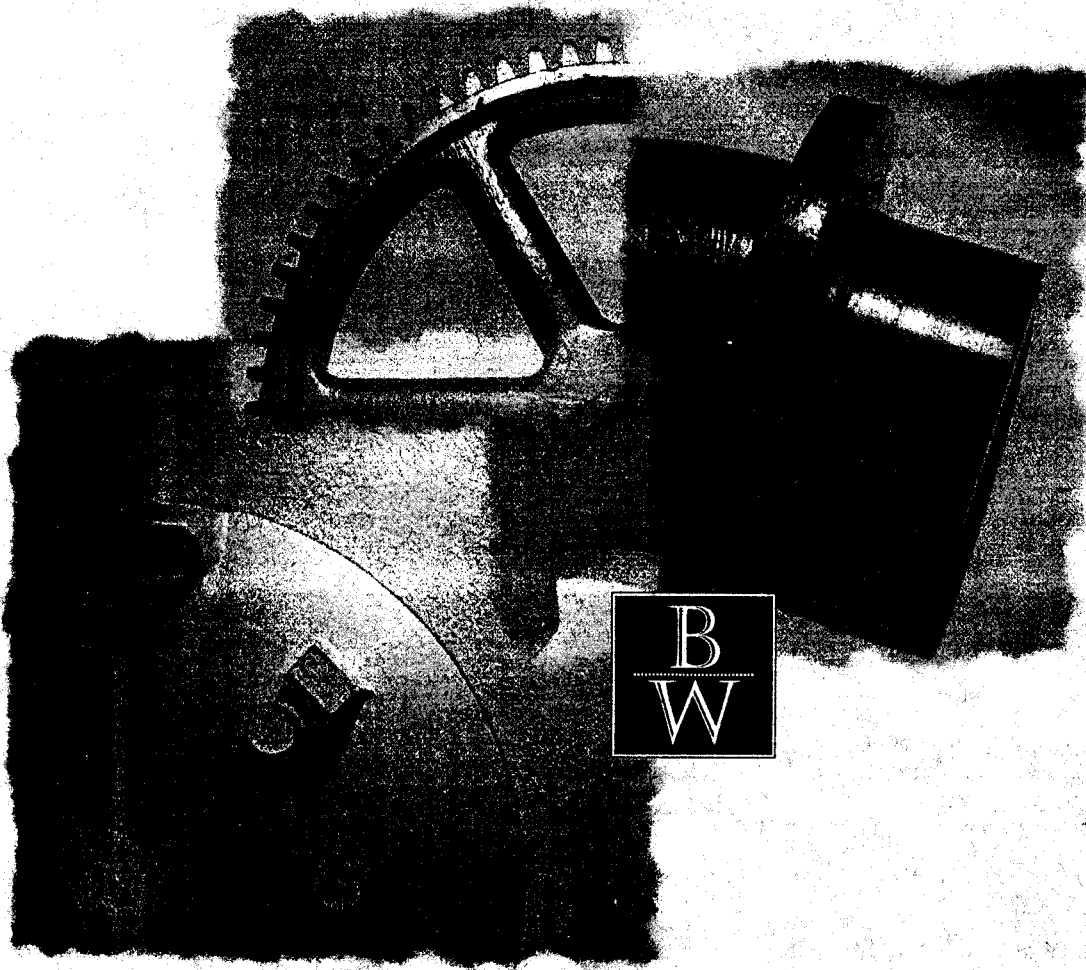


BARTLE WELLS ASSOCIATES

INDEPENDENT PUBLIC FINANCE ADVISORS



Irish Beach Water District Engineer's Report For District-wide Capital Improvement Assessment

July 2002



BARTLE WELLS ASSOCIATES
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July 12, 2002

Irish Beach Water District
15401 Forest View Drive
P.O. Box 67
Manchester, CA 95459

Attn: Chico Burmania, Board Member Irish Beach Water District
Cathy Poling, Board Member Irish Beach Water District

Re: Engineer's Report for District-wide Capital Improvement Assessment

Bartle Wells Associates is pleased to present our water assessment study for the Irish Beach Water District (IBWD).

The purpose of the study is to determine the appropriate level of assessment to recover the portion of IBWD's on-going and future capital costs providing special benefit to identified District parcels both those currently connected to and those not yet connected to the water supply system. The purpose is also to meet the state law requirement that all assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

It has been a pleasure to work with the District on this project. We especially appreciate your assistance and cooperation as well as that of other District staff, especially Dorothy Cong. Lastly, we would like to thank the District board for their input.

Very truly yours,

BARTLE WELLS ASSOCIATES

Doug R. Dove, PE, CIPFA

**IRISH BEACH WATER
DISTRICT**

**ENGINEER'S REPORT
FOR DISTRICT-WIDE
CAPITAL
IMPROVEMENT
ASSESSMENT
(PURSUANT TO ARTICLE XIID OF
THE CALIFORNIA CONSTITUTION)**

July 2002

**BARTLE WELLS ASSOCIATES
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INTRODUCTION

The Irish Beach Water District (District) was created to supply water to the parcels of the Irish Beach Sub-division in Manchester, California. The District currently provides water services to approximately 175 connected parcels. The District believes that it can serve 460 parcels.

This Engineer's Report (Report) includes (a) the improvements that provide a special benefit to identified parcels in the District; (b) a method for assigning the capital improvement assessment (Assessment) to parcels; (c) the amount and method of determining the proposed Assessment for each identified lot or parcel. This Report and the proposed Assessment have been made pursuant to Article XIID of the California Constitution (the Article). For a more complete description of the Article, please refer to the Report Appendices.

Following submittal of this Report to the Board of Directors (the Board) for preliminary approval, the Board may, by Resolution, call for an assessment ballot proceeding, and notice and conduct a public hearing on the proposed establishment of water capital improvement assessment.

If it is determined that the Assessment ballots submitted in favor of the proposed Assessment exceed the Assessment ballots submitted against the Assessment (weighted by the proportional financial obligation of each property for which ballots are submitted) the Board may take action to approve the levying of the Assessment. If the Assessment is so confirmed and approved, the levies would be included on the first bill noticed in the ballot measure.

CERTIFICATES

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment herein, have been prepared by me in accordance with the order of the Irish Beach Water District Board of Directors adopted on April 14, 2001.



Engineer of Work, No. C45642

2. I, the Secretary of the Irish Beach Water District Board of Directors, County of Mendocino, California, hereby certify that the enclosed Engineer's Report, together with the Assessment thereto attached, was filed and recorded with me on _____.

Secretary of the Board

3. I, the Secretary of the Irish Beach Water District Board of Directors, County of Mendocino, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the Board on _____, by Resolution No. _____.

Secretary of the Board

METHOD OF APPORTIONMENT

This section of the Report includes an explanation of the benefits to be derived from providing the improvements, and the method used to determine the Assessment to identified properties within the District. The method used for apportioning the Assessment is based upon the special benefits derived by the identified properties in the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process:

- the first step is to identify the types of special benefit arising from the improvements to be funded by the assessments, and all the parcels that will receive any special benefit to be funded by the assessments; and
- the second step is to allocate the assessment to property based on the estimated relative special benefit for each type of property.

In summary, assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

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

Because assessments are levied on the basis of special benefit, they are not a tax and are not subject to Article XIII A of the California Constitution.

Special Benefit

The special benefit that will result from the Assessment is summarized as follows:

Capital improvements to the water system designed to improve, expand, or support water availability and/or delivery.

The proposed Assessment will provide funding for investment in water capital improvements for parcels identified by the District. This benefits the properties by improving existing infrastructure, and permitting capital investment in the water system to expand water supply and improve the water system's reliability and the District's ability to deliver high quality water year round.

The cost of providing the improvements within the District is a special benefit to the subject parcels because the improvements confer the special benefit described above. The benefit is a special benefit because the subject properties will receive a benefit, which is not received by properties outside of the District, the public at large, or other properties not subject to the Assessment. If in the future, properties not currently identified as receiving a special benefit require service, these properties would be required to fund their share of the special benefits in order to receive service.

The allocation of funds for the improvements is contingent upon the successful development of a revenue source. The Assessment will provide this revenue source and satisfy the funding requirement. Therefore, the Assessment provides special benefit to District parcels by supporting investment in water capital improvements at a greater level than would otherwise be provided.

The District parcels covered by the Assessment are listed in Appendix B. Each District parcel identified in Appendix B will be notified of the Assessment and will have the opportunity to vote on the Assessment.

Assessment Allocation

The second step in apportioning assessments is to determine the relative special benefit to each property. This process involves determining the proportionate special benefit derived by each property. In the process of determining the appropriate method of assessment, the Engineer considered various alternatives. A fixed or flat assessment for all properties was deemed to be appropriate because over 85 percent of the District parcels have zoned uses consistent with the single family home designation. A flat assessment per parcel effectively creates an assessment on the basis of single family equivalents. This single family equivalents methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

Table 1 sets out the special benefit improvement items whose costs will be included in the Assessment. System-wide capital improvements relate directly to improvements detailed in the District's Master Water Plan aside from Mallo Pass. Mallo Pass Capital Improvements relate to system improvements required to develop a new water supply on Mallo Pass Creek. The Capital Replacements item will collect funds to repair and replace existing capital with an estimated useful life of 40 years or more. The Loan Payment item recovers the portion of loan payment funds allocable to all identified parcels set out in IBWD Resolution 86-4.

Table 1
Irish Beach Water District
Capital Improvement Assessment Structure (1)

Items to be Included in Assessment

System-wide Capital Improvements
Mallo Pass Capital Improvements
Capital Replacements
Loan Payment - 65% allocated to all parcels (2)

(1) The Capital Improvement Assessment Structure laid out in this report is proposed to be levied on both connected and unconnected parcels within IBWD .
(2) Payment on 1993A and 1993B CSCDA Water Revenue Refunding Bonds

Table 2 lists the identified District parcels covered by the Assessment. The parcel numbers within each unit are located in Appendix B. Each District parcel identified in Appendix B will be notified of the Assessment and will have the opportunity to vote on the Assessment.

Table 2
Irish Beach Water District
Summary of IBWD Parcels Covered by Assessment (1)

Parcel Location	Number
Unit I	108
Unit II	75
Unit III	72
Unit IV	86
Unit V	17
Unit VII	42
Unit VIII	16
Unit IX	6
Unit IX	38
Total number of parcels	460
Connected parcels (2)	175
Unconnected parcels (3)	<u>285</u>
Total	460
Percent connected users	38%
Percent unconnected users	62%

(1) As compiled by BWA with IBWD staff from IBWD data.

(2) 172 billed as of 11/2001 with 3 more to be connected as of January 2002.

(3) Note that some parcels will not receive a charge until July 2003.

Table 3 sets out the system-wide capital improvements related to improvements detailed in the 1997 Brelje & Race Master Water Plan. Close to \$0.5 million of improvements remain to be completed.

Table 3
Irish Beach Water District
System-wide Capital Improvements to be Recovered by Assessment

Component	Priority	Cost Estimate	
		Brelje & Race - 1997	Current District Estimate (1)
Irish Gulch Creek Water Source			
Treatment Facilities - Diatomaceous Earth (complete)	1	\$91,000	\$0
Raw Water Line - Replace 3,000 feet	2	85,800	12,000
Lower Diversion Improvements	3	6,500	7,200
Pump Stations			
Improvements at Pump Stations A, B and C	1,2,3	10,400	11,400
Pump Station H at Tank T1	3	6,500	6,500
Pump Station G on Alta Mesa Road (resolved)	2	26,000	0
Pump Station F at Tank T4	3	26,000	29,000
Storage Tanks			
Replace Tanks T1 and T3	2	286,000	169,000
Replace Roof of T2 (added)	1		5,000
Replace Tank 2 with 125,000 Gallon Tank	2	85,000	82,000
Replace Tank T5	2	15,600	17,000
Install Fence Around Tank T3 Site	3	3,900	4,000
Water Mains			
Check Valve & Bypass on Alta Mesa Road (complete)	1	2,600	0
Forest View Road Loop (complete)	1	13,000	0
South Highway 1 Loop	2	36,400	40,000
Acquistapace Road Loop	3	22,100	24,500
Miscellaneous			
Fire Hydrant Additions (added 2 to B&R for 4 total)	2	5,200	11,500
Total		722,000	419,100
Subtotal Priority 1			16,400
Subtotal Priority 2			331,500
Subtotal Priority 3			<u>71,200</u>
Total			419,100

(1) Cost estimates as updated by IBWD.

Table 4 sets out the timeline for capital improvements outlined on Table 3. As shown below, about \$28,000 annually is required over the 15 year period to fund the system-wide capital improvements.

Table 4
Irish Beach Water District
Estimated Timeline for System-wide Capital Improvements

Component	Priority	Total Cost 2000	FY (1)		
			2002-2006	2007-2011	2012-2016
Irish Gulch Creek Water Source					
Treatment Facilities - Diatomaceous Earth (complete)	1	\$0		Completed	
Raw Water Line - Replace 3,000 feet	2	12,000	6,400	7,000	
Lower Diversion Improvements	3	7,200			9,100
Pump Stations					
Improvements at Pump Stations A, B and C	1,2,3	11,400		6,600	7,200
Pump Station H at Tank T1	3	6,500			8,200
Pump Station G on Alta Mesa Road (resolved)	2	0		Resolved	
Pump Station F at Tank T4	3	29,000			36,700
Storage Tanks					
Replace Tanks T1 and T3	2	169,000		195,900	
Replace Roof of T2 (added)	1	5,000	5,300		
Replace Tank 2 with 125,000 Gallon Tank	2	82,000		95,100	
Replace Tank T5	2	17,000		19,700	
Install Fence Around Tank T3 Site	3	4,000			5,100
Water Mains					
Check Valve & Bypass on Alta Mesa Road (complete)	1	0		Completed	
Forest View Road Loop (complete)	1	0		Completed	
South Highway 1 Loop	2	40,000		46,400	
Acquistapace Road Loop	3	24,500			31,000
Miscellaneous					
Fire Hydrant Additions (added 2 to B&R for 4 total)	2	11,500		13,300	
Total		419,100	11,700	384,000	97,300
Average Annual Amount over 15 years		28,000			

(1) Cost from Table 3 are escalated by 3% annually to midpoint of period shown on timeline.

Table 5 shows the detail of the Mallo Pass capital improvements required to develop a new water supply on Mallo Pass Creek. The District's estimate of the cost to develop this water supply is about \$0.43 million. This yields an average annual cost of \$29,000 over the 15 year period also used to recover the system-wide improvement costs.

Table 5
Irish Beach Water District
Mallo Pass Capital Improvements

Component	Cost Estimate	
	Brelje & Race - 1997	Current District Estimate
Mallo Pass Creek Water Source		
Transmission Line		88,000
Control Building		15,000
Diatomaceous Earth Plant		60,000
Treatment Plant & Electrical		83,000
Chlorine Treatment System & Turbid Meter		6,000
Diversion Structure and Pump Station		71,000
Clear Well and Pump Station 1		44,000
Engineering – update design concept/to code		26,000
Contingency on Mallo Pass @10%		<u>38,000</u>
Total	580,600	431,000
Average Annual Amount over 15 years		29,000

The Capital Replacements component of the Assessment is set to recover a portion of the cost of replacing the District's fixed assets. This Assessment must recover only special benefit and not general benefit costs. Therefore, only assets whose lives are greater than 40 years have been identified as providing a special benefit to identified District parcels. Furthermore, the Engineer has set the Assessment to recover only 50 percent of the replacement value of the assets over 40 years. The listing of and the replacement value of the District's existing fixed assets is contained in Appendix A of this Report.

Table 6 lists the value of the District's existing fixed assets with lives greater than 40 years as well as the 50 percent of replacement value to be recovered in this component of the Assessment. The average annual cost to be recovered for capital replacements is \$17,500 based on funding replacements at a 50 percent level.

Table 6
Irish Beach Water District
Capital Replacements (1)

Item	
Value of all assets w/lives greater than 40 years	1,397,000
Value to be recovered in Assessment (50%)	698,500
Years over which costs will be recovered	40
Average Annual Amount to be Recovered	17,500

(1) The IBWD Fixed Asset Listing is contained in Appendix A.

The last item of the Assessment is the Loan Payment component which recovers the 65 percent of loan payment funds for capital improvements allocable to all parcels set out in IBWD Resolution 86-4. The remaining 35 percent is collected from parcels who are connected to the water supply system. The annual loan amount is \$10,212. If 65 percent of this cost is recovered over all parcels, the annual cost to be recovered is \$6,600.

Table 7 summarizes the capital improvement Assessment components and the annual cost to be recovered for each one. The total amount to be recovered via the Assessment annually is \$81,100.

Table 7
Irish Beach Water District
Calculation of Capital Improvement Assessment

Item	Annual Cost Recovery	Table
System-wide Capital Improvements	28,000	4
Mallo Pass Capital Improvements	29,000	5
Capital Replacements	17,500	6
Loan Payment - 65% of capital improvements allocated to all parcels (2)	6,600	n/a
Total Annual Amount to be Recovered	81,100	

(1) The Capital Improvement Assessment Structure laid out in this report is proposed to be levied on all parcels both connected and unconnected.

(2) Payment on 1993A and 1993B CSCDA Water Revenue Refunding Bonds. Total annual payment is \$10,212. 35% of the payment is paid for by connected users only.

Given the annual costs to be recovered and the number of parcels over which the Assessment will be recovered, the Assessment components can now be translated into a per parcel cost both on an annual and on a monthly basis as shown below on Table 8.

Table 8
Irish Beach Water District
Calculation of Annual Capital Improvement Assessment

Category	Total Annual Cost	Annual Per Parcel	Monthly Per Parcel
System-wide Capital Improvements	28,000	60.87	5.07
Mallo Pass Capital Improvements	29,000	63.04	5.25
Capital Replacements	17,500	38.04	3.17
Loan Payment - 65% allocated to all parcels (2)	6,600	14.35	1.20
Total Cost to be Recovered (50% Replacements)	\$81,100	\$176	\$14.69
Total Number of Parcels	460	460	460

The monthly parcel Assessment to recover District-wide water capital improvement costs for FY 2002-03 is \$14.69 per month.

Appeals and Interpretation

If after the Assessment is implemented, any property owner contends that the Assessment levied on the subject property is in error as a result of incorrect information being used to apply the Assessment, the property owner may file a written appeal with the Irish Beach Water District. Any such appeal is limited to correction of an Assessment during the then fiscal year. Upon the filing of any such appeal, the District will promptly review the appeal and any information provided by the property owner. If the District finds that the Assessment should be modified, the appropriate changes shall be made. Any dispute over the decision of the District, shall be referred to the Board of Directors and the decision of the Board shall be final.

ASSESSMENT

This section of the report sets out the annual adjustment and duration of the Assessment described in previous sections.

Annual Adjustment for Inflation

The Assessment is subject to an annual adjustment tied to the annual change in the Engineering News Record Construction Cost Index 20 cities average (ENR-CCI) as of January of each succeeding year, with the maximum annual adjustment not to exceed 3%.

In the event that the actual Assessment charge for any given year is not increased by an amount equal to the maximum of 3% or the yearly ENR-CCI change plus any ENR-CCI change in previous years that was in excess of 3%, the maximum authorized Assessment shall increase by this amount. In such event, the maximum authorized Assessment shall be equal to the base year Assessment as adjusted by the increase to the ENR-CCI, plus any and all ENR-CCI adjustments deferred in any and all prior years. The ENR-CCI change above 3% can be used in a future year when the ENR-CCI adjustment is below 3%.

Duration of Assessment

The four components of the Assessment have the following limits.

- The system-wide capital improvement component will cease when the improvements described have been completed or resolved and all related financial obligations have been satisfied.
- The Mallo Pass capital improvement component will cease when the Mallo Pass Creek improvements described have been completed or resolved and all related financial obligations have been satisfied.
- The Capital Replacement component will be collected at the maximum voter approved amount until a capital replacement cash reserve fund of 10% of the replacement value of the District's assets has been funded as determined by the District's treasurer. At this time this component of the Assessment will be adjusted as needed to maintain the capital fund reserve at 10% of the replacement value of the District's assets.
- The loan payment component will cease when the loan has been re-paid.

Dated : July 12, 2002

By: 

Douglas R. Dove, License No. C45642

Engineer of Work



APPENDIX A

IBWD Fixed Asset Listing

Appendix A
Irish Beach Water District
Fixed Asset Listing

Quantity	Description (1)	Acquisition Date, FY	Original Cost, \$	Estimated Useful Life	Replacement Cost (2)
1,270 LF	6" A.C. Pipeline (Unit I)	1965	21,437	40	136,000
4,310 LF	4" A.C. Pipeline (Unit I)	1965	Inc. Above	40	
1,810 LF	2" A.C. Pipeline (Unit I)	1965	Inc. Above	40	
280 LF	1-1/2" A.C. Pipeline (Unit I)	1965	Inc. Above	40	
108 Ea.	Connections - Saddle, corp stop & curb stop (Unit I)	1965	Inc. Above	40	
16 Ea.	Valves (Unit I)	1965	Inc. Above	40	
8 Ea.	4" Fire Hydrants (Unit I)	1965	Inc. Above	40	
2,600 LF	6" A.C. Pipeline (Unit II)	1965	21,437	40	136,000
1,880 LF	4" A.C. Pipeline (Unit II)	1965	Inc. Above	40	
300 LF	2" A.C. Pipeline (Unit II)	1965	Inc. Above	40	
75 Ea.	Connections - Saddle, corp stop & curb stop (Unit II)	1965	Inc. Above	40	
14 Ea.	Valves (Unit II)	1965	Inc. Above	40	
4 Ea.	4" Fire Hydrants (Unit II)	1965	Inc. Above	40	
2,580 LF	6" A.C. Pipeline (Unit III)	1967	21,437	40	123,000
2,540 LF	4" A.C. Pipeline (Unit III)	1967	Inc. Above	40	
72 Ea.	Connections - Saddle, corp stop & curb stop (Unit III)	1967	Inc. Above	40	
6 Ea.	Valves (Unit III)	1967	Inc. Above	40	
4 Ea.	4" Fire Hydrants (Unit III)	1967	Inc. Above	40	
2,900 LF	6" A.C. Pipeline (Unit IV)	1969	21,437	40	103,000
800 LF	4" A.C. Pipeline (Unit IV)	1969	Inc. Above	40	
86 Ea.	Connections - Saddle, corp stop & curb stop (Unit IV)	1969	Inc. Above	40	
10 Ea.	Valves (Unit IV)	1969	Inc. Above	40	
5 Ea.	4" Fire Hydrants (Unit IV)	1969	Inc. Above	40	
370 LF	6" A.C. Pipeline (Unit V)	1978	60,000	40	131,000
900 LF	4" A.C. Pipeline (Unit V)	1978	Inc. Above	40	
600 LF	2" A.C. Pipeline (Unit V)	1978	Inc. Above	40	
17 Ea.	Connections - Saddle, corp stop & curb stop (Unit V)	1978	Inc. Above	40	
2 Ea.	Valves (Unit V)	1978	Inc. Above	40	
2 Ea.	Fire Hydrants (Unit V)	1978	Inc. Above	40	
3,500 LF	6" PVC Pipeline (Unit VII, VIIA, & VIII)	1978	Inc. Above	40	
1,200 LF	3" PVC Pipeline (Unit VII, VIIA, & VIII)	1978	Inc. Above	40	
58 Ea.	Connections - Saddle, corp stop & curb stop (Unit VII-VIII)	1978	Inc. Above	40	
14 Ea.	Valves (Unit VII, VIIA, & VIII)	1978	Inc. Above	40	
8 Ea.	4" Fire Hydrants (Unit VII, VIIA, & VIII)	1978	Inc. Above	40	
1,020 LF	6" A.C. Pipeline (Ties Unit III to Unit VII)	1978	32,000	40	70,000
1,000 LF	6" Pipeline (Unit VIII)	1978	6,000	40	13,000
300 LF	3" Pipeline (Unit VIII)	1978	Inc. Above		
Note	Connections - Included in Item 82 above	1978			
1,000 LF	2" Pipeline Witch Well (Unit VIII)	1979	32,000	40	64,000
1 Lot	Electrical for above	1979	3,200	40	6,000
1 Lot	Upper Catchment - Dam, Rockfill, Etc.C.O.	1983	33,217	40	51,000
600 LF	6" PVC Pipeline	1983	20,000	40	31,000
1 Ea.	10,000 Gal. Concrete A.G. Tank	1983	13,000	40	20,000
5 Ea.	Valves	1983	2,500	40	4,000
1 Lot	Lower Catchment - Dam, Rockfill, Etc.	1983	21,211	40	32,000
1,950 LF	2-1/2" PVC Pipeline	1983	51,000	40	78,000
1 Ea.	Valve	1983	350	40	1,000
1 Lot	Electrical	1983	7,256	40	12,000
500 LF	6" C900 Pipeline (Forrest View Loop)	2000	24,680	40	25,000
1 Lot	Diversion @ Tank TI - 2 Pumps, Piping, & Electrical Contracted by Lin Ford	1974	11,953	50	36,000

1 Ea.	Unit IX Water System	1989	185,000	40	248,000
1,289 LF	3" PVC Cl. 200 Pipeline - Tank T5 to Tank T4 - Unit IX	1989	Inc. Above		
3 Ea.	3" Valves Unit IX	1989	Inc. Above		
1 Ea.	125,000 Concrete Tank - Alta Mesa - Unit IX	1989	Inc. Above		
1 Lot	3 HP Pump, Probe & Controls - Unit IX	1989	Inc. Above		
1 Ea.	6" Gate Valve - Unit IX	1989	Inc. Above		
3,010 LF	6" Pipeline - Upper Alta Mesa Inc Connections, Unit IX	1989	Inc. Above		
5 Ea.	6" Fire Hydrants - Alta Mesa, Unit IX	1989	Inc. Above		
1,400 LF	3" Pipeline, Sch. 80 - From Lot 3 to Tank T3, Unit IX	1989	Inc. Above		
350 LF	Water Service Road Crossings, Unit IX	1989	Inc. Above		
1 Lot	Pump Station C - 10 HP Pump, Controls, Etc. Unit IX	1989	Inc. Above		
44 Ea.	Connections - A saddle, corp stop & curb stop (Unit IX & IXA)	1989	Inc. Above		
1 Lot	Pressure Station G - Unit IX	1989	2,800	40	4,000
1 lot	Water Treatment Control Building 20' X 20'	1985	8,895	40	13,000
1 Lot	Diatomaceous Earth Filter System - Contract	2002	60,000	40	60,000
Total Replacement Value of Assets					1,397,000
100% Replacement Value of Assets With Lives Great than 40 Years					1,397,000
50% Replacement Value of Assets With Lives Great than 40 Years					698,500

(1) Sources of information used for asset listing:

- Welty and Associates, Mendocino - Oct. 1983 Inventory
 - County Auditor, Mendocino - 1986 Schedule of Assets
 - I.B.W.D. Auditor Reports - 1986 - 2000
 - I.B.W.D. Reports - Current
 - D.B.Carter/Civil Engineer - Plans of Unit IX
 - Aqua Resources - Plans of Water Treatment Facility
 - Bill Moores - Discussion & review of complete Asset list - August 11&12, 2001
 - Gordon Moores - Discussion & review of parcel count in each Unit - August 14, 2001
- (2) Reproduction cost new is obtained using the Engineering News Record Construction Cost Index for 2000 of 6282.76. Index for other years as obtained from historical records.

APPENDIX B

List of Parcels Covered by Assessment

Appendix B
Irish Beach Water District
Listing of Parcels Covered by Assessment

Parcel #	IB Parcel Location
Unit 1	
132-010-01	14756 Navarro Way
132-010-02	14766 Navarro Way
132-010-03	14790 Navarro Way
132-010-04	14780 Navarro Way
132-010-05	14770 Navarro Way
132-010-06	14760 Navarro Way
132-010-07	14750 Navarro Way
132-010-08	14740 Navarro Way
132-010-09	14730 Navarro Way
132-010-10	14720 Navarro Way
132-010-11	14700 Navarro Way
132-010-14	14701 Navarro Way
132-010-15	14721 Navarro Way
132-010-16	14751 Navarro Way
132-010-17	14761 Navarro Way
132-010-18	14720 So Highway One
132-010-19	14771 Navarro Way
132-010-20	14781 Navarro Way
132-010-21	14750 Highway #1
132-020-03	14790 Navarro Way
132-020-04	14800 Navarro Way
132-020-05	14820 Navarro Way
132-020-06	14830 Navarro Way
132-020-07	14840 Navarro Way
132-020-08	14850 Navarro Way
132-020-09	14971 Navarro Way
132-020-10	14780 Navarro Way
132-020-11	14801 Navarro Way
132-020-12	14800 Navarro Way
132-020-13	14821 Navarro Way
132-020-14	14820 So Hwy 1
132-020-15	14841 Navarro Way
132-020-16	14850 Navarro Way
132-020-17	14851 Navarro Way
132-020-18	14810 So. Highway One
132-020-19	MCP (BEACH)
132-020-20	14794 Navarro Way
132-030-01	14860 Navarro Way
132-030-02	14870 Navarro Way
132-030-03	14880 Navarro Way
132-030-04	14900 Navarro Way
132-030-05	14920 Navarro Way
132-030-06	44070 Noyo Way
132-030-07	14871 Navarro Way
132-030-08	14861 Navarro Way

132-030-09	44040 Noyo Way
132-030-10	44000 Noyo Way
132-030-11	44001 Noyo Way
132-030-12	44021 Noyo Way
132-030-13	44041 Noyo Way
132-030-14	44061 Noyo Way
132-030-15	44081 Noyo Way
132-030-16	14901 Navarro Way
132-030-17	14921 Navarro Way
132-030-18	44050 Garcia Court
132-030-19	44020 Garcia Court
132-030-20	44000 Garcia Court
132-030-21	14950 Highway #1
132-040-01	14940 Navarro Way
132-040-02	14950 Navarro Way
132-040-03	14960 Navarro Way
132-040-04	14970 Navarro Way
132-040-05	14980 Navarro Way
132-040-06	15000 Navarro Way
132-040-07	15020 Navarro Way
132-040-08	15050 Irish Beach Dr.
132-040-09	15100 Irish Beach Dr.
132-040-10	15101 Irish Beach Dr.
132-040-11	15075 Irish Beach Dr.
132-040-12	15051 Irish Beach Dr.
132-040-13	15025 Navarro Way
132-040-14	15001 Navarro Way
132-040-15	14981 Navarro Way
132-040-16	14961 Navarro Way
132-040-17	14941 Navarro way
132-040-20	44101 Garcia Court
132-040-21	44151 Garcia Court
132-040-22	15000 Highway #1
132-040-23	15020 Highway #1
132-040-24	15040 Highway #1
132-040-25	15060 Highway #1
132-040-26	44100 Garcia Court
132-040-27	44070 Garcia Court
132-050-01	15120 Irish Beach Dr.
132-050-02	15150 Irish Beach Dr.
132-050-03	15170 Irish Beach Dr.
132-050-04	15200 Irish Beach Dr.
132-050-05	15220 Irish Beach Dr.
132-050-06	15230 Irish Beach Dr.
132-050-07	15121 Irish Beach Dr.
132-050-08	15141 Irish Beach Dr.
132-050-09	15161 Irish Beach Dr.
132-050-10	15181 Irish Beach Dr.
132-050-11	15201 Irish Beach Dr.
132-050-12	15200 Highway #1
132-050-13	15225 Irish Beach Dr.

132-050-14	15240 Highway #1
132-050-15	15251 Irish Beach Dr.
132-050-16	15275 Irish Beach Driv
132-060-01	15360 Highway #1
132-060-02	15300 Highway #1
132-060-03	15400 Highway #1
132-060-04	15280 Irish Beach Dr.
132-060-05	15270 Irish Beach Dr.
132-060-06	15260 Irish Beach Driv
132-060-07	15250 Irish Beach Driv
132-060-08	15240 Irish Beach Dr.
132-060-09	15330 Highway #1
Total	

Unit 2

132-110-01	43951 Mallo Pass Ct.
132-110-02	43925 Mallo Pass Ct.
132-110-03	15100 Mallo Pass Dr.
132-110-04	15050 Mallo Pass Dr.
132-110-05	43950 Mallo Pass Ct.
132-110-06	15000 Mallo Pass Dr.
132-110-07	14970 Mallo Pass Dr.
132-110-08	14950 Mallo Pass Dr.
132-110-09	14920 Mallo Pass Dr.
132-110-10	14900 Mallo Pass Dr.
132-110-11	14901 Mallo Pass Dr.
132-110-12	14925 Mallo Pass Dr.
132-110-13	14951 Mallo Pass Dr.
132-110-14	43850 Acquistapace Rd.
132-110-15	43800 Acquistapace
132-110-16	14950 Eucalyptus Way
132-110-17	14920 Eucalyptus Way
132-110-18	14900 Eucalyptus Way
132-110-19	14901 Eucalyptus Way
132-110-20	14925 Eucalyptus Way
132-110-21	14951 Eucalyptus Way
132-110-22	14975 Eucalyptus Way
132-110-23	43851 Acquistapace
132-110-24	15031 Mallo Pass Dr.
132-110-25	15061 Mallo Pass Dr.
132-110-26	15101 Mallo Pass Dr.
132-110-27	15125 Mallo Pass Dr.
132-120-01	44981 Arena Circle
132-120-02	44961 Arena Circle
132-120-03	44951 Arena Circle
132-120-04	44941 Arena Circle
132-120-05	44921 Arena Circle
132-120-06	44901 Arena Circle
132-120-07	44881 Arena Circle
132-120-08	44861 Arena Circle
132-120-09	44851 Arena Circle

132-120-10	44841 Arena Circle
132-120-11	44821 Arena Circle
132-120-12	44801 Arena Circle
132-120-13	44781 Pomo Lake Dr.
132-120-14	44761 Pomo Lake Dr.
132-120-15	44741 Pomo Lake Dr.
132-120-16	44721 Pomo Lake Dr.
132-120-17	44701 Pomo Lake Dr.
132-120-18	44681 Pomo Lake Dr.
132-120-19	44821 Pomo Lake Dr.
132-120-20	44860 Arena Circle
132-120-21	44860 Arena Circle
132-120-22	44900 Arena Circle
132-120-23	44920 Arena Circle
132-120-24	44940 Arena Circle
132-120-25	44961 Pomo Lake Dr.
132-120-26	44901 Pomo Lake Dr.
132-120-27	15220 Arena Court
132-120-28	15250 Arena Court
132-120-29	15225 Arena Court
132-120-30	44851 Pomo Lake Dr.
132-120-31	44900 Pomo Lake Dr.
132-120-32	44920 Pomo Lake Dr.
132-120-33	44940 Pomo Lake Dr.
132-120-34	44960 Pomo Lake Dr.
132-120-35	44980 Pomo Lake Dr.
132-120-36	15151 Mallo Pass Dr.
132-120-37	15175 Mallo Pass Dr.
132-120-38	44850 Pomo Lake Dr.
132-120-39	44800 Pomo Lake Dr.
132-130-01	44661 Pomo Lake Dr.
132-130-02	44651 Pomo Lake Dr.
132-130-03	44641 Pomo Lake Dr.
132-130-04	44621 Pomo Lake Dr.
132-142-01	44381 Pomo Lake Cr.
132-142-02	44361 Pomo Lake Cr.
132-142-03	44341 Pomo Lake Cr.
132-142-04	44321 Pomo Lake Cr.
132-142-05	44301 Pomo Lake Cr.

Total

Unit 3

132-071-01	14780 Cypress Point
132-071-02	14770 Cypress Point
132-071-03	14760 Cypress Point
132-071-04	14750 Cypress Point
132-071-05	14740 Cypress Point
132-071-06	14720 Cypress Point
132-071-07	14700 Cypress Point
132-071-08	14680 Cypress Point
132-071-09	14660 Cypress Point

132-071-10	14640 Cypress Point
132-072-01	14620 Cypress Point
132-072-02	14610 Cypress Point
132-072-03	14600 Cypress Point
132-072-04	14570 Cypress Point
132-072-05	14550 Cypress Point
132-072-06	43760 Sea Cypress Driv
132-072-07	43730 Sea Cypress Dr.
132-072-08	14770 Alta Mesa Road
132-072-09	14750 Alta Mesa Road
132-073-01	43940 Sea Cypress Dr.
132-073-02	14765 Cypress Point
132-073-03	14735 Cypress Point
132-073-04	14655 Cypress Point
132-073-05	14601 Cypress Point
132-073-06	14565 Cypress Point
132-073-07	14555 Cypress Pt. Road
132-073-08	43850 Sea Cypress Dr.
132-073-09	14771 Cypress Circle
132-073-10	14770 Cypress Circle
132-073-11	14780 Cypress Circle
132-074-01	43981 Sea Cypress Dr.
132-074-02	43961 Sea Cypress Driv
132-074-03	43941 Sea Cypress Driv
132-074-04	43921 Sea Cypress Dr.
132-074-05	43901 Sea Cypress Dr.
132-074-06	43851 Sea Cypress Dr.
132-074-07	43781 Cypress Pkway.
132-074-08	43741 Sea Cypress Dr.
132-074-09	43771 Sea Cypress Driv
132-074-10	43801 Sea Cypress Dr.
132-074-11	43750 Cypress Pkway.
132-074-12	43720 Cypress Pkway.
132-074-13	43700 Cypress Pkway.
132-074-14	43670 Cypress Pkway.
132-080-01	14751 Alta Mesa Road
132-080-02	43680 Cypress Drive
132-080-03	43670 Cypress Drive
132-080-04	43660 Cypress Drive
132-080-05	43650 Cypress Drive
132-080-06	43640 Cypress Drive
132-080-07	43620 Cypress Drive
132-080-08	43610 Cypress Drive
132-080-09	43600 Cypress Drive
132-080-10	43701 Sea Cypress Driv
132-080-11	43651 Cypress Drive
132-080-12	43625 Cypress Drive
132-080-13	43601 Cypress Drive
132-080-14	43620 Cypress Pkway.
132-080-15	43650 Cypress Pkway.
132-090-01	43580 Cypress Drive

132-090-02	43650 Cypress Drive
132-090-03	43575 Cypress Drive
132-090-04	43601 Cypress Pkway.
132-090-05	43621 Cypress Pkway.
132-090-06	43641 Cypress Pkway.
132-090-07	43661 Cypress Pkway.
132-090-08	43681 Cypress Pkway.
132-090-09	43601 Cypress Pkway.
132-090-10	43711 Cypress Pkway.
132-090-11	43725 Cypress Pkway.
132-090-12	43751 Cypress Pkway.
132-090-13	43775 Cypress Pkway.
Total	

Unit 4

132-130-05	15731 Forest View Rd.
132-130-06	15741 Forest View Rd.
132-130-07	15751 Forest View Rd.
132-130-08	15761 Forest View Rd.
132-130-09	15781 Forest View Rd.
132-130-10	15801 Forest View Rd.
132-141-02	15871 Forest View Rd.
132-141-03	15901 Forest View Rd.
132-141-04	5921 Forest View Rd.
132-141-05	15931 Forest View Rd.
132-141-06	15941 Forest View Rd.
132-141-07	15961 Forest View Rd.
132-141-08	15971 Forest View Road
132-141-09	15981 Forest View Rd.
132-141-11	15821 Forest View Rd.
132-142-06	15225 Forest View Rd.
132-142-07	15251 Forest View Rd.
132-142-09	15250 Forest View Rd.
132-142-10	15300 Forest View Rd.
132-142-11	15320 Forest View Rd.
132-142-12	15700 Forest View Cr.
132-142-13	15920 Forest View Rd.
132-142-14	15930 Forest View Rd.
132-142-15	15940 Forest View Rd.
132-142-16	15960 Forest View Rd.
132-142-17	15301 Forest View Rd.
132-150-01	15601 Forest View Rd.
132-150-02	15611 Forest View Rd.
132-150-03	15621 Forest View Rd.
132-150-04	15631 Forest View Rd.
132-150-05	15635 Forest View Rd.
132-150-06	15641 Forest View Rd.
132-150-07	15645 Forest View Rd.
132-150-08	15651 Forest View Rd.
132-150-09	15661 Forest View Rd.
132-150-10	15671 Forest View Rd.

132-150-11	15685 Forest View Rd.
132-150-12	15691 Forest View Rd.
132-150-13	15687 Forest View Rd.
132-150-14	15689 Forest View Rd.
132-150-15	15697 Forest View Rd.
132-150-16	15701 Forest View Rd.
132-150-17	15711 Forest View Rd.
132-150-18	15721 Forest View Rd.
132-150-19	15600 Forest View Rd.
132-150-20	15620 Forest View Rd.
132-150-21	15640 Forest View Rd.
132-150-22	15700 Forest View Rd.
132-150-23	15720 Forest View Rd.
132-150-24	15740 Forest View Rd.
132-150-25	15760 Forest View Rd.
132-150-26	15683 Forest View Rd.
132-161-01	15350 Forest View Rd.
132-161-01	15350 Forest View Rd.
132-161-02	15370 Forest View Rd.
132-161-03	15400 Forest View Rd.
132-161-04	15420 Forest View Rd.
132-161-05	15450 Forest View Rd.
132-161-06	15470 Forest View Rd.
132-161-07	15500 Forest View Rd.
132-161-08	15520 Forest View Rd.
132-161-09	15555 Forest View Rd.
132-161-10	15570 Forest View Rd.
132-161-11	15780 Forest View Rd.
132-161-12	15784 Forest View Rd.
132-161-13	15794 Forest View Rd.
132-161-14	15820 Forest View Rd.
132-161-15	15850 Forest View Rd.
132-161-16	15870 Forest View Rd.
132-161-17	15684 Forest View Rd.
132-161-18	15688 Forest View Rd.
132-161-19	15694 Forest View Rd.
132-161-20	15698 Forest View Rd.
132-162-01	15321 Forest View Rd.
132-162-02	15341 Forest View Rd.
132-162-03	15361 Forest View Rd.
132-162-04	15381 Forest View Rd.
132-162-05	15421 Forest View Rd.
132-162-06	15431 Forest View Rd.
132-162-07	15441 Forest View Rd.
132-162-10	15481 Forest View Rd.
132-162-11	15501 Forest View Rd.
132-162-12	15525 Forest View Rd.
132-162-13	15551 Forest View Rd.
132-162-14	15575 Forest View Rd.
132-162-16	15461 Forest View Rd.
Total	

Unit 5

132-100-15	43831 Acquistapace Rd.
132-100-16	43811 Acquistapace Rd.
132-100-17	43791 Acquistapace Rd.
132-100-18	43781 Sea Cypress Dr.
132-100-19	43551 Sea Cypress Dr.
132-100-20	43541 Sea Cypress Dr.
132-100-21	0 Sea Cypress Dr.
132-100-22	43491 Sea Cypress Dr.
132-100-23	43481 Sea Cypress Dr.
132-100-24	43471 Sea Cypress Dr.
132-100-25	43470 Sea Cypress Dr.
132-100-26	43480 Sea Cypress Dr.
132-100-27	43490 Sea Cypress Dr.
132-100-28	43500 Sea Cypress Dr.
132-100-29	43510 Sea Cypress Dr.
132-100-30	43570 Sea Cypress Dr.
132-100-31	43580 Sea Cypress Dr.
Total	

Unit 7

132-300-01	44600 Pomo Lake Dr.
132-300-02	44590 Pomo Lake Dr.
132-300-03	44580 Pomo Lake Dr.
132-300-04	44570 Pomo Lake Dr.
132-300-05	44560 Pomo Lake Dr.
132-300-06	44550 Pomo Lake Dr.
132-300-07	44536 O'Rorey's Place
132-300-08	44530 O'Rorey's Pl.
132-300-09	44520 O'Rorey's Pl.
132-300-10	44510 O'Rorey's Pl.
132-300-11	44500 O'Rorey's Pl.
132-300-12	44480 O'Rorey's Pl.
132-300-13	44515 O'Rorey's Pl.
132-300-14	-44280 O'Rorey's Rst.
132-300-15	44300 O'Rorey's Roost
132-300-16	44300 O'Rorey's Pl.
132-300-17	44310 O'Rorey's Rst.
132-300-18	44320 O'Rorey's Rst.
132-300-19	
132-300-20	44340 O'Rorey's Rst.
132-300-21	
132-300-22	44360 O'Rorey's Rst.
132-300-23	44370 O'Rorey's Roost
132-300-24	44380 O'Rorey's Rst.
132-300-25	44390 O'Rorey's Rst.
132-300-26	44400 O'Rorey's Roost
132-300-27	44410 O'Rorey's Rst.
132-300-28	44420 O'Rorey's Rst.

132-300-29	44430 O'Rorey's Rst.
132-300-30	44440 O'Rorey's Rst.
132-300-31	44535 O'Rorey's Pl.
132-300-32	44460 O'Rorey's Rst.
132-300-33	44421 O'Rorey's Rst.
132-300-34	44301 O'Rorey's Pl.
132-300-35	44341 O'Rorey's Rst.
132-300-36	44361 O'Rorey's Rst.
132-300-37	44381 O'Rorey's Rst.
132-300-38	44401 O'Rorey's Pl.
132-100-11	44660 Pomo Lake Dr.
132-100-12	44650 Pomo Lake Dr.
132-100-13	44640 Pomo Lake Dr.
132-100-14	44620 Pomo Lake Dr.
Total	

Unit 8

132-310-01	43501 P. Hillcrest Dri
132-310-02	43501 O. Hilcrest Driv
132-310-03	43501 N. Hilcrest Driv
132-310-04	43501 M. Hillcrest Dri
132-310-05	43501 Unit 8
132-310-06	43501 Unit 8
132-310-07	43501 Unit 8
132-310-08	43501 Unit 8
132-310-09	43501 Unit 8
132-310-10	53501 Unit 8
132-310-11	43501 Unit 8
132-310-12	43501 Unit 8
132-310-13	43501 Unit 8
132-310-14	43501 Unit 8
132-310-15	43501 Unit 8
132-310-16	43501 Unit 8
Total	

Unit 9

132-320-01	43681 Alta Mesa Rd.
132-320-02	Alta Mesa
132-320-03	Alta Mesa
132-320-05	Alta Mesa
132-320-06	Alta Mesa
132-320-07	Alta Mesa
132-320-08	Alta Mesa
132-320-10	Alta Mesa
132-320-11	Alta Mesa
132-320-12	Alta Mesa
132-320-13	Alta Mesa
132-320-14	Alta Mesa
132-320-15	Alta Mesa
132-320-16	Alta Mesa
132-320-17	Alta Mesa

132-320-18	Alta Mesa
132-320-19	Alta Mesa
132-320-20	Alta Mesa
132-320-21	Alta Mesa
132-320-22	14000 Alta Mesa Ct.
132-320-23	Alta Mesa
132-320-24	Alta Mesa
132-320-25	Alta Mesa
132-320-26	Alta Mesa
132-320-27	Alta Mesa
132-320-28	Alta Mesa
132-320-29	Alta Mesa
132-320-30	Alta Mesa
132-320-31	Alta Mesa
132-320-32	Alta Mesa
132-320-33	Alta Mesa
132-320-34	Alta Mesa
132-320-35	Alta Mesa
132-320-36	Alta Mesa
132-320-37	Alta Mesa
132-320-38	Alta Mesa
132-320-39	Alta Mesa
132-320-40	43600 Alta Mesa Rd.
132-320-41	Alta Mesa
132-320-42	Alta Mesa
132-320-43	Alta Mesa
132-320-44	Alta Mesa
132-320-45	Alta Mesa
132-320-46	Alta Mesa
Total	

Total All Units

Note: List of parcels covered by assessment within each unit as provided by IBWD.

APPENDIX C

**Article XIID of the California Constitution
(Proposition 218)**

ARTICLE XIII C AND XIID OF THE CALIFORNIA CONSTITUTION

Proposition 218 was approved by voters as a Constitutional Amendment on November 6, 1996. It became Article XIII C and Article XIID of the California State Constitution and has imposed additional requirements for assessments.

ARTICLE XIII C

SECTION 1. Definitions. As used in this article:

- (a) "General tax" means any tax imposed for general governmental purposes.
- (b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.
- (c) "Special district" means an agency of the state, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.
- (d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

SEC. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

- (a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.
- (b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.
- (c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).
- (d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

SEC. 3. Initiative Power for Local Taxes, Assessments, Fees and Charges.

Notwithstanding any other provision of this Constitution, including, but not limited to, Sections 8 and 9 of Article II, the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge. The

power of initiative to affect local taxes, assessments, fees and charges shall be applicable to all local governments and neither the Legislature nor any local government charter shall impose a signature requirement higher than that applicable to statewide statutory initiatives.

ARTICLE XIII D

SECTION 1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIII C shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIII C.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.
- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.
- (h) "Property-related service" means a public service having a direct relationship to property ownership.
- (i) "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."

SEC. 3. Property Taxes, Assessments, Fees and Charges Limited. (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

- (1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.
- (2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.
- (3) Assessments as provided by this article.

- (4) Fees or charges for property related services as provided by this article.
- (b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

SEC. 4. Procedures and Requirements for All Assessments. (a) 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. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. 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.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount

of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

SEC. 5. Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

SEC. 6. Property Related Fees and Charges. (a) Procedures for New or Increased Fees and Charges. An agency shall follow the procedures pursuant to this section in imposing or increasing any fee or charge as defined pursuant to this article, including, but not limited to, the following:

(1) The parcels upon which a fee or charge is proposed for imposition shall be identified. The amount of the fee or charge proposed to be imposed upon each parcel shall be calculated. The agency shall provide written notice by mail of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

(2) The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition. At the public hearing, the agency shall consider all protests against the proposed fee or charge.

If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section.