

**FEATHER RIVER RECREATION AND PARK DISTRICT
1875 FEATHER RIVER BLVD., OROVILLE, CA 95965**

DISTRICT BOARD MEETING
Special Board Meeting
August 8, 2018

Location: FRRPD Conference Room

AGENDA

Open Session 5:30 PM

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate in the meeting, please contact the District Administrative Office at (530)533-2011 at least 48 hours in advance of the meeting.

1. CALL MEETING TO ORDER

Time: _____

2. ROLL CALL

Director Marcia Carter _____
Director Scott Kent Fowler _____
Director Steven Rocchi _____
Vice Chairperson Emberland _____
Chairperson Victoria Smith _____

3. PLEDGE OF ALLEGIANCE

4. ADJOURNMENT TO CLOSED SESSION

None

5. ANNOUNCEMENT FROM CLOSED SESSION

None

6. PUBLIC COMMENT

At this time, the Board will extend the courtesy of the Hearing Session to interested parties who wish to speak on items not on the agenda. State law prohibits the Board from taking action on any item presented if it is not listed on the agenda, except under special circumstances as defined in the Government Code. You are limited to three (3) minutes. The Board reserves the right to limit public comment to 15 minutes, and can reopen public comment at a later time. The Chairperson will invite anyone the audience wishing to address the Board on a matter not listed on the agenda to state your name for the record and make your presentation. The Board will not and cannot take any action except for brief response by the Board or staff to a statement or question relating to a non-agenda item.

7. CONSENT AGENDA

None

8. ACTION ITEMS

- 1. RESOLUTION NO. 1391: A RESOLUTION APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF ASSESSMENT FOR FISCAL YEAR 2018-19 FOR THE PARK MAINTENANCE AND RECREATION IMPROVEMENT DISTRICT OF THE FEATHER RIVER RECREATION AND PARK DISTRICT. (Appendix A)**

Requested Action: Adopt the Resolution

VOTE

Director Marcia Carter	_____
Director Scott Kent Fowler	_____
Director Steven Rocchi	_____
Vice Chairperson Emberland	_____
Chairperson Victoria Smith	_____

9. NON-ACTION ITEMS

None

10. UNFINISHED BUSINESS

11. BOARD ITEMS FOR NEXT AGENDA

12. ADJOURNMENT

Time: _____



STAFF REPORT

DATE: AUGUST 8, 2018

TO: BOARD OF DIRECTORS

FROM: RANDY MURPHY, GENERAL MANAGER

RE: RESOLUTION TO INCLUDE BENEFIT ASSESSMENT DISTRICT FEES ON TAX ROLL

SUMMARY

Staff request to approve Resolution 1391-18 to direct the County to include the increase to the Benefit Assessment District (BAD) fee that was previously approved by the Board but not included in the packet for the recently adopted budget. The Engineer's Report has not changed since it was originally presented to the Board on June 26, 2018 and is available for review upon request.

BACKGROUND

The Board approved the BAD increase of 2.94% at its May 22, 2018 regular meeting. The required Public Hearing was held on June 26, 2018 regular meeting and the approximate \$10,000 increase in revenue was included in the Fiscal Year 2018/19 annual budget that was adopted at the July 24, 2018 meeting. Due to the recent staff turnover, this Resolution was not included in the items to approve. The Resolution must be included in the submittal to the County in order for the increase to be added to the tax roll for the current fiscal year.

BUDGETARY IMPACT

none.

RECOMMENDATION

Authorize the Board Chair to sign Resolution 1391-18.

ALTERNATIVE ACTIONS

None

ATTACHMENTS

BAD Resolution No. 1391-18



RESOLUTION NO. 1391-18

**A RESOLUTION APPROVING ENGINEER'S REPORT,
CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING THE CONTINUATION OF
ASSESSMENT FOR FISCAL YEAR 2018-19 FOR THE PARK MAINTENANCE
AND RECREATION IMPROVEMENT DISTRICT OF
THE FEATHER RIVER RECREATION AND PARK DISTRICT**

RESOLVED, by the Board of Directors of the Feather River Recreation and Park District (the "Board"), State of California, that

WHEREAS, on July 24th, 2002 by its Resolution No. 820-02, this Board ordered formation of a landscaping and lighting district pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof) (the "District").

WHEREAS, the purpose of the District is for the installation, maintenance and servicing of the improvements described in the annual Engineer's Report; and

WHEREAS, by its Resolution No. 1377-18, A Resolution Directing Preparation of the Engineer's Report for the Continuation of the Park Maintenance and Recreation Improvement District of the District, this Board designated SCI Consulting Group as Engineer of Work and ordered said Engineer to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Streets and Highways Code 22500, and Article XIID of the California Constitution; and

WHEREAS, the first Engineer's Report for Fiscal Year 2002-03 described how the assessment district would be established, determined the uses of the assessment funds, established the methodology by which the assessments would be applied to properties in the District, established that the assessment is subject to an annual adjustment tied to the annual change in the Consumer Price Index for the San Francisco Bay Area, and stated that the assessment would continue year-to-year until terminated by the District Board of Directors; and

WHEREAS, although the methodology by which the assessments are applied to properties in the District does not change from year to year, a new Engineer's Report is prepared each year in order to establish the CPI adjustment for that year; the new maximum authorized assessment rate for that year; the budget for that year; and the amount to be charged to each parcel in the District that year, subject to that year's assessment rate and any changes in the attributes of the properties in the District, including but not limited to use changes, parcel subdivisions, and/or parcel consolidations; and



WHEREAS, the report was duly made and filed with the Secretary of the Board and duly considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 26th, 2018 at the hour of 5:30 p.m., or as soon after as practical, at the Feather River Recreation and Park District Office, 1875 Feather River Blvd., Oroville, California 95965, were appointed as the time and place for a hearing by this Board on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the continuation of assessment were fully heard and considered by this Board, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Board thereby acquired jurisdiction to order the continuation of assessment and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof;

WHEREAS, the assessment is being levied without regard to property valuation of the properties involved; and

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, that:

1. The public interest, convenience and necessity require that the continuation be made.
2. The District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Secretary of the Board, which map is made a part hereof by reference thereto.
3. The Engineer's Report as a whole and each part thereof, to wit:
 - (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
 - (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and
 - (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the District in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; are finally approved and confirmed.



4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Board.
5. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2018-19 is hereby continued. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Engineer's Report.
6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Board expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
7. Upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption, the Secretary of the Board shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Butte. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment, in accordance to Streets and Highway Codes 22645 et seq. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Feather River Recreation and Park District.
8. Upon receipt of the moneys representing assessments collected by the County, the General Manager shall deposit the moneys in the District Treasury to the credit of the improvement fund previously established under the distinctive designation of the District.



PASSED AND ADOPTED, at a regular meeting of the Board of Directors of the Feather River Recreation and Park District on the 8th day of August 2018 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Attest: _____
Victoria Smith, Chairperson

Randy Murphy, General Manager