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT: Approve A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of April And Scheduling Date And Time For Presentation

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented at the following events.

1. Parental Alienation Awareness Day - April 25, 2016
 - *Presentation by mail to requestor Martin Lax at The Law Office of Martin Lax, 41-995 Boardwalk, Suite F-3, Palm Desert, CA 92211*

FISCAL IMPACT: None

None

Reviewed by Finance Director

ACTION REQUESTED:

Approve resolution recognizing proclamations for the month of April

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve resolution recognizing proclamations for the month of April

Submitted by:
(Rev.6/12/09)

Rachel J. Ford

Action Date: April 20, 2016

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RESOLUTION NO. 16-XX

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
ANNOUNCING PROCLAMATIONS PREPARED FOR THE
MONTH OF APRIL 2016 AND SCHEDULED DATE OF
PRESENTATION**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The following proclamations have been processed and will be presented at location, date and time shown below:

Proclamation Titles With Date, Time And Location Of Presentations

1. *Parental Alienation Awareness Day – April 23, 2016*
 - *Presentation by mail to requestor Martin Lax at The Law Office of Martin Lax, 41-995 Boardwalk, Suite F-3, Palm Desert, CA 92211*

APPROVED AND ADOPTED this 20th day of April, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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A Proclamation of The City Of Ridgecrest, California

Parental Alienation Awareness Day – April 25, 2016

WHEREAS, Parental Alienation, sometimes called hostile aggressive parenting, is a behavior by a parent or an adult a child trusts that could create alienation in the relationship between a child and a parent; and

WHEREAS, Parental Alienation whether verbal or non-verbal, can cause a child to be mentally manipulated or bullied into believing a loving parent is the cause of all their problems; and

WHEREAS, Parental Alienation can be mild and temporary or extreme and ongoing; and

WHEREAS, most researchers believe that any alienation of a child against a parent is harmful to the child's emotional and mental health; and

WHEREAS extreme, obsessive, and ongoing Parental Alienation can cause terrible psychological damage to children extending well into adulthood; and

WHEREAS, if more people know about how Parental Alienation works and how damaging these behaviors are to children, then more people can help deal with the problem; and

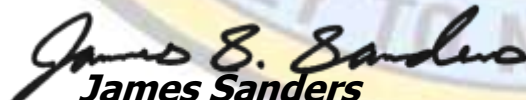
WHEREAS, Parental Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help parent and caregivers better raise their children.

Now, therefore, be it proclaimed

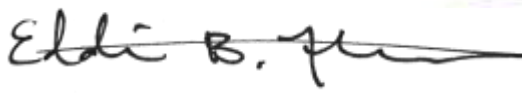
We, the Mayor and City Council of the City of Ridgecrest, do hereby proclaim April 25, 2016 to be "**Parental Alienation Awareness Day**" to recognize the importance of raising awareness of the severity of Parental Alienation.

Proclaimed this 20th Day of April 2016


Peggy Breeden, Mayor


**James Sanders
Mayor Pro Tem**


**Lori Acton
Vice Mayor**


**Eddie B. Thomas
Council Member**


**Mike Mower
Council Member**

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THE LAW OFFICE OF MARTIN LAX

A PROFESSIONAL CORPORATION
41-995 BOARDWALK, SUITE F-3
PALM DESERT, CALIFORNIA 92211

ADMITTED:
CALIFORNIA BAR
DISTRICT OF COLUMBIA BAR
OREGON BAR

TELEPHONE: (760) 346-8583
FACSIMILE: (760) 773-9597
E-MAIL: LAXLAW@VERIZON.NET

COUR FILE NUMBER:

03555.LAX

March 11, 2016

California Mayors, City Councils and City Clerks:

Re: Proclamation Request - April 25: Parental Alienation Awareness Day

Dear Honorable Mayor, City Council and City Clerk:

I ask you to issue your city's proclamation recognizing April 25 as Parental Awareness Day. See <http://www.paawarenessday.com/>. See attached proclamations from California cities.

Please watch: <https://www.youtube.com/watch?v=5fgRJh26Jho&sns=fb>

Parental alienation, sometimes called Hostile Aggressive Parenting, is a behavior by a parent, or an adult a child trusts, such as a grandmother/father, aunt, uncle, etc., whether conscious or unconscious, that could create alienation in the relationship between a child and a parent. Parental alienation can be mild and temporary or extreme and ongoing. Most researchers believe that any alienation of a child against a parent is harmful to the child's emotional and mental health. Extreme, obsessive, and ongoing Parental Alienation can cause terrible psychological damage to children extending well into adulthood.

Parental Alienation focuses on the parents behavior as opposed to the alienated children's conditions, which is termed Parental Alienation Syndrome. Richard Gardner defined Parental Alienation Syndrome as "a disturbance in which children are preoccupied with deprecation and criticism of a parent-denigration that is unjustified and/or exaggerated." Parental Alienation is damaging to children, whether or not they reject a parent. It's important to recognize and stop the harmful behaviors of the adults before any 'symptoms' develop in the child, and before the behavior escalates to Parental Abduction or Parental Homicide.

If more people knew about how Parental Alienation and Hostile Aggressive parenting works, and how damaging these behaviors are to children, then more people can help deal with the problem. Every child has a fundamental right and need for a loving relationship with both parents and to be denied that right by one parent, without sufficient justification (abuse, serious neglect, etc.), is in itself a form of child abuse, since it is the child who is violated by an alienating parents behavior. The children suffer most. Reunification of the family takes a skilled professional and can be a trying time since the children are often in a continued abusive relationship with the alienating parent, who cannot let go of his or her own conflict with the other parent.

Children deserve better as Parental Alienation leaves children with deep emotional scars as damaging as abducted children or victims of sexual abuse and extreme conflicts. Children often are left with post-traumatic stress syndrome due to the damage caused by the alienating parent. The severe effects of Parental Alienation on children are well-documented: low self-esteem and self-hatred, lack of trust, depression and substance abuse are widespread in children who have suffered through parental alienation. Children internalize the hatred that is taught to be targeted to the alienated parent.

Thank you for your consideration. Please contact me with any questions or comments.

Martin Lax

More About Parental Alienation:

Edward Kruk, Ph.D.'s, article in Psychology Today, The Impact of Parental Alienation on Children Undermining Loving Parent-Child Relationships as Child Maltreatment, posted April 25, 2013:

Parental alienation is more common than is often assumed: Fidler and Bala (2010) report both an increasing incidence and increased judicial findings of parental alienation; they report estimates of parental alienation in 11-15% of divorces involving children; Bernet et al (2010) estimate that about 1% of children and adolescents in North America experience parental alienation. There is now scholarly consensus that severe alienation is abusive to children (Fidler and Bala, 2010), and it is a largely overlooked form of child abuse (Bernet et al, 2010), as child welfare and divorce practitioners are often unaware of or minimize its extent. As reported by adult children of divorce, the tactics of alienating parents are tantamount to extreme psychological maltreatment of children, including spurning, terrorizing, isolating, corrupting or exploiting, and denying emotional responsiveness (Baker, 2010). For the child, parental alienation is a serious mental condition, based on a false belief that the alienated parent is a dangerous and unworthy parent. The severe effects of parental alienation on children are well-documented; low self esteem and self-hatred, lack of trust, depression, and substance abuse and other forms of addiction are widespread, as children lose the capacity to give and accept love from a parent. Self-hatred is particularly disturbing among affected children, as children internalize the hatred targeted toward the alienated parent, are led to believe that the alienated parent did not love or want them, and experience severe guilt related to betraying the alienated parent. Their depression is rooted in feelings of being unloved by one of their parents, and from separation from that parent, while being denied the opportunity to mourn the loss of the parent, or to even talk about the parent. Alienated children typically have conflicted or distant relationships with the alienating parent also, and are at high risk of becoming alienated from their own children; Baker reports that fully half of the respondents in her study of adult children who had experienced alienation as children were alienated from their own children.

Every child has a fundamental right and need for an unthreatened and loving relationship with both parents, and to be denied that right by one parent, without sufficient justification such as abuse or neglect, is in itself a form of child abuse. Since it is the child who is being violated by a parent's alienating behaviors, it is the child who is being alienated from the other parent. Children who have undergone forced separation from one of their parents in the absence of abuse, including cases of parental alienation, are highly subject to post-traumatic stress, and reunification efforts in these cases should proceed carefully and with sensitivity (research has shown that many alienated children can transform quickly from refusing or staunchly resisting the rejected parent to being able to show and receive love from that parent, followed by an equally swift shift back to the alienated position when back in the orbit of the alienating parent; alienated children seem to have a secret wish for someone to call their bluff, compelling them to reconnect with the parent they claim to hate). While children's stated wishes regarding parental contact in contested custody should be considered, they should not be determinative, especially in suspected cases of alienation.

Hatred is not an emotion that comes naturally to a child; it has to be taught. A parent who would teach a child to hate or fear the other parent represents a grave and persistent danger to the mental and emotional health of that child. Alienated children are no less damaged than other child victims of extreme conflict, such as child soldiers and other abducted children, who identify with their tormentors to avoid pain and maintain a relationship with them, however abusive that relationship may be.

- Baker, A. (2010). "Adult recall of parental alienation in a community sample: Prevalence and associations with psychological maltreatment." *Journal of Divorce and Remarriage*, 51, 16-35.
- Bernet, W. et al (2010). "Parental alienation and the DSM V." *American Journal of Family Therapy*, 38, 76-187.
- Fidler, B. and Bala, N. (2010). "Children resisting postseparation contact with a parent: Concepts, controversies, and conundrums." *Family Court Review*, 48 (1), 10-47.
- Kruk, E. (2011). *Divorced Fathers: Children's Needs and Parental Responsibilities*, Halifax: Fernwood Publishing.



Proclamation

Parental Alienation Awareness Day

WHEREAS, Parental Alienation, sometimes called Hostile Aggressive Parenting, is a behavior by a parent or an adult a child trusts that could create alienation in the relationship between a child and a parent; and

WHEREAS, Parental Alienation whether verbal or non-verbal, can cause a child to be mentally manipulated or bullied into believing a loving parent is the cause of all their problems; and

WHEREAS, Parental Alienation can be mild and temporary or extreme and ongoing; and

WHEREAS, most researchers believe that any alienation of a child against a parent is harmful to the child's emotional and mental health; and

WHEREAS, extreme, obsessive, and ongoing Parental Alienation can cause terrible psychological damage to children extending well into adulthood; and

WHEREAS, if more people know about how Parental Alienation works and how damaging these behaviors are to children, then more people can help deal with the problem; and

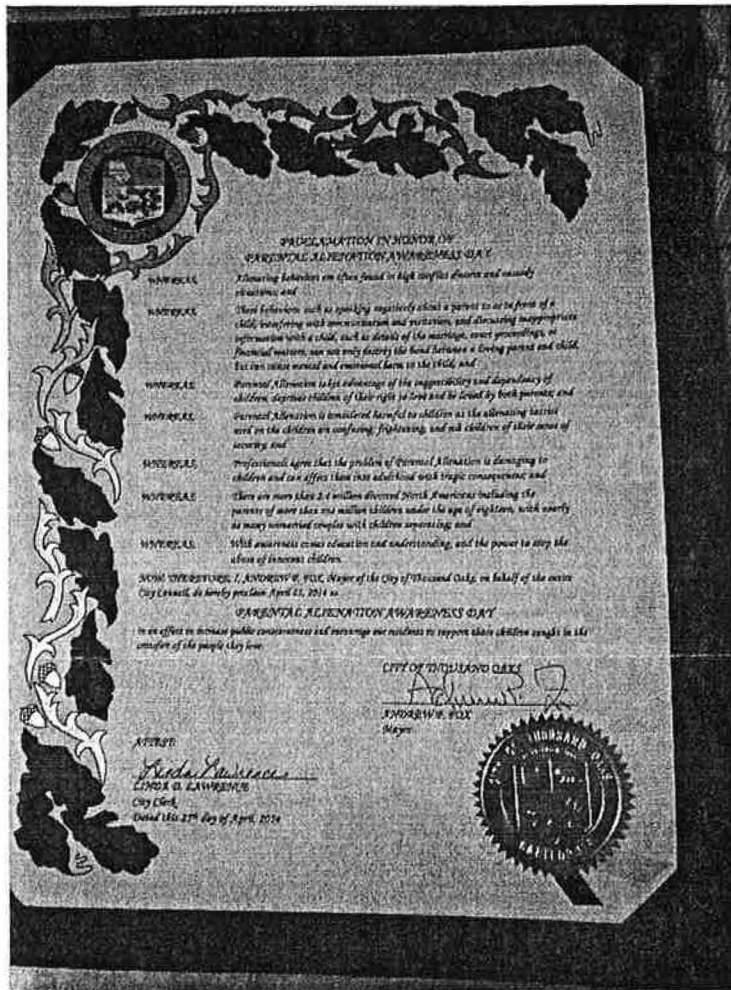
WHEREAS, Parental Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help parents and caregivers better raise their children.

NOW, THEREFORE, I, Don Higginson, Mayor of the City of Poway, do hereby proclaim April 25, 2013 to be "Parental Alienation Awareness Day" to recognize the importance of raising awareness of the severity of Parental Alienation.

April 25, 2013



Don Higginson, Mayor



The City of San Diego Proclamation PARENTAL ALIENATION AWARENESS DAY

Presented By The Office of The Mayor

WHEREAS, Parental Alienation, sometimes called Hostile Aggressive Parenting, is a behavior by a parent or an adult a child trusts that could create alienation in the relationship between a child and a parent; and

WHEREAS, Parental Alienation whether verbal or non-verbal, can cause a child to be mentally manipulated or bullied into believing a loving parent is the cause of all their problems; and

WHEREAS, Parental Alienation, can be mild and temporary or extreme and ongoing; and

WHEREAS, most researchers believe that any alienation of a child against a parent is harmful to the child's emotional and mental health; and

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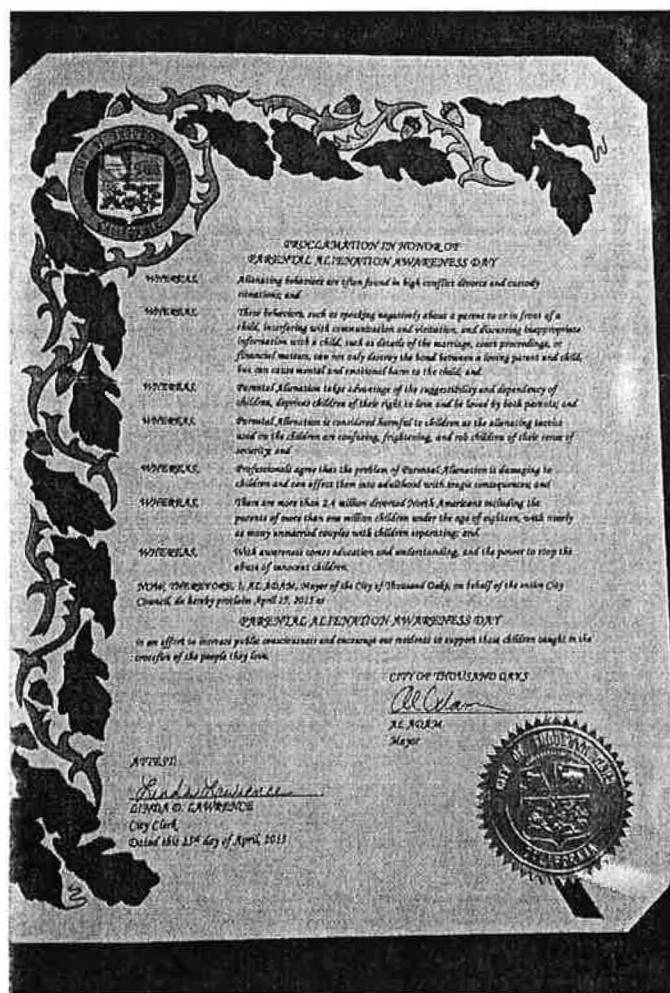
WHEREAS, if more people know about how Parental Alienation works and how damaging these behaviors are to children, then more people can help deal with the problem; and

WHEREAS, Parental Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help parents and caregivers better raise their children. NOW, THEREFORE,

BE IT RESOLVED, THAT I, JERRY SANDERS, the 34th Mayor of the City of San Diego, do hereby proclaim April 25, 2012, to be "Parental Alienation Day" in the City of San Diego to recognize the importance of raising awareness of the severity of Parental Alienation.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND, THIS DAY, AND HAVE CAUSED THE SEAL TO BE AFFIXED HERETO.

Jerry Sanders, Mayor





PROCLAMATION

WHEREAS, Parental alienation behavior is prevalent in high conflict divorces and custody situations during which time a parent influences a child in the denigration of the other parent; and

WHEREAS, These behaviors, such as speaking negatively about a parent to or in front of a child, interfering with communication and visitation, and discussing inappropriate information with a child, such as details of the marriage, court proceedings or financial matters, can not only destroy the bond between a loving parent and child, but can cause mental and emotional harm to the child; and

WHEREAS, Parental alienation takes advantage of the suggestibility and dependency of children, which undue influences on a child can destroy what is otherwise a good and loving relationship between that child and the targeted parent; and

WHEREAS, Parental alienation is harmful to children, robs them of their sense of security, and deprives them of their right to love and to be loved by both parents; and

WHEREAS, Behaviors which interfere with the child-parent relationships can be problematic for the lifetime of the child; and

WHEREAS, Raising awareness and bringing these behaviors and their impact on children to the forefront will help in preventing parental alienation from occurring; and



WHEREAS, The personal cost and emotional harm of parental alienation has long-term consequences; however, through awareness, education, and understanding, we can prevent parental alienation from occurring.

NOW, THEREFORE, The City Council of the City of Barstow hereby proclaims April 25, 2011 in the City of Barstow as

"PARENTAL ALIENATION AWARENESS DAY"

AND FURTHER, We encourage all citizens of our community to recognize the importance of preventing parental alienation through awareness, education, and understanding.

SIGNED AND SEALED at Barstow, California this 21st day of April 2011

City of Indio

Proclamation

Parental Alienation Awareness Day

WHEREAS, Parental Alienation, sometimes called Hostile Aggressive Parenting, is a behavior by a parent or an adult a child trusts that could create alienation in the relationship between a child and a parent; and

WHEREAS, Parental Alienation whether verbal or non-verbal, can cause a child to be mentally manipulated or bullied into believing a loving parent is the cause of all their problems; and

WHEREAS, Parental Alienation can be mild and temporary or extreme and ongoing; and

WHEREAS, most researchers believe that any alienation of a child against a parent is harmful to the child's emotional and mental health; and

WHEREAS, extreme obsessive and ongoing Parental Alienation can cause terrible psychological damage to children extending well into adulthood; and

WHEREAS, if more people know about how Parental Alienation works and how damaging these behaviors are to children, then more people can help deal with the problem; and

WHEREAS, Parental Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help parents and caregivers better raise their children.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elaine Holmes, Mayor of the City of Indio, California, do hereby proclaim April 25, 2012 as "Parental Alienation Awareness Day" in the City of Indio to recognize the importance of raising awareness of the severity of Parental Alienation.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL OF THE CITY OF INDIRIO, THIS 1ST DAY OF APRIL, 2012.




Elaine Holmes, Mayor
Indio, California



PROCLAMATION

WHEREAS, Parental Alienation, sometimes called Hostile Aggressive Parenting, is a behavior by a parent or an adult a child trusts that could create alienation in the relationship between a child and a parent; and

WHEREAS, Parental Alienation, whether verbal or non-verbal, can cause a child to be mentally manipulated or bullied into believing a loving parent is the cause of all their problems; and

WHEREAS, most researchers believe that any alienation of a child against a parent is harmful to the child's emotional and mental health; and

WHEREAS, extreme, obsessive, ongoing Parental Alienation can cause terrible psychological damage to children extending well into adulthood; and


WHEREAS, if more people know about how Parental Alienation works and how damaging these behaviors are to children, then more people can help deal with the problem; and

WHEREAS, Parental Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help parents and caregivers better raise their children; and

NOW, THEREFORE, WE, THE MAYOR, AND CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, by the powers vested in us, do hereby proclaim April 25, 2013 to be "Parental Alienation Awareness Day" to recognize the importance of raising awareness of the severity of Parental Alienation.

Dated this 27th day of March, 2013




Rafael J. Lopez, Mayor
Chuck Vasquez, Mayor Pro Tem
Gord Pettit, Councilmember
G. Samuel Teles, Councilmember
Stanley E. Henry, Councilmember



Proclamation

Parental Alienation Awareness Day

WHEREAS, Parental Alienation, sometimes called Hostile Aggressive Parenting, is a behavior by a parent or an adult a child trusts that could create alienation in the relationship between a child and a parent; and

WHEREAS, Parental Alienation whether verbal or non-verbal, can cause a child to be mentally manipulated or bullied into believing a loving parent is the cause of all their problems; and

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WHEREAS, most researchers believe that any alienation of a child against a parent is harmful to the child's emotional and mental health; and

WHEREAS, extreme, obsessive, and ongoing Parental Alienation can cause terrible psychological damage to children extending well into adulthood; and

WHEREAS, if more people know about how Parental Alienation works and how damaging these behaviors are to children, then more people can help deal with the problem; and

WHEREAS, Parental Alienation Awareness Day is intended to increase the knowledge and understanding of this problem to help parents and caregivers better raise their children.

NOW, THEREFORE, I, Don Higginson, Mayor of the City of Poway, do hereby proclaim April 25, 2012 to be "Parental Alienation Awareness Day" to recognize the importance of raising awareness of the severity of Parental Alienation.

April 25, 2012




Don Higginson, Mayor

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Establishment Of A New Fund And Requesting Assessment Collection Services For The Drainage Benefit Assessment District No. 2016-1 And Authorizing the City Manager to Sign a Letter to Establish the Fund

PRESENTED BY:

Loren Culp, Assistant Public Works Director

SUMMARY:

The City of Ridgecrest is declaring its intention to form Drainage Benefit Assessment District No. 2016-1 and to levy annual assessments commencing with Fiscal Year 2016/2017. The City must establish a new fund with the Kern County Auditor-Controller and Tax Collector to arrange for the collection of said assessments on behalf of the City beginning with the Fiscal Year 2016/2017.

The Drainage Benefit Assessment District will provide a funding source for the continued operation and maintenance of the drainage improvements that are directly associated with the development of the properties within the district for the special benefit of those properties.

When creating a new fund for the Drainage Benefit Assessment District, the Kern County Assessor's Office requires that there be a letter from City Council. Staff is recommending that the City Manager generate this letter for his signature on behalf of the City Council (Exhibit A).

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Adopt A Resolution Authorizing The Establishment Of A New Fund And Requesting Assessment Collection Services For The Drainage Benefit Assessment District No. 2016-1 And Authorizing the City Manager to Sign a Letter to Establish the Fund

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested

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RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AUTHORIZING THE ESTABLISHMENT OF A NEW FUND AND REQUESTING ASSESSMENT COLLECTION SERVICES FOR THE DRAINAGE BENEFIT ASSESSMENT DISTRICT NO. 2016-1

WHEREAS, the City of Ridgecrest desires to form the Drainage Benefit Assessment District No. 2016-1; and

WHEREAS, the City will collect annual assessments to the continued operation and maintenance of the drainage improvements that are directly associated with the development of the properties within the District and for the special benefit of those properties; and

WHEREAS, this resolution is to authorize the Kern County Auditor-Controller and Tax Collector to establish a new fund and to arrange for the collection of said assessments on behalf of the City beginning Fiscal Year 2016/2017; and

WHEREAS, when creating a new fund for the Drainage Benefit Assessment District, the Kern County Assessor's Office requires that there be a letter from City Council; and

WHEREAS, staff is recommending that the City Manager generate this letter for his signature on behalf of the City Council (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ridgecrest, approves the establishment of a new fund for the Drainage Benefit Assessment District No. 2016-1 and authorizes the Kern County Auditor-Controller and Tax Collector to arrange for the collection of said assessments in the beginning of Fiscal Year 2016/2017.

APPROVED AND ADOPTED this 20th day of April 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST

Rachel Ford, City Clerk

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Exhibit A



Kern County-Auditor-County Clerk
1115 Truxtun Ave, 2nd Floor
Bakersfield CA 93301
661 868-3599

TO ESTABLISH A NEW FUND

Note: This form must be accompanied with a letter from your board establishing fund.

Date: 4-13-16

District Name: City of Ridgecrest

Phone #: 760-375-5083 Fax #: 760-371-1580

Address: 100 W. California Avenue, Ridgecrest, CA 93555

FMS Name (25 Characters inc. Spaces): Drainage District No 2016-1

Short Name (17 Characters inc. Spaces): DBAD No. 2016-1
(Name you want to show on Tax Bill)

Purpose of fund: The formation of the City of Ridgecrest Drainage Benefit Assessment District No. 2016-1 (Tracts: 6700, 6775, and parts of 6740), and the establishment of assessments and levy and collect annual assessments on the County tax rolls commencing in fiscal year 2016/2017, to provide funding source for the continued operation and maintenance of the drainage improvements that are directly associated with the development of the properties within the District and for the special benefit of those properties.

Is fund interest bearing?: (Yes / No) Interest deposited into fund#: Yes

Authorized Contact: Karen Harker

Title: Administrative Secretary

Do not write below this line

Fund established date: _____ Fund Number: _____

Initials: _____

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CITY OF RIDGECREST

Telephone 760 499-5004
100 West California Avenue, Ridgecrest, California 93555-4054

April 21, 2016

Kern County Auditor Controller's Office –ETS
1115 Truxtun Avenue, 2nd Floor
Bakersfield, CA 93301

RE: Request to Establish New Fund Number

Dear Ms. Barnett,

Please accept this letter as a request to establish a fund number in Fiscal year 2016-2017 for the City of Ridgecrest Drainage Benefit Assessment District No. 2016-1. The Resolution of Formation from our City Council of the Drainage Benefit Assessment District is enclosed.

If you have any questions, please feel free to contact, Karen Harker, at 760-499-5083.

Sincerely,

Dennis Speer
Public Works Director

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Adoption Of Resolutions (1) Declaring The City's Intention To Form The Drainage Benefit Assessment District And Initiating Proceedings To Form The Drainage Benefit Assessment District No 2016-1 And To Levy Assessments Commencing In Fiscal Year 2016-2017; And (2) The Preparation And Filing Of The Engineer's Report Regarding The Formation Of The Drainage Benefit Assessment District No 2016-1 And To Conduct A Property Owner Protest Ballot Proceeding For The Assessments And Set The Time And Place For The Public Hearing

PRESENTED BY:

Loren Culp, City Engineer

SUMMARY:

As a condition of approval of Tract Map 6775, 6700 and parts of 6740, the developer is required to establish a Drainage Benefit Assessment District to cover the on-going maintenance costs associated with drainage improvements within the development. This initial action by the City Council initiates the district formation process and declares the City's intention to levy assessments. This action also sets the time and place for the public hearing on the issue.

Pursuant to the Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5 of the Government Code of the State of California commencing with Section 54703, and Article XIII D of the California Constitution, an Assessment Ballot for this district formation will be delivered to the owner/developer. The ballot received indicates the owner/developer's approval for the formation and the levy of assessments.

The total annual maximum assessment amount being balloted for the district is \$16,372.72. The total assessment proposed for Fiscal Year 2016/2017 is \$3,320.55. These assessments, if approved, will be submitted to the County and collected on the property tax bills for Fiscal Year 2016/2017.

FISCAL IMPACT:

Formation costs are being paid for by the developer, Oriole Homes.

Reviewed by Finance Director

ACTION REQUESTED:

Adoption Of Resolutions (1) Declaring The City's Intention To Form The Drainage Benefit Assessment District And Initiating Proceedings To Form The Drainage Benefit Assessment District No 2016-1 And To Levy Assessments Commencing In Fiscal Year 2016-2017; And (2) The Preparation And Filing Of The Engineer's Report Regarding The Formation Of The Drainage Benefit Assessment District No 2016-1 And To Conduct A Property Owner Protest Ballot Proceeding For The Assessments And Set The Time And Place For The Public Hearing

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested

Submitted by: Loren Culp

Action Date: April 20, 2016

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RESOLUTION NO. 16 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST INITIATING PROCEEDINGS FOR THE FORMATION OF DRAINAGE BENEFIT ASSESSMENT DISTRICT NO. 2016-1 (TRACT MAP 6700, 6775 AND PARTS OF 6740); AND THE LEVY AND COLLECTION OF ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2016/2017

WHEREAS, the City Council pursuant to the provisions of the Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5 of the Government Code of the State of California commencing with Section 54703 (hereafter referred to as the "Act") desires to initiate proceedings for the formation of "Drainage Benefit Assessment District No. 2016-1 (Tract Map 6700, 6775 and parts of 6740)" (hereafter referred to as the "District"); and to levy and collect annual assessments to pay for the operation, maintenance and servicing of drainage improvements and appurtenant facilities related thereto; and,

WHEREAS, the City has retained Willdan Financial Services as the Engineer of Work, for the purpose of assisting with the formation of the District, the establishment of annual assessments, and to prepare and file an Engineer's Report with the City Clerk in accordance with Section 54716 of the Act and the provisions of the California Constitution Article XIID (hereafter referred to as the "Constitution").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: The above recitals are true and correct.

Section 2: The City Council hereby orders Willdan Financial Services to prepare and file with the City Clerk an Engineer's Report concerning the formation of the District and the levy of special benefit assessments for properties therein.

Section 3: The purpose of this District is to fund the activities necessary to fund the ongoing maintenance and servicing of the drainage improvements within the District that is for the benefit of properties therein and that have been required for the development of such properties to their full and best use. The maintenance and operation of these improvements may include but are not limited to all materials, equipment, labor, and incidental expenses deemed necessary to keep the drainage improvements and facilities in satisfactory condition as well as the collection of assessment installments for the periodic service activities, repair or refurbishments of the improvements. Detailed maps and descriptions of the location and extent of the specific improvements to be maintained by the District are on file in the Office of Public Works of the City of Ridgecrest and by reference these plans and specifications are made part of this Resolution.

Section 4: The territory of land within the proposed District includes all lots and parcels of land within the residential development known as Tract Map 6700 & 6775 and parts of 6740 within the City of Ridgecrest, the County of Kern, State of California, and is generally situated on College Heights Blvd. The territory of land within the District includes parcels identified by the Kern County Assessor's Office as Assessor Parcel Map Book 510: Pages 211, 213, 214 (all Parcels); Page 212 Parcels 1 through 8; and Page 010 Parcels 17 and 18 and shall include all subsequent subdivisions, lot line adjustments or parcel changes therein.

PASSED AND ADOPTED this 20th day of **April**, 2016.

Peggy Breeden, Mayor
City of Ridgecrest, California

ATTEST:

Rachel Ford, CMC
City Clerk
City of Ridgecrest, California

STATE OF CALIFORNIA)
COUNTY OF KERN) ss
CITY OF RIDGECREST)

I, _____, City Clerk of the City of Ridgecrest, do hereby certify that the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Ridgecrest held on the _____ day of _____, 2016.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Ridgecrest this _____ day of _____, 2016.

City Clerk
City of Ridgecrest, California

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RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, DECLARING ITS INTENTION TO FORM THE RIDGECREST, DRAINAGE BENEFIT ASSESSMENT DISTRICT NO. 2016-1 (TRACT MAP 6700, 6775 AND PARTS OF 6740); AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER BALLOTING ON THE MATTER OF NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2016/2017

WHEREAS, the City Council pursuant to the provisions of the Benefit Assessment Act of 1982, Chapter 6.4, Division 2, Title 5 of the Government Code of the State of California commencing with Section 54703 (hereafter referred to as the "Act"), did by previous Resolution, initiate proceedings for the formation of the "Ridgecrest Drainage Benefit Assessment District No. 2016-1 (Tract Map 6700, 6775 and parts of 6740),(hereafter referred to the "District"); and to levy and collect annual assessments to pay for the maintenance and operation of drainage improvements and appurtenant services related thereto; and,

WHEREAS, the City Council desires to form the District; and to levy and collect annual assessments against lots and parcels of land within the District to pay the cost and expenses related to the drainage improvements to be provided by the District and authorized by the Act and the provisions of the California Constitution Article XIID (hereinafter referred to as the "Constitution"); and,

WHEREAS, the Assessment Engineer of Work has prepared and filed with the City Clerk an Engineer's Report (hereafter referred to as the "Report") in connection with the formation of the District and the levy of assessments related thereto, commencing with Fiscal Year 2016/2017 (July 1, 2016 and ending June 30, 2017) in accordance with Section 54716 of the Act and the Constitution; and said Report has been presented to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: The above recitals are true and correct.

Section 2: The territory of land that comprises the District incorporates all of the lots and parcels of land that will receive a special benefit from the improvements to be maintained, operated and serviced through the District and those lots and parcels of land are inclusive of Kern County Assessor's Parcel Map Book 510: Pages 211, 213, 214 (all Parcels); Page 212 Parcels 1 through 8; and Page 010 Parcels 17 and 18.

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, DECLARING ITS INTENTION TO FORM THE RIDGECREST, DRAINAGE BENEFIT ASSESSMENT DISTRICT NO. 2016-1 (TRACT MAP 6700, 6775 AND PARTS OF 6740); AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER BALLOTING ON THE MATTER OF NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2016/2017

Section 3: The proposed improvements and services to be provided and for which properties shall be assessed, include but are not limited to the regular maintenance, operation and incidental expenses related to the local drainage improvements within the public property, right-of-ways or easements which shall be maintained by the City for the special benefit of the properties therein. The Engineer's Report prepared in connection with these proceedings provides a more detailed description of the improvements and associated costs.

Section 4: The Engineer's Report as presented consists of the following: **a)** A Description of the Improvements (Plans and Specifications); and, **b)** The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcels including a description of an "Assessment Range Formula" that provides for an annual inflationary adjustment to the maximum assessment rate; and, **c)** The estimated annual costs and expenses to provide the improvements (Budget) that establishes the proposed initial "Maximum Assessment Rate"; and, **d)** An Assessment Diagram (Boundary Map); and, **e)** An Assessment Roll containing the proposed assessment to be levied for each Assessor Parcel Number within the District based on the maximum assessment rate and method of apportionment described therein.

Section 5: The Engineer's Report presented is hereby approved on a preliminary basis as submitted or amended by direction of this City Council, and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and remain open to public inspection.

Section 6: The City Council hereby declares its intention to form the District, and to levy and collect annual assessments against parcels of land within said District to fund the ongoing cost and expenses of maintaining, operating and servicing the drainage improvements determined to be of special benefit to the parcels of land therein as outlined in the Report prepared in connection therewith, commencing with fiscal year 2016/2017. The City Council finds that the public's best interest requires such action and levy of assessments.

Section 7: The City Council hereby declares its intention to conduct a public hearing concerning the formation of the District and the levy and collection of assessments in accordance with Government Code, Section 54954.6 and California Constitution, Article XIID, Section 4(e); and, notice is hereby given that a public hearing on these matters will be held by the City Council on Wednesday June 15, 2016 at 6:00 P.M., or as soon thereafter as feasible, in the City Council Chambers located at 100 W California Avenue, Ridgecrest, California. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 8: Pursuant to Article XIID of the California Constitution, an assessment ballot proceeding is hereby called on the matter of confirming the proposed assessments for the District. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and property owner or

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, DECLARING ITS INTENTION TO FORM THE RIDGECREST, DRAINAGE BENEFIT ASSESSMENT DISTRICT NO. 2016-1 (TRACT MAP 6700, 6775 AND PARTS OF 6740); AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER BALLOTING ON THE MATTER OF NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2016/2017

owners of each affected parcel may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public hearing for these matters.

Section 9: The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing and property owner protest ballots to the property owners of record regarding the proposed assessments including the assessment range formula as outlined in the Report, for return receipt prior to the date and time of the public hearing set forth in this Resolution; and, the notice of the hearing and ballot shall be distributed by first class mail to the property owner(s) of record for each parcel within the proposed District subject to an assessment, not less than 45 days before the date of the public hearing pursuant to the California Constitution.

Section 10: The property owner protest ballot proceeding conducted for the District shall constitute the property owners' approval or rejection of the annual levy of assessments and assessment range formula described in the Report presented and approved by the City Council. Each property owner may return the ballot by mail or in person to the City Clerk no later than the conclusion of the public hearing scheduled for Wednesday June 15, 2016. After the close of the Public Hearing, pursuant to Section 4 (e) of the California Constitution, the City Clerk or their designee shall open and tabulate the ballots returned to determine if majority protest exists. Only those ballots issued by or on behalf of the City and signed by the property owner of record or authorized representative, shall be considered as valid ballots and shall be weighted according to the proportional financial obligation of each affected property. Majority protest exists if, upon the conclusion of the hearing, valid ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment; and, in addition to the ballot proceedings, property owners may also file a separate written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed such protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

PASSED AND ADOPTED this _____ day of _____, 2016.

Peggy Breeden, Mayor
City of Ridgecrest, California

ATTEST:

Rachel Ford, City Clerk
City of Ridgecrest, California

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, DECLARING ITS INTENTION TO FORM THE RIDGECREST, DRAINAGE BENEFIT ASSESSMENT DISTRICT NO. 2016-1 (TRACT MAP 6700, 6775 AND PARTS OF 6740); AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER BALLOTING ON THE MATTER OF NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2016/2017

STATE OF CALIFORNIA)
COUNTY OF KERN) ss
CITY OF RIDGECREST)

I, _____, City Clerk of the City of Ridgecrest, do hereby certify that the foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of Ridgecrest held on the _____ day of _____, 2016.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Ridgecrest this _____ day of _____, 2016.

City Clerk
City of Ridgecrest, California



City of Ridgecrest

Drainage Benefit Assessment District No. 2016-1 (TRACT 6740, 6775, & 6700)

Intent Meeting: April 20, 2016
Public Hearing: June 15, 2016

27368 Via Industria
Suite 200
Temecula, CA 92590
T 951.587.3500 | 800.755.6864
F 951.587.3510

www.willdan.com/financial



ASSESSMENT ENGINEER'S AFFIDAVIT

**RIDGECREST DRAINAGE BENEFIT ASSESSMENT
DISTRICT NO. 2016-1**

(Tracts 6700, 6775 and part of Tract 6740)

Formation of the District and Establishment of Annual Assessments

**City of Ridgecrest
Kern County, State of California**

This Report describes the proposed formation of the City of Ridgecrest Drainage Benefit Assessment District No. 2016-1 (Tracts, 6700, 6775 & parts of 6740), and the establishment of assessments commencing in fiscal year 2016/2017, pursuant to a resolution of the City Council. Reference is hereby made to the Kern County Assessor's maps for a detailed description of the lines and dimensions of parcels within the proposed City of Ridgecrest Drainage Benefit Assessment District No. 2016-1.

The undersigned respectfully submits the enclosed Engineer's Report that includes a description of the plans and specifications, method of apportionment, budgets and proposed special benefit assessments associated therewith as directed by the City Council and pursuant to the provisions of the Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703.

Dated this _____ day of _____, 2016.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Ridgecrest

By: _____

Jim McGuire
Principal Consultant

By: _____

Richard Kopecky
R. C. E. # 16742

PRELIMINARY APPROVAL

This Engineer's Report and the proposed assessments described herein have been preliminarily approved by the City Council of the City of Ridgecrest on this _____ day of _____, 2016.

City Clerk
City of Ridgecrest

FINAL APPROVAL

This Engineer's Report, the improvements and assessments related to the formation of drainage Benefit Assessment District designated (Tracts 6700, 6775 and parts of 6740) as described herein, were approved and adopted by the City Council of the City of Ridgecrest on this _____ day of _____, 2016.

City Clerk
City of Ridgecrest

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INTRODUCTION

Pursuant to the provisions of the *Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703* (hereafter referred to as the "1982 Act"), and in compliance with the substantive and procedural requirements of the *California State Constitution Article XIID* (hereafter referred to as the "California Constitution"), the City Council of the City of Ridgecrest, County of Kern, State of California (hereafter referred to as "City"), propose to form and levy special benefit assessments for the district to be designated as:

Drainage Benefit Assessment District No. 2016-1 (Tracts 6700, 6775 and part of Tract 6740)

(hereafter referred to as "District"), which includes all lots and parcels of land within Tracts 6700, 6775 and parts of Tract 6740 that will receive special benefit from the drainage improvements installed and maintenance in connection with the development of these residential subdivisions within the City limits of Ridgecrest. This Engineer's Report (hereafter referred to as "Report") has been prepared in connection with the formation of said District and the levy and collection of annual assessments related thereto commencing in fiscal year 2016/2017, as required pursuant to Section 54716 of the 1982 Act.

The City Council proposes to form the District, and levy and collect annual assessments on the County tax roll to provide ongoing funding for the costs and expenses required to service and maintain drainage improvements and appurtenant facilities that are necessary and essential requirements for the development of the properties within the District to cause the protection of those properties and the surrounding ecological environment from flooding. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1982 Act and the substantive and procedural provisions of the California Constitution.

The formation of this District and the assessments described herein commencement in fiscal year 2016/2017 will provide a funding source for the continued operation and maintenance of the drainage improvements that are directly associated with the development of properties within the District and for the special benefit of those properties.

The budgets and assessments described in this Report are based on the planned improvements and development requirements associated with Tracts 6700, 6775 and parts of Tract 6740. The budgets described herein, represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to ensure proper maintenance, servicing and funding needs to support the drainage improvements that provide special benefit to properties within the District.

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

As part of this District formation, the City shall conduct a property owner protest ballot proceeding for the proposed levy of a new assessment pursuant to the provisions of the California Constitution, Article XIID Section 4. In conjunction with this ballot proceeding, the City Council will conduct a public hearing to consider public testimonies, comments and written protests regarding the formation of the District and levy of assessments. Upon conclusion of the public hearing, property owner protest ballots received will be opened and tabulated to determine whether majority protest exists (ballots shall be weighted based on the calculated proportional assessment amount for each benefiting parcel), and by resolution the City Council will confirm the results of the ballot tabulation. If majority protest exists, proceedings for the formation of the District and the levy of the proposed assessments shall be abandoned. If tabulation of the ballots indicates that majority protest does not exist for the proposed assessments and the assessment range formula presented and described herein, the City Council may approve the Report (as submitted or amended), order the formation of the District, and approve the levy and collection of assessments. In such case, the assessments for fiscal year 2016/2017 shall be submitted to the Kern County Auditor-Controller for inclusion on the property tax roll for each parcel.

Each subsequent fiscal year, a Report shall be prepared and presented to the City Council describing any changes to the improvements, the proposed services, the annual budget and assessments for that fiscal year, and the City Council shall hold a noticed public hearing regarding these matters prior to approving and ordering the proposed levy of assessments.

This Report consists of five (5) parts:

Part I

Plans and Specifications: A description of the District boundaries and the proposed improvements associated with the District. The District is being formed with a single benefit zone encompassing all properties within the territory identified as Ridgecrest Drainage Benefit Assessment District 2016-1 (Tracts 6700, 6775 and parts of Tract 6740).

Part II

The Method of Apportionment: A discussion of benefits the improvements and services provide to properties within the District and the method of calculating each property's proportional special benefit and annual assessment. This section also identifies and outlines an Assessment Range Formula that provides for an annual adjustment to the maximum assessment rate that establishes limits on future assessments, but also provides for reasonable cost adjustments due to inflation without the added expense of additional property owner protest ballot proceedings.

Part III

The District Budget: An estimate of the annual costs to operate, maintain and service drainage improvements related to the properties within the District. This budget includes an estimate of anticipated direct maintenance costs and incidental expenses including, but not limited to administration expenses and the collection of appropriate fund balances to establish an initial maximum assessment to be approved by the property owners of record. The special benefit maximum assessment proposed for this District is based on an estimate of the annual maintenance and operational expenses at full build out of the improvements. The proposed assessments for the first fiscal year (2016/2017), and each subsequent year shall be based on the estimated net annual cost of operating, maintaining and servicing the District improvements for that fiscal year. The proposed maximum assessment (Rate per Equivalent Benefit Unit) identified in the budget of this Report establishes the initial maximum assessment rate for the District in fiscal year 2016/2017 and shall be adjusted annually by the Assessment Range Formula described in the method of apportionment.

Part IV

District Diagram: A Diagram showing the exterior boundaries of the District is provided in this Report and includes all parcels that will receive special benefits from the improvements. Parcel identification, the lines and dimensions of each lot, parcel and subdivision of land within the District, are inclusive of all parcels as shown on the Kern County Assessor's Parcel Maps as they existed at the time this report was prepared and includes all subsequent subdivisions, lot line adjustments or parcel changes therein. Reference is hereby made to the Kern County Assessor's maps for a detailed description of the lines and dimensions of each lot and parcel of land within the District.

Part V

Assessment Roll: A listing of the proposed assessment amount to be presented to the property owners of record in the protest ballot proceedings required pursuant to the provisions of the California Constitution. The proposed assessment amount for each parcel is based on the parcel's proportional special benefit as outlined in the method of apportionment and the proposed initial maximum assessment rate.

PART I — PLANS AND SPECIFICATIONS

PROPERTIES WITHIN THE DISTRICT

Drainage Benefit Assessment District No. 2016-1, (Tracts 6700, 6775 and parts of Tract 6740), will consists of 182 residential properties, a park and storm drain basin at build-out.

The purpose of the District is to ensure the ongoing maintenance, operation, and servicing of drainage improvements installed in connection with development of properties within the District. This District will provide the financial mechanism (annual assessments) by which the ongoing operation and maintenance of these improvements will be funded.

The District structure, proposed improvements, method of apportionment and assessments described in this Report are based on current development and improvement plans including all estimated direct expenditures, incidental expenses, and reserves associated with the maintenance and servicing of the improvements.

The District is located within the boundaries of the City of Ridgecrest, generally situated on Industrial Parkway and North Curry Street.

FUNDING AUTHORIZED BY THE 1982 ACT

As generally defined by the Benefit Assessment Act of 1982 and applicable to this District, the City may impose a benefit assessment to finance the maintenance and operation costs of the following services:

- 1) Drainage; and,
- 2) Flood Control

In addition to imposing a benefit assessment for the annual maintenance and operation of the District improvements, the City may also authorize an assessment or utilize existing assessment revenues to finance the installation, construction or replacement of drainage and flood control facilities. While such activities are permitted under the 1982 Act, the budget and assessments for this District only provide for normal maintenance and operation of the improvements. Since most major rehabilitation/construction projects result from unforeseen damages, the extent and cost of such projects are not easily predicted and to accumulate funds as part of the normal annual assessments is not practical. If such funding becomes necessary, the City may present a new or increased assessment to the property owners to support such projects.

IMPROVEMENTS AND SERVICES

The purpose of this District is to fund the activities necessary to maintain and service the corresponding drainage improvements required of properties within the District. The

maintenance and operation of these improvements may include but are not limited to all materials, equipment, labor, and incidental expenses deemed necessary to keep these improvements in satisfactory condition as well as the collection of assessment installments for the periodic service activities, repair or rehabilitation of various improvements and facilities (not capital improvements expenditures or replacement of the drainage infrastructure).

Detailed maps and descriptions of the location and extent of the improvements to be maintained by the District are on file in the Office of Public Works and by reference are made part of this Report. These plans and specifications may be amended or modified from time to time to reflect future property development within the District or necessary changes to the planned developments currently approved by the City. The net annual cost to provide and maintain the improvements determined to be of special benefit shall be allocated to each property in proportion to the special benefits received from those various improvements. The District improvements and services are generally described as:

DRAINAGE MAINTENANCE

For Tracts 6700, 6775 and parts of Tract 6740, the drainage improvements are as follows:

- Storm Drain Basin/Park
- Storm Drain Sumps
- Drainage Mains
- All appurtenant facilities, equipment, materials and utilities related to the aforementioned improvements.

PART II — METHOD OF APPORTIONMENT

The 1982 Act permits the establishment of assessment districts by agencies for the purpose of providing for the maintenance, operation and servicing of drainage and flood control improvements as well as streets, roads and appurtenant facilities. The 1982 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service”.

Furthermore:

“The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service, except that the legislative body may, by resolution, determine that the estimated cost of work authorized ... is greater than can be conveniently raised from a single annual assessment and order that the estimated cost shall be raised by an assessment levied and collected in installments.... The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.

The method of apportionment described in this Report for allocation of special benefit assessments reflects the composition of parcels within the District and the improvements and services provided, to fairly apportion the costs based on the special benefits to each parcel.

BENEFIT ANALYSIS

The ongoing maintenance and servicing of the District improvements is an integral part of the use and preservation of the properties within the District and as such confer a particular and distinct special benefit to those parcels. The proper maintenance of the improvements and appurtenant facilities allows individual parcels to be developed and used to their fullest extent by ensuring adequate drainage and proper control of excess water during periods of rain, which is essential to preservation and protection of private property. In reviewing the drainage analysis prepared in connection with the development of properties in Tracts 6700, 6775 and parts of Tract 6740 (which contains all parcels within the District) it was determined that improvements to be maintained through this District are only necessary to provide drainage and control of excess water during periods of rain for properties within the District only. That analysis indicated that the drainage and flow of excess water during periods of rain from surrounding properties will not be addressed by the District improvements and these improvements are only necessary to mitigate water run-off from the properties in the District. Therefore, it has been determined that these drainage improvements and the

maintenance and servicing of such improvements is entirely a special benefit to properties in the District and there is no quantifiable general benefit to properties or the public at large.

ASSESSMENT METHODOLOGY

All costs associated with the improvements and services shall be fairly distributed among the parcels based upon the special benefit received by each parcel. Additionally, in compliance with the California Constitution Article XIID Section 4, each parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred to that parcel. The method of apportionment established for this District and described herein, reflects the proportional special benefit each property receives from the improvements and services based on the actual or proposed land use of that parcel as compared to other properties within the District. The benefit formula used to determine the assessment obligation for each parcel is based upon both the type of improvements that benefit that particular parcel as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements.

Upon review of the improvements and the proposed development of properties within the District it has been determined that all properties receive similar special benefits from each of the improvements and services to be funded by annual assessments and a single zone of benefit is appropriate for the allocation of the assessments and proportional special benefit.

Equivalent Benefit Units:

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of other properties within the District. The method of apportionment established for most districts formed under the 1982 Benefit Act utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that uses a weighted EBU based on an assessment formula that equates the property's specific development characteristics such as land use and size to that of other properties in the District.

Because this district will ultimately be comprised of only properties that will be developed for residential use, the single-family residential unit or lot is assigned one (1.0) Equivalent Benefit Unit (EBU) and other property types (land uses) are proportionately weighted (weighted EBU) based on a benefit formula that equates each property's specific characteristics and special benefits to that of the single-family residential unit. Based on the planned development of properties in Tract 6700 and Tract 6775, the following land use classifications and proportional EBUs are outlined in the following:

Single-Family Residential Property — is defined as a fully subdivided residential home site with or without a structure. For purposes of establishing the proportional

special benefits and equivalent benefit units for other land uses in this District, the single-family residential land use is designated as the basic unit of assessment and shall be assigned 1.000 EBU per parcel.

Vacant Property — is defined as property that has been identified as undeveloped, but has reasonable development potential (Few or no development restrictions). When considering the special benefits from the improvements it becomes evident that the proportional special benefits associated with vacant property is less than that of developed properties because the full improvement infrastructure associated with the property has likely not been installed, but they do benefit from the overall drainage improvements such as the drainage basin. Therefore, the Equivalent Benefit Units applied to these properties shall be based on 0.500 EBU per planned residential unit for the property or 1.00 EBU per acre if the number of planned residential units is unknown.

Exempt Property (Parcel) — identifies parcels that for various reasons, it has been determined that the parcel does not and will not receive special benefits from the improvements. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, or other publicly-owned or utility-owned land that serves the community or general public and are not considered or classified as developed public properties;
- Parcels of land that are privately owned, but cannot be developed independently from an adjacent property or is part of a shared interest with other properties, such as common areas, sliver parcels, bifurcated lots or properties with very restrictive development potential or use.

Because these properties either provide a public service that is comparable to landscaping or street lighting improvements, or they are dependent on another property or development, these types of parcels have no direct need for such improvements and are considered to receive no special benefits Therefore these parcel shall be exempt from assessment and are assigned 0.0000 EBU. However, these properties shall be reviewed annually by the assessment engineer to confirm the parcel's use and/or development status has not changed.

Special Case Property — In many districts where multiple land use classifications are involved or the properties being developed are being constructed in phases, there may be one or more properties that the standard land use classifications do not accurately identify the use and special benefits received from the improvements or there may be something about that particular parcel that should be noted for review in subsequent fiscal years.

The Equivalent Benefit Units assigned to Special Case Properties will vary depending on the circumstances and reasons for treating each particular property as a Special Case. The Equivalent Benefit Unit(s) assigned to each such parcel may be based on adjusted acreage, units, planned subdivided lots, or a combination of those factors. The City and/or the assessment engineer tasked with the administration of the District shall annually review each parcel designated as a Special Case Property and based on that review shall make appropriate adjustments to that property's land use and Equivalent Benefit Unit assignment as warranted.

Proposed Land Use Tracts 6700, 6775 and parts of Tract 6740

Property Type	Equivalent Benefit Units
Residential	1.00 per Lot/Unit
Vacant Property (Planned Units)	0.50 per planned Lot/Unit
Vacant Property (Unknown Units)	1.00 per Acre
Exempt Parcel	- per Lot/Parcel

Assessment Calculations:

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

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

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

ASSESSMENT RANGE FORMULA

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

imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the Annexation costs and assessments. Commencing with fiscal year 2017/2018, the amount of the assessment for the Annexation may be increased to adjust for increases in labor and material costs. This increase will be based upon the annual change in the Consumer Price Index, All Urban Consumers, for the Los Angeles-Orange-Riverside County Area, as determined by the United States Department of Labor, or its successor, without conducting another mailed ballot election.

The Maximum Assessment is adjusted annually and is calculated independent of the annual budget and proposed annual assessment. Any proposed annual assessment (rate per EBU less than or equal to this Maximum Assessment) is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year.

Although the Maximum Assessment will increase each year, the actual assessment may remain unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjusted maximum amount. If the budget and assessment for the fiscal year do not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment and would be subject to balloting.

PART III — DISTRICT BUDGETS

The following budget outlines the estimated annual costs to be collected and deemed necessary for the operation, maintenance and servicing of the improvements for the District. The maximum assessment (Rate per Equivalent Benefit Unit) identified by this budget establishes the initial maximum assessment for the District in fiscal year 2016/2017. This assessment rate shall be adjusted annually by the Assessment Range Formula described in the method of apportionment and collectively this assessment rate and inflationary adjustment will be presented to the property owners of record for approval as part of the balloting process for new or increased assessments in accordance with the provisions of the California Constitution, Article XIII D.

**BAD District No. 2016-1, (Tract 6740, 6700 & 6775)
Fund Number TBD**

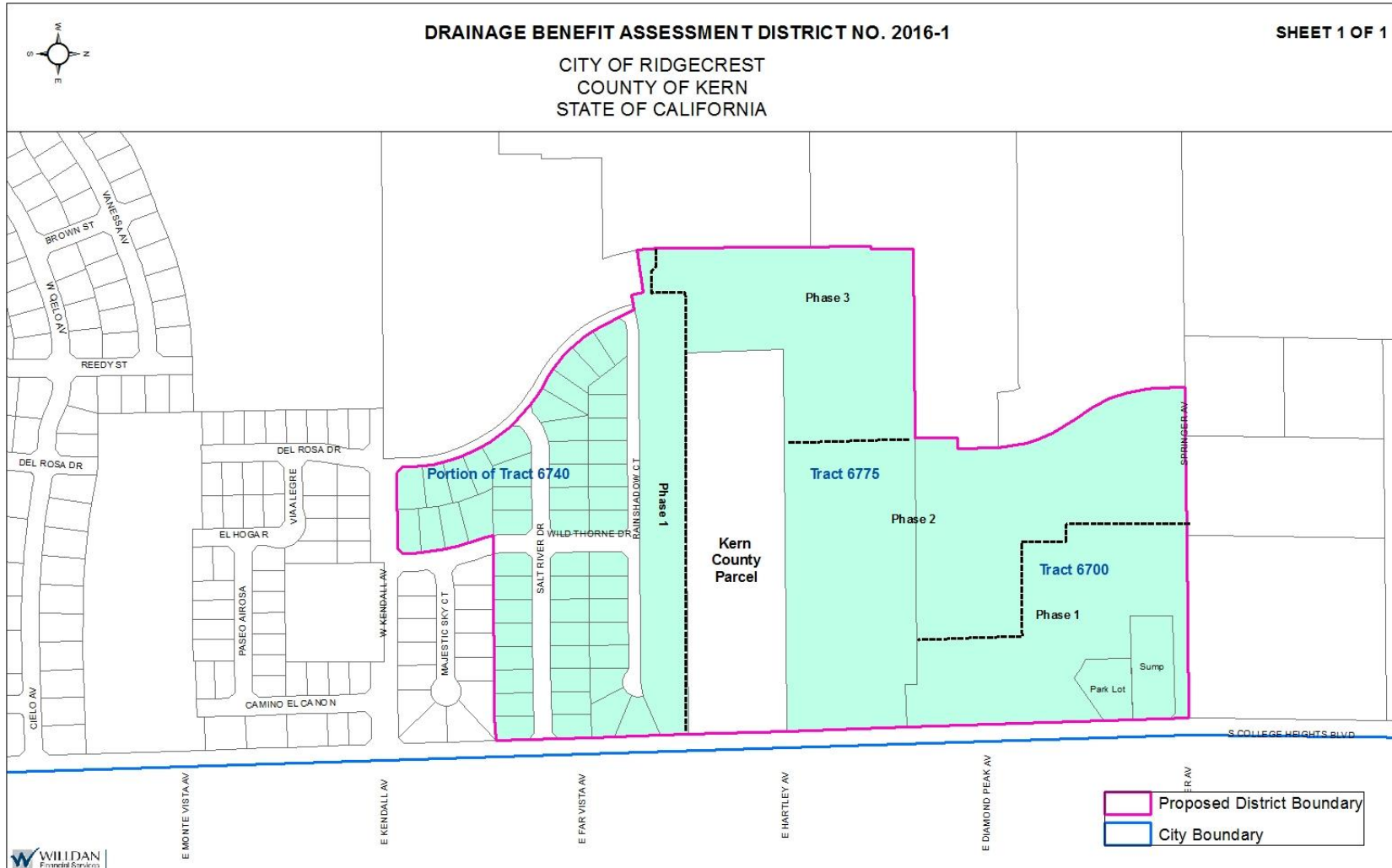
MAINTENANCE & OPERATION EXPENSES	Authorized Budget	FY 2016/2017 Budget
Drainage Sump Pump and Basin Maintenance	\$ 12,580	\$ -
Total Direct Costs	\$ 12,580	\$ -
INCIDENTAL/ADMINISTRATION EXPENSES		
Reserve Fund Collection	\$ 629	\$ 157
Levy Administration and Professional Services	1,750	1,750
Printing and Publishing	150	150
Mailing and Postage	50	50
County Collection Fee	55	55
City Overhead and Administration	1,158	1,158
Total Incidental Costs	\$ 3,792	\$ 3,320
Total Maintenance, Operation & Incidental Expenses	\$ 16,372	\$ 3,320
COLLECTIONS/(CREDITS) APPLIED TO LEVY		
General Benefit Contribution	\$ -	\$ -
Additional City Contribution	-	-
Total Contribution/Credit	\$ -	\$ -
Balance to Levy (Budgeted)	\$ 16,372	\$ 3,320
DISTRICT STATISTICS		
Total Parcels	55	55
Total Parcels Levied	55	55
Total Equivalent Benefit Units	182.00	117.50
Calculated Levy per Benefit Unit	\$ 89.96	\$ 28.26
Maximum Levy per Benefit Unit (FY 2016/2017)	\$ 89.96	\$ 89.96

PART IV — DISTRICT DIAGRAM

The following District Diagram identifies the area of land within the District to be designated as "Drainage Benefit Assessment District No. 2016-1 (Tracts 6700, 6775 and parts of Tract 6740)", based on the development and improvement plans for the District, Kern County Assessor's Maps, and Kern County Assessor's property information as the same existed at the time this Report was prepared. The District includes Kern County Assessor's Parcel Map Book 510: Pages 211, 213, 214 (all Parcels); Page 212 Parcels 1 through 8; and Page 010 Parcels 17 and 18. The combination of this map and the Assessment Roll contained in Part V of this Report constitute the Assessment Diagram for the District. The maximum assessment rate, assessment range formula and the proposed assessment amount for each of the lots and parcels of land within the District, as described herein, shall be presented to the property owners of record for approval or protest in accordance with the provisions of the California Constitution.

A copy of the District Diagram follows:

**ASSESSMENT DIAGRAM FOR
DRAINAGE BENEFIT ASSESSMENT DISTRICT NO. 2016-1
CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA**



PART V — ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is outlined in the preceding Assessment Diagram and is based on available parcel maps and property data from the Kern County Assessor's Office at the time this Engineer's Report was prepared. A listing of the lots and parcels to be assessed within this District commencing in Fiscal Year 2016/2017, along with the assessment amount for each such lot or parcel is provided below.

If any parcel submitted for collection is identified by the County Auditor-Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor-Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rates described in this Report as approved by the City Council. Therefore, if a single parcel is subdivided to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

MAXIMUM ASSESSMENT ROLL

The following is a list of the lots and parcels of land (parcels) within the District and the corresponding maximum assessments being set for Fiscal Year 2016/2017 as determined by the assessment rate and method of apportionment described herein:

APN	Designated Land Use	Equivalent Benefit Units	Balloted Maximum Assessment (FY 2016/2017)
510-010-17-00	Undeveloped Residential	53.00	\$4,767.88
510-010-18-00	Undeveloped Residential	76.00	\$6,836.96
510-211-01-00	Residential	1.00	\$89.96
510-211-02-00	Residential	1.00	\$89.96
510-211-03-00	Residential	1.00	\$89.96
510-211-04-00	Residential	1.00	\$89.96
510-211-05-00	Residential	1.00	\$89.96
510-211-06-00	Residential	1.00	\$89.96
510-211-07-00	Residential	1.00	\$89.96
510-211-08-00	Residential	1.00	\$89.96
510-211-09-00	Residential	1.00	\$89.96
510-211-10-00	Residential	1.00	\$89.96
510-211-11-00	Residential	1.00	\$89.96
510-211-12-00	Residential	1.00	\$89.96
510-211-13-00	Residential	1.00	\$89.96
510-211-14-00	Residential	1.00	\$89.96
510-211-15-00	Residential	1.00	\$89.96
510-211-16-00	Residential	1.00	\$89.96
510-212-01-00	Residential	1.00	\$89.96
510-212-02-00	Residential	1.00	\$89.96
510-212-03-00	Residential	1.00	\$89.96
510-212-04-00	Residential	1.00	\$89.96
510-212-05-00	Residential	1.00	\$89.96
510-212-06-00	Residential	1.00	\$89.96
510-212-07-00	Residential	1.00	\$89.96
510-212-08-00	Residential	1.00	\$89.96
510-213-01-00	Residential	1.00	\$89.96
510-213-02-00	Residential	1.00	\$89.96

Engineer's Report
City of Ridgecrest
Drainage Benefit Assessment District No. 2016-1
(Tracts 6700, 6775 and parts of Tract 6740)

APN	Designated Land Use	Equivalent Benefit Units	Balloted Maximum Assessment (FY 2016/2017)
510-213-03-00	Residential	1.00	\$89.96
510-213-04-00	Residential	1.00	\$89.96
510-213-05-00	Residential	1.00	\$89.96
510-213-06-00	Residential	1.00	\$89.96
510-213-07-00	Residential	1.00	\$89.96
510-213-08-00	Residential	1.00	\$89.96
510-213-09-00	Residential	1.00	\$89.96
510-213-10-00	Residential	1.00	\$89.96
510-213-11-00	Residential	1.00	\$89.96
510-213-12-00	Residential	1.00	\$89.96
510-213-13-00	Residential	1.00	\$89.96
510-213-14-00	Residential	1.00	\$89.96
510-213-15-00	Residential	1.00	\$89.96
510-213-16-00	Residential	1.00	\$89.96
510-213-17-00	Residential	1.00	\$89.96
510-214-01-00	Residential	1.00	\$89.96
510-214-02-00	Residential	1.00	\$89.96
510-214-03-00	Residential	1.00	\$89.96
510-214-04-00	Residential	1.00	\$89.96
510-214-05-00	Residential	1.00	\$89.96
510-214-06-00	Residential	1.00	\$89.96
510-214-07-00	Residential	1.00	\$89.96
510-214-08-00	Residential	1.00	\$89.96
510-214-09-00	Residential	1.00	\$89.96
510-214-10-00	Residential	1.00	\$89.96
510-214-11-00	Residential	1.00	\$89.96
510-214-12-00	Residential	1.00	\$89.96
Total		182.00	\$16,372.72

PROPOSED ASSESSMENT ROLL FISCAL YEAR 2016/2017

The following is a list of the lots and parcels of land (parcels) within the District and the corresponding proposed assessments to be levied and collected for Fiscal Year 2016/2017 as determined by the assessment rate and method of apportionment described herein:

APN	Designated Land Use	Equivalent Benefit Units	Proposed Assessment (FY 2016/2017)
510-010-17-00	Undeveloped Residential	26.50	\$748.89
510-010-18-00	Undeveloped Residential	38.00	\$1,073.88
510-211-01-00	Residential	1.00	\$28.26
510-211-02-00	Residential	1.00	\$28.26
510-211-03-00	Residential	1.00	\$28.26
510-211-04-00	Residential	1.00	\$28.26
510-211-05-00	Residential	1.00	\$28.26
510-211-06-00	Residential	1.00	\$28.26
510-211-07-00	Residential	1.00	\$28.26
510-211-08-00	Residential	1.00	\$28.26
510-211-09-00	Residential	1.00	\$28.26
510-211-10-00	Residential	1.00	\$28.26
510-211-11-00	Residential	1.00	\$28.26
510-211-12-00	Residential	1.00	\$28.26
510-211-13-00	Residential	1.00	\$28.26
510-211-14-00	Residential	1.00	\$28.26
510-211-15-00	Residential	1.00	\$28.26
510-211-16-00	Residential	1.00	\$28.26
510-212-01-00	Residential	1.00	\$28.26
510-212-02-00	Residential	1.00	\$28.26
510-212-03-00	Residential	1.00	\$28.26
510-212-04-00	Residential	1.00	\$28.26
510-212-05-00	Residential	1.00	\$28.26
510-212-06-00	Residential	1.00	\$28.26
510-212-07-00	Residential	1.00	\$28.26
510-212-08-00	Residential	1.00	\$28.26
510-213-01-00	Residential	1.00	\$28.26
510-213-02-00	Residential	1.00	\$28.26

Engineer's Report
City of Ridgecrest
Drainage Benefit Assessment District No. 2016-1
(Tracts 6700, 6775 and parts of Tract 6740)

APN	Designated Land Use	Equivalent Benefit Units	Proposed Assessment (FY 2016/2017)
510-213-03-00	Residential	1.00	\$28.26
510-213-04-00	Residential	1.00	\$28.26
510-213-05-00	Residential	1.00	\$28.26
510-213-06-00	Residential	1.00	\$28.26
510-213-07-00	Residential	1.00	\$28.26
510-213-08-00	Residential	1.00	\$28.26
510-213-09-00	Residential	1.00	\$28.26
510-213-10-00	Residential	1.00	\$28.26
510-213-11-00	Residential	1.00	\$28.26
510-213-12-00	Residential	1.00	\$28.26
510-213-13-00	Residential	1.00	\$28.26
510-213-14-00	Residential	1.00	\$28.26
510-213-15-00	Residential	1.00	\$28.26
510-213-16-00	Residential	1.00	\$28.26
510-213-17-00	Residential	1.00	\$28.26
510-214-01-00	Residential	1.00	\$28.26
510-214-02-00	Residential	1.00	\$28.26
510-214-03-00	Residential	1.00	\$28.26
510-214-04-00	Residential	1.00	\$28.26
510-214-05-00	Residential	1.00	\$28.26
510-214-06-00	Residential	1.00	\$28.26
510-214-07-00	Residential	1.00	\$28.26
510-214-08-00	Residential	1.00	\$28.26
510-214-09-00	Residential	1.00	\$28.26
510-214-10-00	Residential	1.00	\$28.26
510-214-11-00	Residential	1.00	\$28.26
510-214-12-00	Residential	1.00	\$28.26
Total		117.50	\$3,320.55

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CITY COUNCIL AGENDA ITEM

SUBJECT:

Adoption of Resolutions (1) The City's Intention To Annex Territory To The Ridgecrest Landscaping And Lighting District No. 2012-1; And To Levy And Collect Annual Assessments Related Thereto Commencing Fiscal Year 2016/2017; And (2) Approving A Preliminarily Engineer's Report In Connection With The Annexation And Declaring The City's Intention To Levy Assessments, Conduct The Required Protest Ballot Proceeding And Set A Time And Place For The Public Hearing

PRESENTED BY:

Loren Culp, City Engineer

SUMMARY:

As a condition of approval of Tract Map 6700 & 6775, the developer is required to annex their development into the existing City of Ridgecrest Landscaping and Lighting District No. 2012-1. This initial action by the City Council initiates the annexation process and declares the City's intention to levy assessments. This action also preliminarily adopts the Engineer's Report and sets the time and place for the public hearing on this issue.

Pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 the California Streets and Highways Code, and Article XIII D of the California Constitution, an Assessment Ballot will be delivered to the owners of record of the properties within the annexation territory. These ballots will be the property owner's opportunity to support or oppose the annexation and the levy of assessments.

The total annual maximum assessment amount being balloted for Tract 6700 is \$16,117.25 and \$23,111.53 for Tract 6775. The total assessment proposed for Fiscal Year 2016/2017 is \$4,805.78 for Tract 6700 and \$6,891.30 for Tract 6775. These assessments if approved will be submitted to the County and collected on the property tax bills for Fiscal Year 2016/2017.

FISCAL IMPACT:

Formation Costs are being paid for by the developer, Oriole Homes.

ACTION REQUESTED:

Adoption of Resolutions (1) The City's Intention To Annex Territory To The Ridgecrest Landscaping And Lighting District No. 2012-1; And To Levy And Collect Annual Assessments Related Thereto Commencing Fiscal Year 2016/2017; And (2) Approving A Preliminarily Engineer's Report In Connection With The Annexation And Declaring The City's Intention To Levy Assessments, Conduct The Required Protest Ballot Proceeding And Set A Time And Place For The Public Hearing

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested

Submitted by: Loren Culp

Action Date: April 20, 2016

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RESOLUTION NO 16-

INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO THE RIDGECREST LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1 AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2016/2017, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

WHEREAS, the City Council through previous resolutions has established and levied annual assessments for the Ridgecrest Landscaping and Lighting District No. 2012-1 (hereinafter referred to as the "District"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act") that provides for the collection of assessments by the County of Kern on behalf of the City of Ridgecrest to pay the maintenance and services of improvements and facilities related thereto; and

WHEREAS, the City Council desires to initiate proceedings for the annexation of territory identified as Tract 6775 and Tract 6700 located on the west side of College Heights Boulevard south of Springer Avenue and north of the existing District comprised of Tract 6740 (hereinafter referred to as the "Annexation Territory"), pursuant to *Chapter 2 Article 2* of the Act; and the establishment of the proposed maximum annual assessment related thereto; and the levy and collection of annual assessments against lots and parcels of land within the Annexation Territory commencing in fiscal year 2016/2017 for the landscaping and lighting improvements and services that will provide special benefits to the properties within the Annexation Territory pursuant to *Chapter 4 Article 2* of the Act and the California Constitution Article XIID; and

WHEREAS, the City Council has retained Willdan as the Assessment Engineer of Work, for the purpose of assisting with the annexation of the territory to the District, the establishment of annual assessments, and to prepare and file an Engineer's Report with the City Clerk in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby resolves as follows:

1. Recitals: The above recitals are true and correct.
2. Engineer's Report: The City Council hereby orders the Assessment Engineer to prepare and file with the City Clerk an Engineer's Report concerning the annexation of territory to the District; the improvements and services connected therewith and the proposed levy of annual assessments beginning in the fiscal year commencing July 1, 2016 and ending June 30, 2017, in accordance with *Chapter 3 Section 22623* of the Act. Said Engineer's Report shall contain a description of the improvements and services, an estimate of the costs financed by the levy of the assessments, the properties benefiting from the improvements and the method of apportioning the assessments connected with the annexation of said territory to the District.

3. Proposed Improvements: The proposed improvements and services designated and to be maintained by the City in connection with the special benefit received by parcels of land within the Annexation Territory, include but are not limited to the maintenance, operation and incidental expenses related to the landscaped areas within the public right-of-ways, easements or public areas (park), and public street lighting associated with the parcels of land within the Annexation Territory and District. These improvements may include, but are not limited to turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities. The maintenance and servicing of these improvements generally include, but are not limited to all materials; equipment, utilities, labor and incidental expenses including administrative expenses required for the annual operation of the District as well as the performance of periodic repairs, replacement and expanded maintenance activities as needed. The Engineer's Report prepared in connection with the Annexation Territory shall provide a more detailed description of the improvements and services to be provided and for which properties are to be assessed.

4. Annexation Territory: The City Council hereby finds that proposed territory within the Annexation Territory consists of all lots, parcels and subdivisions of land within the planned 129 single family residential development identified as Tract 6775 and Tract 6700 that encompasses approximately forty-five acres (45.20 Acres), generally located on the west side of College Heights Boulevard south of Springer Avenue and north of the existing District comprised of Tract 6740, currently consisting Kern County Assessor's Parcel Numbers 510-010-17 and 510-010-18; and that this Annexation Territory along with Tract 6740 includes all properties that will receive special benefits from the improvements to be provided.

5. Assessments: The City Council hereby determines that in order to provide the improvements described in section 3 of this resolution, it is necessary to levy and collect assessments against the lots and/or parcels within the Annexation Territory commencing in fiscal year 2016/2017 and said assessments shall be outlined and described in the Engineer's Report and imposed pursuant to the provisions of the Act and the California Constitution Article XIID.

The foregoing Resolution No- _____ was adopted by the City Council of the City of Ridgecrest on the 20th day of April 2016, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Peggy Breeden, Mayor

ATTEST:

 Rachel Ford
 City Clerk

RESOLUTION NO 16-

DECLARING THE CITY'S INTENTION TO ANNEX TERRITORY TO THE RIDGECREST LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1; AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO COMMENCING FISCAL YEAR 2016/2017, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; AND CALLING FOR A PROPERTY OWNER PROTEST PROCEEDING, TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS THE QUESTION OF LEVYING SUCH ASSESSMENTS AND ESTABLISHING AN ASSESSMENT RANGE FORMULA FOR SAID ANNEXATION TERRITORY PURSUANT TO THE PROVISIONS OF THE CALIFORNIA CONSTITUTION, ARTICLE XIII D

WHEREAS, the City Council, pursuant to provisions of the Landscaping and Lighting Act of 1972 being Part 2, Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act"), did by previous Resolution, initiate proceedings for the annexation of territory identified as Tract 6775 and Tract 6700 (hereafter referred to as the "Annexation Territory") which are proposed to be developed with a total of 129 single-family residential units (53 units in Tract 6700 and 76 units in Tract 6775). The Annexation Territory is generally located on the west side of College Heights Boulevard south of Springer Avenue and north of the existing Landscaping and Lighting District No. 2012-1("District") comprised of Tract 6740 (hereinafter referred to as the "District"); and

WHEREAS, the City Council desires to annex the territory of land comprising the Annexation Territory to the District; and to establish such territory as Zone No. 01, Sub-Zone No. 01B (Tract 6775) and Sub-Zone No. 01C (Tract 6700) within said District, and to levy and collect new assessments against the lots and parcels of land within the Annexation Territory to pay the cost and expenses related to the special benefits received from the maintenance and operation of the landscaping and lighting improvements connected therewith commencing in fiscal year 2016/2017; and,

WHEREAS, the Assessment Engineer of Work has prepared and filed an Engineer's Report in connection with the Annexation Territory and the levy of annual assessments connected therewith commencing in fiscal year 2016/2017 (beginning July 1, 2016 and ending June 30, 2017) with the City Clerk pursuant to Section 22623 of the Act, and said report has been presented to the City Council, and is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby resolves as follows:

1. Recitals: The above recitals are true and correct.
2. Engineer's Report, Content: The Engineer's Report as presented, consists of the following:
 - 2a.) The Plans and Specifications which describe the boundaries of the Annexation Territory, the Sub-Zones therein (Sub-Zone No. 01B -Tract 6775 and Sub-Zone No. 01C -Tract 6700) and the improvements associated therewith that provide special benefits to the parcels therein.
 - 2b.) The Method of Apportionment that details the method of calculating proportional special benefit and the annual assessment obligation for each affected parcel.

- 2c.) The Estimate of Improvement Costs including the calculation of the assessments and the estimated annual funding (Budget) required for the annual maintenance, servicing, and operation of the landscaping and lighting improvements and specifically the costs associated with the improvements determined to be of special benefit to parcels within the Annexation Territory establishing the proposed maximum assessment and the assessment for fiscal year 2016/2017.
 - 2d.) The Assessment Range Formula (Annual Inflationary Adjustment) to be applied to the proposed Maximum Assessment per Equivalent Benefit Unit in subsequent fiscal years. The proposed Maximum Assessments including the Assessment Range Formula shall be presented to the property owner(s) of record in a protest ballot proceeding pursuant to the California Constitution Article XIID.
 - 2e.) An Annexation Territory Diagram outlining the boundaries of the Annexation Territory.
 - 2f.) An Assessment Roll containing the proposed maximum assessment and levy of assessment for fiscal year 2016/2017 for each Assessor Parcel Number within the Annexation Territory.
3. Engineer's Report, Approval: The Engineer's Report is hereby approved on a preliminary basis as submitted or amended by direction of this City Council, and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.
 4. Intention: The City Council hereby declares its intention to annex Tract 6775 and Tract 6700 to the Ridgecrest Landscaping and Lighting District No. 2012-1 pursuant to *Chapter 2 Article 2* of the Act, and to establish said Annexation Territory as benefit zones (Sub-Zones) within said District pursuant to *Section 22574* of the Act; and to levy and collect annual assessments against parcels of land within the Annexation Territory commencing with fiscal year 2016/2017 in accordance with the Act and the provisions of the California Constitution Article XIID. The territory being annexed to the District as part of these proceedings shall subsequently be designated as Zone No. 01, Sub-Zone No. 01B (Tract 6775) and Sub-Zone No. 01C (Tract 6700) of the District. The City Council further declares its intention to conduct a public hearing regarding this annexation of territory to the District and the levy of assessments pursuant to the provisions of the Act and the California Constitution Article XIID and thereby calls for a property owner protest balloting proceeding related thereto. The City Council finds that the public's best interest requires such action and levy of assessments.
 5. Annexation Territory: The City Council hereby finds that proposed territory within the Annexation Territory consists of all lots, parcels and subdivisions of land within the planned 129 single family residential development identified as Tract 6775 and Tract 6700 that encompasses approximately forty-five acres (45.20 Acres), generally located on the west side of College Heights Boulevard south of Springer Avenue and north of the existing District comprised of Tract 6740, currently consisting Kern County Assessor's Parcel Numbers 510-010-17 and 510-010-18; and that this Annexation Territory along with Tract 6740 includes all properties that will receive special benefits from the improvements to be provided.

6. Improvements: The proposed improvements and services designated and to be maintained by the City in connection with the special benefit received by parcels of land within the Annexation Territory, include but are not limited to the maintenance, operation and incidental expenses related to the landscaped areas within the public right-of-ways, easements or public areas (park), and public street lighting associated with the parcels of land within the Annexation Territory and District. These improvements may include, but are not limited to turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities. The maintenance and servicing of these improvements generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses required for the annual operation of the District as well as the performance of periodic repairs, replacement and expanded maintenance activities as needed. The Engineer's Report prepared in connection with the Annexation Territory provides a more detailed description of the improvements and services to be provided and for which properties shall be assessed and by reference that Engineer's Report is made part of this Resolution.
7. Assessments: The City Council hereby determines that to provide the improvements described in section 6 of this resolution, it is necessary to levy and collect assessments against lots and parcels within the Annexation Territory commencing in fiscal year 2016/2017. The Engineer's Report referred to in section 2 of this resolution establishes the proposed maximum assessment for the Annexation Territory including the annual inflationary adjustment to the maximum assessment rate; and the assessment necessary to provide for the annual operation, administration, services and maintenance of the improvements for fiscal year 2016/2017.
8. Compliance with the Constitution: Pursuant to California Constitution Article XIID, an assessment ballot proceeding is hereby called on the matter of confirming the proposed new assessments for the Annexation Territory. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and each property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public hearing for this matter pursuant to the provisions of the California Constitution Article XIID.
9. Mailed Notice and Ballot: The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing; and in the same or separate mailing, mail the property owner protest ballot(s) to the subject property owner regarding the proposed levy of assessments and the assessment range formula outlined in the Engineer's Report, for return receipt prior to the date and time of the public hearing set forth in this resolution.

10. Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing concerning the Annexation Territory, the improvements, and the levy of assessments and in accordance with *Section 22624 (e)* and *22625* of the Act, notice is hereby given that on Wednesday, June 15, 2016 at 6.00 P.M., the City Council will hold a Public Hearing for the Annexation Territory and the levy and collection of assessments related thereto commencing in fiscal year 2016/2017, or as soon thereafter as feasible. The Public Hearing will be held in the City Council Chambers, located at 100 West California Avenue, Ridgecrest, at the time so fixed. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

11. Determination of Majority Protest: The property owner protest ballot proceeding conducted for the Annexation Territory shall constitute the property owner's approval or rejection of the annual levy of assessments and assessment range formula. The property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing on Wednesday, June 15, 2016. After the close of the Public Hearing, pursuant to Section 4, Sub-Section 4 (e) of the California Constitution, the City shall tabulate the ballots returned to determine if majority protest exists. The ballots shall be weighted according to the proportional financial obligation of the affected property. Majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection, and protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

12. Notice: The City Clerk is hereby authorized and directed to give notice of such Public Hearing as provided by law.

The foregoing Resolution _____ was adopted by the City Council of the City of Ridgecrest on the _____ day of _____, 2016, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Peggy Breeden, Mayor

ATTEST:

 Rachel Ford
 City Clerk



City of Ridgecrest Engineer's Annexation Report Landscaping and Lighting District No. 2012-1

Annexation of

Tract 6700
Tract 6775

Intent Meeting: April 20, 2016
Public Hearing: June 15, 2016

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ENGINEER'S ANNEXATION REPORT AFFIDAVIT
Ridgecrest Landscaping and Lighting District No. 2012-1

Annexation of Territory, Tract 6700 and Tract 6775 for
Fiscal Year 2016/2017

City of Ridgecrest,
Kern County, State of California

As part of the Resolution of Intention packet presented for the consideration of the Ridgecrest City Council, this Report and the enclosed budgets, diagrams, and descriptions outline the proposed annexation of territory into the Ridgecrest Landscaping and Lighting District No. 2012-1 and the resulting establishment of assessments and potential zones of benefit related thereto commencing in Fiscal Year 2016/2017. Said annexation territory includes all parcels of land within Tracts 6700 and 6775

Reference is hereby made to the Kern County Assessor's Parcel Maps for a detailed description of the lines and dimensions of each parcel within the annexation territories. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2016.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Ridgecrest

By: _____

Jim McGuire
Principal Consultant

By: _____

Richard Kopecky
R.C.E. # 16742

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Introduction

In Fiscal Year 2012/2013, the City of Ridgecrest, County of Kern, State of California (hereafter referred to as "City"), under the provisions of the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (hereafter referred to as the "1972 Act") and in compliance with the substantive and procedural requirements of the *California State Constitution, Articles XIII D* (hereafter referred to as the "California Constitution") established the assessment district designated as the:

Ridgecrest Landscaping and Lighting District No. 2012-1

Pursuant to the provisions of the 1972 Act and in compliance with the substantive and procedural requirements of the California Constitution, the City has annually levied special benefit assessments within the Ridgecrest Landscaping and Lighting District No. 2012-1 (hereafter referred to as the "District").

The Ridgecrest City Council being the legislative body for the District, may pursuant to the 1972 Act, annex territory and levy annual assessments for the special benefit expenses for the maintenance and operation of improvements including incidental expenses authorized under the 1972 Act. Section 22608 of the 1972 Act states in part "In annexation proceedings, the resolutions, report, notices of hearing, and right of majority protest shall be limited to the territory proposed to be annexed...".

In addition, the 1972 Act further allows various areas to be annexed into an existing district zone of benefit ("Zone"), when the territory in the annexation receives substantially the same proportional special benefits from the improvements provided as other properties in the Zone or established as a separate Zone if the proportional special benefits from the improvements provided are different. The costs associated with the installation, maintenance, and servicing of the improvements may be assessed to those properties, which are benefited by the installation, maintenance, and servicing of such improvements.

By resolution, the City Council has ordered the preparation of this Engineer's Report ("Report") in connection with the proceedings for the annexation of approximately forty-five (45.2) acres of territory west of College Heights Boulevard, south of Springer Avenue, and north of the existing District and Zone 01 boundaries (Tract 6740) located north of Kendall Avenue into the District for Fiscal Year 2016/2017 and referred to hereafter as the:

"Annexation Territory"

This Annexation Territory consists of all lots and parcels of land within the planned residential developments identified as Tract 6700 and Tract 6775 which are proposed to be developed with a total of 129 single-family residential units (53 units in Tract 6700 and 76 units in Tract 6775), which are in addition to the 67 single-family residential units associated with Tract 6740 in the existing Zone 01 of the District. As part of the development of Tract 6700 and Tract 6775, additional landscaping and lighting improvements within the public right-of-ways will be installed (similar to those improvements associated with Tract 6740) and the special benefit costs associated with the ongoing annual maintenance of these improvements are to be levied and collected through the District. At build-out, the improvements installed and maintained for Tract 6740, Tract 6700 and Tract 6775 will collectively be similar in nature and location (the improvements for Tracts 6700 and 6775 being an extension of the improvements associated with Tract 6740) and the properties within these respective tracts will proportionately receive special benefit from those collective improvements. Therefore, the Annexation Territory is being annexed to the District as part of Zone 01 which is currently comprised entirely of Tract 6740. However, it is also recognized that the overall

improvements to be installed and maintained for these three tracts and the parcels therein may be installed in phases as the tracts are developed. Therefore, for administrative purposes and to ensure an equitable apportionment of the annual maintenance and operation expenses, Tracts 6700 and 6775 are being annexed to the District and initially designated as Zone 01B (being Tract 6775) and Zone 01C (being Tract 6700) with the original District development, Tract 6740 being designated as Zone 01A.

This Report has been prepared pursuant to the provisions of the California Constitution and in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the 1972 Act and shall serve as the detailed engineer's report regarding the annexation of this designated Annexation Territory (Tract 6700 and Tract 6775) into the Ridgecrest Landscaping and Lighting District No. 2012-1 and the proposed new assessments to be levied on the properties therein commencing in Fiscal Year 2016/2017 for the proportional special benefits the properties will receive from the ongoing maintenance and servicing of the landscaping and lighting improvements associated with and/or resulting from the development of properties within the Annexation Territory.

The City Council proposes to annex the Annexation Territory, including each lot, parcel, and subdivision of land therein into the District as part of Zone 01 (Tract 6775 being Zone 01B and Tract 6700 being Zone 01C), and to levy and collect annual special benefit assessments on the County tax rolls to provide ongoing funding for the direct expenditures, incidental expenses, and fund balances that are necessary to service and maintain the landscaping and lighting improvements associated with and resulting from the development of property within the Annexation Territory. The improvements described in this Report for the Annexation Territory are based on the initial improvement and development plans for Tracts 6700 and 6775 and are subject to change and modifications when the specific improvement plans and specifications are finalized and by reference those plans and specifications are made part of this Report. The estimated budget provided herein is based on the City's estimate of the improvements and services to be provided to maintain the improvements to be installed in connection with the development of properties in Tracts 6700 and 6775. The resulting annual assessments are calculated utilizing the method of apportionment previously established for the District and are made pursuant to the 1972 Act and the substantive and procedural provisions of the California Constitution.

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

Ballot Proceedings

As part of this annexation proceeding, pursuant to the provisions of Article XIII D, Section 4 of the California Constitution, the City shall conduct a property owner protest ballot proceeding (referred to as "Ballot Proceeding") for the proposed levy of new assessments as described in this Report. In conjunction with this Ballot Proceeding, the City Council will conduct a noticed public hearing (scheduled for June 15, 2016) to consider public testimonies, comments and written protests regarding the levy of the proposed new assessments. Upon conclusion of the public hearing, property owner protest ballots received will be opened and tabulated to determine whether majority protest exists:

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

After completion of the ballot tabulation, the City Council will confirm the results of the balloting. If majority protest exists the proposed new assessments (including the inflationary adjustment), further

proceedings to implement the proposed new assessments and the annexation of the Annexation Territory shall be abandoned at this time.

If tabulation of the ballots indicates that majority protest does not exist for the proposed assessment and the assessment range formula presented and described herein, the City Council may by Resolution approve this Report (as submitted or amended), order the annexation of the Annexation Territory to the District, approve the assessment diagram and confirm the assessments. The City Council may order the levy and collection of the assessments for the Annexation Territory for Fiscal Year 2016/2017 as part of this same Resolution, or subsequently order the levy and collection of the assessments for the Annexation Territory together with the assessments for other properties in the District during the annual assessment approval process for Fiscal Year 2016/2017. In either case, the Annexation Territory assessments for Fiscal Year 2016/2017 if any, shall be submitted to the Kern County Auditor/Controller for inclusion on the property tax roll for each parcel within the Annexation Territory as approved and ordered by the City Council.

Each subsequent fiscal year, an Engineer's Report for the District including the Annexation Territory shall be prepared and presented to the City Council to address any proposed changes to the improvements, budget and assessments for that fiscal year. The City Council shall hold a noticed public hearing regarding these matters prior to approving and ordering the levy of such assessments.

This Report consists of five (5) parts:

Part I

Plans and Specifications: Provides an overall description of the District, the Zones therein and the improvements to be provided including those improvements associated with the Annexation Territory being addressed by this Report. The Zones previously established for this District or established herein as part of this annexation proceedings are based on the type of improvements and services provide to properties within each development and the type of property development (residential versus non-residential).

Part II

Method of Apportionment: A discussion of benefits the improvements and services provide to properties within the District and the method of calculating each property's proportional special benefit and annual assessment. This section also identifies and outlines an Assessment Range Formula that provides for an annual adjustment to the maximum assessment rate initially established by this Report. This Assessment Range Formula limits increases on future assessments, but also provides for reasonable cost adjustments due to inflation without the added expense of additional property owner protest ballot proceedings.

Part III

Budget: An estimate of the annual expenditures and revenues budgeted for the maintenance and servicing of the landscaping and lighting improvements installed and constructed in connection with the development of properties within the Annexation Territory and/or shared with other properties in the District that benefit from similar improvements. The budget(s) include an estimate of anticipated direct maintenance costs and incidental expenses associated with the improvements, including but not limited to administration expenses and the collection of appropriate fund balances. The maximum assessment rates established for the Zones are based on similarities in property developments, improvements, services and expenses. The maximum allowable assessment rate (Rate per Benefit Unit) for each Zone of the District, as approved by a vote of the property owners in

a protest ballot proceeding, includes an assessment range formula that provides for an annual Consumer Price Index adjust to the maximum rate.

Part IV

Diagram: A Diagram showing the exterior boundaries of the Annexations that encompasses each parcel determined to receive special benefits from the improvements. Parcel identification, and the lines and dimensions of each lot and parcel of land within the Annexations, is inclusive of all lots and parcels of land within Tract No. 6700 & 6775.

Part V

Annexation Assessment Roll: A listing of the maximum assessment amount to be levied on each parcel being annexed to the District for Fiscal Year 2016/2017, based on the method of apportionment and budgets described herein. This amount represents each parcel's proportional assessment obligation and proportional weighted assessment amount being balloted for each parcel. The actual amount levied for Fiscal Year 2016/2017 may be less than this balloted amount (adjusted in accordance with the approved assessment range formula) and shall be approved and adopted along with all other assessments for the District.

Part I — Plans and Specifications

District Overview

Description of the Existing District

The Ridgecrest Landscaping and Lighting District No. 2012-1 was originally formed in Fiscal Year 2012/2013 incorporating the residential subdivision identified as Tract 6740. This residential subdivision consists of 67 residential lots located on the west side of College Heights Boulevard and north of Kendall Avenue. The parcels within this development are identified by Assessor's Parcel Numbers 510-211-01 through 510-211-16, 510-212-01 through 510-211-16, 510-213-01 through 510-213-17 and 510-214-01 through 510-214-12

Description of the Annexation Territory

As directed by the City Council, this Report addresses the proposed annexation of territory to the District for Fiscal Year 2016/2017, consisting of the following developments including all the lots, parcels and subdivisions of land therein and generally described as:

Tract 6775: This tract is planned to be developed with 76 single-family residential parcels at build-out. This residential tract is located on the west side of College Heights Boulevard adjacent to and north of the existing District (Tract 6740) and south of Tract 6700 and Springer Avenue. At the time this Report was prepared, Tract 6775 is identified by a single Assessor's Parcel Number (510-010-18). Based on the street lighting and landscaping improvements to be installed in connection with this development and/or its shared benefit from nearby District improvements, Tract 6775 is being annexed into the District as part of Zone 01 for Fiscal Year 2016/17.

Tract 6700: This tract is planned to be developed with 53 single-family residential parcels along with a park and storm drain basin at build-out. This residential tract is located on the west side of College Heights Boulevard, south of Springer Avenue and north of the adjacent subdivision Tract 6775. At the time this Report was prepared, Tract 6700 is identified by a single Assessor's Parcel Number (510-010-17). Based on the street lighting and landscaping improvements to be installed in connection with this development and/or its shared benefit from nearby District improvements, Tract 6700 is being annexed into the District as part of Zone 01 for Fiscal Year 2016/17.

Improvements and Services

The purpose of this District is to ensure the ongoing maintenance, operation and servicing of local landscaping and lighting improvements and amenities established or installed in connection with development of the properties within the District. The specific improvements to be maintained are identified in various plans and documents associated with Tract 6740 (existing District) and Tracts 6700 and 6775 (Annexation Territory) which are on file with the City and by reference these plans and documents are made part of this Report. With the inclusion of the Annexation Territory, these improvements generally include street lighting within and adjacent to the tract and the various landscaped areas on the perimeter of the developments including the public parkways and easements on the west side of College Heights Boulevard, the north side of Kendall Avenue and the south side of Springer Avenue. Through annual special benefit assessments, properties within the District fund in part the estimated costs associated with the regular annual maintenance, operation, and servicing of the landscaping and street lighting improvements installed in connection with and for the special benefits of the properties within the District. The cost of the improvements determined to be of special benefit and assessed to properties within the District may include the estimated expenditures for regular annual maintenance and repairs, incidental expenditures related to the

operation and administration of the District, deficits or surpluses from prior years, revenues from other sources, and the collection of adequate funds for operational reserves and periodic expenditures for repairs and rehabilitation of the improvements. Generally, the District improvements are described as:

Landscape Improvements

The landscape improvements for the District may include, but are not limited to turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, and associated appurtenant facilities located in the public. The maintenance and servicing of the improvements generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses required for the annual operation of the District as well as the performance of periodic repairs, replacement and expanded maintenance activities as needed to provide for the growth, health, and beauty of landscaping and/or the proper operation and functioning of the irrigation and drainage systems as well as the related hardscape amenities including fencing and sidewalks within the public-right-of-ways.

Street Lighting Improvements

Public street lighting improvements to be funded by the District assessments may include, but are not limited to, electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities for all street lights within the residential developments and/or adjacent to the developments on the perimeter streets.

Existing District Improvements

The improvements installed in connection with Tract 6740 (the existing District) are more fully described in the Engineer's Report prepared annually for the District, but are summarized here for reference purposes:

Landscape Improvements (Tract 6740)

Approximately 5,450 square feet of landscaped area located on the west side of College Heights Boulevard from the northern boundary of Tract 6740 (Northeast Corner of Lot 1) south to Salt River Drive including the entryway landscaping at the corner of Salt River Drive, which is adjacent to Lot 33;

Approximately 3,982 square feet of landscaped area located on the west side of College Heights Boulevard from Salt River Drive south to Kendall Avenue including the entryway landscaping at the corners of Salt River Drive (adjacent to Lot 34) and Kendall Avenue (adjacent to Lot 61);

Approximately 1,480 square feet of landscaped area located on the north side of Kendall Avenue between College Heights Boulevard (adjacent to Lot 62) to Wild Thorne Drive including the entryway landscaping at the corner of Wild Thorne Drive (adjacent to Lot 67);

Approximately 1,243 square feet of landscaped area located on the north side of Kendall Avenue between Wild Thorne Drive and Del Rosa Street including the entryway landscaping and easements at the corners of Wild Thorne Drive (adjacent to Lot 50) and Del Rosa Street (adjacent to Lot 49).

Street Lighting Improvements (Tract 6740)

Sixteen (16) street lights located within Tract No. 6740 and ten (10) street lights on the perimeter of Tract No. 6740 College Heights Boulevard and Kendall Avenue.

Any other public lighting facilities on the streets surrounding or adjacent to Tract 6740 including future traffic signals that may be deemed necessary or desired for the safe ingress or egress to the properties within the District.

Annexation Territory Improvements

The improvements to be installed in connection with Tracts 6700 and 6775 (the Annexation Territory) are summarized in the following. At the time this Report was prepared, the specific plans and specifications for the landscaping and street lighting improvements for Tracts 6700 and 6775 have not been finalized and are subject to change. However, such changes if any, are not anticipated to be of a sufficient nature to change the proportional special benefit or assessments described in this Report. The following improvement descriptions are based on information contained in the tentative tract maps for Tracts 6700 and 6775, related development documents provided by the City, and the previously established plans and specifications for Tract 6740. Collectively these documents provided sufficient background information to estimate the type and quantity of improvements that will be installed in connection with the development of properties within the Annexation Territory and to develop the estimated expenses and proportional special benefit assessments outlined in this Report and by reference, these documents for Tracts 6740, 6700, and 6775 are made part of this Report.

Landscape Improvements (Tracts 6700 and 6775)

Approximately 29,185 square feet of park area located within Tract 6700, including but not limited to various park facilities and equipment, landscaping and irrigation system.;

Approximately 49,600 square feet of minimally landscaped drainage basin/sump area located within Tract 6700 adjacent to the park area. (This drainage basin/sump area is primarily funded through the Drainage Benefit Assessment District No. 2016-1, but the landscape improvements associated with this facility may in part be funded by the assessments for this District);

Approximately 15,035 square feet of landscaped area (14' foot wide landscape easement) located on the west side of College Heights Boulevard from the northern boundary of Tract 6740 (Northeast Corner of Lot 1) north to Springer Avenue;

Approximately 5,015 square feet of landscaped area located on the south side of Springer Avenue between College Heights Boulevard and the western boundary of Tract 6700;

The landscaping to be installed along College Heights Boulevard and Springer Avenue will be drought tolerant landscaping;

Any other landscaping facilities on the streets surrounding or adjacent to 6700 and 6775 identified in the final development plans.

Street Lighting Improvements (Tracts 6700 and 6775)

It is estimated that there will be approximately thirty-two (32) street lights located within Tracts 6700 and 6775 and eighteen (18) street lights on the perimeter of the two tracts along College Heights Boulevard and Springer Avenue.

Any other public lighting facilities on the streets surrounding or adjacent to Tracts 6740, 6700 and 6775 including future traffic signals that may be deemed necessary or desired for the safe ingress or egress to the properties within the District.

Excluded Improvements

Not included as District improvements are improvements located on private property other than the areas designated above as easements. Such improvements and facilities including street trees shall be provided and maintained by the individual property owners.

Part II — Method of Apportionment

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

Section 22573 defines the net amount to be assessed as follows:

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

Section 22574 provides for zones as follows:

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

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

Proposition 218 Benefit Analysis

The costs of the proposed improvements are identified and allocated to properties within each Zone and/or Sub-Zone within the District based on special benefit. The improvements provided and for which properties are to be assessed are identified as local public landscaping and lighting improvements and related amenities that were installed in connection with the development of the properties and/or would otherwise be required for the development of properties within each respective Zone and/or Sub-Zone. The assessments and method of apportionment is based on the premise that these improvements would otherwise not have been required without the development of those parcels within Tracts 6740, 6700, and 6775.

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

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

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

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

The local improvements provided by this District and for which properties will be assessed have been identified as necessary, desired and required for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City's General Plan. As such, these particular improvements are clearly the direct result of developing each of the individual lots and parcels within the District and although the improvements are within the public right-of-ways or dedicated easements, the financial obligation to support and maintain such improvements would be necessary and required of the individual property owners either directly or through an association if the District was not established. Clearly these local improvements and the long term maintenance and servicing of those improvements directly affect each property and provide shared special benefits including, but not limited to:

- enhanced property safety (protection and access) from local street lights within and adjacent to the development;
- enhanced property and neighborhood appearance (esthetics) resulting from well-maintained landscaped areas, graffiti and debris control on the perimeter and entryways to the development; and,
- the long term economic and environmental advantages to properties including the enhanced presentation and marketability of properties that have such improvements, expanded green space and trees which reduce traffic noise and dust, and the long-term cost-efficiency of services being provided by the City (economy of scale) as well as the regulatory restrictions on future cost increases.

Based on the parameters of special benefit as outlined by the Constitution, general benefit may be described as an overall and similar benefit to the public in general resulting from the improvements, activity or service to be provided for which an assessment is levied. Although the District improvements are located on public streets that are visible to the general public, it is clear that the ongoing maintenance of these improvements are only necessary for the appearance, safety and advantage of the properties within the District and are not required nor necessarily desired by any properties outside the District boundary. Inasmuch as the improvements and the services to be provided are specific to the development and properties within the District boundaries and these improvements and services do not extend beyond the District boundaries (The District encompasses all properties receiving special benefits), any access or proximity to these improvements by other nearby properties or developments would be considered incidental and the potential general benefits to the public at large are considered intangible. Therefore, it has been determined that these District improvements provide no measurable or quantifiable general benefit to properties outside the District or to the public at large.

The method of apportionment (method of assessment) established herein is based on the premise that each assessed property receives special benefits from the improvements, services and activities to be funded by such assessments, and the assessment obligation for each parcel reflects that parcel's proportional special benefits as compared to other properties that receive special benefits as outlined in the preceding definitions established in the California Constitution. The proposed assessment revenues to be collected for the District provide a means by which property owners can collectively and effectively fund the cost of shared local improvements that directly impact their property. The District assessments will support the operation and maintenance of the District improvements and shall be used for only that purpose, consistent with the intent of the Act and the Constitution.

Assessment Methodology

The City annually levies and collects special benefit assessments in order to maintain and service the improvements. The estimated annual cost to maintain the improvements are identified in the budget section of this Report, including all estimated annual expenditures; funding for long term repair, replacement and rehabilitation costs; incidental expenses necessary to operate and support the district including administration and authorized reserve; and any revenues from other sources or previous deficit funding that would adjust the amount to be assessed.

In order to calculate and identify the proportional special benefit received by each parcel and ultimately each parcel's proportionate share of the improvement costs it is necessary to consider not only the improvements and services to be provided, but the relationship each parcel has to those improvements as compared to other parcels in the District

Article XIID Section 4a reads in part:

"...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 or the maintenance and operation expenses of a public improvement or for the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The benefit formula used to determine the assessment obligation is based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements. To identify and determine the special benefit to be received by each parcel and its proportional share of the improvement costs it is necessary to consider both the planned improvements and the properties that benefit from those improvements.

Landscaping and lighting improvements like most public improvements, provide varying degrees of benefit (whether they be general or special) based largely on the extent of such improvements, the location of the improvements in relationship to properties, the different types of properties associated with the improvements and the reason or need for such improvements as it relates to individual properties. To establish the proportional special benefit of each parcel, these factors need to be addressed and formulated in the method of apportionment by the use of benefit zones that reflect the extent and location of the improvements in relationship to the properties, as well as the specific use and size of each property which reflects each parcel's need for such improvements and its reasonable cost of the proportional special benefit as compared to other properties that benefit from those same improvements.

Zones of Benefit

In an effort to ensure an appropriate allocation of the estimated annual cost to provide various improvements based on proportional special benefits, Districts often times include benefit zones ("Zones") as authorized pursuant to Chapter 1 Article 4, Section 22574 of the 1972 Act:

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

While the California Constitution 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 or the maintenance and operation expenses of a public improvement..."; it is

reasonable to conclude that certain landscaping and lighting improvements may benefit most if not all properties within a district while other improvements may only provide special benefits to specific parcels, developments or portions of the district (particularly in larger districts), while still other improvements may be identified and proportionately allocated as both special benefits and a general benefit.

For Fiscal Year 2016/2017, all parcels, lots, subdivisions and developments within the District (Existing District and Annexation Territory) shall be identified and grouped into one zone of benefit referred to as Zone 01. Collectively, this Zone will incorporate the adjacent residential developments identified as Tract 6740, Tract 6700 and Tract 6775. Although identified as separate tracts, the landscaping and lighting improvements installed in connection with these developments are similar in nature with the exception of the park to be constructed within Tract 6700, but that park is not specifically for Tract 6700, but rather required for the development of all three tracts. Ultimately at build-out, the parcels within these developments will collectively and proportionately receive special benefit from the combined landscaping and lighting improvements installed in connection with those developments. However, it is also recognized that each of these tracts will likely not be developed at the same time and portions of the improvements associated with each tract may be installed and accepted by the City for maintenance at different times.

At the time this Report was prepared, the time frame for the development of the residential parcels and the installation of the associated improvements has not yet been determined. Therefore, for administrative purposes and to ensure an equitable apportionment of the annual maintenance and operation expenses for Zone 01, each of the three tracts include in the Zone will initially be designated as Sub-Zones:

- Tract 6740 (original Zone 01) will be referred to as Zone 01A.
- Tract 6775 will be annexed to the District and initially designated as Zone 01B;
- Tract 6700 will be annexed to the District and initially designated as Zone 01C; and,

This Sub-Zone structure will allow for each development and the parcels therein to be assessed for the improvements provided as development occurs. For example, it is anticipated that Tract 6740 will continue to be assessed in Fiscal Year 2016/2017 for the street lighting and landscaping improvements already installed in connection with that development, but Tracts 6700 and 6775 have not been subdivided yet and have not installed any improvements and therefore should not be subject to the same assessments as the parcels in Tract 6740 for Fiscal Year 2016/2017. Initially establishing each tract as Sub-Zones provides the mechanism to address the differences in special benefit as the tracts are being developed. However, as development occurs within Tracts 6700 and 6775 and improvements are installed the annual maintenance cost of those improvements along with those similar improvements in Tract 6740 will be proportionately allocated to parcels in each Tract (Sub-Zone). Ultimately when all improvements have been installed and accepted by the City for maintenance, all parcels within Zone 01 will be proportionately assessed for the improvements provided in the Zone and the initial Sub-Zones can be consolidated into a single Zone designation (Sub-Zones will be eliminated).

By establishing and utilizing a Zone and Sub-Zone structure, similar properties with similar types of improvements will be assessed a proportional amount for the total annual expenses related to the maintenance, operation and servicing of the improvements provided by the District and for which the properties receive special benefits.

A diagram showing the exterior boundaries of the Original District and the Annexations are attached and incorporated herein under Part IV (District Diagram) of this Report.

Equivalent Benefit Units

In addition to the use of Zones and Sub-Zones, the method of apportionment established for the District to reflect the proportional special benefit of each parcel utilizes a weighted methodology of apportionment commonly referred to as an Equivalent Benefit Unit (EBU) methodology. This method of apportionment establishes the single-family home site as the basic unit of assessment. A single-family residential unit or lot is assigned one (1.0) Equivalent Benefit Unit (EBU) and other property types (land uses) are proportionately weighted (weighted EBU) based on a benefit formula that equates each property's specific characteristics and special benefits to that of the single-family residential unit. This proportional weighting may be based on several considerations that may include, but are not limited to: the type of development (land use), development-status (developed versus undeveloped), size of the property (acreage or units), vehicular trip generation, street frontage, densities or other property related factors including any development restrictions or limitations; as well as the property's location and proximity to the improvements (which would be addressed by its Zone designation).

For most local landscaping and lighting improvements and assessments, the most appropriate proportional special benefit calculation for each parcel is reasonably determined by three basic property characteristics:

- Proximity — As previously noted, each parcel in the District shall be identified and grouped into Zones and/or Sub-Zones based on each parcel's proximity and relationship to the District improvements;
- Land use — Residential Use, Commercial/Industrial Use; Institutional Use, Vacant Land (Undeveloped Property), Public Property etc.; and,
- Property Size — Acreage for non-residential properties (both developed and undeveloped); Units for residential properties. Property size (acreage or units) provides a definable and comparative representation of each parcel's proportional special benefit not only to similar types of properties but to other properties as well.

This Report specifically addresses the Annexation Territory potentially comprised of single-family residential property, vacant property and exempt property only. Therefore, only those land uses are addressed in this Report, but a more comprehensive method of apportionment (proportional benefit calculation) that incorporates other commonly classified land use can be found in the original Formation Engineer's Report, although portions of that that method of apportionment may be modified as territories comprised of various land uses are annexed into the District.

Single-Family Residential Property — is defined as a fully subdivided residential home site with or without a structure. For purposes of establishing the proportional special benefits and equivalent benefit units for other land uses in this District, the single-family residential land use is designated as the basic unit of assessment and shall be assigned 1.000 EBU per parcel.

Vacant Property — is defined as property that has been identified as undeveloped, but has reasonable development potential (Few or no development restrictions). When considering the special benefits from landscaping and lighting improvements it becomes evident that the proportional special benefits associated with vacant property is clearly less than that of developed properties. Although vacant properties certainly derive special benefits from local landscaping and lighting improvements, these special benefits are limited to the land (lot) itself. Conversely, approximately half of the direct and immediate special benefits for developed properties are related to the daily use or potential use of that property. Therefore, the Equivalent Benefit Units applied to these properties shall be based on 0.500 EBU per acre with the same minimum and maximum acreage limits that are applied to other acreage-based properties. These limits result in a minimum Equivalent Benefit Unit

of 0.125 EBU for parcels less than one-quarter of an acre and a maximum Equivalent Benefit Unit of 5.000 EBU for parcels greater than ten acres.

Exempt Property (Parcel) — identifies parcels that for various reasons, it has been determined that the parcel does not and will not receive special benefits from the improvements. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, or other publicly-owned or utility-owned land that serves the community or general public and are not considered or classified as developed public properties;
- Parcels of land that are privately owned, but cannot be developed independently from an adjacent property or is part of a shared interest with other properties, such as common areas, sliver parcels, bifurcated lots or properties with very restrictive development potential or use.

Because these properties either provide a public service that is comparable to landscaping or street lighting improvements, or they are dependent on another property or development, these types of parcels have no direct need for such improvements and are considered to receive no special benefits. Therefore these parcel shall be exempt from assessment and are assigned 0.0000 EBU. However, these properties shall be reviewed annually by the assessment engineer to confirm the parcel's use and/or development status has not changed.

Special Case Property — In many districts where multiple land use classifications are involved or the properties being developed are being constructed in phases, there may be one or more properties that the standard land use classifications do not accurately identify the use and special benefits received from the improvements or there may be something about that particular parcel that should be noted for review in subsequent fiscal years.

The Equivalent Benefit Units assigned to Special Case Properties will vary depending on the circumstances and reasons for treating each particular property as a Special Case. The Equivalent Benefit Unit(s) assigned to each such parcel may be based on adjusted acreage, units, planned subdivided lots, or a combination of those factors. The City and/or the assessment engineer tasked with the administration of the District shall annually review each parcel designated as a Special Case Property and based on that review shall make appropriate adjustments to that property's land use and Equivalent Benefit Unit assignment as warranted.

Allocation of Improvement Costs

Pursuant to the provisions of the California Constitution, the proportionate special benefit derived by each parcel within the District and its corresponding assessment obligation shall be determined in relationship to the entirety of the capital cost of a public improvement or the maintenance and operation expenses of a public improvement.

The benefit formula applied to parcels within this District is based on the preceding EBU discussion and table. Each parcel's EBU correlates the parcel's special benefit received as compared to the other parcels benefiting from the District improvements.

The following formula is used to calculate each parcel's proportional benefit:

$$\text{Property Type EBU} \times (\text{Acreage/Units/Parcel/Lot}) = \text{Parcel EBU}$$

An assessment amount per EBU ("Rate") for the District improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBUs for parcels benefiting from such improvements.

$$\text{Total Balance to Levy} / \text{Total EBUs} = \text{Levy per EBU ("Rate")}$$

This amount is then applied back to each parcel's individual EBU to determine each parcel's proportionate benefit and assessment obligation.

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

Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. The Brown Act defines the terms "new or increased assessment" to exclude certain conditions. These certain conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed."

Recognizing that the cost of maintaining the improvements will likely increase over time due to inflation, the Annexation Territory assessments (initial maximum assessment rate established herein for fiscal year 2016/2017) shall include a fixed 3.5% annual inflationary adjustment (Assessment Range Formula). This 3.5% annual adjustment provides for reasonable increases and inflationary adjustment to the initial maximum assessment rate to be approved by the property owners as part of the protest ballot proceeding to be conducted in connection with the formation of this District.

The adoption of the maximum assessment rate and the Assessment Range Formula described herein does not mean that the annual assessments will necessarily increase each year nor does it absolutely restrict the assessments to the adjustment amount. Although the maximum assessment amount that may be levied shall be adjusted (inflated) by 3.5% each year, the actual amount to be assessed will be based on the District's estimated costs (budget) for that year. If the calculated assessment is less than the adjusted maximum assessment, then the calculated assessment may be approved by the City Council for collection. If the calculated assessment (based on the proposed budget) is greater than the adjusted maximum assessment for that fiscal year, then the assessment is considered an increased assessment and would require a property owner approval through a protest ballot proceeding before imposing such an increase. Otherwise, it would be necessary to reduce the budget or provide a contribution from the City to reduce the amount to be levied to an amount that can be supported by an assessment rate less than or equal to the maximum assessment rate authorized for that fiscal year.

The Assessment Range Formula (3.5% annual adjustment) shall be applied to the proposed maximum assessment rate identified in the budget in Part III of this Report commencing in fiscal year 2017/2018 and all subsequent fiscal years unless the City Council formally suspends its application.

Part III — District Budget

The following budget outlines the estimated costs to maintain the improvements at build-out and establishes the initial Maximum Assessment per EBU (Maximum Assessment Rate) and the proposed budget and applicable assessment rates for Fiscal Year 2016/2017.

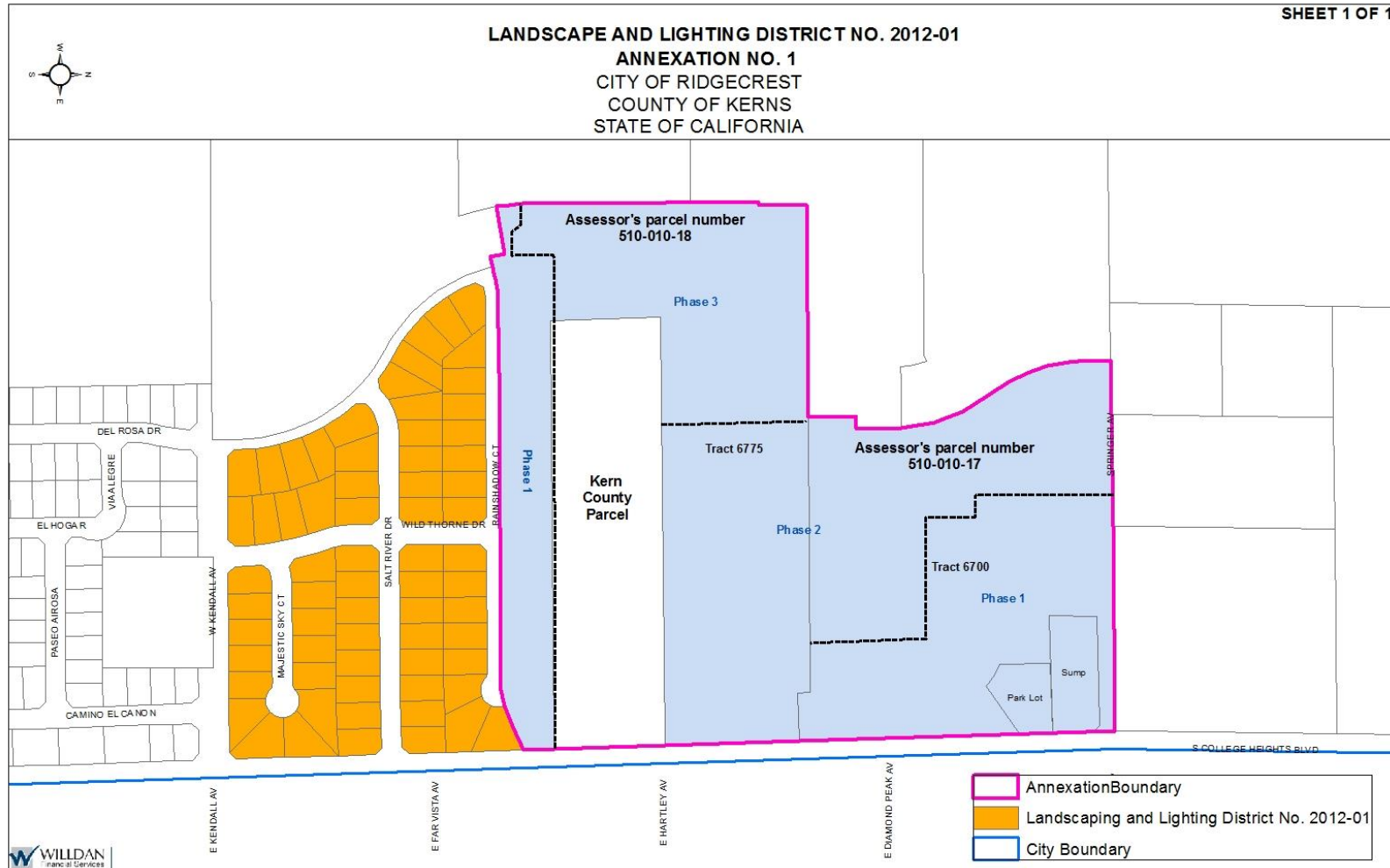
BUDGET ITEMS	Total Budget & Assessment Rate		Total Budget & Assessment Rate	
	Maximum Authorized	Proposed Fiscal Year 2016/2017	Maximum Authorized	Proposed Fiscal Year 2016/2017
	Tract 6700	Tract 6700	Tract 6775	Tract 6775
ANNUAL LANDSCAPE MAINTENANCE (DIRECT COSTS)				
Landscape Maintenance	\$ 3,347	\$ -	\$ 4,799	\$ -
Tree Maintenance	272	-	390	-
Sidewalk Maintenance	66	-	94	-
Masonry Wall & Fencing Maintenance	303	-	434	-
Graffiti/Nuisance Abatement	132	-	189	-
Total Annual Maintenance	\$ 4,119	\$ -	\$ 5,906	\$ -
Landscape Water	\$ 1,404	\$ -	\$ 2,013	\$ -
Landscape Electricity	175	-	252	-
Total Annual Landscape Utilities (Water & Electricity)	\$ 1,579	\$ -	\$ 2,264	\$ -
Total Annual Lighting (Maintenance & Energy)	\$ 3,930	\$ -	\$ 5,636	\$ -
Annual Maintenance Direct Costs (Total)	\$ 9,628	\$ -	\$ 13,806	\$ -
ANNUAL REHABILITATION/REPLACEMENT COLLECTION				
Parkway Rehabilitation/Replacements (In ROW)	\$ 97	\$ -	\$ 138	\$ -
Slope Rehabilitation/Replacements (Easement)	57	-	82	-
Tree Rehabilitation/Replacements	404	-	579	-
Sidewalk Rehabilitation/Replacements	31	-	44	-
Masonry Wall Rehabilitation/Replacements	298	-	428	-
Street Light Rehabilitation/Replacements	386	-	554	-
Annual Rehabilitation/Replacement Funding	\$ 1,272	\$ -	\$ 1,824	\$ -
Total Annual Maintenance Funding	\$ 10,900	\$ -	\$ 15,630	\$ -
INCIDENTAL & OTHER ANNUAL FUNDING EXPENSES				
Reserve Fund Collection	\$ 548	\$ 137	\$ 786	\$ 196
City Administration/Service Expenses	4,600	4,600	6,595	6,595
County Administration Fees	29	29	43	43
Miscellaneous Administration Expenses	39	39	57	57
Total Annual Incidental Funding Expenses	\$ 5,217	\$ 4,806	\$ 7,481	\$ 6,891
Total Annual Expenses	\$ 16,117	\$ 4,806	\$ 23,112	\$ 6,891
CONTRIBUTIONS/FUNDING ADJUSTMENTS				
Revenues from Other Sources	\$ -	\$ -	\$ -	\$ -
City Contribution	-	-	-	-
Total Contributions	\$ -	\$ -	\$ -	\$ -
Balance to Levy	\$ 16,117	\$ 4,806	\$ 23,112	\$ 6,891
DISTRICT STATISTICS				
Total Parcels	53	1	76	1
Parcels Levied	53	1	76	1
Total Benefit Units	53.00	26.50	76.00	38.00
Levy per EBU (Applied)	\$304.0991	\$181.35	\$304.0991	\$181.35
* Maximum Assessment Rate per EBU	\$304.0991	\$304.0991	\$304.0991	\$304.0991

Part IV — District Diagram

The lots and parcels of land within the District consist of the lots and parcels within and associated with the planned residential development known as Tract No. 6700 and 6775.

As of the writing of this Report, these lots and parcels of land are inclusive of the Kern County Assessor's Parcel Maps as Book 510; Page 01, Parcel 17 & 18, and by reference this map and the lines and dimensions described therein are made part of this Report. The District Diagram (boundary map) is provided on the following page and encompasses the entire residential development identified as Tract No. 6700 & 6775, the boundaries of which are conterminous with the boundaries of parcel 510-010-17 & 510-010-18, and by reference the diagrams and maps filed for Tract No. 6700 & 6775 including the lines and dimensions described therein are made part of this Report. The combination of the District Diagram and the Assessment Roll contained in Part V of this Report constitutes the Assessment Diagram for this Annexation into the District.

ANNEXATION DIAGRAM



PART V — ASSESSMENT ROLL

Parcel identification for each lot or parcel within the Annexation Territory shall be the parcels as shown on the Kern County Secured Roll for the year in which this Report is prepared and reflective of the Assessor's Parcel Maps.

The following is a list of the lots and parcels of land (parcels) within the District and the corresponding maximum assessments being set for Fiscal Year 2016/2017 as determined by the assessment rate and method of apportionment described herein:

APN	Owner	Tract	Zone	Acres	EBU	Max Rate	Maximum Assessment 2016/2017
510-010-17	NO STAR IRA PARTNERS LLC	6700	01C	20.9	53.00	304.0991	\$16,117.25
510-010-18	NO STAR IRA PARTNERS LLC	6775	01B	24.3	76.00	304.0991	\$23,111.53

Note: EBUs are based on Units at buid-out

The following is a list of the lots and parcels of land (parcels) within the District and the corresponding proposed assessments to be levied and collected for Fiscal Year 2016/2017 as determined by the assessment rate and method of apportionment described herein:

APN	Owner	Tract	Zone	Acres	EBU	Max Rate	Proposed Assessment 2016/2017
510-010-17	NO STAR IRA PARTNERS LLC	6700	01C	20.9	26.50	\$181.35	\$4,805.78
510-010-18	NO STAR IRA PARTNERS LLC	6775	01B	24.3	38.00	\$181.35	\$6,891.30

Note: For Fiscal Year 2016/2017, both parcels 510-010-17 and 510-010-18 are being treated as special case properties while development and subdivision of the properties occurs, each parcel has been assigned EBUs based on ½ the proposed units at buid-out.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The Ridgecrest City Council Accepting A Grant of Easement Deed for Additional Street Right of Way for North Warner Street Improvements From Mr. Robert Jennings and Mrs. Guadalupe Lopez Jennings for Valuable Consideration of Four Thousand Five Hundred Eighty Seven Dollars, (\$4,587.00); And Authorizing The City Manager To Sign the Acquisition of Easement Agreement and The Mayor To Sign The Certificate Of Acceptance

PRESENTED BY:

Dennis Speer, Director of Public Works

SUMMARY:

The North Warner CMAQ Project from West Drummond Ave. to West Howell Avenue is a widening project requiring additional right of way in order to construct two full paved lanes of street improvements. The Jennings parcel extended to the street centerline requiring full half width street dedication of 30' along the entire parcel frontage along N. Warner St. The total acquisition is 4,587 square feet of the Westerly 30' of APN 067-210-03. Due to the federal funding requirements, the easement was appraised and negotiated per the FHWA requirements for acquiring right of way. Quad Knopf's sub-consultant, Paragon Partners, is the firm that performed the required easement acquisition services. After multiple rounds of offers and counter offers, Mr. & Mrs. Jennings agreed to sell the easement for \$4,587.00.

Funds for the easement acquisition will come from TAB.

Attached are the Appraisal Report, Acquisition of Easement Agreement, Legal Description, Plat Map And Certificate Of Acceptance.

FISCAL IMPACT:

TAB funds in the amount of \$4,587.00

Reviewed by Finance Director

ACTIONS REQUESTED

1. Authorize the Finance Director to amend the budget to reflect all appropriate capital, revenue, and transfer accounts.
2. City of Ridgecrest, City Council Accept the Grant of Easement Deed for the Westerly 30' of APN 067-210-03.
3. Authorize the City Manager to sign the Acquisition of Easement Agreement
4. Authorize the Mayor to execute the Certificate of Acceptance.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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RESOLUTION NO. 16-

A RESOLUTION OF THE RIDGECREST CITY COUNCIL ACCEPTING A GRANT OF EASEMENT DEED FOR ADDITIONAL STREET RIGHT OF WAY FOR NORTH WARNER STREET IMPROVEMENTS FROM MR. ROBERT JENNINGS AND MRS. GUADALUPE LOPEZ JENNINGS FOR VALUABLE CONSIDERATION OF FOUR THOUSAND FIVE HUNDRED EIGHTY SEVEN DOLLARS, (\$4,587.00); AND AUTHORIZING THE CITY MANAGER TO SIGN THE ACQUISITION OF EASEMENT AGREEMENT AND THE MAYOR TO SIGN THE CERTIFICATE OF ACCEPTANCE

WHEREAS, the North Warner Street Project from W. Drummond Avenue to W. Howell Avenue is a CMAQ federally funded paving and widening project; and

WHEREAS, the above Grant of Easement Deed is necessary to construct the improvements; and

WHEREAS, the easement acquisition is required to follow the federal funding requirements; and

WHEREAS, the negotiated price for the easement acquisition is Four Thousand Five Hundred Eighty Seven Dollars, (\$4,587.00); and

WHEREAS, funds for the purchase of the easement will come from TAB.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.
2. Authorizes the City Council of the City of Ridgecrest to accept the Grant of Easement Deed for the Westerly 30' of APN 067-210-03.
3. Authorize the City Manager to sign the Acquisition of Easement Agreement
4. Authorizes the Mayor, Peggy Breeden to Execute the Certificate of Acceptance.

APPROVED AND ADOPTED this 20th day of April 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel Ford, City Clerk

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PROJECT: City of Ridgecrest – North Warner Street Improvements
APN # 067-210-03 (portion of)

ACQUISITION OF EASEMENT AGREEMENT

This Agreement is made between the City of Ridgecrest, a California municipal corporation of the State of California (“City”), and:

Robert Jennings and Guadalupe Lopez Jennings, Husband and Wife as Joint Tenants

(hereinafter collectively referred to as “Owner”) for a portion of certain property interests located in the City of Ridgecrest, California for a public project consisting of improvements to North Warner Street (“the Project”).

1. AGREEMENT TO SELL AND PURCHASE

Owner agrees to sell and convey to City, and City agrees to purchase from Owner, pursuant to the terms and conditions set forth in this Agreement, the following:

SEE EXHIBITS “A” & “B” ATTACHED

2. PURCHASE PRICE

City shall pay Owner the sum of **Four Thousand Five Hundred Eighty Seven Dollars (\$4,587.00)** (“Purchase Price”) for the Easement, including all improvements, damages, and severance, if any, as follows:

APN: Portion of 067-210-03

4,587SF @\$1.00/square foot	
Total	\$4,587.00
Rounded to	<u>\$4,587.00</u>

3. CONDITION OF TITLE

Owner warrants that:

- A. They are the owners of the property rights to be transferred by this Agreement and are empowered to execute the conveyance documents and this Agreement.
- B. The portion of the parcel needed is not encumbered by any mortgage, deed of trust, or other encumbrance evidencing indebtedness except as may be shown on the Preliminary Title Report - Exhibit C.
- C. The portion of the parcel needed is not encumbered by any lease or rental agreement.

4. OWNER'S INDEMNIFICATION

Owner covenants and agrees to indemnify and hold City harmless from any and all claims that third parties may make or assert with respect to the fee title. The Owner's obligation herein to indemnify City shall not exceed the amount paid to the Owner under this Agreement.

5. DELIVERY OF DOCUMENTS

The Agreement and the Grant of Easement Deed shall be executed and delivered by Owner to City. City shall not be deemed to have accepted delivery of the Grant of Easement Deed until such time as the Grant of Easement Deed is recorded in the Official Records of the County of Kern, California.

6. POSSESSION

Notwithstanding any other provision in this Agreement, the parties agree that the City may obtain the right of possession and use of the Subject Property described in Exhibit A and B of this Agreement, including the right to remove and dispose of improvements at any time on or after the Grant of Easement Deed is recorded with the County Recorder's Office. The parties further agree that the Purchase Price includes full payment for such possession and use from the date the City provides written notice of its intent to exercise such right. If the City desires to obtain possession and use of the Subject Property, City will provide 30-day written notice to Seller stating the effective date of such right of possession and use of the Subject Property.

7. NOTIFICATION TO ASSESSOR

City shall provide the County Assessor with a copy of this Agreement once it is executed and recorded so that the County Assessor may determine whether apportionment and cancellation of any taxes resulting for the sale of the portion of the parcel needed is appropriate.

8. ENVIRONMENTAL ASSESSMENT PRIOR TO CLOSE OF ESCROW

Owner agrees that City may wish to perform an environmental assessment of the property. Such an assessment includes what is commonly referred to as a Phase I analysis, and, if necessary thereafter, a Phase II analysis. A Phase II analysis may require test borings to determine the existence and extent of any toxic substances or hazardous materials on the Property. City shall return the Property to its pre-existing condition if test borings are done and City thereafter, for whatever reason, does not purchase the portion of the property required by the City.

9. PURCHASE CONTINGENT ON PROPERTY BEING FREE OF TOXICS

Owner understands and agrees that City has no obligation to purchase the portion of the parcel if it is determined during an environmental assessment that the Easement contains toxic and/or hazardous materials, which will require remediation under applicable State and/or federal law.

City will provide to Owner all test results obtained during any environmental assessment.

10. CITY'S LIABILITY/RESTORATION OF EASEMENT

City covenants and agrees to defend, indemnify, and hold harmless Owner from a liability arising out of construction of the Project.

Further, City agrees should damage occur outside of the purchase area City will return the surface, to the extent reasonably practicable, to the same condition as existed prior to construction of the Project.

11. SEVERABILITY

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force without being impaired.

12. GOVERNING LAW/VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any legal action concerning this Agreement shall be venued in the Superior Court of Kern County.

13. SALE UNDER THREAT OF EMINENT DOMAIN

City acknowledges that Owner is selling the required property to City for the Project under threat of eminent domain. If a dispute arises based on the terms of this agreement and/or the performance of any duties related to the agreement, the prevailing party shall recover all reasonable costs and attorneys' fees.

14. HEIRS, SUCCESSORS AND ASSIGNS

This Agreement shall bind the respective heirs, personal representatives, successors, and assigns of the parties to this Agreement.

15. ENTIRE AGREEMENT

This Agreement shall be deemed effective on the date this Agreement is executed by the City.

IN WITNESS WHEREOF, the parties have executed this Agreement as set forth below:

GRANTOR(S):

Robert Jennings and Guadalupe Lopez Jennings, Husband and Wife as Joint Tenants

Date: 4-6-2016

Robert Jennings
Robert Jennings

GRANTEE:

City of Ridgecrest, a California municipal corporation of the State of California

Date: _____

By: _____
City Manager

Date: 4-11-2016

Guadalupe Lopez Jennings
Guadalupe Lopez Jennings

APPROVED AS TO FORM:

Date: _____

_____, City Counsel

ATTEST:

Date: _____

City Clerk

When recorded return to:

City of Ridgecrest
100 W. California Avenue
Ridgecrest, CA 93555

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

Record without fee
Govt. Code Sec. 6103

Project: North Warner Ave. Improvement Project
APN: 067-210-03

GRANT OF EASEMENT DEED

Robert Jennings and Guadalupe Lopez Jennings, Husband and Wife as Joint Tenants

hereinafter referred to as "Grantor," grants to the **City of Ridgecrest, a California municipal corporation of the State of California**, herein referred to as "Grantee," a portion of that real property in the City of Ridgecrest, County of Kern, State of California, described as:

See Exhibits "A" and "B" attached hereto and made a part hereof.

Executed on this date: 4/6, 2016

GRANTOR:

**Robert Jennings and Guadalupe Lopez Jennings,
Husband and Wife as Joint Tenants**



Robert Jennings



Guadalupe Lopez Jennings

~~State of California~~
~~County of Kern~~

See attached

This instrument was acknowledged before me on _____ by Robert Jennings.

S
E
A
L

(Signature of notarial officer)

(Title and rank (optional))

State of California
County of Kern

This instrument was acknowledged before me on _____ by
Guadalupe Lopez Jennings.

S
E
A
L

(Signature of notarial officer)

(Title and rank (optional))

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

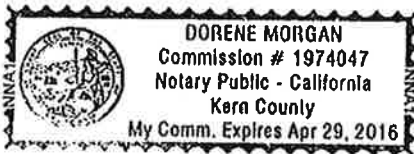
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Kern)
On 4-6-16 before me, Dorene Morgan, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Robert Warren Jennings
Name(s) of Signer(s)

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/her/their authorized capacity(ies), and that by his/her/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.



Signature Dorene Morgan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

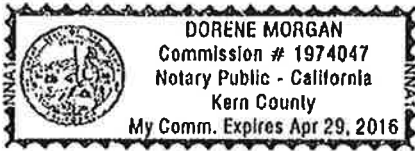
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Kern)
On April 11, 2016 before me, Dorene Morgan, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Guadalupe Lopez Jennings
Name(s) of Signer(s)

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/her/their authorized capacity(ies), and that by his/her/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.



Signature Dorene Morgan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer is Representing: _____

"Exhibit A"

That portion of Lot 3 of Tract No. 2168, per map recorded in Book 11 of Maps, at Page 11, Kern County Records, situated in the Northeast quarter of Section 33, Township 26 South, Range 40 East, Mount Diablo Base and Meridian, in the City of Ridgecrest, County of Kern, State of California, according to the official plat thereof, more particularly described as follows;

Beginning at the Northwest corner of said Lot 3;

Thence, South $89^{\circ}58'34''$ East, along the North line of said Lot 3, a distance of 30.00 feet, to a point situated on a line which is parallel with and distant 30.00 feet East, measured at right angles from, the West line of said Lot 3;

Thence, South $0^{\circ}18'51''$ West, along said parallel line, 129.90 feet, to the beginning of a tangent curve, concave Northeasterly, having a radius of 20.00 feet;

Thence, Southeasterly, along said 20.00 radius curve, through a central angle of $90^{\circ}17'25''$, an arc distance of 31.52 feet, to a point situated on the South line of said Lot 3, and which point is situated also on the North right of way line of Howell Avenue (formerly Howell Street) as shown upon said Tract No. 2168;

Thence, North $89^{\circ}58'34''$ West, along said South line and along said North right of way line, 50.10 feet, to a point situated on said West line of Lot 3;

Thence, North $0^{\circ}18'51''$ East, along said West line, 150.00 feet, to the Point of Beginning.

Containing 4,587 square feet, more or less

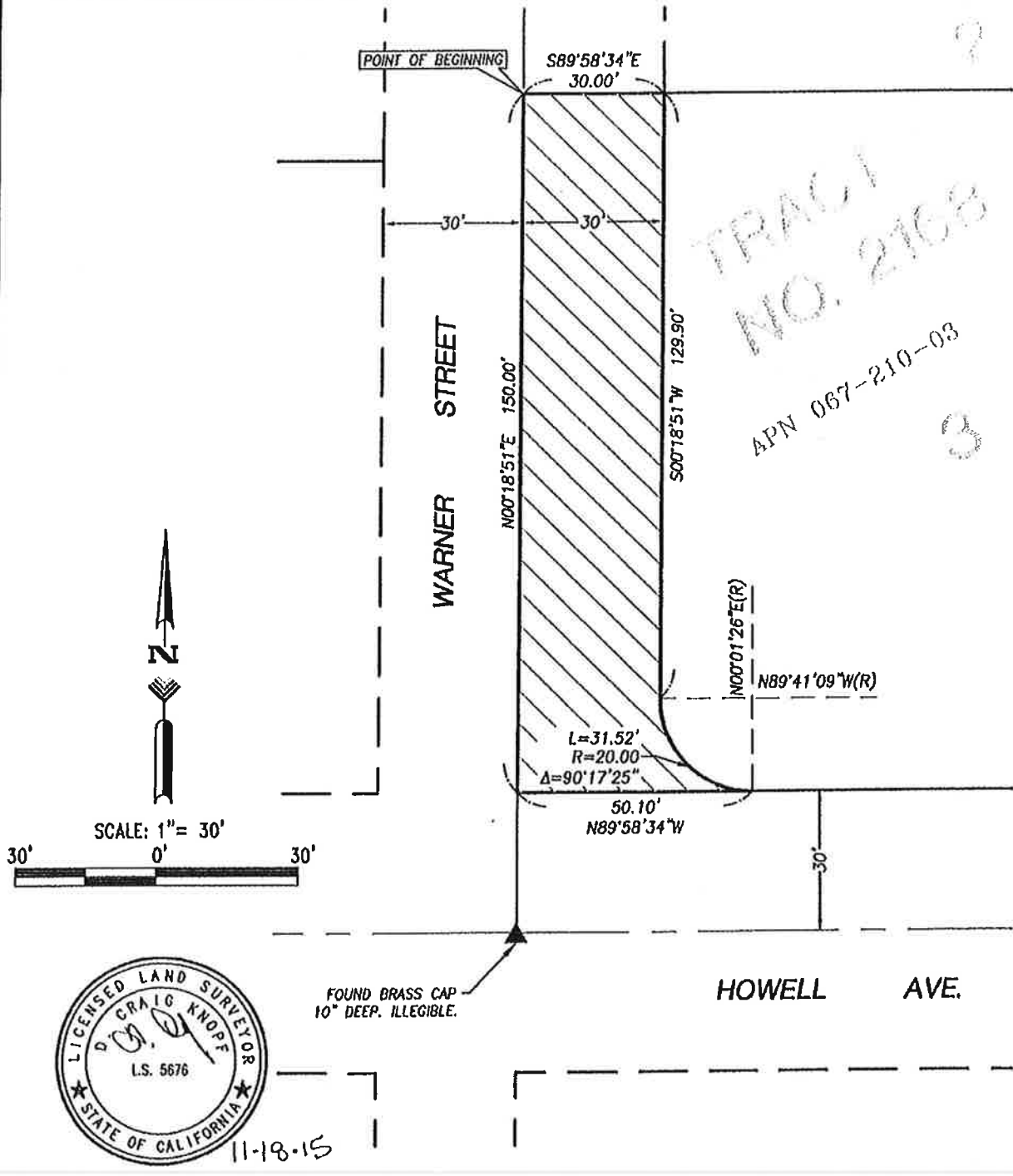


11-18-15

LEGEND



LEGAL DESCRIPTION CONTAINS
APPROXIMATELY 4,587 SQ. FT.



TRACT
NO. 2108
APN 067-210-03

FILE NAME: L:\Projects\2014\140282\ACAD\Exhibits\140282 ROW EXHIBITS.dwg -- LAST SAVE: 11/17/2015 4:41:09 PM POT -- BY: D. Craig Knopf


PLOT DATE:	11\18\15
JOB NO.	140282
DWG. NAME:	140282 ROW EXHIBITS
SCALE:	1"=30'
SHEET NO.:	1 OF 1

" EXHIBIT B "

WARNER STREET
RIGHT OF WAY DEDICATION

APN: 067-210-03

PREPARED BY:



Quad Knopf

801 E. MAIN STREET
P.O. BOX 3699
VISALIA, CA 93278
TEL: (559) 733-0140
FAX: (559) 733-7821

DRW BY: JLO CHK BY: DCK

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the City of Ridgecrest, by the within attached instrument, the provisions of which are incorporated by this reference as though fully set forth in this Certification, is hereby accepted by the undersigned officer(s) on behalf of the City, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____
Mayor, City of Ridgecrest

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MEMORANDUM OF SETTLEMENT

Project Name: North Warner Street Improvement Project
APN: 067-210-03 (portion of)
Location: 801 N. Fairview Street
Ridgecrest, CA 93555
Acquired for: Paving No. Warner Street between Howell Avenue and Drummond Avenue

To: Loren Culp, City of Ridgecrest

Date: April 12, 2016

From: Paragon Partners Ltd. RW Consultant: Pam Samms

SUBJECT: Acquisition of Property from Robert Jennings and Guadalupe Lopez Jennings

Address of property: 801 N. Fairview Street, Ridgecrest, CA 93555

Administrative Settlement on the referenced property is in the amount of **\$4,587**. The appraised value on the property is \$2,300 (rounded) based on 4,587 SF x \$.50/SF. The owners of the parcel rejected this offer and asked for \$1.25/SF. In the interest of the project and to avoid the use of eminent domain it was agreed that the City would pay owner \$1.00/SF for a total of \$4,587.

Construction Contract obligations, if any, total \$ -0-

Additional information:

The attached Purchase and Sale Agreement embodies all of the considerations agreed upon between the undersigned and the property owner. The attached Acquisition Agreement was obtained without coercion, promises other than those shown in the Agreement, or threats of any kind whatsoever by or to either party.

I understand that the rights being secured may be used in connection with a Federally funded project. I have no direct or indirect present or contemplated future personal interest in the property acquired or in any benefit from the acquisition of subject property.

AGREED AND APPROVED:

Date: _____

By: _____
Loren Culp

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**APPRAISAL REVIEW
PARTIAL ACQUISITION OF SINGLE FAMILY
RESIDENCE (Jennings Property)
801 N. Fairview Street
Ridgecrest, California**

KERN APPRAISAL COMPANY

REAL ESTATE APPRAISAL SERVICES

RANDALL FRANZ, MAI, SRA

February 3, 2016

Agreement No.: Jennings Property (APN 067-210-03)
Our File No. 3210

City of Ridgecrest
c/o Pamela Samms
Paragon Partners
901 East Main Street
Visalia, California 93292

Subject: Appraisal Review
Partial Acquisition of Single Family Residence
801 N. Fairview Street
Ridgecrest, California

Dear Ms. Samms:

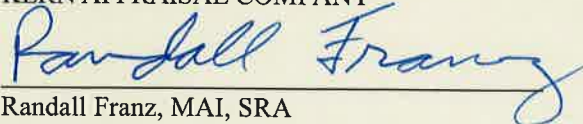
In accordance with our agreement as outlined in the emails dated March 27, 2015 and January 18 & 19, 2016, I am pleased to transmit the following Appraisal Review report. In this report, my opinion is expressed in regard to the quality of the appraisal report and recommendation of approval or no approval. This review does not include an opinion of value by the reviewer. This appraisal review encompasses my opinion of the quality, completeness, adequacy, relevance, appropriateness and reasonableness of the appraisal report being reviewed.

The client for this assignment is considered to be the CITY OF RIDGECREST and it was ordered by PARAGON PARTNERS, contracted property acquisition agents. The intended users of this report are: CITY OF RIDGECREST; PARAGON PARTNERS; and persons specifically authorized by the client; state enforcement agencies and such third parties as may be authorized by due process of law; and a duly authorized Appraisal Institute peer review committee. It may not be distributed to (unless required by law) or relied upon by other persons or entities without our written permission.

Through communication with the client, and with an understanding of the assignment conditions, I have determined the appropriate scope of work for this appraisal review report. As a result of my analysis, I recommend approval of the value as stated in the attached appraisal report, subject to the definitions, certifications, and limiting conditions set forth in the attached appraisal report.

This appraisal review report was prepared by Randall Franz, MAI, SRA. If you have any questions concerning the report, please contact Mr. Franz at (661) 321-0545.

Sincerely,
KERN APPRAISAL COMPANY



Randall Franz, MAI, SRA
Certified General #: AG004309
CA Expiration: 12/05/2016

Appraisal Review Report

February 3, 2016

Review Appraiser: Randall Franz, MAI, SRA

Appraiser: Michael C. Burger, MAI, R/W-AC

Appraisal Firm: Valbridge Property Advisors | Michael Burger & Associates

Date of Appraisal: February 2, 2016

Date of Valuation: January 11, 2016

Type of Report: Narrative Appraisal Report

Client: City of Ridgecrest

Intended Users and Use of Report: City of Ridgecrest and Paragon Partners to establish the amount of just compensation and to acquire the property for the Warner Street Right of Way Project.

Purpose of the Appraisal Report: Provide an opinion of the just compensation for taking required for the project.

Project: City of Ridgecrest will construct Warner Street from Howell Avenue to Drummond Avenue. A 30-foot wide taking along the west boundary of the subject is required to complete the project.

Property Owner/Address/Assessor's Parcel Number: Robert Jennings and Guadalupe Lopez Jennings /801 N. Fairview Street, Ridgecrest/067-210-03

Scope of Work and Purpose of this Appraisal Review: The purpose of this assignment is to provide the client with a technical appraisal review of the above referenced appraisal report with reviewer's opinion of the quality of the appraisal report and recommendation of approval or no approval. This review does not include an opinion of value by the reviewer. This appraisal review encompasses my opinion of the quality, completeness, adequacy, relevance, appropriateness and reasonableness of the appraisal report being reviewed.

The scope of work includes, but is not limited to the following items:

Evaluate the completeness of the material under review.

Make an aerial photo inspection of the subject property.

Evaluate the apparent adequacy and relevance of the market data and the propriety of any adjustments.

Evaluate the compliance with relevant USPAP requirements; the appraiser's client requirements; and with applicable laws and regulations, such as California State Eminent Domain Codes, State and Federal uniform acts, and other applicable State and Federal laws and regulations.

Evaluate the appraiser's support and reasonableness of the conclusions of highest and best use of the subject property being appraised.

Evaluate the appropriateness of the appraisal methods and techniques used and develop the reasons for any disagreement.

Evaluate whether analyses, opinions, and conclusions of value are appropriate and reasonable and develop the reasons for any disagreements.

In the appraisal of partial acquisitions, evaluate the support and completeness of the study and conclusions of the value of the remainder property for the purpose of estimating severance damages and benefits as a result of the partial acquisition of the property.

Evaluate the severance damages and/or benefits for the compliance with California Eminent Domain Codes and Case Laws to assure that any estimated severance damages and/or benefits do not include any non-compensable items.

The above list of items is not meant to be all inclusive of the review process as this appraisal review has included my review and opinion of all aspects of the quality, completeness, adequacy, relevance, appropriateness and reasonableness of the appraiser's opinion and conclusions covered in the appraisal report.

Intended User of the Appraisal Review: The intended users of this report are: CITY OF RIDGECREST, PARAGON PARTNERS, and persons specifically authorized by the client; state enforcement agencies and such third parties as may be authorized by due process of law; and a duly authorized Appraisal Institute peer review committee. It may not be distributed to (unless required by law) or relied upon by other persons or entities without our written permission. The intended use is to help establish the amount of just compensation for the taking of the subject for the Warner Street Right of Way Project.

Certificate of Review Appraiser: I have completed the review of the appraisal report identified above and recommend approval of the value as stated below.

The facts and data reported by the review appraiser and used in the review process are subject to all of the assumptions and limiting conditions stated in the appraisal report.

The liability of Kern Appraisal Company is limited to the client only and to the amount of the fee actually paid to Kern Appraisal Company for the appraisal services including liquidating damages if any related disputes arise. If the report is placed in the hands of anyone but the client, client shall make such party aware of all of the assumptions, limiting conditions, restrictions and caveats of the assignments and related discussions. The reviewer is in no way to be responsible for any costs to discover and deficiencies of any type present in the property, physically, financially and/or legally.

The appraisal report has been reviewed and I am rendering my opinion of the quality of the work under review. This review does not include an opinion of the value by the reviewer. I am satisfied with the completeness and consistency of the report; the apparent adequacy and relevance of the data contained in the report and the propriety of any adjustments to the data; the appropriateness of the appraisal methods and techniques and the appropriateness and

reasonableness of the analyses, opinions and conclusions presented in the report subject to the assumptions and limiting conditions in the appraisal report.

Fee Appraiser: Michael C. Burger, MAI, R/W-AC

Date of Valuation: January 11, 2016

Total Appraised Amount: \$2,300

Assumptions and Limiting Conditions: Standards Rule 2-1(c) of the USPAP requires the appraiser to "clearly and accurately disclose all assumptions, extraordinary assumptions, hypothetical conditions, and limiting condition used in the assignment." **In interpreting this review report, such assumptions and limiting conditions are set forth in the attached appraisal with special attention given to the extraordinary assumption unique to this assignment as identified on page 8 as item 41. A jurisdictional exception is noted in the definition of "Fair Market Value" on pages 8 and 9.**

Certification of Review Appraiser: I certify that, to the best of my knowledge and belief . . .

- The facts and data reported by the review appraiser and used in the review process are factual and accurate.
- The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in the appraisal report, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of the review report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- My compensation for this assignment is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this review report.
- The subject property of the report under review was viewed via aerial photo available on the Internet and was not physically inspected by the reviewer, Randall Franz.
- My analyses, opinions, and conclusions were developed, and this appraisal review has been prepared in conformity with, and the use of this review is subject to, the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation.
- No one provided significant real property appraisal assistance to the person signing this certification.
- This review satisfies the requirements of USPAP Standard 3 and includes only those items as listed in this report. Research has not been verified by the reviewer. Reliance has been placed upon the qualifications of the appraiser to provide accurate, comprehensive information regarding the subject property and the primary and secondary data as shown in this report.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- As of the date of this report, Randall Franz, has completed the requirements of the continuing education program of the Appraisal Institute.

Randall Franz Date: 2/3/16

Randall Franz, MAI, SRA
Certified General #: AG004309
CA Expiration: 12/05/2016

APPRAISAL QUALIFICATIONS OF

RANDALL FRANZ

EXPERIENCE

Independent Real Estate Appraiser/Owner, KERN APPRAISAL COMPANY, Real Estate Appraisal Services, Bakersfield, California, 1/93 - Present.

Real Estate Appraiser and Analyst, DALLIS HIGDON & ASSOCIATES, Real Estate Analysts and Appraisers, Bakersfield, California, 9/82 - 12/92.

STATE CERTIFICATION

State of California: Certified General Real Estate Appraiser
BRE A Appraiser Identification Number: AG004309
Expiration: 12/5/2016

PROFESSIONAL AFFILIATIONS

Appraisal Institute

Awarded MAI (Member Appraisal Institute) Designation 1989
Awarded SRA (Senior Residential Appraiser) Designation 1989
Bakersfield Chapter President (Society of Real Estate Appraisers) 1990

Bakersfield Association of Realtors Multiple Listing Service

Appraiser Associate

EDUCATIONAL ACTIVITIES

Awarded B.A. degree in Business Administration from Fresno Pacific College, Fresno, California, 1977
Successful completion of the following real estate courses:

American Institute of Real Estate Appraisers

Real Estate Appraisal Principles 3/88
Basic Valuation Procedures 3/88
Standards of Professional Practice 5/88
Capitalization Theory and Technique Part A 6/87
Capitalization Theory and Technique Part B 6/87
Case Studies in Real Estate Valuation 10/87
Valuation Analysis and Report Writing 6/88

Society of Real Estate Appraisers

Course 101 - Introduction to Appraising Real Property 12/83
Course 102 - Applied Residential Property Valuation 2/84

Appraisal Institute

Standards of Professional Practice Parts A & B 6/91, 9/97
Standards of Professional Practice Part C, 11/99
National Uniform Standards of Professional Appraisal Practice Update 6/04, 2/06, 4/10, 4/12, 03/14
Business Practices and Ethics 02/06, 9/12
Real Estate Finance, Statistics and Valuation Modeling 9/07
Appraisal Curriculum Overview 11/10
General Appraiser Market Analysis and Highest & Best Use 6/12
Condemnation Appraising: Principles and Applications 3/14

College Courses

Real Estate Practice - Fresno City College 12/77
Real Estate Appraisal I - Bakersfield College 12/83
Real Estate Appraisal II - Bakersfield College 12/84
Real Estate Law - Bakersfield College 5/84
Real Estate Principles - Bakersfield College 5/87
Real Estate Finance - Bakersfield College 12/89

Seminars (Since 1998)

Expert Witness Seminar - Appraisal Institute 6/98
Trends In Real Estate Debt and Equity Markets - Appraisal Institute 8/98
The Technical Inspection of Commercial Real Estate - Appraisal Institute 8/98
Valuation Of Detrimental Conditions In Real Estate - Appraisal Institute 3/99
Internet Sources For California Appraisers – Appraisal Institute 7/99
Attacking & Defending An Appraisal In Litigation – Appraisal Institute 8/99
Commercial Real Estate Finance For The 21st Century - Appraisal Institute 8/99
The Economics Of Right-Of-Way Appraisal - Appraisal Institute 8/99
Real Estate Fraud & The Appraiser's Role – Appraisal Institute 3/00
Appraisal Of Nonconforming Uses – Appraisal Institute 5/00
Technology and the Appraisal Process, New Tools for Appraisers – Appraisal Institute 9/01
35th Annual Litigation Seminar – Appraisal Institute 11/01
Highest and Best Use Applications - Appraisal Institute-6/02
Scope of Work – Appraisal Institute 4/04
Conservation Easements – Appraisal Institute 7/05
Site to do Business – Appraisal Institute 7/05
The Professional's Guide to the Uniform Residential Appraisal Report – Appraisal Institute 12/05
California Eminent Domain Appraisal Practice – Appraisal Institute 04/06
AI Reports: The New Appraisal Report Option - Appraisal Institute 11/06
Appraisal Consulting: A Solutions Approach for Professionals - Appraisal Institute 11/06
Analyzing Distressed Real Estate – Appraisal Institute 10/07
44th Annual Litigation Seminar – Appraisal Institute 11/11
Federal & California Statutory & Regulatory Law for R. E. Appraisers – Appraisal Institute 05/13

COURT QUALIFICATIONS

Testified as expert witness in Superior Court of Kern County, California and Federal Bankruptcy Court, Santa Barbara, California. Qualified as expert witness for Federal Bankruptcy Court, Fresno, California and Federal Tax Court, Los Angeles, California.

SCOPE OF EXPERIENCE

Agricultural

Row crop farmland, transitional land

Commercial

Office buildings, shopping centers, motels, restaurants, convenience stores, banks, retail stores, medical offices, automobile & RV dealerships

Industrial

Warehouses, shops, office/warehouses, self-storage facilities, industrial subdivisions

Residential

Single family, condominiums, planned unit developments, apartments, mobile home/recreational vehicle parks, subdivisions

Special Purpose

Place of worship, airplane hangars, private schools, adult activity centers, public library, mortuary



Valbridge
PROPERTY ADVISORS

Appraisal Report

Proposed Partial Acquisition - Single Family Residence
801 N. Fairview St.
Ridgecrest, CA 93555

January 19, 2016



FOR:
City of Ridgecrest
c/o Paragon Partners
901 East Main St.
Bakersfield, CA 93309

**Valbridge Property Advisors |
Michael Burger & Associates**

4915 Calloway Dr., Ste. 100
Bakersfield, CA 93312
661-587-1010 phone
661-834-0748 fax

valbridge.com

Valbridge Job No.
967-15



January 19, 2016

City of Ridgecrest
c/o Paragon Partners
901 East Main St.
Bakersfield, CA 93309

Re: FILE #967-15 Appraisal Report:
Proposed Partial Acquisition - Single Family Residence, 801 N. Fairview St., Ridgecrest, CA 93555

Attention: Pamela Samms

Ladies and Gentlemen:

In execution of this appraisal assignment, I inspected the property referred to above on January 11, 2016, in order to determine fair market value of the fee simple estate in the surface rights as of this date relative to proposed partial fee acquisition by the City of Ridgecrest for roadway widening purposes.

The purpose, intended use and scope of this appraisal, as well as property rights appraised are summarized on pages 8 - 11 of the enclosed report. Assumptions and Limiting Conditions are stated on pages 4 - 5.

As a result of my investigation, it is my opinion fair market value and just compensation based on a 6 month exposure period, as of January 11, 2016, is:

\$2,300
(TWO THOUSAND THREE HUNDRED DOLLARS)

This report conforms to FIRREA. No environmental site assessment was furnished. For purposes of this appraisal, it is assumed no hazardous-toxic material contamination has occurred. Therefore, the cost of clean-up, encasement or removal and its effect on value, have not been considered.

No consideration has been given in this appraisal as to the value of the property located on the premises considered by the appraiser to be personal property, nor has he given consideration to the cost of moving or relocating such personal property; only the real property has been considered.

This letter of transmittal is followed by the appraisal report and certification of the appraisal, further describing the subject property and containing the reasoning and pertinent data leading to the estimated value. Your attention is directed to the "General Underlying Assumptions and Limiting Conditions" which were considered in this assignment. This letter of transmittal must remain attached to the appraisal report, which contains 21 pages plus related exhibits, in order for the value opinion set forth to be considered valid.

The value conclusion is the result of an Appraisal Report, to which your attention is directed. As a matter of policy, we request that you bring to our attention any matters of concern, mistakes or erroneous assumptions we have made in this assignment.

Sincerely,



Michael C. Burger, MAI, R/W-AC
CA Lic. #AG003817 Exp. 5-17-16

MCB:ru
Encl.

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N. Fairview looking north



Howell Ave & N. Fairview intersection looking west



Front view of residence looking west from N. Fairview



Howell Ave. & Warner St. intersection looking east



Howell Ave. & Warner St. intersection looking north



Looking northeast toward portion to be acquired

PHOTOGRAPHS



Warner St. looking east toward lot/house



Warner St. looking south. Subject to left



Howell Ave. looking NW toward rear portion of lot behind house

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

CLIENT	Paragon Partners and the City of Ridgecrest		
OWNER OF RECORD	Robert Jennings and Guadalupe Lopez Jennings		
PROJECT	Single Family Residence		
PROJECT LOCATION	801 N. Fairview St. Ridgecrest, CA 93555		
ASSESSOR'S PARCEL NO.	067-210-03		
CENSUS TRACT	54.02		
TYPE OF APPRAISAL	Appraisal Report		
DATE OF INSPECTION	January 11, 2016		
INTEREST APPRAISED	Fee Simple Estate		
PURPOSE/INTENDED USE	Determine just compensation relative to a proposed partial fee acquisition for roadway widening		
LAND AREA	LARGER PARCEL	ACQUISITION PARCEL	REMAINDER
	40,775 sq.ft.	4,587 sq.ft.	36,188 sq.ft.
TOXIC WASTE INFORMATION	An environmental site assessment has not been furnished or reviewed. For purposes of this appraisal, it is assumed no toxic-hazardous material contamination exists. Therefore, the cost of clean-up and its effect on value have not been considered.		
FLOOD ZONE	F.E.M.A. Panel No. 06029C1045E; Zone "X," areas outside of annual 0.2% chance of flood.		
ZONING	R-2: Multi-Family Residential, 3,000 sq.ft. min site/unit		
HIGHEST AND BEST USE	<p>As Vacant Hold until there is demand for development to multi-family uses.</p> <p>As Improved Continued use as a single-family residence with excess land available for future development, upon demand.</p>		
JUST COMPENSATION	\$2,300		
EFFECTIVE DATE OF APPRAISAL	January 11, 2016		

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal, which is confined to setting forth analyses, opinions and conclusions of the property described herein, is subject to the following contingent and limiting conditions. ***The report itself may contain limiting conditions, qualifications and disclaimers beyond those contained herein.***

1. The legal description – if furnished to us – is assumed to be correct.
2. No responsibility is assumed for legal matters, questions of survey or title, soil or subsoil conditions, engineering, availability or capacity of utilities, or other similar technical matters. The appraisal does not constitute a survey of the property appraised. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear, under responsible ownership and competent management unless otherwise noted.
3. Unless otherwise noted, the appraisal will value the property as though free of contamination. Valbridge Property Advisors | Michael Burger & Associates will conduct no hazardous materials or contamination inspection of any kind. It is recommended that the client hire an expert if the presence of hazardous materials or contamination poses any concern.
4. The stamps and/or consideration placed on deeds used to indicate sales are in correct relationship to the actual dollar amount of the transaction.
5. Unless otherwise noted, it is assumed there are no encroachments, zoning violations or restrictions existing in the subject property.
6. The appraiser is not required to give testimony or attendance in court by reason of this appraisal, unless previous arrangements have been made.
7. Unless expressly specified in the engagement letter, the fee for this appraisal does not include the attendance or giving of testimony by Appraiser at any court, regulatory, or other proceedings, or any conferences or other work in preparation for such proceeding. If any partner or employee of Valbridge Property Advisors | Michael Burger & Associates is asked or required to appear and/or testify at any deposition, trial, or other proceeding about the preparation, conclusions or any other aspect of this assignment, client shall compensate Appraiser for the time spent by the partner or employee in appearing and/or testifying and in preparing to testify according to the Appraiser's then current hourly rate plus reimbursement of expenses.
8. The values for land and/or improvements, as contained in this report, are constituent parts of the total value reported and neither is (or are) to be used in making a summation appraisal of a combination of values created by another appraiser. Either is invalidated if so used.
9. The dates of value to which the opinions expressed in this report apply are set forth in this report. We assume no responsibility for economic or physical factors occurring at some point at a later date, which may affect the opinions stated herein. The forecasts, projections, or operating estimates contained herein are based on current market conditions and anticipated short-term supply and demand factors and are subject to change with future conditions.
10. The sketches, maps, plats and exhibits in this report are included to assist the reader in visualizing the property. The appraiser has made no survey of the property and assumed no responsibility in connection with such matters.
11. The information, estimates and opinions, which were obtained from sources outside of this office, are considered reliable. However, no liability for them can be assumed by the appraiser.

12. Possession of this report, or a copy thereof, does not carry with it the right of publication. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to property value, the identity of the appraisers, professional designations, reference to any professional appraisal organization or the firm with which the appraisers are connected), shall be disseminated to the public through advertising, public relations, news, sales, or other media without prior written consent and approval.
13. No claim is intended to be expressed for matters of expertise that would require specialized investigation or knowledge beyond that ordinarily employed by real estate appraisers. We claim no expertise in areas such as, but not limited to, legal, survey, structural, environmental, pest control, mechanical, etc.
14. This appraisal was prepared for the sole and exclusive use of the client for the function outlined herein. Any party who is not the client or intended user identified in the appraisal or engagement letter is not entitled to rely upon the contents of the appraisal without express written consent of Valbridge Property Advisors | Michael Burger & Associates and Client. The Client shall not include partners, affiliates, or relatives of the party addressed herein. The appraiser assumes no obligation, liability or accountability to any third party.
15. Distribution of this report is at the sole discretion of the client, but third-parties not listed as an intended user on the face of the appraisal or the engagement letter may not rely upon the contents of the appraisal. In no event shall client give a third-party a partial copy of the appraisal report. We will make no distribution of the report without the specific direction of the client.
16. This appraisal shall be used only for the function outlined herein, unless expressly authorized by Valbridge Property Advisors | Michael Burger & Associates.
17. This appraisal shall be considered in its entirety. No part thereof shall be used separately or out of context.
18. Unless otherwise noted in the body of this report, this appraisal assumes that the subject property does not fall within the areas where mandatory flood insurance is effective. Unless otherwise noted, we have not completed nor have we contracted to have completed an investigation to identify and/or quantify the presence of non-tidal wetland conditions on the subject property. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
19. The flood maps are not site specific. We are not qualified to confirm the location of the subject property in relation to flood hazard areas based on the FEMA Flood Insurance Rate Maps or other surveying techniques. It is recommended that the client obtain a confirmation of the subject's flood zone classification from a licensed surveyor.
20. If the appraisal is for mortgage loan purposes 1) we assume satisfactory completion of improvements if construction is not complete, 2) no consideration has been given for rent loss during rent-up unless noted in the body of this report, and 3) occupancy at levels consistent with our "Income and Expense Projection" are anticipated.
21. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.
22. Our inspection included an observation of the land and improvements thereon only. It was not possible to observe conditions beneath the soil or hidden structural components within the improvements. We inspected the buildings involved, and reported damage (if any) by termites, dry rot, wet rot, or other infestations as a matter of information, and no guarantee of the amount or degree of damage (if any) is implied. Condition of heating, cooling, ventilation, electrical and plumbing equipment is considered to be commensurate with the condition of the balance of the improvements unless otherwise stated. Should the client have concerns in

these areas, it is the client's responsibility to order the appropriate inspections. The appraiser does not have the skill or expertise to make such inspections and assumes no responsibility for these items.

23. This appraisal does not guarantee compliance with building code and life safety code requirements of the local jurisdiction. It is assumed that all required licenses, consents, certificates of occupancy or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value conclusion contained in this report is based unless specifically stated to the contrary.
24. When possible, we have relied upon building measurements provided by the client, owner, or associated agents of these parties. In the absence of a detailed rent roll, reliable public records, or "as-built" plans provided to us, we have relied upon our own measurements of the subject improvements. We follow typical appraisal industry methods; however, we recognize that some factors may limit our ability to obtain accurate measurements including, but not limited to, property access on the day of inspection, basements, fenced/gated areas, grade elevations, greenery/shrubbery, uneven surfaces, multiple story structures, obtuse or acute wall angles, immobile obstructions, etc. Professional building area measurements of the quality, level of detail, or accuracy of professional measurement services are beyond the scope of this appraisal assignment.
25. We have attempted to reconcile sources of data discovered or provided during the appraisal process, including assessment department data. Ultimately, the measurements that are deemed by us to be the most accurate and/or reliable are used within this report. While the measurements and any accompanying sketches are considered to be reasonably accurate and reliable, we cannot guarantee their accuracy. Should the client desire a greater level of measuring detail, they are urged to retain the measurement services of a qualified professional (space planner, architect or building engineer). We reserve the right to use an alternative source of building size and amend the analysis, narrative and concluded values (at additional cost) should this alternative measurement source reflect or reveal substantial differences with the measurements used within the report.
26. In the absence of being provided with a detailed land survey, we have used assessment department data to ascertain the physical dimensions and acreage of the property. Should a survey prove this information to be inaccurate, we reserve the right to amend this appraisal (at additional cost) if substantial differences are discovered.
27. If only preliminary plans and specifications were available for use in the preparation of this appraisal, then this appraisal is subject to a review of the final plans and specifications when available (at additional cost) and we reserve the right to amend this appraisal if substantial differences are discovered.
28. Unless otherwise stated in this report, the value conclusion is predicated on the assumption that the property is free of contamination, environmental impairment or hazardous materials. Unless otherwise stated, the existence of hazardous material was not observed by the appraiser and the appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required for discovery. The client is urged to retain an expert in this field, if desired.
29. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. We have not made a specific compliance survey of the property to determine if it is in conformity with the various requirements of the ADA. It is possible that a compliance survey of the property, together with an analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this could have a negative effect on the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of ADA in developing an opinion of value.

30. This appraisal applies to the land and building improvements only. The value of trade fixtures, furnishings, and other equipment, or subsurface rights (minerals, gas, and oil) were not considered in this appraisal unless specifically stated to the contrary.
31. No changes in any federal, state or local laws, regulations or codes (including, without limitation, the Internal Revenue Code) are anticipated, unless specifically stated to the contrary.
32. Any income and expense estimates contained in the appraisal report are used only for the purpose of estimating value and do not constitute prediction of future operating results. Furthermore, it is inevitable that some assumptions will not materialize and that unanticipated events may occur that will likely affect actual performance.
33. Any estimate of insurable value, if included within the scope of work and presented herein, is based upon figures developed consistent with industry practices. However, actual local and regional construction costs may vary significantly from our estimate and individual insurance policies and underwriters have varied specifications, exclusions, and non-insurable items. As such, we strongly recommend that the Client obtain estimates from professionals experienced in establishing insurance coverage. This analysis should not be relied upon to determine insurance coverage and we make no warranties regarding the accuracy of this estimate.
34. The data gathered in the course of this assignment (except data furnished by the Client) shall remain the property of the Appraiser. The appraiser will not violate the confidential nature of the appraiser-client relationship by improperly disclosing any confidential information furnished to the appraiser. Notwithstanding the foregoing, the Appraiser is authorized by the client to disclose all or any portion of the appraisal and related appraisal data to appropriate representatives of the Appraisal Institute if such disclosure is required to enable the appraiser to comply with the Bylaws and Regulations of such Institute now or hereafter in effect.
35. You and Valbridge Property Advisors | Michael Burger & Associates both agree that any dispute over matters in excess of \$5,000 will be submitted for resolution by arbitration. This includes fee disputes and any claim of malpractice. The arbitrator shall be mutually selected. If Valbridge Property Advisors | Michael Burger & Associates and the client cannot agree on the arbitrator, the presiding head of the Local County Mediation & Arbitration panel shall select the arbitrator. Such arbitration shall be binding and final. In agreeing to arbitration, we both acknowledge that, by agreeing to binding arbitration, each of us is giving up the right to have the dispute decided in a court of law before a judge or jury. In the event that the client, or any other party, makes a claim against Michael Burger & Associates or any of its employees in connections with or in any way relating to this assignment, the maximum damages recoverable by such claimant shall be the amount actually received by Valbridge Property Advisors | Michael Burger & Associates for this assignment, and under no circumstances shall any claim for consequential damages be made.
36. Valbridge Property Advisors | Michael Burger & Associates shall have no obligation, liability, or accountability to any third party. Any party who is not the "client" or intended user identified on the face of the appraisal or in the engagement letter is not entitled to rely upon the contents of the appraisal without the express written consent of Valbridge Property Advisors | Michael Burger & Associates. "Client" shall not include partners, affiliates, or relatives of the party named in the engagement letter. Client shall hold Valbridge Property Advisors | Michael Burger & Associates and its employees harmless in the event of any lawsuit brought by any third party, lender, partner, or part-owner in any form of ownership or any other party as a result of this assignment. The client also agrees that in case of lawsuit arising from or in any way involving these appraisal services, client will hold Valbridge Property Advisors | Michael Burger & Associates harmless from and against any liability, loss, cost, or expense incurred or suffered by Valbridge Property Advisors | Michael Burger & Associates in such action, regardless of its outcome.
37. The Valbridge Property Advisors office responsible for the preparation of this report is independently owned and operated by Michael Burger & Associates. Neither Valbridge Property Advisors, Inc., nor any of its affiliates has been engaged to provide this report. Valbridge Property Advisors, Inc. does not provide valuation services, and has taken no part in the preparation of this report.

38. If any claim is filed against any of Valbridge Property Advisors, Inc., a Florida Corporation, its affiliates, officers or employees, or the firm providing this report, in connection with, or in any way arising out of, or relating to, this report, or the engagement of the firm providing this report, then (1) under no circumstances shall such claimant be entitled to consequential, special or other damages, except only for direct compensatory damages, and (2) the maximum amount of such compensatory damages recoverable by such claimant shall be the amount actually received by the firm engaged to provide this report.
39. This report and any associated work files may be subject to evaluation by Valbridge Property Advisors, Inc., or its affiliates, for quality control purposes.
40. Acceptance and/or use of this appraisal report constitutes acceptance of the foregoing general assumptions and limiting conditions.

Extraordinary Assumptions and Hypothetical Conditions

41. The parcel is at grade at N. Fairview St., but is above-grade at Warner St. where the acquisition parcel is located. This appraisal is based on the extraordinary assumption that all necessary site improvements, to include retaining walls, will be installed by the condemning agency.

IDENTIFICATION OF SUBJECT PROPERTY

The property being appraised is a single-family residence located at 801 N. Fairview St. in Ridgecrest, CA. It is legally identified as Lot 3, Tract 2168, City of Ridgecrest, County of Kern, State of California. It is further identified as APN 067-210-03.

DESCRIPTION OF THE PROJECT

The City of Ridgecrest is proposing to acquire a 4,587 sq.ft. portion of the property in fee relative to roadway widening along the east side of Warner St., which abuts the west side of the subject. The parcel is above-grade at Warner St. This appraisal is based on the extraordinary assumption that all necessary site improvements, to include retaining walls, will be installed by the condemning agency.

PURPOSE OF APPRAISAL AND DEFINITIONS

The purpose of this appraisal is to provide the appraiser's best estimate of the subject property's fair market value and just compensation, as of January 11, 2016.

Fair Market Value: According to the California Code of Civil Procedure, Part 3, Title 7 (Eminent Domain Law), Chapter 9 (Compensation), Article 4 (Measure of Compensation for Property Taken) Paragraph 1263.320, fair market value is defined as:

"The highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing and able to buy under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

FILE #967-15

Under eminent domain law (CCP Sec. 1263.330), the fair market value of the property taken shall not include any increase or decrease in the value of the property that is attributable to any of the follows:

1. **The project for which the property is taken.**
2. **The eminent domain proceeding in which the property is taken.**
3. **Any preliminary actions of the acquiring authority relating to the taking of the property.**

Eminent Domain: According to the *Dictionary of Real Estate Appraisal, Fifth Edition*, Appraisal Institute, eminent domain is defined as:

"The right of government to take private property for public use upon the payment of just compensation. The Fifth Amendment of the U.S. Constitution, also known as the *takings clause*, guarantees payment of just compensation upon appropriation of private property."

Condemnation: According to the *Dictionary of Real Estate Appraisal, Fifth Edition*, Appraisal Institute, condemnation is defined as:

"The act or process of enforcing the right of eminent domain."

Exposure Time: According to *Standards No. 6 (SMT-6), USPAP Standard Rules*:

"(The) estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal."

Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market.

Fee Simple Estate: According to *The Dictionary of Real Estate Appraisal, Fifth Edition*, published by the Appraisal Institute,

"Absolute ownership unencumbered by any other interest or estate, subject only the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

Extraordinary Assumption: According to *The Dictionary of Real Estate Appraisal, Fifth Edition*, published by the Appraisal Institute,

"An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis."

Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

Taking: According to "The Dictionary of Real Estate Appraisal," Fifth Edition, as published by the Appraisal Institute:

1. The acquisition of a parcel of land through condemnation.
2. In land use law, application of police power restrictions to a parcel of land that are so restrictive as to preclude any reasonable use.

State Rule: According to *The Dictionary of Real Estate Appraisal, Fifth Edition*, published by the Appraisal Institute,

"In condemnation, the process of determining just compensation by estimating the value of the portion to be acquired as part of the whole property plus the net severance damages; may be referred to as a *taking plus damages rule*."

STATE RULE ACQUISITION ANALYSIS

When a property is subject to acquisition for a public use by a governmental agency in the State of California, the state rule is applicable.

- 1) The value of the entire property before acquisition is estimated
- 2) The contributory value of the property taken by the acquisition as a part of the whole is estimated
- 3) The value of the remainder in the "before" condition is estimated
- 4) The value of the remainder "after" the acquisition is estimated
- 5) The difference between the remainder "before" the taking and "after" the taking is estimated

When a partial acquisition does not result in damages to the remainder parcel, or the damage is not permanent, and the highest and best use of the property after the acquisition remains the same as in the "before" condition, it is not necessary to appraise the larger parcel utilizing the steps outlined above. Under this scenario, the determination of just compensation can be obtained by estimating the value of the portion being acquired plus any costs to cure the temporary damages.

INTENDED USE & USERS OF APPRAISAL

This appraisal report is intended to determine fair market value and just compensation relative to a proposed roadway easement acquisition for roadway widening purposes. It has been prepared for the exclusive benefit of Paragon Partners, City of Ridgecrest, and persons specifically authorized by the client; state enforcement agencies and such third parties as may be authorized by due process of law; and a duly authorized Appraisal Institute peer review committee. It may not be used or relied upon by any other party. Any party who uses or relies upon any information in this report, without the preparer's written consent, does so at his own risk.

This appraisal has been prepared and completed in conformance with Uniform Standards of Professional Appraisal Practice (USPAP), as developed by the Appraisal Standards Board of the Appraisal Foundation, minimum appraisal standards mandated by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Ethics and Standards of the Appraisal Institute, and the requirements of Paragon Partners and the City of Ridgecrest.

This appraisal is not based on a requested minimum, a specific valuation or the approval of a loan. Emphasis has been given to valuation on a cash or equivalent basis.

SCOPE OF APPRAISAL PROCESS

This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it presents summary discussions of the data reasoning, and analyses that were used in the appraisal process to develop the appraisers' opinion of value. Supporting documentation concerning the data, reasoning, and analyses is contained in the forthcoming appraisal report and retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the clients and for the intended use stated herein.

I have the necessary knowledge and experience to complete this appraisal and am familiar with the property type and subject market. My qualifications are attached.

This appraisal was requested by Pamela Samms, Paragon Partners. Robert Jennings, property owner, (760) 793-7336, was mailed a Notice to Appraise on December 29, 2015. Mr. Jennings answered questions relative to property history. The appraiser was provided the following documents:

- Legal Description and Acquisition Map for acquisition parcel
- Preliminary Title Report

The property was inspected January 11, 2016, which is the effective date of this appraisal. The appraiser did not inspect the interior of the residence as only the portion being acquired is valued. Subsequent to inspection, further specifics relative to the site were investigated, to include flood hazard classification, utility availability, and zoning. Regional, area, and neighborhood trends are developed to support projections.

As part of this appraisal, a number of independent investigations and analyses have been conducted. Market data including land sales, have been verified and analyzed for applicable comparable data in the area. Data sources include public records, assessor's records, buyers/sellers, real estate appraisers, and real estate agents.

The Cost, Income, and Sales Comparison Approaches were considered. As discussed, only the portion consisting of vacant land is being appraised, therefore, only the Sales Comparison Approach is applicable. Comparable sales were chosen for their similar highest and best uses as outlined within the report. All sales were analyzed and compared to the subject property based on their similarities and dissimilarities. These approaches were considered and judged in reaching a final estimate of value.

AREA ANALYSIS

LOCATION

The property is at the northwest corner of N. Fairview St. and W. Howell Ave., and extends to the northeast corner of N. Warner St. and W. Howell Ave., within an incorporated area of central Ridgecrest. N. Fairview and N. Warner Streets are secondary north-south streets through the neighborhood. W. Howell Ave. is a secondary east-west roadway. N. China Lake Blvd., two blocks east, is the primary north-south arterial through the area, merging with Route 395 approximately 1.25 miles north. Drummond Ave., one block north, is a primary east-west connector through the area.

Incorporated in 1963, the City of Ridgecrest is located in the southern portion of the Indian Wells Valley and in the northeast corner of Kern County, surrounded by four mountain ranges; the Sierra Nevada on the west, the Cosos on the north, the Argus Range on the east, and the El Paso Mountains on the south.

Ridgecrest evolved in the 1940's, 50's and 60's as a support community for the Naval Ordnance Test Station (now the Naval Air Weapons Station, NAWS) at China Lake. NAWS continues to be the major source of employment for Ridgecrest residents.

AMENITIES

Among the amenities the community offers are:

- 6 Parks
- 8 Movie Screens
- 70 Restaurants
- 1 State Fair
- 2 Museums
- 1,200 Businesses
- 50 Places of Worship
- 2 Newspapers
- 1 Golf Course
- 650,000 sq.ft. Home Depot
- 2 Libraries

Medical services are provided at Ridgecrest Regional Hospital, Drummond Medical Group, Southern Sierra Medical Group, Ridgecrest Community Health Center (a 99-bed convalescent hospital), a residential care facility for the elderly, and several private practices, as well as tertiary medical services at Loma Linda Medical Center and other regional medical institutions.

POPULATION-DEMOGRAPHIC DATA

According to the U.S. Census Bureau, the most recent demographics for the city of Ridgecrest are summarized as follows:

Population

Total Population	27,616
------------------	--------

Housing Status

(in housing units unless noted)

Total	11,915
Occupied	10,781
Owner-occupied	6,525
Population in owner-occupied (number of individuals)	16,520
Renter-occupied	4,256
Population in renter-occupied (number of individuals)	10,900
Households with individuals under 18	3,901
Vacant	1,134
Vacant: for rent	435
Vacant: for sale	194

Population by Sex/Age

Male	13,832
Female	13,784
Under 18	7,544
18 & over	20,072
20 - 24	1,848
25 - 34	4,022
35 - 49	5,079
50 - 64	4,900
65 & over	3,417

SURROUNDING USE

Our Savior’s Lutheran Church is south of the subject at the southwest corner of N. Fairview St. and W. Howell Ave., with the church’s Parish Hall at the southeast corner. A tri-plex apartment complex is east of the subject at the northeast corner of N. Fairview St. and W. Howells Ave. Single family residences are north of the subject on lots similar in size to the subject. The residences front N. Fairview St., with the westerly portions of the parcels still undeveloped, similar to the subject. Single family residences front either side of W. Howell Ave. to the west and east of the subject.

Ridgecrest Town Centre regional shopping center fronts the east side of N. China Lake Blvd., two blocks east. Tenants include Stater Bros. grocery store, Big Lots, Big 5 Sporting Goods, Jo-Ann Fabrics, Marshall’s Starbucks, Arby’s, O’Reilly Auto Parts and other in-line tenants.

Commercial uses front the west side of N. China Lake Blvd., to include Subway, a bail bonds, flower shop, jewelry store, shoe store, furniture store, China Express restaurant, and other miscellaneous retail and commercial users.

Additional commercial and retail uses front Drummond Ave., one block north. The remainder of uses in the area consist of single- and multi-family residences and apartments.

TREND

The trend within the area is classed as static with ongoing projects at the naval station continuing to drive the economy. The success and economic viability of the subject is directly related to the naval station’s activity.

Assessor's Parcel Map: 801 N. Fairview St., Ridgecrest

67-21

TRACT 2168

SCHOOL DIST. 10-2

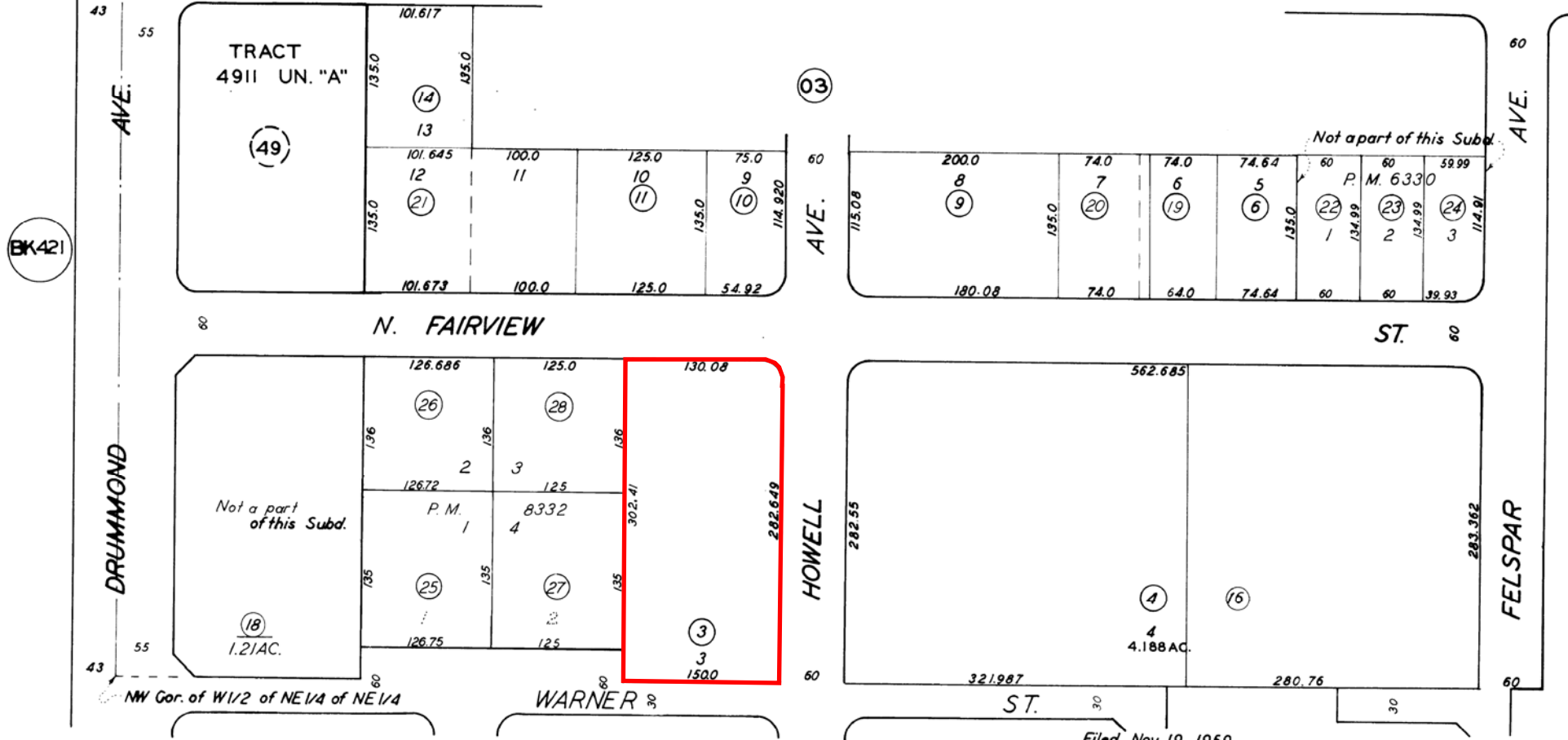
67-21

W/2 OF NE1/4 OF NE1/4 OF SEC. 33 T. 26 S. R. 40 E.

1"=100'

N. SANDERS

ST. 8



BK421

Note: This map is for assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

ASSESSORS MAP NO. 67-21
COUNTY OF KERN

PROPERTY DATA

ASSESSOR'S PARCEL NO. 067-210-03

LEGAL DESCRIPTION Lot 3, Tract Map 2168, City of Ridgecrest, County of Kern, State of California

OWNER OF RECORD Robert Jennings and Guadalupe Lopez Jennings

PROJECT Single Family Residence

PROPERTY HISTORY

According to public records, the property was purchased in September 2013 for \$241,500. Prior to that, it had been under the same ownership for an extended period. Since the purchase in 2013 it has transferred between inter-related parties. The property owner reports the property has no other listing or marketing history in the last three years.

ASSESSMENTS AND TAXES

The property is assessed by the Kern County Assessor's Office. Assessments and taxes for the 2014-15 fiscal year are summarized as follows:

ASSESSMENTS AND TAXES	
Assessor's Parcel No.	067-210-03
Tax Rate	1.080545%
Full Cash Value:	
Land	\$35,699
Personal Property	0
Improvements	210,625
Total Value:	\$246,324
Taxes and Assessments:	
General and Special Taxes:	\$2,661.64
Special Assessments	1,015.49
Total Tax Liability:	\$3,677.13

NOTE: Assessments and taxes are typical of the area. Pursuant to Article XIII-A of the California State Constitution (Proposition 13) upon sale or transfer, the property will be reassessed and taxes adjusted accordingly.

SITE DATA**Dimensions/Size**

The larger parcel is rectangular in shape. According to dimensions shown on Tract Map 2168, the parcel contains 40,775 sq.ft. ((302.408'-30') x 150' – 86 sq.ft. corner)



Legend

- Roads**
- Freeway
 - Highway
 - Major
 - Minor
 - Local
 - Ramp
 - Unpaved
- Lakes & Ponds
- Water Course
- Canals
- County Parks
- Bakersfield Parks
- Golf Courses

1:2,257



0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for general reference only. The County of Kern assumes no liability for damages, incurred by the user of this information, which occur directly or indirectly as a result of errors, omissions or discrepancies in the information.

Notes

Add notes here

As discussed, the westerly portion of the parcel is proposed for a partial acquisition for roadway widening of Warner St. According to the acquisition map provided by the client, as included in the Addenda, the acquisition parcel is 30' wide and contains 4,587 sq.ft.

Therefore, site areas are summarized as follows:

LARGER PARCEL	ACQUISITION PARCEL	REMAINDER
40,775 sq.ft.	4,587 sq.ft.	36,188 sq.ft.

Topography The parcel is level and at grade at N. Fairview St., but is several feet above the grade of Warner St.

This appraisal is based on the extraordinary assumption the condemning agency will install appropriate retaining walls as required due to the difference in grade.

<i>Utilities</i>		<i>Street Improvements – Warner St.</i>	
Water	Indian Wells Valley Water District	Curb	None
Sewer	Municipal	Gutter	None
Gas	Pacific Gas and Electric	Sidewalk	None
Electricity	So. Cal. Edison	Paving	None - dirt

COMMENTS Currently, Warner St. is a dirt roadway. The City of Ridgecrest is proposing to widen and improve the roadway. This appraisal assumes all roadway improvements will be completed by the City of Ridgecrest, to include the retaining wall as the lot is above street grade at Warner St.

ACCESS The larger parcel is bound on three sides by streets, with access therefrom. Access is adequate.

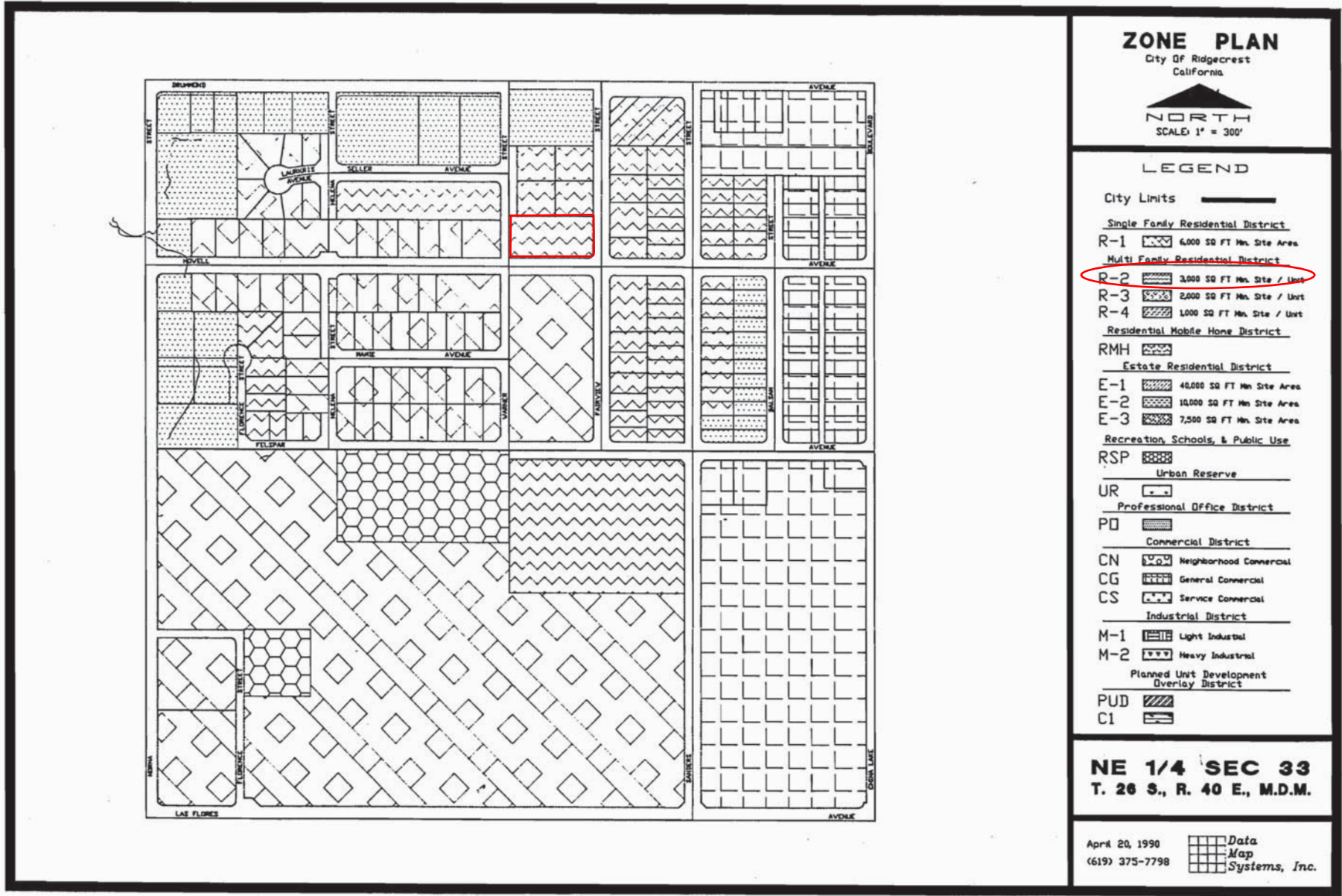
EARTHQUAKE The property is not located in an Alquist-Priolo Earthquake Fault Zone. The community has adopted a seismic element to the general plan and requires all construction to meet Zone 4 of the Uniform Building Code, which is in consideration of earthquake hazards associated with California.

ENVIRONMENTAL Neither an environmental site assessment nor environmental risk disclosure questionnaire has been furnished to the appraiser. Visual inspection of the property denotes no apparent toxic or hazardous conditions.

Further, it should be emphasized that the appraiser is not qualified to detect hazardous waste or toxic materials. Any comments by the appraiser that might suggest the possibility of presence of such substances should not be taken as confirmation of presence of hazardous waste or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment.

No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.

Zone Map: R-2: Multi-Family Residential, 3,000 sq.ft. min. site/unit



FLOOD HAZARD

According to Federal Emergency Management Agency's "FIRM" Community Panel No. 06029C1045E, effective September 26, 2008, the property is located in a Zone "X," areas outside of annual 0.2% chance of flood.

RESTRICTIONS

The appraiser was provided a preliminary title report, prepared by First American Title Company, Order No. 1004-5034576, dated October 23, 2015. Items contained within this report are generally summarized below:

Item(s)	Description
1 & 2	General and special taxes, assessments, liens and supplemental taxes.
3	All offers of dedication, conditions, restrictions, easements, notes or provisions shown or disclosed by recorded map.
4	CC&R's as recorded 10/9/1959
5	Overhead electrical and telephone line, or underground conduit and line, or both, as recorded 2/8/1960. Location of easement could not be determined.
6	Terms and provisions contained in the document entitled NOTICE OF AN INDEPENDENT SOLAR ENERGY PRODUCER CONTRACT, executed by and between AMPERE SOLAR MASTER TENANT III, LLC and ROBERT JENNINGS, recorded AUGUST 14, 2014, as Instrument No. 14-96947 of Official Records.
7	The Solar Energy System, if any, located on the land being owned by an independent solar energy producer.
8	Deed of trust in the amount of \$212,000, recorded 1/7/2015.
9	Financial statement recorded 1/20/2015.

The document referred to in Item 4 was reviewed and does not appear overly restrictive of use of the site. Item 5 refers to an unknown electrical and telephone line easement. The appraiser observed overhead power lines along the southerly and westerly property lines. In addition, a public utilities easement is shown on the enclosed Tract Map 2168, extending 135' from the west property line along the north property line. These easements are typical of the area and do not adversely affect use of the site. Item 6 likely refers to the solar energy system installed on the subject residence.

SOILS

No soils report was furnished to the appraiser. However, soils appear stable, with no significant settlement or displacement evident in neighboring buildings.

ZONING

R-2: Multi-Family Residential, 3,000 sq.ft. min site/unit

PARKING & PRESENT USE

Current use as a single family residence conforms to zoning and the surrounding neighborhood. Parking requirements are set at the rate of two spaces per dwelling. The subject larger parcel includes a two car garage as well as a paved driveway which can accommodate additional vehicles, with parking classed as adequate.

IMPROVEMENT DESCRIPTION

The property is improved to a single-story, Class "D", wood frame single-family residence on a concrete slab foundation with stucco exterior walls and a composition shingle roof. As further discussed within this appraisal, only the portion being acquired is valued as there is no severance damage evident. Therefore, no consideration is given the existing structure.

ACQUISITION DESCRIPTION

The larger parcel consists of a single-family residence on an approximately 300' deep lot. The residence, to include the front yard and fenced back yard, are located on the easterly 130' of the site. The remainder of the parcel is undeveloped and not being utilized by the property owner. The westerly 30' of the subject parcel are proposed for a fee acquisition relative to roadway widening for N. Warner St., as shown on the acquisition map and legal description for the acquisition parcel included in the Addenda. The acquisition parcel contains a total of 4,587 sq.ft. and is located on the vacant, undeveloped portion of the site. As discussed, the approximate west half of the larger parcel is not being utilized by the property owner. The acquisition will have no effect on the remainder parcel and therefore no severance damage is evident. Further, this appraisal assumes the City of Ridgecrest will be responsible for the installation of all street improvements related to the project, to include any retaining walls required on the subject parcel due to its elevation above street grade, as well as the relocation of utility lines and poles. Therefore, no benefits and no costs to cure are evident.

HIGHEST AND BEST USE

Highest and best use as taken from the Appraisal Institute's publication, "The Dictionary of Real Estate Appraisal, 4th Edition, is defined as:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility and maximum productivity."

Highest and Best Use of Land or a Site as Though Vacant

"Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements."

Highest and Best Use of Property as Improved

"The use that should be made of a property as it exists. An existing improvement should be renovated or retained as is so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one."

As Vacant

LEGALLY PERMISSIBLE:

According to the City of Ridgecrest Zoning Ordinance, the R-2 zone permits single- and multi-family residential dwellings, as well as institutional uses such as churches, schools and hospitals with a conditional use permit.

PHYSICALLY POSSIBLE:

The site is physically adaptive to uses allowed by zoning. Location on a double corner is optimal for multi-family residential development. The area denotes single- and multi-family developments. Single-family uses are generally located west of Fairview St.

The acquisition will not adversely affect the site and the size of the parcel in the After condition is still sufficient to accommodate development to uses allowed by zoning. Development on the westerly portion of the site will require street improvements and roadway dedication.

FINANCIALLY FEASIBLE- MAXIMALLY PRODUCTIVE:

Due to size, location and zoning, the most financially feasible option would be to maximize land value with a multi-family residential development. However, overall trend in the residential housing market is classed as static and likely, the site would be held until there is demand for development to a multi-family use. Alternatively, as uses west of Fairview St. are generally single-family, the site may be developed to a single-family use by an owner-occupant.

Due to market conditions, highest and best use as vacant in both the Before and After conditions relates to holding the site until there is demand for development to single- or multi-family uses.

As Improved

LEGALLY PERMISSIBLE:

Current use as a single-family residence conforms to zoning and the surrounding neighborhood.

PHYSICALLY POSSIBLE:

The appraiser did not inspect the interior of the residence, however, it appears to be of overall similar utility and quality as other homes in the neighborhood. The westerly portion of the site is not being utilized by the property owner and is separately fenced. After acquisition, the undeveloped portion of the site is still of sufficient size that it could be developed to a single- or multi-family unit.

The portion being acquired is essentially undeveloped and the acquisition has no effect on the larger parcel, therefore, no severance damage is evident and only the portion being acquired is valued. Development on the westerly portion of the site will require street improvements and roadway dedication.

FINANCIALLY FEASIBLE-MAXIMALLY PRODUCTIVE:

Due to residential housing trends, continued use as a single family residence is financially feasible and maximally productive, with excess land available for development upon demand.

Continued use of the single-family residence represents highest and best use as improved. Highest and best use of the excess land is to hold in anticipation of future demand for development. As discussed, the acquisition does not adversely affect use of the site and the highest and best use as improved remains the same in both the Before and After conditions.

METHOD OF VALUATION

According to "The Dictionary of Real Estate Appraisal, Fifth Edition," published by the Appraisal Institute, the three approaches typically utilized in property valuation are defined as follows:

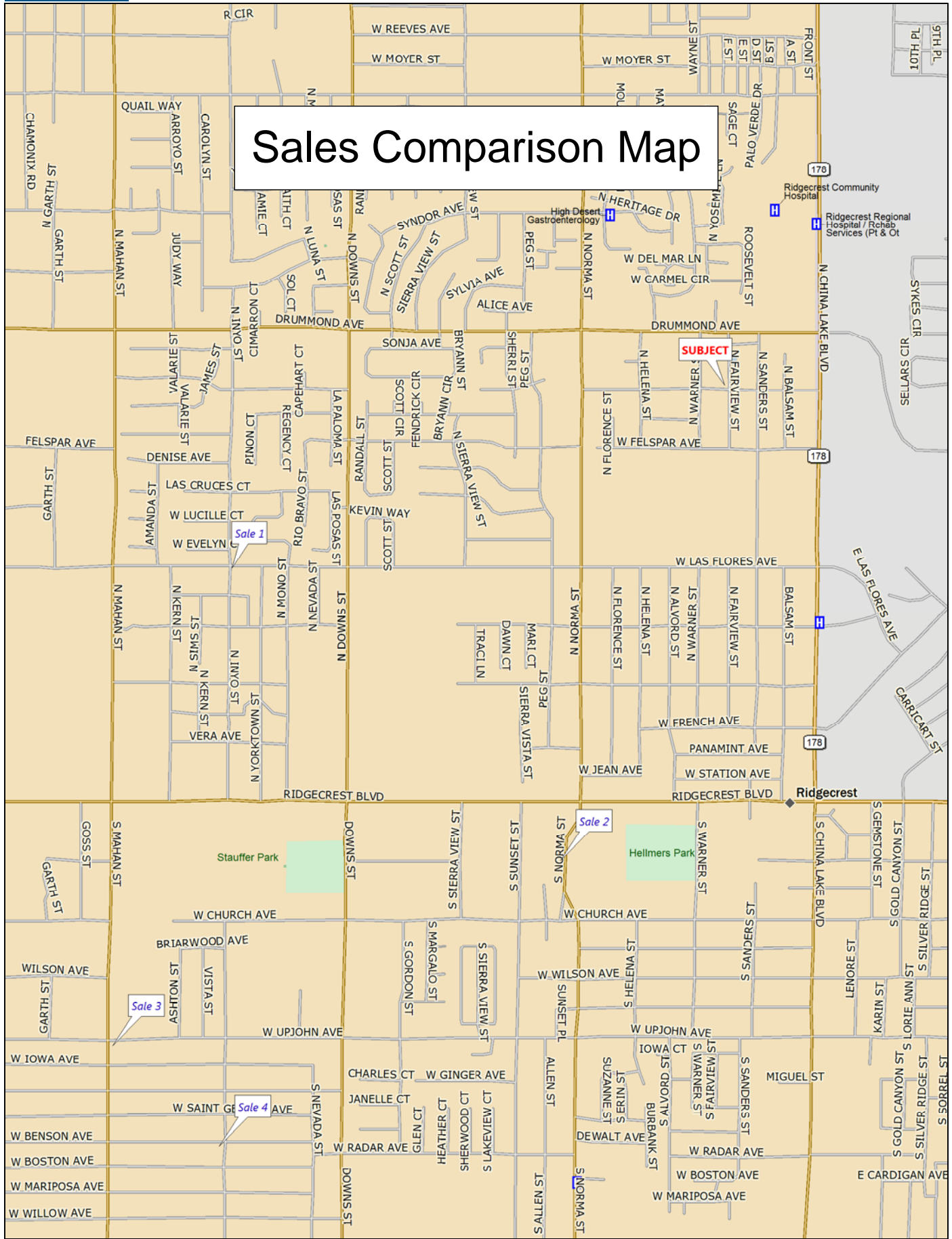
Cost Approach: A set of procedures through which a value indication is derived for the fee simple interest in a property by estimating the current cost to construct a reproduction of, (or replacement for), the existing structure, including an entrepreneurial incentive, deducting depreciation from the total cost, and adding the estimated land value. Adjustments may then be made to the indicated fee simple value of the subject property to reflect the value of the property interest being appraised.

Income Capitalization Approach: A set of procedures through which an appraiser derives a value indication for an income-producing property by converting its anticipated benefits (cash flows and reversion) into property value. The conversion can be accomplished in two ways. One year's income expectancy can be capitalized at a market-derived capitalization rate or at a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of the investment. Alternatively, the annual cash flows for the holding period and the reversion can be discounted at a specified yield rate.

Sales Comparison Approach: The process of deriving a value indication for the subject property by comparing market information for similar properties with the property being appraised, identifying appropriate units of comparison, and making qualitative comparisons with or quantitative adjustments to the sales price (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison.

As discussed, only the Sales Comparison Approach is applicable in valuation of the subject property, as follows:

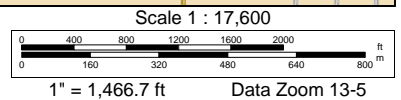
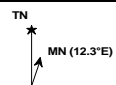
Sales Comparison Map



Data use subject to license.

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www.delorme.com



SALES COMPARISON APPROACH

COMPARABLE SALES DATA

As only the vacant portion of the site is valued, sales of similar parcels have been analyzed, summarized as follows:

Comparable Sales Table						
Sale	APN	Sale Date	Price	Sq.Ft.	\$/Sq.Ft.	Zoning
1	456-040-11, 12,13, 14	12/15/2015	\$17,000	81,958	\$0.21	R-1
2	477-110-10	1/30/2015	\$11,000	23,925	\$0.46	R-2
3	081-281-01 & 02	10/20/2015	\$6,000	14,006	\$0.43	R-1
4	081-292-23	12/23/2014	\$6,000	6,753	\$0.89	R-1
Average			\$10,000	31,661	\$0.32	

Sale 1 includes four contiguous parcels at the southeast corner of Las Flores Ave. and North Inyo St. The southerly side of the property is affected by an access easement for a future street. Net area excluding the easement is shown. It is within an area developed to single-family uses.

Sale 2 fronts the west side of S. Norma St., between Ridgecrest Blvd. and W. Church Ave. It is within an area developed to mixed uses, to include single-family residences, multi-family units, and commercial uses.

Sale 3 includes two contiguous parcels at the southeast corner of S. Mahan St. and W. Upjohn Ave. It is within an area developed mostly to single-family uses.

Sale 4 is at the southwest corner of Benson Ave. and S. Inyo St. It is within an area developed mostly to single-family uses.

Sales range from \$0.21 to \$0.89/sq.ft. All sales occurred on cash or cash equivalent terms. Sales indicate there is no apparent difference in value between R-1 and R-2 zoned lots. Sale 1 sets the lower level. It is the largest sale at nearly four times larger than remaining sales and twice as larger as the subject, requiring an upward adjustment. Typically, as size increases, the price/sq.ft. decreases, and vice versa. This is further evidenced by Sale 4, which is the smallest sale and sets the upper level, requiring a downward adjustment for size. Sales 2 and 3 require downward adjustments for size compared with the subject. In consideration of zoning, location, and size, market value of the acquisition parcel as part of the larger parcel is estimated at \$0.50/sq.ft, summarized as follows:

4,587 sq.ft. @ \$0.50/sq.ft. = \$2,293 **Round To: \$2,300**

CERTIFICATION

I certify that, to the best of my knowledge and belief, ...

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have performed no prior services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. I have made a personal inspection of the property that is the subject of this report. (If more than one person signs this certification, the certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.)
10. No one provided significant real property appraisal assistance to the person signing this certification, with the exception of Rachel Unger who typed the report, assisted with the development of the area analysis, analyzed sale comparables, and assisted with the value conclusion.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. As of the date of this report, I, Michael C. Burger, MAI, R/W-AC, have completed requirements of the continuing education program of the Appraisal Institute and I have completed the Standards and Ethics Education Requirement of the Appraisal Institute for Associate Members. I am a Certified General Appraiser, per the Office of Real Estate Appraisers, State of California, license number AG003817.

Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, or any reference to the above appraisal organizations and designations) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication, or to any other third parties, without the prior written consent and approval of the undersigned.

APPRAISER


Michael C. Burger, MAI, R/W-AC
#CA AG003817 Exp. 5-17-16

ADDENDA

TABLE OF CONTENTS

Appraiser’s Qualifications..... 1
Engagement Letter..... 2
Acquisition Map and Legal Description..... 3
Sale Data Sheets..... 4

APPRAISER'S QUALIFICATIONS

Qualifications of Michael C. Burger, MAI, R/W-AC President and Chief Appraiser

Valbridge Property Advisors | Michael Burger and Associates

Independent Valuations for a Variable World



Certifications

CA Cert Gen AG003817

Education

Bachelor of Science Agricultural Business
Management, California Polytechnic State
University

Contact Details

Valbridge Property Advisors | Michael Burger &
Associates

4915 Calloway Drive, Suite 101
Bakersfield, CA 93312

661-587-1010 x 101 Phone
661-834-0748 Fax

mburger@valbridge.com
www.valbridge.com

Professional Credentials

Certified General Appraiser – State of California
MAI – Appraisal Institute
FHA Approved – U.S. Department of Housing and Urban Development
R/W-AC – International Right of Way Association
Probate Referee of Kern County

Civic, Volunteer and Professional Affiliations

Director (2013-Present) Friend of Mercy Foundation
President (1998) Bakersfield Chapter Appraisal Institute
Director (2003) Bakersfield East Rotary Club
President and Treasurer (Past) Executive Association of Kern County
Class of 2000 Greater Bakersfield Chamber of Commerce Leadership Club
Director (Past) Alpha Gamma Rho Alumni Association
Director and Secretary (Past) Bakersfield Active 20-30 Club
Advisory Team City of Bakersfield Planning Department – Urban Decay
Guest Lecturer: Bakersfield College, Cal Poly State University, Bakersfield Board of Realtors, Executive Associate of Kern County, Kern Kiwanis, Kern County Tax Payers Association, KERN Talk Radio, McKinzie Real Estate, Watson Realty Corporation.
Pro Bono Appraisal and Consulting services have been provided to the Bakersfield Police Activities League, Bakersfield Museum of Art, American National Red Cross, Habitat for Humanity, Salvation Army, and Kern Veteran's Memorial Foundation.

Experience

President and Chief Appraiser

Michael Burger and Associates (1997 - Present)

Area Development Officer and Zone Owner

Zone Data Systems | Zaio Inc. (2007- Present)

Probate Referee

State of California (2011 - Present)

Residential and Commercial Appraiser

Bruce Beaudoin Real Estate Appraisers (1987 - 1997)

VP Finance

Alpha Gamma Rho – San Luis Obispo Chapter (1985 - 1986)

Home Builder

John K Richardson – General Contractor (1985 - 1986)

Appraisal Specialties

Subdivision Development, Mixed-use, Retail Centers, Professional/Medical Office, Hotel/Motel, Restaurant, Apartments, Industrial, Special Use & Going Concern, Hangars, High-rise and Low-rise Condominiums, Gas Stations, Golf Course, Auto Dealerships, Specialty Medical Facilities, Bowling Centers, Self-Storage, Single Family Residential, Right-of-Way/Condemnation, Investment Analysis, Market Studies, Feasibility & High and Best Use Analysis, Business Valuations, Partial Interest Valuations.

Real Estate Courses

Rural Appraisal – Cal Poly University

Real Estate Finance – Cal Poly University

Principle of Real Estate – Cal Poly University

Real Estate Appraisal – Bakersfield College

Advanced Real Estate Appraisal – Bakersfield College

Partial Interest Valuation

Appraisal Institute Courses (19 to 40 hour courses)

Real Estate Principles

Basic Valuation Procedures

Capitalization Theory & Technical A & B

Case Studies in Real Estate Valuation

Report Writing & Valuation Analysis

Standards of Professional Practice A & B

The Appraisers Complete Review

Condemnation Appraising

Separating Real & Personal Property from Intangible

Business Assets

International Right of Way Courses (19 to 40 hour courses)

The Appraisal of Partial Acquisitions (#401)

Eminent Domain Law (#803)

Business Relocation (#502)

Real Estate Appraisal Seminars

Understanding Limited Appraisals - General

Appraising Complex Residential Properties

Non-Residential Demonstration Appraisal Reports

O.R.E.A. Federal & State Laws & Regulations

Loss Prevention Program for Real Estate

Real Estate Appraiser Expert Witness

Trends in the Hospitality Industry

Valuation Considerations - Partial Acquisition

Valuation of Detrimental Conditions

A Review of 1 – 4 Residential Form

Internet Sources for the California Appraiser

The FHA and the Appraisal Process

FHA Appraising for Valuation Professionals

Appraisal of Nonconforming Uses

Appraisal of Nursing Facilities

Technology and the Appraisal Process

National USPAP Update

Appraising Manufactured Housing

Litigation Seminar

Business Practices and Ethics

Vineyard Valuation & Ag Symposium

Uniform Appraisal Dataset (UAD)



Business, Consumer Services & Housing Agency
BUREAU OF REAL ESTATE APPRAISERS
REAL ESTATE APPRAISER LICENSE

Michael C. Burger

has successfully met the requirements for a license as a residential and commercial real estate appraiser in the State of California and is, therefore, entitled to use the title:

“Certified General Real Estate Appraiser”

This license has been issued in accordance with the provisions of the Real Estate Appraisers' Licensing and Certification Law.

BREA APPRAISER IDENTIFICATION NUMBER: AG 003817

Effective Date: May 18, 2014

Date Expires: May 17, 2016

Jim Martin, Bureau Chief, BRE A

3013566

ENGAGEMENT LETTER



Valbridge

PROPERTY ADVISORS

Michael Burger & Associates

January 13, 2016

VIA EMAIL: psamms@paragon-partners.com

Paragon Partners
Attn: Pamela Samms
901 East Main Street
Visalia, CA 93292
Tel. (559) 733-0440 ext. 3017

Re: Appraisal Fee and Time Estimate:

Proposed acquisition on North Warner Avenue, between Drummond Ave and Howell Ave, Ridgecrest, CA ~ APN's 067-210-03

Dear Ms. Samms,

Relative to your recent inquiry, the cost for an Appraisal Report of the above referenced property will be **\$2,500** for investigation and appraisal services.

The Appraisal Reports will be for real estate only. I will provide you with an electronic copy the report, to include exhibits and addenda. I anticipate delivery of the report by the end of January 2016, provided that the information requested herein is received in a timely manner.

Pursuant to your instructions, the property will be appraised in either the "before" and "after" condition or as a strip take to determine the just compensation for the valuation of the property relative to the proposed taking for the proposed reservation. Any severance damage to the remainder, relative to a partial take, will then be determined in valuation after the take. The report is intended to determine fair market value. Research will be conducted in the area and will cover transactions occurring during the period prior the date of value.

The report will present summary discussions of the data, reasoning, and analysis that were used in the appraisal process to develop the value estimate. Supporting documentation will be retained in my file, and the depth of discussion will be specific to your needs and the intended use. I am not responsible for its unauthorized use.

The purpose of the appraisal will be to provide you with a supportable and credible estimate of the as-is market value of the fee simple estate. It does not appear that the acquisition will affect the remainder of the parcels and likely there will be no severance damages. However, a full investigation will be made. The property will be either appraised in before and after condition, or as a strip take if there are no damages.

According to Sec. 24.103 of Federal Regulations, criteria for appraisals for acquisitions which, "by virtue of their low value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal." The report will provide comprehensive detail such as would be found in a "self-contained" report in describing the information considered, the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions. The report will be prepared in accordance with the Uniform Standards of Professional Appraisal Practice and Supplemental Standards of Professional Appraisal Practice and Code of Professional Ethics of the Appraisal Institute and Code of Federal Regulations (49 CFR 24). There will be no departures from USPAP requirements.

Unless otherwise notified the parcel will be valued as of the date of inspection, and is intended for your sole and exclusive use. Research will be conducted in the area and will cover transactions occurring during the last three years.

A copy of the Assumptions and Limiting Conditions and Certification that will be part of the appraisal work file and reports are attached. Please understand that the terms, provisions and conditions contained within the body of this letter, together with your signature below, constitute our agreement regarding the appraisal of the above-described property.

Please indicate your acceptance of the terms of this appraisal engagement by signing and dating this letter, as indicated below.

Sincerely,



Michael C. Burger, MAI, R/W-AC
CA Lic. #AG003817

MCB:kc
Encls.

Signature Pamela Samms
Regional Manager

Date 1-13-16

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal, which is confined to setting forth analyses, opinions and conclusions of the property described herein, is subject to the following contingent and limiting conditions:

1. The date of value to which the conclusions and opinions expressed in this report apply, is set forth in the letter of transmittal. Further, the dollar amount of any value opinion rendered is based upon the purchasing power of the American dollar existing on that date.
2. The appraiser assumes no responsibility for economic or physical factors which may affect the opinions in this report which occur after the date of the letter transmitting this report.
3. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
4. The appraiser reserves the right to make such adjustments to the analyses, opinions and conclusions set forth in this report as may be required by consideration of additional data or more reliable data that may become available.
5. No opinion as to title is rendered. Data related to ownership and legal description was obtained from Kern County Assessor's Office 2011-2012 tax roll records and is considered reliable. Title is assumed to be marketable and free and clear of all liens and encumbrances, easements and restrictions, except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management, and available for its highest and best use.
6. The appraiser assumes no responsibility for hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for arranging for engineering studies that may be required to discover them.
7. The property is appraised assuming it to be in full compliance with all applicable federal, state, and local regulations and laws, unless otherwise stated.
8. The property is appraised assuming that all applicable zoning and use regulations and restrictions have been complied with, unless otherwise stated.
9. The property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based, unless otherwise stated.
10. No engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area was taken from sources considered reliable and no encroachment of real property improvements is considered to exist.
11. No opinion is expressed as to the value of subsurface oil, gas or mineral rights or whether the property is subject to surface entry for the exploration or removal of such materials, except as is expressly stated.
12. Maps, plats and exhibits included in this part are for illustration only, as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose, nor should they be removed from, reproduced, or used apart from this report.
13. No opinion is intended to be expressed for matters which require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers.
14. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
15. That possession of this report, or a copy of it, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.

16. Unless otherwise stated in this report, the existence of toxic or hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances, such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
17. Endangered species may be prevalent in undeveloped land in the area. Visual inspection denotes no presence of an endangered species of habitat.

However, the appraiser is not an expert in the identification of endangered species or habitats, and this report should not be relied upon to determine whether sensitive ecological issues impact the property. This fact can only be determined by a biological survey of the property. Existence of such species or habitats on the property could affect potential uses and value.

Further, it should be emphasized, this appraisal report was prepared for the sole use of the client and does not constitute an expert biological assessment of the subject property.
18. No detailed soil studies covering the subject property were available to the appraiser. Therefore, any premises as to soil qualities employed in this report are not conclusive but have been discussed with the client and considered consistent with information available to the appraiser.
19. Testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal, unless such arrangements are made a reasonable time in advance. It is assumed that there are no structural defects hidden by floor or wall coverings or any other hidden or unapparent conditions of the property; that all mechanical equipment and appliances are in good working condition; and that all electrical components and the roofing are in good condition.
20. The appraiser has personally inspected the subject property and finds no obvious evidence of structural deficiencies, except as stated in this report; however, no responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety, earthquake or occupancy codes can be assumed without provision of specific professional or governmental inspections.
21. No termite inspection report was available. It is assumed that there is no significant termite damage or infestation unless otherwise stated.
22. No consideration has been given in this appraisal as to the value of the property located on the premises considered by the appraiser to be personal property, nor has he given consideration to the cost of moving or relocating such personal property; only the real property has been considered.
23. The liability of Michael Burger & Associates, its employees and associates is limited to the client only and to the amount of the fee actually received. There is no accountability, obligation, or liability to any third party. If the appraisal report is disseminated to anyone other than the client, the client shall make such party or parties aware of all limiting conditions and assumptions affecting the appraisal assignment. Michael Burger & Associates is not responsible for any costs incurred to discover or correct any physical, financial, and/or legal deficiencies of any type present in the subject property. In the case of limited partnerships or syndication offerings or stock offerings in real estate, the client agrees that, in the event of a law suit brought by a lender, a partner or part owner in any form of ownership, a tenant or any other party, the client will hold Michael Burger & Associates completely harmless in such action with respect to any and all awards of settlement of any type in such law suit.
24. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

SPECIAL ASSUMPTIONS AND LIMITING CONDITIONS

CERTIFICATION

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest or bias with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or the parties involved with the assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP), adopted by the Appraisal Foundation, minimum appraisal standards mandated by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), the Code of Ethics and the Standards of Professional Practice of the Appraisal Institute.
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. I have made a personal inspection of the property that is the subject of this report.
10. As of the date of this report, I, Michael C. Burger, have completed requirements of the continuing education program of the Appraisal Institute. I am also a Certified General Appraiser, per the Office of Real Estate Appraisers, State of California, license number AG003817.
11. No one provided significant professional assistance to the person signing this report

Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, or any reference to the above appraisal organizations and designations) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication, or to any other third parties, without the prior written consent and approval of the undersigned.

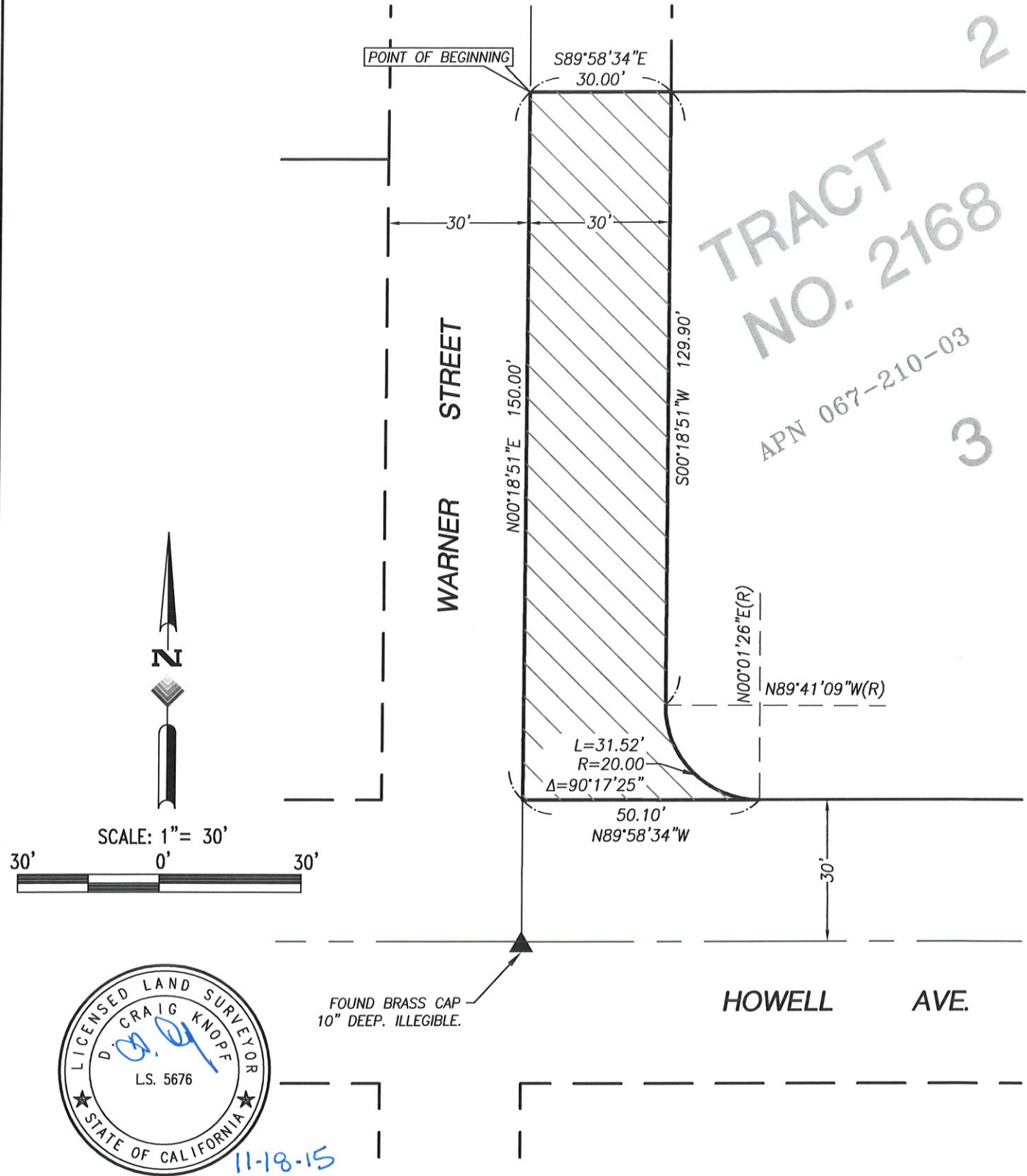
APPRAISER _____
Michael C. Burger, MAI, R/W-AC, #CA AGOO3817 - Exp. 5-17-2016

ACQUISITION MAP AND LEGAL DESCRIPTION

LEGEND



LEGAL DESCRIPTION CONTAINS
APPROXIMATELY 4,587 SQ. FT.



FILE NAME: L:\Projects\2014\140282\ACAD\Exhibits\140282 ROW EXHIBITS.dwg - LAST SAVE: 11/17/2015 4:41:09 PM PDT - BY: D. Craig Knopf

PLOT DATE:	11\18\15
JOB NO.	140282
DWG. NAME:	140282 ROW EXHIBITS
SCALE:	1"=30'
SHEET NO.:	1 OF 1

"EXHIBIT B"

WARNER STREET
RIGHT OF WAY DEDICATION

APN: 067-210-03

PREPARED BY:



Quad Knopf

901 E. MAIN STREET
P.O. BOX 3699
VISALIA, CA 93278
TEL: (559) 733-0440
FAX: (559) 733-7821

DRW BY: JLC CHK BY: DCK

“Exhibit A”

That portion of Lot 3 of Tract No. 2168, per map recorded in Book 11 of Maps, at Page 11, Kern County Records, situated in the Northeast quarter of Section 33, Township 26 South, Range 40 East, Mount Diablo Base and Meridian, in the City of Ridgecrest, County of Kern, State of California, according to the official plat thereof, more particularly described as follows;

Beginning at the Northwest corner of said Lot 3;

Thence, South $89^{\circ}58'34''$ East, along the North line of said Lot 3, a distance of 30.00 feet, to a point situated on a line which is parallel with and distant 30.00 feet East, measured at right angles from, the West line of said Lot 3;

Thence, South $0^{\circ}18'51''$ West, along said parallel line, 129.90 feet, to the beginning of a tangent curve, concave Northeasterly, having a radius of 20.00 feet;

Thence, Southeasterly, along said 20.00 radius curve, through a central angle of $90^{\circ}17'25''$, an arc distance of 31.52 feet, to a point situated on the South line of said Lot 3, and which point is situated also on the North right of way line of Howell Avenue (formerly Howell Street) as shown upon said Tract No. 2168;

Thence, North $89^{\circ}58'34''$ West, along said South line and along said North right of way line, 50.10 feet, to a point situated on said West line of Lot 3;

Thence, North $0^{\circ}18'51''$ East, along said West line, 150.00 feet, to the Point of Beginning.

Containing 4,587 square feet, more or less



SALE DATA SHEETS

LAND COMPARABLE 1



456-040-11 - 14 Aerial

Property Identification

Property/Sale ID	7402/6425
Property Type	Residential (Single-Family)
Property Name	Vacant Lot
Address	SEC of W. Las Flores Ave., & N. Inyo St.
City, State Zip	Ridgecrest, California 93555
County	Kern
MSA	Bakersfield
Latitude/Longitude	35.629579/-117.691941
Tax ID	456-040-11, 12, 13, 14

Transaction Data

Sale Date	12-15-2015	Recording Number	Dessarae V. Mahoney 15-181183
Recording Date	12-29-2015	Sale Price	\$17,000
Sale Status	Closed	Adjusted Price	\$17,000
Grantor	Terri L. DeSandre		
Grantee	Christopher L., and		

Property Description

Gross Acres	1.88	Topography	Level
Gross SF	81,959	Utilities	Full
No. of Lots	4	Zoning Jurisdiction	City
Visibility	Good	Zoning Code	R-1
Corner/Interior	Corner	Zoning Description	Single Family Residential 6,000 sq.ft. min. site area
Shape	Rectangular		

Indicators

\$/Gross Acre	\$9,035	\$/Lot	\$4,250
\$/Gross SF	\$.21		

Remarks

The property consists of four contiguous parcels situated at the southeast corner of Las Flores Ave., and N. Inyo St., in Ridgecrest.

The area shown is net of a roadway easement along the southerly property line.



LAND COMPARABLE 2



221 S. Norma St., Ridgecrest

Property Identification

Property/Sale ID	7403/6426
Property Type	Multi-Family
Property Name	Vacant Lot
Address	221 S. Norma St.
City, State Zip	Ridgecrest, California 93555
County	Kern
MSA	Bakersfield
Latitude/Longitude	35.620255/-117.679839
Tax ID	477-110-10

Transaction Data

Sale Date	01-30-2015	Grantee	Vahid Haddadchi
Recording Date	02-27-2015	Recording Number	15-22556
Sale Status	Closed	Sale Price	\$11,000
Grantor	Terri L. Desandre	Adjusted Price	\$11,000

Property Description

Gross Acres	0.55	Topography	Level
Gross SF	23,925	Utilities	Full
No. of Lots	3	Zoning Jurisdiction	City
Visibility	Average	Zoning Code	R-2
Corner/Interior	Mid-Block	Zoning Description	Multi-Family Residential
Shape	Rectangular		3,000 sq.ft. min. site/unit

Indicators

\$/Gross Acre	\$20,028	\$/Lot	\$3,667
\$/Gross SF	\$.46		

Remarks

The property fronts the west side of S. Norma St., between Ridgecrest Blvd. and W. Church Ave. in Ridgecrest.

LAND COMPARABLE 3



081-280-01, 02 Aerial

Property Identification

Property/Sale ID	7404/6427
Property Type	Residential (Single-Family)
Property Name	Vacant Lot
Address	SEC of W. Upjohn Ave., and S. Mahan St.
City, State Zip	Ridgecrest, California 93555
County	Kern
MSA	Bakersfield
Latitude/Longitude	35.614962/-117.696528
Tax ID	081-281-01, 02

Transaction Data

Sale Date	10-07-2015	Financing	Cash to Conventional
Recording Date	10-20-2015	Conditions of Sale	Typical
Sale Status	Closed	Recording Number	15-146967
Grantor	Raymond H. Kuo	Sale Price	\$6,000
Grantee	Resources LLC.	Adjusted Price	\$6,000
Property Rights	Fee Simple		

Property Description

Gross Acres	0.32	Topography	Level
Gross SF	14,006	Utilities	Full
No. of Lots	2	Zoning Jurisdiction	City
Visibility	Good	Zoning Code	R-1
Corner/Interior	Corner	Zoning Description	Single Family Residential
Shape	Roughly rectangular		6,000 sq.ft. min. site/unit

Indicators

\$/Gross Acre	\$18,661	\$/Lot	\$3,000
\$/Gross SF	\$.43		

Verification

Confirmation Date 01-19-2016

Remarks

The property consists of 2 contiguous parcels located at the southeast corner of W. Upjohn Ave. and S. Mahan St. in Ridgecrest.

Though the deed only lists 1 APN (081-281-01), it does provide the following description: 'Lots 23 and 23 of Tract 1593, as per Map recorded April 25, 1951 in Book 7, Pages 144 to 148 of Maps, in the Office of the Recorder of said County.'

The sale was confirmed with the listing broker as being two parcels.

LAND COMPARABLE 4



081-292-23 Front View

Property Identification

Property/Sale ID	7405/6428
Property Type	Residential (Single-Family)
Property Name	Vacant Lot
Address	SWC of Benson Ave., and S. Inyo St.
City, State Zip	Ridgecrest, California 93555
County	Kern
MSA	Bakersfield
Latitude/Longitude	35.611726/-117.692547
Tax ID	081-292-23

Transaction Data

Sale Date	12-23-2014	Grantee	Arcadia Unlimited, LLC.
Recording Date	01-22-2015	Recording Number	15-7446
Sale Status	Closed	Sale Price	\$6,000
Grantor	Suzanne Alonso	Adjusted Price	\$6,000

Property Description

Gross Acres	0.16	Topography	Level
Gross SF	6,753	Utilities	Full
No. of Lots	1	Zoning Jurisdiction	City
Visibility	Good	Zoning Code	R-1
Corner/Interior	Corner	Zoning Description	Single Family Residential
Shape	Roughly rectangular		6,000 sq.ft. min. site area

Indicators

\$/Gross Acre	\$38,703	\$/Lot	\$6,000
\$/Gross SF	\$.89		

Remarks

The property is at the southwest corner of W. Benson Ave. and S. Inyo St. in Ridgecrest.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Approving The Program Supplement Agreement No. 039-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorize Tax Allocation Bonds In The Amount of Seventy-Four Thousand One Hundred and Fifty-Nine Dollars (\$74,159.00) Be Used For Matching Funds And Authorize The City Manager, Dennis Speer, To Sign The Program Supplement Agreement For Construction Of The South China Lake Boulevard Project from Bowman Road to College Heights Boulevard

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

The Program Supplement Agreement is for the resurfacing and rehabilitation of South China Lake Boulevard Project from Bowman Road to College Heights Boulevard. The preliminary engineering has been completed and a Request for Authorization to Construct has been submitted.

The funds being allocated from the Regional Surface Transportation Program is Five Hundred Seventy-Two Thousand, Three Hundred and Eighty-Five Dollars (\$572,385.00). The City's matching funds are Seventy-Four Thousand One Hundred and Fifty-Nine Dollars (\$74,159.00). The project funding will be allocated from the capital improvement account 018-4760-430-4601 project ST15-02.

This project is on the three year Pavement Management System and the local match will be funded from our Tax Allocation Bonds.

The State requires that one person in the local agency be designated to sign the agreement with the State. The City's Master Agreement with the State stipulates the City Manager as the designated person.

FISCAL IMPACT:

\$74,159.00

Reviewed by Finance Director

ACTION REQUESTED:

Adopt A Resolution Approving The Program Supplement Agreement No. 039-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorize Tax Allocation Bonds In The Amount of Seventy-Four Thousand One Hundred and Fifty-Nine Dollars (\$74,159.00) Be Used For Matching Funds And Authorize The City Manager, Dennis Speer, To Sign The Program Supplement Agreement For Construction Of The South China Lake Boulevard Project from Bowman Road to College Heights Boulevard

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker

Action Date: April 20, 2016

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RESOLUTION NO. 16-

A RESOLUTION APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. 039-N1 WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, UNDER MASTER AGREEMENT NO. 09-5385R AND AUTHORIZE TAX ALLOCATION BONDS IN THE AMOUNT OF SEVENTY-FOUR THOUSAND ONE HUNDRED AND FIFTY-NINE DOLLARS (\$74,159.00) BE USED FOR MATCHING FUNDS AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO SIGN THE PROGRAM SUPPLEMENT AGREEMENT FOR CONSTRUCTION OF THE SOUTH CHINA LAKE BOULEVARD PROJECT FROM BOWMAN ROAD TO COLLEGE HEIGHTS BOULEVARD

WHEREAS, The City of Ridgecrest is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation; and

WHEREAS, Program Supplemental Agreements needs to be executed with the California Department of Transportation before such funds can be claimed; and

WHEREAS, This Program Supplement is for the resurfacing and rehabilitation of South China Lake Boulevard Project from Bowman Road to College Heights Boulevard; and

WHEREAS, The funds being allocated from the Regional Surface Transportation Program is Five Hundred Seventy-Two Thousand, Three Hundred and Eighty-Five Dollars (\$572,385.00); and

WHEREAS, The City has a local match in the amount of Seventy-Four Thousand One Hundred and Fifty-Nine Dollars (\$74,159.00) for the resurfacing and rehabilitation of the roadway; and

WHEREAS, and these funds will be coming from Tax Allocation Bonds; and

WHEREAS, Funds shall be made available from the capital improvement account 018-4760-430-2109 project ST1502 account; and

WHEREAS, The State requires that one person in the local agency be designated to sign the agreements with the State; and

WHEREAS, The City's Master Agreement with the State stipulates the City Manager as the designated person.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Authorizes the Approval of the Program Supplement Agreement No. 039-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R
2. Authorizes the Finance Director to amend the budget to reflect all appropriate expenditures, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer, To Sign The Program Supplement Agreement No. 039-N1 For South China Lake Boulevard Project from Bowman Road to College Heights Boulevard.

APPROVED AND ADOPTED this 20TH Day of April 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

Peggy Breeden, Mayor

ATTEST:

Rachel Ford, City Clerk

RESOLUTION NO. 16-

A RESOLUTION APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. 039-N1 WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, UNDER MASTER AGREEMENT NO. 09-5385R AND AUTHORIZE TAX ALLOCATION BONDS IN THE AMOUNT OF SEVENTY-FOUR THOUSAND ONE HUNDRED AND FIFTY-NINE DOLLARS (\$74,159.00) BE USED FOR MATCHING FUNDS AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO SIGN THE PROGRAM SUPPLEMENT AGREEMENT FOR CONSTRUCTION OF THE SOUTH CHINA LAKE BOULEVARD PROJECT FROM BOWMAN ROAD TO COLLEGE HEIGHTS BOULEVARD Page 2 of 2

PROGRAM SUPPLEMENT NO. N039 Rev. 1
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 09-5385R

Adv Project ID Date: March 3, 2016
0915000034 Location: 09-KER-0-RGCR
Project Number: STPL-5385(056)
E.A. Number:
Locode: 5385

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/02/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

South China Lake Boulevard from Bowman Road to College Heights Boulevard

TYPE OF WORK: Road rehabilitation

LENGTH: 0.3(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M240	L240	LOCAL	OTHER
\$765,844.00	\$89,503.00	\$588,497.00	\$87,844.00	\$0.00

CITY OF RIDGECREST

STATE OF CALIFORNIA
Department of Transportation

By _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance

Title _____

Date _____

Date _____

Attest _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Ronjane Jane Clayton

Date 3/3/2016

\$678,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

SPECIAL COVENANTS OR REMARKS

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

2. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

SPECIAL COVENANTS OR REMARKS

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures,

SPECIAL COVENANTS OR REMARKS

48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends \$750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in

SPECIAL COVENANTS OR REMARKS

ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over \$5,000, construction contracts over \$10,000, or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.

3. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.

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LOCAL ASSISTANCE

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CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM

SUBJECT:

Nomination and Appointment to a vacancy on the City of Ridgecrest Personnel Board

PRESENTED BY:

Rachel J. Ford – City Clerk

SUMMARY:

The City of Ridgecrest Municipal Article 3. - Agencies, Commissions, Boards and Committees require the Council make appointments to various boards and commissions including the Personnel Commission. § 2-3.101 additionally requires members ‘...shall be registered voters within the City...’

Recently, Personnel Commissioner Jerry Taylor retired and moved out of the area leaving a vacancy on the Personnel Commission. This item is for nomination by Council Member Lori Acton of a new appointee to fill the vacancy on the Personnel Commission for the balance of the term which will expire after the November 8, 2016 election.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Council Member Lori Acton appoints a Personnel Commissioner to fill the current vacancy.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Ricca Charlon
(Rev. 6/12/09)

Action Date: April 20, 2016

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Commissions, Board, & Committees	Member	Member	Member	Member	Member
Planning Commission (Each Council Member nominates a commissioner)	Soloman Rajaratnam (Peggy Breeden)	Scott Davis (Jim Sanders)	Matthew Baudhein (Lori Acton)	Cecil Yates	Warren Cox (Mike Mower)
Personnel Commission (Each Council Member nominates a commissioner)	Janis Bottoroff (Peggy Breeden)	Ryan Hunter (Jim Sanders)		Christina Witt (Eddie Thomas)	Mike Avery (Mike Mower)
Construction Appeals Board (Each Council Member nominates a commissioner)	Mike Ferguson (Peggy Breeden)	Ryan Hunter (Jim Sanders)	Jerry Taylor (Lori Acton)	Robert Obergfell (Eddie Thomas)	Russell Hearst (Mike Mower)
Handicap Access Appeals Board (Municipal Code requires 2 members be physically handicapped, 2 members experienced in construction, and 1 member be a public member)	Jinny DeAngelis - DART (Peggy Breeden) public member	Russell Hearst (Jim Sanders) construction member	Tami Miller (Lori Acton) handicap member	Gary Maxwell (Eddie Thomas) handicap member	Bill Freund (Mike Mower)
Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION) (2 Council Appointments & 2 Planning Commission Appointments)	Eddie Thomas	Lori Acton			
Ridgecrest Area Convention & Visitors Bureau (RACVB) (2 Council Appointments)	Eddie Thomas	Lori Acton (Alternate)			
Veterans Advisory Committee (1 Council Appointment & 1 Alternate)	Geralyn Haradon	Alternates Peggy Breeden, Mike Mower, Eddie Thomas			
Kern Council of Governments (KernCOG) (1 Council Appointment & 1 Alternate)	Mike Mower	Jim Sanders (Alternate)			
Navy Community Council (Mayor + 1 Council Appointment)	Peggy Breeden	Lori Acton			
IWV Groundwater	Jim Sanders	Peggy Breeden			
Water Conservation AdHoc Committee	Jim Sanders	Peggy Breeden			
Youth Advisory Council	Eddie Thomas				
Civilian & Military Affairs	Peggy Breeden	Lori Acton			
East Kern County Air Pollution Control Board	Peggy Breeden				
Senior Advisory Council tie to quality of life					
Arts Council tie quality of life					
Quad State Local Governments Authority	Jim Sanders	Mike Mower			
League of California Cities	Peggy Breeden	Jim Sanders (1st Alternate)	Eddie Thomas (2nd Alternate)		
Disaster Council (appointments set by Municipal Code)	Mayor/Chair	City Manager/Director of Emergency Services	Chief of Police/Asst. Director of Emergency Services	Other Emergency Service Personnel as appointed by the Director of Emergency Services to fulfill critical functions	
Round Table/BLM	Lori Acton				
Energy Conservation Plan (DRECP)	Lori Acton				
Infrastructure Committee	Jim Sanders	Mike Mower	Matthew Baudhein	Warren Cox	
City Organization and Services	Lori Acton	Mike Mower	Soloman Rajaratnam	Cecil Yates	
Parks, Recreation, Quality of Life (includes Senior Advisory Council and Arts Council)	Eddie Thomas	Lori Acton	Matthew Baudhein	Scott Davis	

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Article 3. - Agencies, Commissions, Boards and Committees

2-3.101 - General.

- (a) This Article sets forth provisions which are common to all agencies, commissions, boards and committees.
- (b) Commissions and boards shall consist of five (5) members who shall be registered voters within the City and who shall be appointed on the basis of their qualifications for their duties. Each member of the Council shall nominate one (1) Commissioner or board member. The Council shall confirm or reject the nomination.

(Ord. No. 96-03; Ord. No. 13-01, § 2)

2-3.104 - Personnel Commission.

- (a) The Personnel Commission is hereby established.
- (b) Commissioners shall receive no compensation, but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.
- (c) The Personnel Commission shall hear appeals by employees in the competitive service concerning appointments, promotions, demotions, suspensions and discharge; and may approve, disapprove, or amend the appointments, promotions, demotions, suspensions, and discharge heard in the appeal.
- (d) Decisions of the Personnel Commission are final unless overturned by a court of law.
- (e) The Personnel Officer or designee shall assist the Personnel Commission in the performance of its duties.

(Ord. No. 96-03; Ord. No. 13-01, § 2)

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Approve A Resolution To Authorize The City Manager, Or His Designee, To Execute A Municipal Service Agreement (MSA) With The Timbisha Shoshone Tribe

PRESENTED BY:

Gary Parsons

SUMMARY:

The Timbisha Shoshone Tribe wishes to develop an Indian gaming casino within the City of Ridgecrest and wants to utilize certain city services in the operation of this entertainment venue. This agreement would provide the city general fund a currently estimated \$400,000/year plus a one-time payment of \$80,000. These payments are to offset the city costs for providing city services to the Timbisha project.

The Tribe has agreed to payments at 2% of appraised value of the development and will provide annual payment of \$128,000/year for police and fire protection as well as problem gaming. Both of these amounts will increase as future phases of the proposed development are completed. The agreement also calls for the tribe to provide a 10% payment to the city for any future hotel development as well as joining the RACVB – Tourism Business district and paying its assessment(s).

The agreement is for a period of 20 years from the commencement of casino operations.

The payments will offset the city for lost property and sales taxes due to the federal status of the Land upon which the development will sit.

FISCAL IMPACT:

Provide a currently estimated \$400,000 per year to the general reserve fund of the City.

ACTION REQUESTED:

Approve the resolution to execute the MSA with the Timbisha Shoshone tribe.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RIDGECREST APPROVING THE MUNICIPAL SERVICES
AGREEMENT BETWEEN THE CITY OF RIDGECREST AND THE
TIMBISHA SHOSHONE TRIBE**

1. PURPOSE AND SCOPE.

This resolution approves the Municipal Services Agreement between the City of Ridgecrest ("City") and the Timbisha Shoshone Tribe ("Tribe") regarding tribal gambling facilities.

2. FINDINGS.

The City Council finds, determines, and declares:

WHEREAS, the Timbisha Shoshone Tribe has documented its historical occupation of the area surrounding the City of Ridgecrest; and

WHEREAS, the United States congress enacted the Indian Self-Determination Act and has authorized the Secretary of the Interior to acquire land in trust for the Tribe; and

WHEREAS, the Tribe has requested that City provide critical municipal services to the tribal lands in City, and has agreed to compensate City for providing those services; and

WHEREAS, the City Council conducted a duly noticed public meeting on April 20, 2016, pertaining to the Municipal Services Agreement.

3. RESOLUTION.

Based on the foregoing findings, the City Council hereby approves and adopts the Municipal Services Agreement between City and Tribe, attached hereto.

APPROVED AND ADOPTED this 20th day of April, 2016, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, City Clerk

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MUNICIPAL SERVICES AGREEMENT

This Municipal Services Agreement (hereinafter "Agreement") is made this _____ day of April, 2016, by and between the City of Ridgecrest (hereinafter "City"), on one hand, and the Timbisha Shoshone Tribe (hereinafter "Tribe"), on the other hand. City and Tribe shall hereinafter collectively be referred to as "Parties."

RECITALS

WHEREAS, the historical occupation of the Timbisha Shoshone Tribe of the area in and surrounding the City has been documented; and

WHEREAS, the United States Congress has authorized the Secretary of the Interior to acquire land in trust for the Tribe in order for the Tribe to achieve economic self-sufficiency; and

WHEREAS, in 1978, Congress enacted the Indian Self-Determination Act, 25 U.S.C. §450, *et seq.* to encourage tribal self-sufficiency and self-determination, and in 1988 Congress enacted the Indian Gaming Regulatory Act, 25 U.S.C. 2701, *et seq.* (the "IGRA") to provide for tribal gaming, again emphasizing the federal priority of tribes becoming self-sufficient; and

WHEREAS, following consultations with federal, state and City officials for the purpose of identifying potential new reservation locations that would meet the community, economic development and residential needs of the Tribe, while being compatible with surrounding land uses and minimizing adverse impacts on City services and residents, the Tribe has selected and will acquire a parcel of land in the City; and

WHEREAS, the Tribe intends to ask the Bureau of Indian Affairs to initiate the federal environmental review process necessary to comply with the National Environmental Policy Act ("NEPA"), as a first step to taking said parcels into trust; and

WHEREAS, the Tribe has now requested that the City support the Tribe's request to the Bureau of Indian Affairs to take a parcel into trust, and in consideration for such support, the Tribe has offered to enter into an agreement with the City before any land goes into trust, which agreement will provide for the Tribe to make certain payments to the City to mitigate potential impacts of the Tribe's development and use of the Trust Lands (as defined below), as well as reimbursing the City for expenses to be incurred by the City in association with this Agreement; and

WHEREAS, the proposed action of the Tribe is not a City project and is not a project subject to the discretionary approval of the City and, therefore, is not subject to otherwise applicable California laws; and

WHEREAS, the City would not otherwise have any authority or input with regard to the Tribe's Trust Lands nor receive any compensation as mitigation for the impacts the Tribe's use of the Trust Lands would cause; and

WHEREAS, the City is capable of, and willing to, provide a full range of municipal services for uses of the Tribe's trust lands and, subject to future agreement between the City and the Tribe, may provide certain municipal services for the Tribe's use of the Trust Lands; and

WHEREAS, the City is prepared to support the Tribe's trust acquisition request to the United States if the Tribe enters into an enforceable agreement to comprehensively mitigate all impacts of this acquisition by taking several steps, including, but not limited to: (a) conforming to certain specific land use restrictions identified in City ordinances; (b) mitigating any environmental impacts of its planned use of the trust land that are identified in the environmental assessment to be conducted pursuant to NEPA; and (c) conforming to certain building and design standards set out in City ordinances.

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. Land to be Taken into Trust. The Tribe will request that the United States take into trust for its benefit the parcel identified in Exhibit A appended hereto. The Tribe agrees to request the United States to take into trust within the limits of the City only the parcel detailed in Exhibit A appended hereto (hereinafter "Trust Lands"), unless and until this Agreement is amended as provided herein to authorize any other trust acquisition. The Tribe further agrees to use said parcel exclusively (a) for the operation of a facility for Class II and Class III Gaming in conformity with the requirements of the federal Indian Gaming Regulatory Act, 25 U.S.C. 2701, *et seq.*, with the requirements of this Agreement and with the requirements of all other applicable State or federal laws; and (b) for other gaming related uses, as described in Exhibit B appended hereto, so long as such related uses are intended primarily to facilitate the operation of the gaming facility (all improvements on the Trust Lands collectively hereinafter referred to as the "Gaming Facility"), unless and until this Agreement is amended as provided herein.

2. Compliance with City Ordinances. The Tribe shall enact laws applicable to the Trust Lands and shall require that the Trust Lands be used and developed in a manner that complies with all applicable City general, specific and community plans, zoning ordinances, and design guidelines in effect at the time of development, to the extent that compliance with such laws does not impermissibly infringe upon the internal self-government of the Tribe. The Tribe shall adopt the building standards set out in the City's adopted building codes, and prior to the use of any structure constructed on the Trust Lands, provide the City, at the Tribe's expense, with written certification from the project architect that said structures have been constructed in accordance with said standards. To ensure that tribal laws are adequately enforced, the Tribe agrees to contract with the City to provide, planning, building and safety, fire prevention, and public works personnel to review construction plans and inspect construction of improvements on the Trust Lands, to insure compliance with adopted codes. Said review and inspection services shall be provided at the City's normal rates for such services. In the event the City's reviewers and inspectors are unable to complete such services within a time frame substantially similar to the time frame in which the city would complete such services for a commercial development, the Tribe may contract for alternative inspection services, provided that the Tribe shall provide the City with an opportunity to timely provide inspection services prior to contracting with an alternative inspection service.

3. Environmental Review. The Tribe's application to have land taken into trust is not governed by State laws, and the Tribe does not agree to submit its projects to the City for discretionary approvals. The Tribe does agree, however, to submit its development plan for development review and comment by the City staff and to substantially comply with City ordinances in effect at the time of development. Nothing in this Agreement constitutes a commitment by the City to develop, construct, or improve any facilities or to issue any permit or entitlement for use and the parties specifically acknowledge that no such permit or entitlement is necessary for the Tribe to build improvements on the Trust Lands..

4. Payments to City. The parties agree that the Tribe will treat all fees in this agreement as "operating expenses." The parties further agree that a standard method of payment to the City will be beneficial for all. The following method shall be used to make payments to the City. This section shall not apply to Litigation Expenses as defined in Section 18.

A. The Tribe agrees to pay the City all service fees and impact fees established by City resolution prior to the service being provided or the impact realized, provided that such fees are established on a City-wide or area-wide basis, equal to at least 20.0% of the area of the City, and not applicable solely to the Tribe.

B. The Tribe will pay the City, on a monthly basis, within thirty (30) days of billing, for the actual cost of all City expenses related to providing any of the services performed by the City, their consultants or contract services, as set forth in Sections 2 and 3 of this Agreement.

C. Where payments are to be made quarterly, the Tribe will pay the City on the City's first business day after the first day of January, April, July, and October following any quarterly period, or part thereof, during which the Gaming Facility is in operation. The first payment will be paid for the pro-rated number of days the Gaming Facility was in operation during its first quarter, divided by the actual number of days in that quarter, multiplied by the quarterly amounts stated in this Agreement.

D. Where payments are to be made annually, the Tribe will pay the City on the City's first business day after July first following any quarterly period, or part thereof, during which the gaming facility is in operation. The first payment will be paid for the pro-rated number of days the Gaming Facility was in operation during its first year, divided by 365 days, multiplied by the annual amounts stated in this Agreement.

E. Fifty percent (50%) of funds received by the City from the State of California pursuant to the Class III gaming compact between the Tribe and the State or from the State Special Distribution Fund shall be credited against the mitigation payments to be paid by the Tribe to the City pursuant to this Agreement and any subsequent agreements entered into by the Parties.

F. One-time fees will be paid as described elsewhere in this Agreement.

G. All payments, by the Tribe shall be made payable to the City of Ridgecrest and delivered to the City Manager, or his designee.

5. Quarterly Mitigation Payments. The Tribe and the City agree that, because of the status of the Trust Lands, the City will lose potential tax revenues from the land and the improvements thereon and from certain commercial activities that the Tribe may conduct on the Trust Lands. In order to mitigate this loss of revenue, and to compensate the City for the

provision of law enforcement and fire protection services to the Trust Lands, as well as to contribute to the provision of problem gambling support services by the City, the Tribe shall pay to the City a Mitigation Payment in the sum of \$100,000.00 each quarter. This sum shall be adjusted to the amount of one quarter of Two Percent (2%) of the appraised value of the land and Gaming Facility after the completion of construction. The Parties shall mutually agree upon and appoint an independent appraiser to conduct the appraisal, at the Tribe's expense. The appraiser shall assess the appraised value based on the construction cost of the Gaming Facility, because there are no comparable properties. The City shall allocate this Mitigation Payment to the needs of law enforcement, fire protection, problem gambling programs, and other needs as the City so determines in its sole discretion.

6. Payment for Critical Municipal Services. The Parties recognize that the gaming facility to be developed and operated by the Tribe will necessitate an increase of critical municipal services in the area surrounding the Trust Lands. The Parties have agreed that, based on the size of the Tribe's proposed gaming facility and the projected number of patrons and employees, Tribe shall make the following payments to City:

A. A one-time payment of \$80,000 to City to be used by City for a new police patrol car, which shall be used by City at its sole discretion in and surrounding the City of Ridgecrest and in the area surrounding the Trust Lands; and

B. Annual fees of \$128,000 for additional critical municipal services, which shall be paid to City in quarterly installments. This sum shall be increased annually in accordance with the Consumer Price Index. The sum may exceed the Consumer Price Index by mutual consent, to be consistent with then current costs to the City of providing these services. This figure shall not be reduced unless such reduction is agreed to by City.

7. Emergency Medical Services. The Tribe shall contract with a private ambulance provider to provide emergency medical services to the Gaming Facility.

8. Criminal Jurisdiction on Trust Lands. The City shall have authority to enforce State and local criminal laws on the Trust Lands to the extent authorized by Public Law 280. The City will attempt to notify the Gaming Facility's security director and general manager before taking extraordinary action (over and above usual patrols and response to security calls) at the Gaming Facility and shall coordinate and cooperate with appropriate Tribal security officers, if any, except when, in the good faith and reasonable judgment of the City law enforcement

officers involved, their safety, or the integrity of an investigation or enforcement action, would be materially compromised by doing so.

9. Roads and Traffic Circulation. The Tribe will cause a traffic study to be conducted to determine the traffic impacts of its proposed uses of the Trust Lands. The Tribe will mitigate traffic and circulation issues in conformity to the applicable law. The Tribe agrees to pay all required traffic mitigation fees consistent with City fee programs and ordinances.

10. Sewer and Water Service.

A. The Tribe shall provide for the treatment and disposal of sewage generated on the Trust Lands. If the Tribe connects to the City's sewer collection system, the Tribe will pay fees, obtain required easements for sewer infrastructure, construct to City sewer infrastructure standards, and dedicate to the City such sewer infrastructure. No use shall occur on the Trust Lands, other than the construction of the Gaming Facility, until sewer service is completed and inspected pursuant to this Agreement. Any approvals by the City required to implement this section shall not unreasonably be withheld, and the standards and fees referred to in this section shall be substantially identical to those applied to similarly situated users.

B. The Tribe shall provide for a water supply for the Trust Lands. If the Tribe connects to the City municipal water system, the Tribe shall pay applicable fees, obtain required easements for water infrastructure, construct to City water infrastructure standards, and dedicate to the City such water infrastructure. No use, other than the construction of the Gaming Facility, shall occur on the Trust Lands until water service is completed and inspected pursuant to this Section and Sections 2 and 3 of this Agreement. Approvals by the City, if any, required to implement this Section shall not unreasonably be withheld, and the standards and fees referred to in this Section shall be substantially identical to those applied to similarly situated users.

C. The Tribe shall acquire the Trust Lands subject to all existing City rights-of-way and easements for the provision of sewer and water.

11. Solid Waste Disposal. The Tribe shall contract for solid waste disposal with the City's franchised waste hauler at their usual commercial rates.

12. Employment of City Residents. The Tribe shall work in good faith with the City, to employ qualified residents at the Gaming Facility to the extent permitted by applicable law. The Tribe shall offer training programs to assist City residents to become qualified for positions at the Gaming Facility to the extent permitted by applicable law. Nothing in this Section 10 shall

be interpreted to limit or modify in any way the Tribe's policy of Indian preference in employment.

13. Allowed Gambling Age in Casino. The City has requested, and the Tribe agrees, that the Tribe will restrict the age for gambling, in the casino, to 18 years of age, or older. No one under the age of 18 years will be allowed to gamble.

14. Payment for Future Development. The Tribe and the City recognize that additional development may occur on Tribal land within the jurisdiction of the City. The Tribe agrees to negotiate in good faith with the City to mitigate the off-reservation impacts of any future development. If in the future the Tribe constructs a hotel, the Tribe will join the "District Association" and make quarterly payments to the City in the sum of the equivalent of a Ten Percent (10%) transient occupancy tax ("TOT").

15. Dispute Resolution.

A. Meet and Confer Process. In the event the City or the Tribe believes that the other has committed a possible violation of this Agreement, it may request in writing that the Parties meet and confer in good faith for the purpose of attempting to reach a mutually satisfactory resolution of the problem within fifteen (15) days of the date of service of said request, provided that if the complaining Party believes that the problem identified creates a threat to public health or safety, the complaining Party may proceed directly to arbitration as provided in Subsection E below.

B. Notice of Disagreement. If either Party is not satisfied with the result of the meet and confer process, such Party may provide written notice to the other, identifying and describing any alleged violation of this Agreement ("Notice of Disagreement"), with particularity, if available, and setting forth the action required to remedy the alleged violation.

C. Response to Notice of Disagreement. Within fifteen (15) business days of service of a Notice of Disagreement, the recipient Party shall provide a written response either denying or admitting the allegation(s) set forth in the Notice of Disagreement, and, if the truth of the allegations are admitted, setting forth in detail the steps it has taken and/or will take to cure the violations. The failure of the recipient Party to serve a timely response shall entitle the complaining Party to proceed directly to arbitration, as provided in Subsection E below.

D. Expedited Procedure for Threats to Public Safety. If the City or the Tribe reasonably believes that the other's violation of this Agreement has caused or will cause a

significant threat to public health or safety, resolution of which cannot be delayed for the time periods otherwise specified in this Section 16, the complaining Party may proceed directly to the arbitration Procedures set out in Subsection E below, without reference to the processes set out in Subsections A, B, and C above, and seek immediate equitable relief. At least twenty-four (24) hours before proceeding in this manner, the complaining Party shall provide to the other a written request for correction and notice of intent to exercise its rights under this Subsection D, setting out the legal and/or factual basis for its reasonable belief that there is a present or an imminent threat to public health or safety.

E. Binding Arbitration Procedures. Subject to prior compliance with the meet and confer process set out above in Subsection A, and the Notice and Response process in Subsections B and C, and except as provided in Subsection D, either Party may initiate binding arbitration to resolve any dispute arising under this Agreement. The arbitration shall be conducted in accordance with the following procedures:

(1) The arbitration shall be administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules.

(2) The arbitration shall be held in the City of Ridgecrest, California, unless otherwise agreed. The arbitrator shall be empowered to grant compensatory, equitable and declaratory relief.

(3) If either Party requests an oral hearing, the arbitrator shall set the matter for hearing. Otherwise, the arbitrator shall decide whether to set the matter for hearing.

(4) The resulting award shall be in writing and give the reasons for the decision. Judgment on the award rendered by the arbitrator may be entered in the United States District Court for the Eastern District of California. The costs and expenses of the American Arbitration Association and the arbitrator shall be shared equally by and between the Parties unless the arbitrator rules otherwise.

16. Judicial Review. The Parties consent to judicial enforcement of any award in arbitration, which enforcement shall be in the United States District Court for the Eastern District of California. Service of process in any such judicial proceeding is waived in favor of delivery of court documents by Certified Mail -Return Receipt Requested to the following:

FOR THE TRIBE:

FOR THE CITY:

Tribal Chairperson
Timbisha Shoshone Tribe
621 West Line St., Suite 108

Bishop, CA 93514
Telephone: (760) 872-3614

Mayor
City of Ridgecrest
100 W. California Ave.
Ridgecrest, CA 93555-4054

Telephone: (760) 499-5000
Facsimile: (760) 499-1500

17. Limited Waiver of Tribal and City Sovereign Immunity. The Tribe agrees to waive its sovereign immunity in favor of the City as to any dispute that arises out of this Municipal Services Agreement or the activities undertaken by the Tribe on the Trust Lands, pursuant to the terms set forth herein for enforcement. The Tribe's governing body shall execute a formal Resolution of Limited Waiver of Sovereign Immunity substantially identical to attached Exhibit C. The City agrees that it has waived its sovereign immunity for purposes of the enforcement of the terms of this Agreement.

18. Attorneys' Fees. In the event either party commences an Action (as defined herein) against the other party which arises out of a Default of, breach of, failure to perform this Agreement or otherwise related to this Agreement, then the Prevailing Party in the Action shall be entitled to recover its Litigation Expenses (as defined herein) from the other party in addition to whatever relief to which the Prevailing Party may be entitled. For the purposes of this section, the term "Action" means any lawsuit, court or administrative proceeding (whether of a legal or equitable nature), arbitration or mediation (whether binding or non-binding), or any other alternative dispute resolution procedure, and the filing, recording, or service of any process, notice, claim, lien, or other instrument which is a prerequisite to commencement of the Action. For the purposes of this section, the term "Litigation Expenses" means all costs and expenses, to the extent such are reasonable in amount, that are actually and necessarily incurred in good faith by the Prevailing Party directly related to the Action, including, but not limited to, court costs, filing, recording, and service fees, copying costs, exhibit production costs, special media rental costs, attorneys' fees, consultant fees, fees for investigators, witness fees (both lay and expert), travel expenses, deposition and transcript costs, and any other cost or expense reasonably and necessarily incurred by the prevailing party in good faith and directly related to the Action. For the purposes of this Section, the term "Prevailing Party," shall have the meaning ascribed in California Code of Civil Procedure §1032(a)(4).

19. Indemnification.

A. Except as to the sole negligence, active negligence, or willful misconduct of the City, the Tribe expressly agrees to and shall indemnify, defend, release, and hold the City, their officials, agents, servants, employees, attorneys and contractors harmless from and against, any claim, liability, loss, damage, entry, cost, or expense (including, but not limited to, attorneys' fees expert fees, and court costs) which arises out of or is in any way connected with the Tribe's performance under this Agreement. This indemnification provision shall apply to any act or omissions, willful misconduct or negligent conduct, whether active or passive, on the part of the employees, agents, servants, or subcontractors of the Tribe or its tenants. The Parties expressly agree that the obligations of the Tribe under this Section shall survive the expiration or early termination of the Agreement.

B. Except as to the sole negligence, active negligence, or willful misconduct of the Tribe, the City expressly agrees to and shall indemnify, defend, release, and hold the Tribe, their officials, agents, servants, employees, attorneys and contractors harmless from and against, any claim, liability, loss, damage, entry, cost, or expense (including, but not limited to, attorneys' fees expert fees, and court costs) which arises out of or is in any way connected with the City's performance under this Agreement. This indemnification provision shall apply to any act or omissions, willful misconduct or negligent conduct, whether active or passive, on the part of the employees, agents, servants, or subcontractors of the Tribe or its tenants. The Parties expressly agree that the obligations of the City under this Section shall survive the expiration or early termination of the Agreement.

20. Support for Trust Application. In consideration for the obligations undertaken by the Tribe herein, the City shall provide the correspondence attached as Exhibit D to the United States Department of Interior, Bureau of Indian Affairs, in support of the application of the Tribe to the United States, and shall request the United States to take the lands identified in Exhibit A into trust for the benefit of the Tribe, and respond to inquiries about the Tribe's trust application from the Bureau of Indian Affairs in a manner that is consistent with Exhibit D.

21. Tribal-City Advisory Committee. The City and the Tribe agree to establish a permanent committee, to be known as the Tribal-City Advisory Committee. The jurisdiction of the Committee shall include questions related to implementation of this Agreement, proposals

for the amendment of this Agreement, and concerns over any matter within the scope of this Agreement.

A. Composition of Committee. The Committee shall be composed of three members designated by the City Manager of the City of Ridgecrest, or his designees, and three members designated by the Tribe, for the purpose of addressing any issues arising under or relating to this Agreement.

B. Open Meetings. Committee meetings shall be open to the public, and Committee members may invite staff and associates as they deem appropriate to participate.

C. Meeting Times. The Committee shall meet on a quarterly basis, or more frequently, according to procedures established by the Committee.

D. Authority of Committee. The Committee may make recommendations to the Tribe and the City, including recommended amendments to this Agreement, which both Parties shall consider before implementing any actions concerning the subject matter of this Agreement.

22. Other Development Projects. The Parties understand and agree that the Tribe may in the future undertake other development projects on the Trust Lands. In order to preserve their good relations and in the best interests of the surrounding community, the Tribe and the City agree that the Tribe shall undertake no new development that would be inconsistent with the moral climate of the community, including but not limited to adult entertainment and sexually oriented businesses as defined in the City's Development Code. If the Tribe should undertake new development projects, it will notify the City at least three months prior to the commencement of construction of the new project and will negotiate in good faith with the City concerning an agreement for the protection of the Parties' interests and the well-being of the surrounding community.

23. Amendments. This Agreement may be amended by mutual agreement of the Parties and must be amended prior to the acquisition of any land in trust by the Tribe not identified in Exhibit A. The parties will meet annually to review this Agreement and the Parties' performance of their obligations under it. To the extent that either of the Parties believes that the Agreement should be amended, the Parties agree to negotiate on such amendments in good faith in order to further the objectives of this Agreement.

24. No Third Party Beneficiaries. This Agreement is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.

25. Term. This Agreement shall become effective upon its execution by the parties hereto and shall continue in effect for a period of twenty (20) years from the opening date of the Gaming Facility, provided that, if the Tribe is informed by the Secretary of the Interior that the United States will not take the land into trust or that the Tribe may not conduct gaming activities thereon, then this Agreement shall terminate thirty (30) days after the Tribe is so informed. No sooner than eighteen (18) months prior to the aforementioned termination date, either party may request the other party to enter into negotiations to extend this Agreement or enter into a new agreement. If the parties have not agreed to extend the date of this Agreement nor entered into a new Agreement by the termination date, this Agreement will automatically be extended for not more than five (5) years, unless the parties have agreed to an earlier termination date.

26. Approval by the Department of the Interior. The parties will submit this Agreement to the Department of the Interior for either (a) approval pursuant to 25 U.S.C. Section 81, or (b) a written response from the Department of the Interior that this Agreement does not require approval under 25 U.S.C. Section 81 to be enforceable.

WHEREFORE, IN WITNESS THEREOF, the Parties hereby execute and enter into this Agreement with the intent to be bound thereby through their authorized representatives whose signatures are affixed below.

DATED: _____

TIMBISHA SHOSHONE TRIBE

By: _____

Its: _____

DATED: _____

CITY OF RIDGECREST

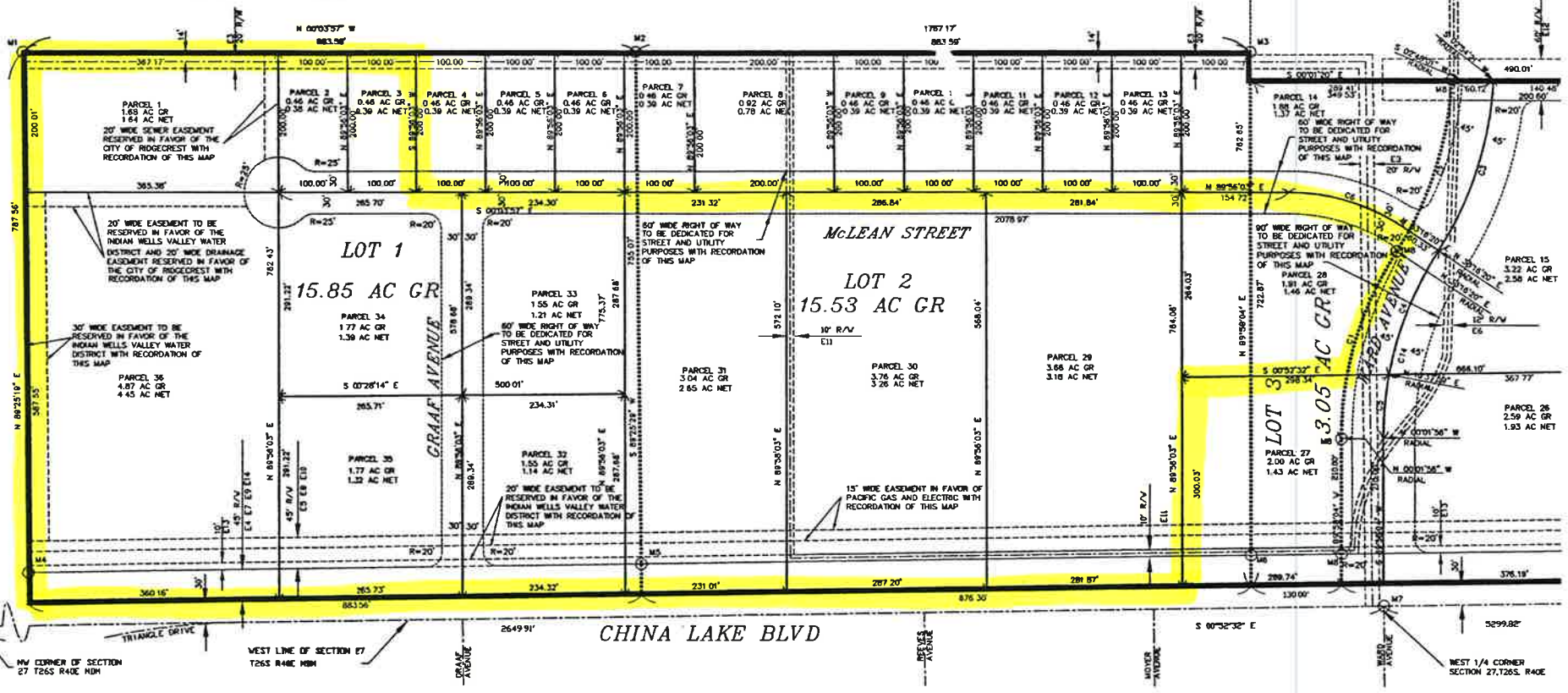
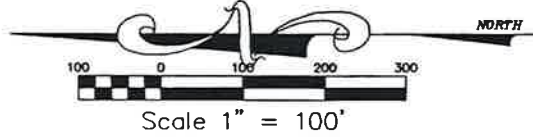
By: Margaret Breeden

Its: Mayor

Seal

Exhibit A - Trust Lands

NAVAL AIR WEAPONS CENTER
CHINA LAKE



SEE SHEET 3

PARCEL MAP 10819

RECORDER'S CERTIFICATE - FILED THIS 4 DAY OF SEPTEMBER 2002 AT 2:00 P.M. IN BOOK 52 OF PARCEL MAPS AT PAGE 130 AT THE REQUEST OF JOE POLLOCK.

JAMES W. MAPLES
COUNTY ASSESSOR/RECORDER
COUNTY OF KERN

By *[Signature]*
Deputy RECORDER

STREET CENTERLINE CURVE DATA

NUMBER	DELTA	TANGENT	RADIUS	LENGTH	CHORD
C1	3378.16"	145.71	487.15	283.17	279.20
C2	3028.19"	132.68	487.15	259.08	256.04
C3	3021.56"	132.20	487.15	258.19	255.18
C4	2725.21"	97.52	487.15	192.49	191.24
C5	1029.50"	45.47	487.15	90.68	90.55
C6	3370.17"	89.83	300.00	174.36	172.11
C7	1153.29"	106.38	762.48	211.25	210.58
C8	0870.47"	53.41	762.48	106.64	106.55
C9	1526.01"	104.45	762.48	207.61	206.97
C10	0079.19"	2.14	762.48	4.28	4.28
C11	0725.02"	48.42	762.48	96.71	96.64
C12	2326.48"	159.38	762.48	314.25	312.03
C13	2326.48"	159.38	762.48	314.25	312.03
C14	3378.16"	145.71	487.15	283.17	279.20

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202-145901

11-4A PM 10819 M-1

SHEET 3 OF 4
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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Approve A Resolution To Allocate \$25,000 From The Wastewater Fund To Partially Fund The Preparation Of The Salt & Nutrient Management Plan

PRESENTED BY:

Mike Mower, Council Member

SUMMARY:

The State Water Resources Control Board adopted a Recycled Water Policy in February 2009. The purpose of the Policy is to increase the use of recycled water in a manner that implements state and federal water quality laws.

The Salt and Nutrient Management Plans are to be created to facilitate basin-wide management of salts and nutrients from all sources in a manner that optimizes recycled water use while ensuring protection of groundwater supply and beneficial uses, agricultural beneficial uses, and human health.

The Recycled Water Policy requires stakeholders to develop implementation plans to meet these objectives for salts and nutrients. The implementation plans would then be adopted by Regional Boards as amendments to the region's Basin Plan.

The Indian Wells Valley Cooperative Groundwater Management Group has undertaken the task to draft the plan for the Indian Wells Valley basin. As a member of this group, the City was asked to participate in the funding of the plan. Discussions have taken place with Lahontan, primarily involving the City, the Navy, and the Water District, to move the process forward.

The expectation remains that there will be a presentation to the Lahontan Board at their meeting in Bishop June 8th and 9th.

Recommendation is that the IWWWD act as the fiscal agent since they have a tentative agreement to engage RMC Water to perform the loading analysis.

Attached:

1. Draft Scope of Work
2. RMC Fee Estimate

FISCAL IMPACT:

\$25,000 allocation from the WasteWater fund
Reviewed by Finance Director

ACTION REQUESTED:

Approve A Resolution To Allocate \$25,000 From The Wastewater Fund To Partially Fund The Preparation Of The Salt & Nutrient Management Plan

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Ricca Charlon

Action Date: April 20, 2016

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RESOLUTION NO. 16-

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING
A \$25,000 ALLOCATION FROM THE WASTEWATER FUND TO
PARTIALLY FUND THE PREPARATION OF THE SALT & NUTRIENT
MANAGEMENT PLAN**

WHEREAS, the State Water Resources Control Board adopted a Recycled Water Policy in February 2009 to increase the use of recycled water in a manner that implements state and federal water quality laws; and

WHEREAS, The Salt and Nutrient Management Plans are to be created to facilitate basin-wide management of salts and nutrients from all sources in a manner that optimizes recycled water use while ensuring protection of groundwater supply and beneficial uses, agricultural beneficial uses, and human health; and

WHEREAS, the Recycled Water Policy requires stakeholders to develop implementation plans to meet these objectives for salts and nutrients; and

WHEREAS, the city is a member of the Indian Wells Valley Cooperative Groundwater Management Group which has undertaken the task to draft the plan for the Indian Wells Valley basin; and

WHEREAS, the City was asked to provide partial funding in the amount of \$25,000 for development of said plan; and

WHEREAS, the City's allocation of \$25,000 is being recommended to come from the Wastewater fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest does hereby approve a \$25,000 allocation from the wastewater fund to partially fund the preparation of the Salt & Nutrient Management Plan.

APPROVED AND ADOPTED this 20th day of April 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel Ford, City Clerk

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Draft Scope of Work – March 16, 2016

Indian Wells Valley – Salt & Nutrient Management Plan Loading Analysis

This scope of work is for technical support tasks to further the development of the Indian Wells Valley (IWV) Salt & Nutrient Management Plan (SNMP). The RMC team will lead the loading and mixing analysis for the SNMP and coordinate with stakeholders and the RWQCB as part of development of the loading and mixing analysis. This work is detailed below.

Task 1: Loading Analysis

To support the Indian Wells Valley SNMP and to better understand the significance of various loading factors, a GIS-based loading model will be developed. The loading model is a simple, spatially based mass balance tool that represents TDS and nitrogen loading on an annual-average basis. Stakeholder coordination will be performed to refine the parameters in the loading model, including land use, applied water, TDS and nitrogen application (in applied water, as fertilizers and amendments), irrigation water source quality, and sewer service areas (to determine septic loads). The sources identified as part of the Draft SNMP will be incorporated.

Primary inputs to the model are land use, irrigation water source and quality, recycled water storage pond locations and percolation (if any), wastewater percolation ponds, septic system areas and loading, and soil characteristics. The general process used to arrive at the salt and nutrient loads will be:

- Identify the analysis units to be used in the model (parcel-based or other).
- Categorize land use into discrete groups. These land use groups represent land uses that have similar water demand as well as salt and nutrient loading and uptake characteristics.
- Apply the land use group characteristics to the analysis units.
- Apply the irrigation water source to the analysis units. Each water source is assigned concentrations of TDS and nitrogen.
- Apply the septic system assumption to the analysis units.
- Apply the soil texture characteristics to the analysis units.
- Estimate the water demand for the parcel based on the irrigated area of the parcel and the land use group.
- Estimate the TDS load applied to each parcel based on the land use practices, irrigation water source and quantity, septic load, and infrastructure load. The loading model makes the conservative assumption that no salt is removed from the system once it enters the system. Other transport mechanisms (such as runoff draining to creeks exiting the basin) may reduce the total quantity of salt in the subbasin.
- Estimate the nitrogen load applied to each parcel based on the land use practices, irrigation water source and quantity, septic load, and infrastructure (e.g. wastewater ponds) load. The loading model assumes that a portion of the applied nitrogen is taken up by plants and (in some cases) removed from the system (through harvest of plant material). Additional nitrogen is converted to gaseous forms and lost to the atmosphere. Remaining nitrogen is assumed to convert to nitrate and to be subject to leaching. Soil texture is used to estimate and account for mobility of leaching water and the efficiency of nitrate transport through the root zone.
- Provide information to allow for coordination of preliminary assumptions with Stakeholders at the April 2016 Technical Advisory Committee Meeting (no attendance scoped).

Assumptions:

- Loading modeling activities will apply to TDS and nitrate only. Other parameters may be evaluated qualitatively by the District in the SNMP.
- Land use, source water quality and infrastructure data will be provided electronically to the RMC team.
- Assumptions will be made for nitrate transformation based on crop type and confirmed with stakeholders through the TAC.
- All coordination will be completed through conference calls.

Task 2: Mixing Model Development

Following the loading analysis, the RMC team will develop a mixing model of TDS and nitrate to account for basin storage volumes and ambient concentrations, along with volumetric rates of groundwater inflow and outflow in conjunction with source and sink concentrations, and estimate future concentrations based on continued current uses of the basin. The RMC team will develop the quantitative mass balance using groundwater volumetric inflows and outflows based on estimated or metered flow rates and rates simulated with the existing U.S. Geological Survey MODFLOW model, coupled with TDS and nitrate concentrations for key basin sources and sinks identified in Task 1. The RMC will run the model with a 20-year planning horizon to understand future trends. The resulting future projections can then be used by the District to develop a simplified anti-degradation analysis for SNMP reporting. Mixing Model Reporting will be part of Task 3 below.

Assumptions:

- Assimilative capacity estimate will be provided by the District to the RMC team
- Water balance elements can be extracted from Brown & Caldwell model by the District and submitted to the RMC team.
- No historical analysis will be conducted and model will be uncalibrated (however values will be checked using available data and tools)
- The anti-degradation analysis is not part of this scope – results from the mixing model (future projections) can be used by the District to evaluate potential degradation.

Task 3: Reporting and Coordination

After the initial loading analysis assumptions have been developed – RMC will take part in the May 2016 TAC Workshop (remotely through a conference call) to share presentation slides of the assumptions for the loading analysis and to confirm these assumptions. The results of the mixing model will also be presented through a subsequent conference call with TAC members in early June. RMC will prepare an Administrative Draft Technical Memorandum documenting the loading and mixing model results and submit the Technical Memorandum to the District. Comments will be incorporated and the Draft TM will be shared with the stakeholders. A Final TM will be produced incorporating stakeholder comment.

RMC will support the District with coordination on the technical analysis. RMC is including two meetings with the RWQCB (completed remotely via conference call) as part of this task.

It is assumed that the District will summarize sections of the TM to include within the SNMP document and utilize the TM as an attachment. If budget is available, after the loading and mixing model are complete, RMC will support the District with review of the final SNMP document. The level of review and support of finalizing the SNMP will be contingent on the budget remaining available.

This task also includes progress reporting and invoicing activities along with biweekly coordination with the core project team. A total of 10 hours is allotted for these activities.

Assumptions:

- Stakeholder meetings and RWQCB will be held remotely (via conference call)
- Administrative Draft, Draft TM and Final TM are deliverables.
- RMC will support the review of the SNMP and finalization through July 2016 only as budget allows after the loading and mixing analysis have been completed.



Fee Estimate

Indian Wells Valley Salt and Nutrient Management Plan Technical Support

Tasks	Labor			Total RMC Hours	Total Labor Costs (1)	ODCs	Total
	Christy Kennedy	Jim Blunke	Chris van Lienden				
	PM2	Tech Review/Mixing Model	Loading Analysis				
	\$266	\$249	\$216				
	EPS-10	EPS-9	EPS-6				
Task 1: Loading Analysis							
Data collection and analysis, data management	7	8	40	55	\$12,494	\$0	\$12,494
Loading Analysis	24	4	60	88	\$20,340	\$0	\$20,340
	31	12	100	143	\$32,834	\$0	\$32,834
Task 2: Reporting and Coordination							
Stakeholder Coordination - 1 workshop, 2 RWQCB Meetings (via conference call)	14	2	0	16	\$4,222	\$0	\$4,222
Admin, Draft, Final TM Development	20	2	20	42	\$10,138	\$0	\$10,138
Project Coordination	10	0	0	10	\$2,660	\$0	\$2,660
	44	4	20	68	\$17,020	\$0	\$17,020
TOTAL	76	16	120	211	\$48,854	\$0	\$48,854
OPTIONAL TASK: Mixing Model Development							
Mixing model development and run for future planning horizon projections	8	8	24	40	\$9,304	\$0	\$9,304

1. The individual hourly rates include salary, overhead and profit
2. Other direct costs (ODCs) such as reproduction, delivery, mileage (rates will be those allowed by current IRS guidelines), and
3. RMC reserves the right to adjust its hourly rate structure and ODC markup at the beginning of the calendar year for all ongoing contracts.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Approve A Resolution Creating An Ad Hoc Budget Review Committee

PRESENTED BY:

Attorney Office

SUMMARY:

At the request of Council, the Attorney has drafted a Resolution creating an ad hoc budget review committee for your approval.

In addition, the Attorney has submitted a draft ordinance for discussion. The ordinance will thereafter be presented for a first reading at the subsequent council meeting, if the council so desires.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Approve resolution

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested

Submitted by: Ricca Charlon
(Rev. 02/13/12)

Action Date: April 20, 2016

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RESOLUTION NO. _____

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF RIDGECREST
CREATING AN *AD HOC* BUDGET REVIEW COMMITTEE**

1. PURPOSE AND SCOPE.

City may at any time create *ad hoc* committees pursuant to Municipal Code section 3-2.116. This resolution creates an *ad hoc* budget review committee.

2. FINDINGS.

The City Council finds, determines, and declares:

- (a) That an important task of the City Council is to carefully review and adopt a budget that reflects the Council's policies;
- (b) That Council needs complete information regarding the budget process in order to be fully informed and to adequately fulfill its duties to the citizens of Ridgecrest; and
- (c) That the Mayor, with the advice and consent of the City Council, may request analyses of any City-related issues by creating *ad hoc* committees, which (1) will be the recipients of information necessary to analyze and inform City Council, (2) will make recommendations to the City Council based on that information and analysis, and (3) will not direct staff.

3. RESOLUTION.

Based on the foregoing findings, the City Council hereby creates an *ad hoc* budget review committee for the fiscal year of 2016/2017, for the purpose of (1) receiving information necessary to analyze and inform City Council of the budget process and (2) making recommendations to the City Council based on that information and analysis. The committee will not direct staff in the budget process.

APPROVED AND ADOPTED this _____th day of April, 2016, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, City Clerk

(SEAL)

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST
AMENDING THE RIDGECREST MUNICIPAL CODE
AS IT RELATES TO THE INCLUSION OF AN *AD HOC* BUDGET REVIEW COMMITTEE TO
THE BUDGET PROCESS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:

Section 1. Purpose.

This ordinance amends Section 2-4.102 of the Ridgecrest Municipal Code by including an *ad hoc* budget review committee to the budget process.

Section 2. Amendment.

Section 2-4.102 is hereby added to the Ridgecrest Municipal Code to read as follows:

"2-4.102 - Powers and duties.

The City Manager shall be the administrative head of the government of the City under the direction and control of the Council except as otherwise provided in this Article. In addition to general powers as administrative head, and not as a limitation thereon, the City Manager shall have the following powers and authority:

- (a) To enforce the laws and regulations of the City and ascertain that franchises, contracts, permits, and privileges granted by the Council are faithfully observed.
- (b) To control, order, and give directions to heads of departments and to subordinate officers and employees of the City under the City Manager's jurisdiction through their department heads.
- (c) To prepare personnel rules and regulations.
- (d) To prepare position classification plans, including class specifications and revisions thereof.
- (e) To prepare a plan of compensation and revisions thereof, covering all classifications in the competitive service.
- (f) To appoint, remove, discipline, promote and demote any employee of the City, except the City Attorney, subject to applicable personnel ordinances, rules and regulations.
- (g) To conduct studies and effect such administrative reorganizations of offices as may be indicated in the interest of efficient, effective, and economical conduct of the City's business.

(h) To attend all meetings of the Council unless excused by the Mayor or by the Council, except when removal of City Manager is under consideration.

(i) To keep the Council fully advised of the financial conditions and needs of the City.

~~(j)~~ To regularly meet with, fully inform, and receive input from any applicable *ad hoc* budget review committee of the pending budget as that budget evolves:

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~~(j)~~ To prepare and submit the proposed annual budget and salary plan to the Council for its approval.

~~(k)~~ To ensure that no expenditures are submitted or recommended to the Council except on approval or the approval of authorized representative.

~~(l)~~ To make investigations into the affairs of the City, and any department or division thereof, and any contract or the proper performance of any obligations of the City, and to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the services maintained by public utilities in the City.

~~(m)~~ To exercise supervision over public buildings, public parks, and other public property which are under the control and jurisdiction of the City.

~~(n)~~ To perform such other duties and exercise such other powers as may be delegated from time to time by ordinance, resolution or other action of Council."

Section 3. Other.

Except as otherwise provided, the Ridgecrest Municipal Code is reaffirmed and readopted.

PASSED, APPROVED, AND ADOPTED at a regular meeting of said City Council held on _____, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, City Clerk

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