

TWAIN HARTE COMMUNITY SERVICES DISTRICT

WATER – SEWER – FIRE – PARK
22912 Vantage Pointe Drive, Twain Harte, CA 95383
Phone (209) 586-3172 Fax (209) 586-0424

REGULAR MEETING OF THE BOARD OF DIRECTORS VIDEO TELECONFERENCE May 12, 2021 9:00 A.M.

IMPORTANT NOTICE:

To help slow the spread of COVID-19, the District's board room is closed to the public. Under the Governor's Executive Order N-25-20, this meeting will be held remotely by teleconference using Zoom:

- Videoconference Link: <https://us02web.zoom.us/j/82959652197>
- Meeting ID: 829 5965 2197
- Telephone: (669) 900-6833

ANYONE CAN PARTICIPATE IN THIS MEETING: see details at the end of this agenda.

AGENDA

The board may take action on any item on the agenda.

1. Call to Order

2. Pledge of Allegiance & Roll Call

3. Reading of Mission Statement

4. Public Comment

This time is provided to the public to speak regarding items not listed on this agenda.

5. Consent Agenda:

- A. Presentation and approval of financial statements through April 30, 2021.
- B. Approval of the minutes of the Regular Meeting held on April 14, 2021.

6. New Business

- A. Discussion/action to adopt the 20-Year Vehicle and Equipment Replacement Plan for Fiscal Year 2021-22.
- B. Discussion/action to adopt Resolution #21-11 – Intention to Continue Assessments for Fiscal Year 2021-22, Approval of Preliminary Engineer's Report and Notice of Hearing for the Park and Recreation Maintenance District.

- C. Discussion/action to adopt Resolution #21-12 – Intention to Continue Assessments for Fiscal Year 2021-22, Approval of Preliminary Engineer’s Report and Notice of Hearing for the Fire and Rescue Assessment District.
- D. Discussion/action to adopt Resolution #21-13 – Intention to Continue Assessments for Fiscal Year 2021-22, Approval of Preliminary Engineer’s Report and Notice of Hearing for the Fire Protection and Emergency Response Services Assessment District.
- E. Discussion/action to adopt Resolution #21-14 – Authorizing Reinstatement of Water and Sewer Late Fees and Water Flow Restrictions for Non-Payment.
- F. Discussion/action to repeal Policy #3095 – District Facility Keys.
- G. Discussion/action to adopt Resolution #21-15 – Adopting the Records Retention and Destruction Policy (Policy #3100) and Authorizing Destruction of Certain Types of Records.

7. Reports

- A. President and Board member reports
- B. Fire Chief’s report
- C. Water/Sewer Operations Manager’s report
- D. General Manager’s report

8. Closed Session

- A. With respect to every item of business to be discussed in closed session pursuant to Section 54957: Public Employee Performance Evaluation, General Manager.

9. Additional Business

- A. Discussion/action to consider Amendment #2 to the General Manager Employment Agreement.

10. Adjourn

HOW TO OBSERVE THIS MEETING:

The public can observe and participate in a meeting as follows:

- **Computer:** Join the videoconference by clicking the videoconference link located at the top of this agenda or on our website. You may be prompted to enter your name and email. Your email will remain private and you may enter “anonymous” for your name.
- **Smart Phone/Tablet:** Join the videoconference by clicking the videoconference link located at the top of this agenda OR log in through the Zoom mobile app and enter the Meeting ID# and Password found at the top of this agenda. You may be prompted to enter your name and email. Your email will remain private and you may enter “anonymous” for your name.

- **Telephone:** Listen to the meeting by calling Zoom at (4669) 900-6833. Enter the Meeting ID# listed at the top of this agenda, followed by the pound (#) key.

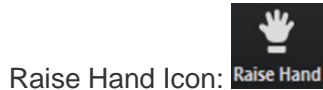
* NOTE: your personal video will be disabled and your microphone will be automatically muted.

FOR MORE DETAILED INSTRUCTIONS, CLICK [HERE](#)

HOW TO SUBMIT PUBLIC COMMENTS:

The public will have an opportunity to comment before and after the meeting as follows:

- **Before the Meeting:** If you cannot attend the meeting, you may:
 - Email comments to ksilva@twainhartecsd.com, write “Public Comment” in the subject line. In the body of the email, include the agenda item number and title, as well as your comments.
 - Mail comments to THCS Board Secretary: P.O. Box 649, Twain Harte, CA 95383
- **During the Meeting:** The public will have opportunity to provide comment before and after the meeting as follows:
 - Computer/Tablet/Smartphone: Click the “Raise Hand” icon and the host will unmute your audio when it is time to receive public comment. If you would rather make a comment in writing, you may click on the “Q&A” icon and type your comment. You may need to tap your screen or click on “View Participants” to make icons visible.



- Telephone: Press *9 if to notify the host that you have a comment. The host will unmute you during the public comment period and invite you to share comments.

* NOTE: If you wish to speak on an item on the agenda, you are welcome to do so during consideration of the agenda item itself. If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period. Persons speaking during the Public Comment will be limited to five minutes or depending on the number of persons wishing to speak, it may be reduced to allow all members of the public the opportunity to address the Board. Except as otherwise provided by law, no action or discussion shall be taken/conducted on any item not appearing on the agenda. Public comments must be addressed to the board as a whole through the President. Comments to individuals or staff are not permitted.

ACCESSIBILITY:

Board meetings are accessible to people with disabilities. In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the District office 48 hours prior to the meeting at (209) 586-3172.

WRITTEN MEETING MATERIALS:

If written materials relating to items on this Agenda are distributed to Board members prior to the meeting, such materials will be made available for public inspection on the District’s website: www.twainhartecsd.com

TWAIN HARTE COMMUNITY SERVICES DISTRICT
20/21 OPERATING EXPENDITURE SUMMARY
 As of April 30, 2021

Fund	TOTAL Budget*	YTD Expended	Budget Balance	% Spent (Target 83.33%)
Park	91,971	57,264	34,707	62.26%
Water	1,069,667	808,190	261,477	75.56%
Sewer	1,191,857	785,827	406,030	65.93%
Fire	1,016,684	900,807	115,877	88.60%
Admin	598,360	450,837	147,523	75.35%
TOTAL	\$ 3,968,539	\$ 3,002,925	\$ 965,614	75.67%

TWAIN HARTE COMMUNITY SERVICES DISTRICT
20/21 CAPITAL EXPENDITURE SUMMARY
 As of April 30, 2021

Fund	TOTAL Budget*	YTD Expended	Budget Balance	% Spent (Target 83.33%)
Park	154,240	105,689	48,551	68.52%
Water	381,220	55,479	325,741	14.55%
Sewer	355,900	54,574	301,326	15.33%
Fire	219,230	112,952	106,278	51.52%
Admin		-	-	
TOTAL	\$ 1,110,590	\$ 328,694	\$ 781,896	29.60%

Reflects Budget Rev #4 - Approved 4/14/21

TWAIN HARTE COMMUNITY SERVICES DISTRICT
BANK BALANCES
As of April 30, 2021

Account	Beginning Balance	Receipts	Disbursements	Current Balance
U.S. Bank Operating	933,242	813,021	(307,462)	1,438,801
U.S. Bank - D Grunsky #1*	53,458	15,977		69,435
U.S. Bank - D Grunsky #2*	56,609	14,169		70,778
LAIF	2,963,118	3,237		2,966,355
TOTAL	\$ 4,006,427	\$ 846,404	\$ (307,462)	\$ 4,545,369

*Davis Grunsky reserve money restricted for Davis Grunsky Loan Payments

TWAIN HARTE COMMUNITY SERVICES DISTRICT
Board of Directors Regular Meeting via Teleconference due to COVID-19
April 14, 2021

CALL TO ORDER: President Sipperley called the meeting to order at 09:02 a.m. The following Directors, Staff, and Community Members were present:

DIRECTORS:

Director Sipperley, President
Director McManus
Director Mannix
Director Knudson
Director deGroot

STAFF:

Tom Trott, General Manager
Neil Gamez, Fire Chief
Kim Silva, Administrative Coordinator/ Board Secretary
Lewis Giambruno, Operations Manager
Carolyn Higgins, Finance Officer

AUDIENCE: 2 Attendees.

PUBLIC COMMENT ON NON-AGENDIZED ITEMS:

No public comment.

PRESENTATIONS:

- A. Presentation of the Fiscal Year 2019-20 Audit Report by Jacobson Jarvis & Co.
Christy Tyler-Cooper presented the final draft of the fiscal year 2019-20 Audit Report.

CONSENT AGENDA:

- A. Presentation and approval of financial statements through March 31, 2021.
B. Approval of the minutes of the Regular Meeting held on March 14, 2021.

MOTION: Director deGroot made a motion to accept the consent agenda in its entirety.

SECOND: Director McManus

AYES: Mannix, deGroot, McManus, Sipperley, Knudson

NOES: None

ABSTAIN:

OLD BUSINESS

- A. None.

NEW BUSINESS:

- A. Discussion/action to adopt Resolution #21-09 – Authorization to Enter into a Funding Agreement with the State Water Resources Control Board and Authorization and

Designation of a Representative for the Twain Harte Community Stormwater Enhancement Project.

MOTION: *Director McManus made a motion to adopt Resolution #21-09 – Authorization to Enter into a Funding Agreement with the State Water Resources Control Board and Authorization and Designation of a Representative for the Twain Harte Community Stormwater Enhancement Project.*

SECOND: *Director Mannix*

AYES: *Mannix, deGroot, McManus, Sipperley, Knudson*

NOES: *None*

ABSTAIN:

- B. Discussion/action to adopt Resolution #21-10 – Approval of Fiscal Year 2020-21 Water, Park and Fire Funds Budget Adjustments in the Amount of \$60,000 for Power Resiliency Projects Funded by the California Office of Emergency Services Community Power Resiliency Program.

MOTION: *Director deGroot made a motion to adopt Resolution #21-10 – Approval of Fiscal Year 2020-21 Water, Park and Fire Funds Budget Adjustments in the Amount of \$60,000 for Power Resiliency Projects Funded by the California Office of Emergency Services Community Power Resiliency Program.*

SECOND: *Director Knudson*

AYES: *Mannix, deGroot, McManus, Sipperley, Knudson*

NOES: *None*

ABSTAIN:

- C. Discussion/action regarding selection of an auditor for Fiscal Year 2020-21.

MOTION: *Director Mannix made a motion to cancel the contract with current auditor Jacobson Jarvis & Co. and select Bloomberg & Griffin as the auditor for the Fiscal Year 2020-21.*

SECOND: *Director deGroot*

AYES: *Mannix, deGroot, McManus, Sipperley, Knudson*

NOES: *None*

ABSTAIN:

- D. Discussion/action to review and evaluate the existing suspension of water and sewer late fees due to COVID-19.

The Board provided direction to GM Trott to draft a resolution for the May board meeting that reinstates the late fees and restriction fees effective immediately.

- E. Discussion/action regarding COVID-19 restrictions and public access to District facilities.

MOTION: *Director deGroot made a motion to approve the opening of the three facilities as outlined by GM Trott, that includes the community center, stage area and district office lobby with proper safety restrictions in place.*

SECOND: *Director Knudson*

AYES: *Mannix, deGroot, McManus, Sipperley, Knudson*

NOES: *None*

ABSTAIN:

REPORTS:

President and Board Member Reports.

- *President Sipperley provided a report on attending the IRWM monthly meeting.*
- *Director McManus provided an update on the monthly activity of CERT.*

Fire Chief Report by Chief Gamez

- *A verbal summary of the written report was provided.*

Water/Sewer/Park Operations Report Provided by Operations Manager Giambruno

- *A verbal summary of the written report was provided.*

General Manager Report Provided by General Manager Trott

- *A verbal summary of the written report was provided.*

Closed Session: *The Board of Directors convened into closed session at 10:56 a.m.*

- A. With respect to every item of business to be discussed in closed session pursuant to Section 54957: Public Employee Performance Evaluation, General Manager.
- *President Sipperley reconvened the meeting into regular session at 12:28 p.m. with no reportable action.*

ADJOURNMENT:

The meeting was adjourned at 12:28 p.m.

Respectfully submitted,

APPROVED:

Kimberly Silva, Board Secretary

Gary Sipperley, President



**TWAIN HARTE COMMUNITY SERVICES DISTRICT
20-YR VEHICLE/EQUIPMENT REPLACEMENT PLAN**

Adopted: 05/12/2021

	Life Left	Life New	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	FY 28-29	FY 29-30	FY 30-31	FY 31-32	FY 32-33	FY 33-34	FY 34-35	FY 35-36	FY 36-37	FY 37-38	FY 38-39	FY 39-40	FY 40-41
Water/Sewer (65%/35%)																						
Truck #1 (Ops Mgr) - 2019 Jeep Grand Cherokee	15	15	9,000															54,500				
Truck #2 (Utility/Goose/Plow) - 2015 Ford F350	9	15										78,200										
Truck #3 (Utility) - 2006 GMC 2500	0	15	60,000																93,500			
Truck #4 (Utility) - 2006 GMC 2500	2	15			58,000																90,300	
Truck #5 (Utility) - 2019 Ford F350	13	15														85,200						
Truck #6 (Utility/Goose) - 2018 Chevy 3500	11	15												83,050								
Mini-Excavator - 2016	21	25																				
Backhoe - 2005	14	30															135,000					
Water/Sewer (50%/50%)																						
Mobile Generator*	5	25						35,000														
Forklift*	16	25																	43,000			
Sewer (100%)																						
Flush Trailer (Trixie) - 1998 Shamrock	0	25	92,000																			
Vacuum Trailer - 2015 Pipe Hunter	19	25																				\$ 273,000
Fire (100%)																						
C720 (Chief) - 2016 Ford Explorer	10	15											64,500									
C720A (Chief Coverage) - 2008 Chevy C15*	7	15	8,500								16,000											
U721 (Utility) - 2006 GMC Sierra 2500 Diesel	6	15							79,000													
E721 (Primary Engine) - 2005 HME SEO 1871	9	25										740,000										
E722 (Reserve Engine) - 1986 Sparton Pumper*	2	30			100,000																	
E723 (Primary Engine) - 2014 International	14	20															904,400					
WT721 (Tactical Tender) - 2016 Pierce Intl.	21	25																				
CERT FF Rehab - 2007 Intl. 4300 Ambulance*	8	20									18,300											
Administration (W 47%/S 25%/ F 18%/ P 10%)																						
None	0	15																				
Vehicles not to be Replaced																						
None	0	15																				
TOTAL Water			\$ 44,850	\$ -	\$ 37,700	\$ -	\$ -	\$ 17,500	\$ -	\$ -	\$ -	\$ 50,830	\$ -	\$ 53,983	\$ -	\$ 55,380	\$ 87,750	\$ 35,425	\$ 82,275	\$ -	\$ 58,695	\$ -
TOTAL Sewer			\$ 116,150	\$ -	\$ 20,300	\$ -	\$ -	\$ 17,500	\$ -	\$ -	\$ -	\$ 27,370	\$ -	\$ 29,068	\$ -	\$ 29,820	\$ 47,250	\$ 19,075	\$ 54,225	\$ -	\$ 31,605	\$ 273,000
TOTAL Fire			\$ 8,500	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ 79,000	\$ -	\$ 34,300	\$ 740,000	\$ 64,500	\$ -	\$ -	\$ -	\$ 904,400	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL Park			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DISTRICT GRAND TOTAL			\$ 169,500	\$ -	\$ 158,000	\$ -	\$ -	\$ 35,000	\$ 79,000	\$ -	\$ 34,300	\$ 818,200	\$ 64,500	\$ 83,050	\$ -	\$ 85,200	\$ 1,039,400	\$ 54,500	\$ 136,500	\$ -	\$ 90,300	\$ 273,000

NOTES:

- All future vehicle purchases are assumed to be new vehicles, unless noted otherwise.
- Vehicle values are based on current year values with an added inflation factor of 3% per year.
- All new vehicles (excluding fire engines) are planned to be replaced every 15 years and/or 100,000 miles.
- Remaining life of existing vehicles/equipment is based on staff evaluation and will be re-evaluated each year.
- Vehicles needing consecutive years of excessive repair work may need to be replaced earlier than planned.
- Vehicles that reach their estimated useful life will be evaluated by staff to determine whether they need replacement prior to purchase of a new vehicle.

* Vehicle/equipment anticipated to be replaced with a used vehicle.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 21-11**

**INTENTION TO CONTINUE ASSESSMENTS FOR THE FISCAL YEAR 2021-22, APPROVAL OF
PRELIMINARY ENGINEER'S REPORT AND NOTICE OF HEARING FOR THE PARK AND
RECREATION MAINTENANCE DISTRICT**

WHEREAS, Twain Harte Community Services District's Park and Recreation Maintenance District was authorized by an assessment ballot proceeding conducted in 2006 and approved by 59.28% of the weighted ballots returned by property owners, and such assessments were levied by the Board of Directors by Resolution No. 06-09 passed on June 20, 2006; and

WHEREAS, the first Engineer's Report for Fiscal Year 2006-07 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, by on February 11, 2021 by Resolution No. 21-04, the Board ordered the preparation of an Engineer's Report for the Park and Recreation Maintenance District (the "District") for fiscal year 2021-22; and

WHEREAS, pursuant to said Resolution, the Engineer's Report was prepared by SCI Consulting Group, Engineer of Work, in accordance with accordance with 22565, et seq., of the Streets and Highways Code (the "Report") and Article XIID of the California Constitution; and

WHEREAS, said Engineer's Report was filed with the Clerk of the Board of Directors and the Board of Directors has reviewed the Report and wishes to take certain actions relative to said Report.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Twain Harte Community Services District ("Board"), that:

1. The Report for the "Park and Recreation Maintenance District," on file with the Clerk of the Board, has been duly considered by the Board of Directors and is hereby deemed sufficient and approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under, and pursuant to, the foregoing resolution.
2. It is the intention of this Board to continue and to collect assessments within the District for fiscal year 2021-22. Within the District, the existing and proposed improvements ("Improvements") are

generally described as the acquisition, installation, maintenance and servicing of public areas and public facilities, property owned or property rights, easements and/or rights of entry, leases or dedications including, but not limited to, parks, recreation areas, recreation facilities, ground cover, shrubs, trees and other vegetation, greenbelts, playground equipment, trails, utility right-of-ways, signage, entry monuments, fencing, picnic areas, restrooms, lighting, other improvements such as irrigation or drainage and land preparation on (1) real property owned by, or encumbered by property rights held by, or maintained by, the District; or (2) on real property owned by, or encumbered by property rights held by, or maintained by any local agency or non-profit entity within the jurisdictional area of the District that participates with the Twain Harte Community Services District in any of the installations, maintenance and servicing described herein. Installation means the construction of recreational improvements, including, but not limited to, land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks and drainage, lights, playground equipment, play courts, recreational facilities and public restrooms. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

3. The District consists of the lots and parcels shown on the assessment diagram of the District on file with the Clerk of the Board, and reference is hereby made to such map for further particulars.
4. Reference is hereby made to the Report for a full and detailed description of the Improvements, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District. The Engineer's Report identifies all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed.
5. The authorized maximum assessment rate for the District includes an annual adjustment by an amount equal to the annual change in the San Francisco Bay Area Consumer Price Index, not to exceed 3.00% per year. In the event that the annual change in the CPI exceeds 3.00%, any percentage change in excess of 3.00% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 3.00%. The annual Bay Area CPI change as of December 2020 is 2.00%, and the Unused CPI carried forward from the previous fiscal year is 1.58%. Therefore, the maximum authorized increase that may be levied in fiscal year 2021-22 is 3.00%.
6. . The estimated fiscal year 2021-22 cost of providing the Services is \$117,142. This cost results in a proposed assessment rate of SEVENTY-TWO AND FIFTY-SIX CENTS (\$72.56) per single-family equivalent benefit unit for fiscal year 2021-22. Therefore, the maximum authorized assessment rate is \$72.56; the assessment rate proposed to be continued for fiscal year 2021-22 is \$72.56, which is the same as the maximum authorized rate.
7. The public hearing shall be held, before this Board at the Twain Harte Community Services District offices located at 22912 Vantage Pointe Drive, Twain Harte, California, 95383: on Wednesday, June 9, 2021 at the hour of 9:00 a.m. for the purpose of this Board's determination whether the public interest, convenience and necessity require the improvements and this Board's final action upon the

Report and the assessments therein. The Clerk of the Board is hereby authorized and directed to cause a notice of the hearing to be given by publishing a notice once, at least ten (10) days prior to the date of the hearing above specified, in a newspaper circulated in the District

PASSED AND ADOPTED by the Board of Directors of the Twain Harte Community Services District at their Regular Meeting on May 12, 2021, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gary Sipperley, Board President

Kimberly Silva, Board Secretary



TWAIN HARTE COMMUNITY SERVICES DISTRICT
PARK AND RECREATION MAINTENANCE DISTRICT

ENGINEER'S REPORT

MAY 2021

PREPARED FOR:

BOARD OF DIRECTORS TWAIN HARTE COMMUNITY SERVICES DISTRICT

PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

SCIConsultingGroup

4745 MANGELS BOULEVARD
FAIRFIELD, CALIFORNIA 94534

PH: 707.430.4300

FAX: 707.430.4319

WWW.SCI-CG.COM

(THIS PAGE INTENTIONALLY LEFT BLANK)

TWAIN HARTE COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS

Gary Sipperley, President
Kathryn deGroot, Vice President
Eileen Mannix, Director
Richard Knudson, Director
Bill McManus, Director

GENERAL MANAGER

Tom Trott

OPERATIONS MANAGER

Lewis Giambruno

SECRETARY OF THE BOARD

Kim Silva

ASSESSMENT ENGINEER

SCI Consulting Group

TABLE OF CONTENTS

INTRODUCTION 1

 OVERVIEW 1

 ASSESSMENT PROCESS 1

 LEGAL ANALYSIS 3

 COMPLIANCE WITH CURRENT LAW 4

PLANS AND SPECIFICATIONS 5

ESTIMATE OF COSTS AND BUDGET 7

 INTRODUCTION 7

 ESTIMATE OF COSTS 7

METHOD OF ASSESSMENT APPORTIONMENT 9

 METHOD OF APPORTIONMENT 9

 DISCUSSION OF BENEFIT 9

 BENEFIT FACTORS..... 10

 BENEFIT FINDING..... 11

 CRITERIA AND POLICIES 12

 GENERAL VERSUS SPECIAL BENEFIT 12

 CALCULATING GENERAL BENEFIT 14

 ZONES OF BENEFIT 16

 METHOD OF ASSESSMENT 17

 APPEALS OF ASSESSMENTS LEVIED TO PROPERTY 21

ASSESSMENT 22

EXHIBIT A - ASSESSMENT DIAGRAM 24

EXHIBIT B - ASSESSMENT ROLL..... 26

LIST OF TABLES

TABLE 1 - ESTIMATE OF COSTS 8

TABLE 2 – RESIDENTIAL POPULATION FACTORS 19

TABLE 3 - COMMERCIAL/INDUSTRIAL DENSITY AND ASSESSMENT FACTORS 20

INTRODUCTION

OVERVIEW

The Twain Harte Community Services District ("District") is a California governmental entity formed when the Tuolumne County Water District #1 was dissolved. Formed in 1996, the District provides water, sewer, and fire as well as recreation services. The district maintains Eproson Park and its amenities including the Rotary Stage, youth and tot playgrounds, a skate park, baseball field, and picnic and barbeque areas, the Twain Harte Community Center, Twain Harte Tennis Courts and Twain Harte Creek Trail. The map on page 25 depicts the area served by the District. The District is responsible for operating parks, recreation areas, and other recreation facilities and public resources in the community of Twain Harte. The District encompasses approximately 1,793 parcels within its boundaries, which are primarily of residential single-family and multi-family use.

Prior to 2006, the maintenance and upkeep of local park and recreation areas in the Twain Harte community were funded by a very small amount of property taxes allocated to the District. Since its formation the District's costs for maintaining park services, such as insurance, fuel, electricity, supplies and maintenance, had increased significantly and the available revenues for park maintenance had actually declined. The District simply did not have sufficient revenues to properly maintain Twain Harte park and recreation facilities and to handle the repairs of aging facilities. Therefore, in absence of a new local revenue source, the baseline level of park and recreation facilities in the District (the "Baseline Service") was poorly maintained park and recreation facilities.

As a result, the District proposed the establishment of a benefit assessment district that would allow property owners, in an assessment ballot proceeding, to decide if funding should be increased to:

- Improve Park Maintenance
- Improve Safety and Security
- Improve Children's Playground Equipment
- Maintain Sports Fields
- Maintain the Twain Harte Community Center

The Assessments fund the continued improvements listed above that are provided throughout the District, extending above and beyond the baseline level of service.

ASSESSMENT PROCESS

In 2006, the Twain Harte Community Service District Board of Directors (the "Board") conducted an assessment ballot proceeding pursuant to the requirements of Article XIID of the California Constitution ("The Taxpayer's Right to Vote on Taxes Act") and the Landscaping and Lighting Act of 1972. During this ballot proceeding, property owners in the District were provided with a notice and ballot for the proposed Park and Recreation Maintenance District (the "Assessment District"). A 45-day period was provided for balloting

and a public hearing was conducted on June 20, 2006. After the close of the public input portion of the public hearing, the returned ballots were tabulated. The results of the tabulation were announced at 7 p.m. the same evening.

It was determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (with each ballot weighted by the proportional financial obligation of the property for which ballot was submitted). The final weighted ballot result was 59.28% support for the proposed assessments.

As a result, the District Board (the "Board") gained the authority to approve the levy of the assessments for fiscal year 2006-07 and to continue to levy them in future years. The authority granted by the ballot proceeding includes an annual adjustment in the assessment levies equal to the annual change in the Consumer Price Index for the San Francisco Bay Area as of January of each succeeding year, with the maximum annual adjustment not to exceed 3%. In the event that the annual change in the CPI exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 3%.

In each subsequent year for which the assessments will be continued, the Board must direct the preparation of an Engineer's Report ("Report"), budgets and proposed assessments for the upcoming fiscal year. After the Report is completed, the Board may preliminarily approve the Report and proposed assessments and establish the date for a noticed public hearing on the continuation of the assessments.

This Engineer's Report ("Report") was prepared to establish the budget for the improvements, installation, and maintenance and servicing costs that would be funded by the proposed 2021-22 assessments, determine the benefits received by property from such improvements within the Assessment District and apportion the assessments to lots and parcels within the District. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "Act") and Article XIID of the California Constitution (the "Article").

If the Board approves this Engineer's Report and the continuation of the assessments by resolution, a notice of public hearing must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day time period after publishing the notice, a public hearing must be held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 9, 2021. At this hearing, the Board would consider approval of a resolution confirming the continuation of the assessments for fiscal year 2021-22. If so confirmed and approved, the assessments would be submitted to the County Auditor for inclusion on the property tax rolls for fiscal year 2021-22.

LEGAL ANALYSIS

PROPOSITION 218

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting, for the imposition, increase and extension of assessments, and these requirements were satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIII C and XIII D of the California Constitution because the improvements to be funded are clearly defined; the benefiting property in the Assessment District enjoys close and unique proximity, access and views to the Improvements; the Improvements serve as an extension of usable land area for benefiting properties in the Assessment District and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements

funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

PLANS AND SPECIFICATIONS

DEFINITIONS AND DESCRIPTIONS

The improvements to be funded by the Assessment District (the "Improvements") provide special benefit to parcels within the Assessment District as defined in the Method of Assessment herein. Improvements are legally defined by the Act (Streets & Highways Code §22525) and include, but are not limited to the following:¹

Acquisition, installation, maintenance and servicing of public areas and public facilities, property owned or property rights, easements and/or rights of entry, leases or dedications including, but not limited to, parks, recreation facilities, open space lands, greenbelts, playground equipment, trails, hillsides, viewsheds and watersheds, utility right-of-ways, signage, fencing, fire breaks, picnic areas, restrooms, lighting and other improvements and land preparation such as grading, irrigation or drainage on (1) real property owned by, or encumbered by property rights held by, or maintained by, the Assessment District; or (2) on real property owned by, or encumbered by property rights held by, or maintained by any local agency or non-profit entity within the jurisdictional area of the Assessment District that participates with the Twain Harte Community Services District in any of the installations, maintenance and servicing described herein.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any Improvement, including (a) repair, removal, or replacement of all or part of any Improvement; (b) providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; (c) the removal of trimmings, rubbish, debris, and other solid waste; and (d) the cleaning, sandblasting and painting of walls and other Improvements to remove or cover graffiti. (Streets & Highways Code §22531)

Servicing means the furnishing of (a) electric current or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other Improvements; and (b) water for irrigation of any landscaping, the operation of any fountains, or the maintenance of any other Improvements. (Streets & Highways Code §22538)

Incidental expenses include all of the following: (a) The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment; (b) the costs of printing, advertising, and the giving of published and posted notices; (c) compensation payable to the County for collection of assessments; (d) compensation of any engineer or attorney employed to render services in proceedings pursuant to this part; (e) any other expenses incidental to the construction, installation, or maintenance and servicing of the Improvements; (f) any expenses incidental to the issuance of bonds or notes pursuant to

¹. Any Plans and specifications for the Improvements will be filed with the Twain Harte Community Services District and are incorporated herein by reference.

Streets & Highways Code Section 22662.5; and (g) costs associated with any elections held for the approval of a new or increased assessment. (Streets & Highways Code §22526)

The assessment proceeds will be exclusively used for Improvements within the District plus Incidental expenses. Reference is made to the plans and specifications, including specific expenditure and improvement plans by park/recreation site, which are on file with the District.

ESTIMATE OF COSTS AND BUDGET

INTRODUCTION

Following are the proposed Improvements, and resulting level of improved park and recreation facilities, for the Assessment District. As previously noted, the baseline level of service included minimal and inadequate maintenance of local park and recreation facilities due to shortages of funds for the District. Improvements funded by the assessments are over and above this baseline level of service. The formula below describes the relationship between the final level of Improvements, the existing baseline level of service, and the enhanced level of Improvements to be funded by the proposed assessment.

$$\text{Final Level of Improvements} = \text{Baseline Level of Improvements} + \text{Enhanced Level of Improvements}$$

ESTIMATE OF COSTS

The following is an estimate of the cost of the Improvements that would be funded by the Assessment District in Fiscal Year 2021-22. The expenditures would be governed by the policies and criteria established within this Report.

TABLE 1 - ESTIMATE OF COSTS

Twain Harte Community Services District Parks and Recreation Maintenance District Estimate of Cost Fiscal Year 2021-22			<i>Total Budget</i>
Beginning Fund Balance			\$0
Installation, Maintenance & Servicing Costs			
Services Costs			\$82,650
Salaries and Employee Benefits	\$9,300		
Maintenance and Repairs	\$43,450		
Materials and Supplies	\$1,600		
Outside and Debt Services	\$4,400		
Utilities, Prop/Liab Ins, TUD, etc.	\$23,900		
Administrative Cost			\$64,772
Capital Expenses/Outlay			\$380,000
Total Service, Administrative and Capital Expenditures			\$527,422
Additional Expenditures			
Allowance for Uncollectable Assessments			\$0
County Collection, Levy Administration, and Other Incidentals			\$4,000
Total Additional Expenditures			\$4,000
Total Service, Administrative, Capital and Additional Expenditures			\$531,422
Total Benefit of Services and Related Expenses			\$531,422
SFE Units			1614.42
Benefit received per Single Family Equivalent Unit			\$329.17
Less:			
District Contribution for General Benefits			(\$191,312)
District Contribution toward Special Benefits			(\$210,099)
Transfers to (from) reserves			(\$12,869)
Total Revenue from Other Sources			(\$414,280)
Net Cost of Installation, Maintenance and Servicing to Assessment District			\$117,142
Total Installation, Maintenance and Servicing to Assessment District (Net Amount to be Assessed)			\$117,142
Budget Allocation to Property			
	Total SFE Units	Assessment per SFE	Total Assessment
	1,614.42	\$72.56	\$117,142

METHOD OF ASSESSMENT APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report explains the special benefits to be derived from the Improvements, the criteria for the expenditure of assessment funds to ensure equal levels of benefit for properties of similar type and the methodology used to apportion the total assessments to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within the District as defined by the State Board of Equalization tax rate areas. The method used for apportioning the assessments is based upon the proportional special benefits conferred to the properties over and above the general benefits conferred to real property in the Assessment District or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process.

1. Identification of all benefit factors derived from the Improvements
1. Calculation of the proportion of these benefits that are general
2. Determination of the relative special benefit within different areas within the Assessment District
3. Determination of the relative special benefit per property type
4. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes.

DISCUSSION OF BENEFIT

Assessments can only be levied based on the special benefit to property. Any and all general benefit, including benefit that is indirect or derivative, must be funded from another source. This special benefit is received by property over and above any general benefits from the Improvements. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"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."

Proposition 218 (Article XIID of the California Constitution), has confirmed that assessments must be based on the special benefit to property and that the value of the special benefits must reasonably exceed the cost of the assessment:

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

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park that is improved by an assessment:

The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).

Finally, Proposition 218 twice uses the phrase "over and above" general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).)

BENEFIT FACTORS

EXTENSION OF A PROPERTY'S OUTDOOR AREAS AND GREEN SPACES FOR PROPERTIES WITHIN CLOSE PROXIMITY TO THE IMPROVEMENTS

The park and recreation facilities in the Assessment District provide larger outdoor areas that serve as an effective extension of the land area for proximate properties because the Improvements are uniquely proximate and accessible to property in the Assessment District. The Improvements, therefore, provide an important, valuable and desirable extension of usable land area for the direct advantage and special benefit of properties with good and close proximity to the Improvements.

According to the industry-standard guidelines established by the National Park and Recreation Association (the "NPRA"), neighborhood parks in urban areas have a service area radius of generally one-half mile and community parks have a service area radius of approximately two miles. The service radii for parks were specifically established to give all properties within this service radii close proximity and easy access to such public land areas. Eproson Park within the Assessment District is more similar to a community park, since it is larger and has a parking lot and restroom. However, given the somewhat enclosed nature of the properties and roads within the Assessment District, the service area radius for Eproson Park is determined to be approximately one mile. Since proximate and accessible parks serve as an extension of the usable land area for property in the service radii and since the service radii was specifically designed to provide close proximity and access, the parcels within this service area clearly receive a direct advantage and special benefit from the Improvements - and this advantage is not received by many other properties or the public at large. The parcels that are outside of the Assessment District but may also have good proximity and assess the Improvements are addressed in the following general versus special benefit section.

An analysis of the service radii for the Improvements finds that all properties in the Assessment District enjoy the distinct and direct advantage of being close and proximate to a park and recreation facilities within the Assessment District. The benefiting properties in the Assessment District therefore uniquely and specially benefit from the Improvements.

PROXIMITY TO IMPROVED PARK AND RECREATIONAL FACILITIES

Only the specific properties within close proximity to the Improvements are included in the Assessment District. Therefore, property in the Assessment District enjoys unique and valuable proximity and access to the Improvements that the public at large and property outside the Assessment District do not share.

In absence of the assessments, the Improvements would not be provided and Eproson Park would be degraded due to insufficient funding for maintenance, upkeep and repair. Therefore, the assessments provide Improvements that are over and above what otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits but when combined with the unique proximity and access enjoyed by parcels in the Assessment District, they provide a direct advantage and special benefit to property in the Assessment District.

ACCESS TO IMPROVED PARK, OPEN SPACE AND RECREATIONAL AREAS

Since the parcels in the Assessment District are nearly the only parcels that enjoy close access to the Improvements, they directly benefit from the unique close access to improved park, open space and recreation areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

IMPROVED VIEWS

The District, by maintaining the landscaping at its park, recreation and open space facilities provides improved views to properties with direct line-of-sight as well as other local properties which benefit from improved views when property is accessed. Therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District.

BENEFIT FINDING

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from closer proximity, access and views of the Improvements funded by the Assessments. The Improvements are specifically designed to serve local properties in the Assessment District, not other properties or the public at large. The public at large and other properties outside the Assessment District receive only limited benefits from the Improvements because they do not have proximity, good access or views of the Improvements. These are special benefits to property in the Assessment District in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access.

CRITERIA AND POLICIES

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensure equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Board may adopt additional criteria to further clarify certain criteria or policies established in this Report or establish additional criteria or policies that do not conflict with this Report.

ASSESSMENT FUNDS MUST BE EXPENDED WITHIN THE ASSESSMENT DISTRICT

The net available assessment funds, after incidental, administrative, financing and other costs, shall be expended exclusively for Improvements within the boundaries of the Assessment District.

CITIZEN'S OVERSIGHT COMMITTEE

A Citizens' Oversight Committee (the "Citizens' Oversight Committee") will be established for the Assessment District. The Citizens' Oversight Committee shall review potential projects that may be funded by the assessments and shall make recommendations on the expenditure of assessment funds. Members of the Citizen's Oversight Committee will be nominated by Twain Harte homeowners and/or other recognized organized citizen's groups and appointed by the Twain Harte Community Services District Board. All members of the Citizens' Oversight Committee shall own property within Twain Harte Community Services District and shall not have conflicts of interest with the Assessment District or the Improvements and Services funded by the Assessments.

MATCHING FUNDS

Matching funds and contributions from other sources are required, thereby maximizing the special benefits from the Assessment District and offsetting any general benefits from the Improvements funded by the Assessments. The District will continue its annual fundraising drives, seek grant funding and special donations towards projects.

GENERAL VERSUS SPECIAL BENEFIT

Article XIIC of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to "separate the general benefits from the special benefits conferred on a parcel." The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

$$\text{Total Benefit} = \text{General Benefit} + \text{Special Benefit}$$

There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements.

In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

The starting point for evaluating general and special benefits is the current, baseline level of service. The assessment will fund Improvements “over and above” this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

$$\text{General Benefit} = \text{Benefit to real property outside of improvement district} + \text{Benefit to real property inside of improvement district} + \text{Benefit to public at large}$$

Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted, properties in the Assessment District have close and unique proximity, views and access to the Improvements and uniquely improved desirability from the Improvements and other properties and the public at large do not receive significant benefits because they do not have proximity, access or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and is only minimally received by property outside the Assessment District or the public at large.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer’s Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer’s Report fund improvements and services directly provided within the Assessment District and every benefiting property in the Assessment

District enjoys proximity and access to the Improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this Report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the Assessment.

CALCULATING GENERAL BENEFIT

In this section, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Improvements because properties in the Assessment District enjoy unique close proximity and access to the Improvements that is not enjoyed by other properties or the public at large. However, certain properties within the proximity/access radius of the Improvements, but outside of the boundaries of the Assessment District, may receive some benefit from the Improvements. Since this benefit is conferred to properties outside the Assessment District boundaries, it contributes to the overall general benefit calculation and will not be funded by the Assessments.

The properties outside the Assessment District and within the proximity/access radii for park and recreation facilities in the Assessment District may receive benefits from the Improvements. Since these properties are not assessed for their benefits because they are outside of the area that can be assessed by the District, this is a form of general benefit to the public at large and other property. A 50% reduction factor is applied to these properties because they are over twice the average distance from the Improvements compared to properties in the Assessment District. The general benefit to property outside of the Assessment District is calculated as follows with the parcel and data analysis performed by SCI Consulting Group.

ASSUMPTIONS:

450 PARCELS OUTSIDE THE DISTRICT BUT WITH GOOD PROXIMITY/ACCESS OF THE IMPROVEMENTS WITHIN THE ASSESSMENT DISTRICT

1,863 PARCELS IN THE ASSESSMENT DISTRICT

50% RELATIVE BENEFIT COMPARED TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

CALCULATION

GENERAL BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT = $450/2,313 \cdot .5 = 9.7\%$

Although it can reasonably be argued that Improvements inside, but near the District boundaries are offset by similar park and recreational improvements provided outside, but

near the District's boundaries, we use the more conservative approach of finding that 9.7% of the Improvements may be of general benefit to property outside the Assessment District.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE AND TO THE PUBLIC AT LARGE*

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Improvements are clearly "over and above" and "particular and distinct" when compared with the baseline level of service and the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the Assessment District.

Nevertheless, the SVTA vs. SCCOSA decision indicates there may be general benefit "conferred on real property located in the district". A measure of the general benefits to property within the Assessment area and/or to the public at large is the percentage of land area within the Assessment District that is publicly owned and used for regional purposes such as major roads, rail lines and other regional facilities because such properties used for regional purposes could provide general benefits. Approximately 5.8% of the land area in the Improvement District is used for such regional purposes, so this is a measure of the general benefits to property within the Improvement District and/or to the public at large.

The general benefit to the public at large can also be estimated by the proportionate amount of time that the District's park and recreational facilities are used and enjoyed by individuals who are not residents, employees, customers or property owners in the District². Research conducted by SCI Consulting Group of the park use in similar communities in California has found that between 5% and 10% of park and recreational facility usage in similar rural communities is by those who do not live, work or shop within the jurisdiction's boundaries. For this Report, we shall use the average of 7.5%. When people outside the Assessment District use the park and recreation facilities, they diminish the availability of the park for people within the Assessment District. Therefore, another 5% of general benefits are allocated for people within the Assessment District.

Combining these measures of general benefits, we find that 18.3% of the benefits from the Improvements may be general benefits to the public at large and property in the Assessment District.

² . When District facilities are used by those individuals, the facilities are not providing benefit to property within the District. Use under these circumstances is a measure of general benefit. For example, a non-resident who is drawn to utilize the District facilities and shops at local businesses while in the area would provide special benefit to business properties as a result of his or her use of the Improvements. Conversely, one who uses District facilities but does not reside, work, shop or own property within the District boundaries does not provide special benefits to any property and is considered to be a measure of the general benefits.

TOTAL GENERAL BENEFITS

Using a sum of these three measures of general benefit, we find that approximately 30% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the assessment.

<p>GENERAL BENEFIT =</p> <p>9.7% (OUTSIDE THE DISTRICT)</p> <p>+ 18.3% (INSIDE THE DISTRICT - INDIRECT AND DERIVATIVE AND PUBLIC AT LARGE)</p> <p>= 28% (TOTAL GENERAL BENEFIT)</p>
--

Although this analysis finds that 28% of the assessment may provide general benefits, the Assessment Engineer establishes a requirement for a minimum contribution from sources other than the assessments of 36%. This minimum contribution above the measure of general benefits will serve to provide additional coverage for any other general benefits.

The proposed Assessment District's total budget for installation, maintenance and servicing of the Improvements is \$531,422. Of this total budget amount, the District and other partner agencies and contributors will contribute \$414,280 from sources other than the assessments. This contribution equates to approximately 77.9% of the total budget for installation, maintenance and servicing and constitutes more than the 36% calculated above for general benefits.

ZONES OF BENEFIT

The Assessment District is coterminous with the District boundaries. Eproson Park is centrally located so all parcels in the Assessment District are within close proximity to the Improvements. It therefore is appropriate to provide a District-wide Assessment District because all parcels benefit similarly.

In *SVTA v. SCCOSA*, the court noted that a local agency-wide assessment district is appropriate under the right conditions: "Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values)." The court therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service. As demonstrated in this engineer's report, in light of the small District size and the central location of the Improvements in the District, each parcel in the Assessment District receives a direct advantage and special benefit from the Improvements.

METHOD OF ASSESSMENT

As previously discussed, the assessments provide specific Improvements that confer direct and tangible special benefits to properties in the District. These benefits can partially be measured by the occupants on property in the District because such parcel population density is a measure of the relative benefit a parcel receives from the Improvements. Therefore, the apportionment of benefit is partially based the population density of parcels.

It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Moreover, assessments have a long history of use in California and are in large part based on the principle that benefits from a service or improvement funded by assessments that is enjoyed by tenants and other non-property owners ultimately is conferred directly to the underlying property.³

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated a SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

In the process of determining the appropriate method of assessment, the Engineer considered various alternatives. For example, an assessment only for residential improved property was considered but was determined to be inappropriate because commercial, industrial and other property also receive direct benefits from the Improvements.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger properties receive a higher degree of benefit than other similarly used properties that are significantly smaller. (For two properties used for commercial purposes, there is clearly a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that would

³ For example, in *Federal Construction Co. v. Ensign* (1922) 59 Cal.App. 200 at 211, the appellate court determined that a sewer system specially benefited property even though the direct benefit was to the people who used the sewers: "Practically every inhabitant of a city either is the owner of the land on which he resides or on which he pursues his vocation, or he is the tenant of the owner, or is the agent or servant of such owner or of such tenant. And since it is the inhabitants who make by far the greater use of a city's sewer system, it is to them, as lot owners or as tenants, or as the servants or agents of such lot owners or tenants, that the advantages of actual use will redound. But this advantage of use means that, in the final analysis, it is the lot owners themselves who will be especially benefited in a financial sense."

benefit from proximity and improved access to well maintained and improved parks and recreational facilities. So the potential population of employees or residents is a measure of the special benefits received by the property.) Larger parcels, therefore, receive an increased benefit from the assessments.

Finally, the special benefits derived from the assessments are conferred on property and are not based on a specific property owner's use of the improvements, or a specific property owner's occupancy of property or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who value the special benefits described above and use and enjoy the District's park and recreational facilities. In other words, the benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise use a property is one indicator of the relative level of benefit received by a property.

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type and use of property, the relative size of the property, its relative population and usage potential and its proximity to park and recreational facilities. This method is further described below.

RESIDENTIAL PROPERTIES

Residential properties in the District that contain a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Detached or attached houses, zero-lot line houses and town homes are included in this category of single family residential property.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property, the average number of people who reside in multi-family residential units versus the average number of people who reside in a single family home and the relative size of each type of residential dwelling unit. The population density factors for District, as depicted below, provide the basis for determining the SFE factors for residential properties. Using the total population in a certain property type in the area of the District from the 2000 Census and dividing it by the total number of such households, finds that approximately 2.50 persons occupy each single family residence, whereas an average of 2.33 persons occupy each condominium, 2.29 people per dwelling unit in a multi-family unit, and 2.06 persons per mobile home. These averages, shown in the table below, result in population density equivalent factors for each. Next the relative building areas are factored into the analysis because special benefits are related average size of a property, in addition to average population densities. For example, this calculation results in an SFE factor of 0.85 per dwelling unit for condominiums. As shown in Table 2 on the following page, a similar calculation is used for the SFE Rates for other the residential property types.

TABLE 2 – RESIDENTIAL POPULATION FACTORS

	Total Population	Occupied Households	Persons per Household	Pop. Density Equivalent	SqFt Factor	SFE Rate
Single Family Residential	14,428	5,777	2.50	1.00	1.00	1.000
Condominium	543	233	2.33	0.93	0.92	0.8500
Multi-Family Residential	934	412	2.29	0.92	0.71	0.6500
Mobile Homes	1,737	844	2.06	0.82	0.50	0.4100

Source: 2000 Census, Tuolumne County Assessor

COMMERCIAL/INDUSTRIAL PROPERTIES

Commercial and industrial properties are generally open and operated for more limited times, relative to residential properties. Therefore, the relative hours of operation can be used as a measure of benefits, since employee density also provides a measure of the relative benefit to property. Since commercial and industrial properties are typically open and occupied by employees approximately one-half the time of residential properties, it is reasonable to assume that commercial land uses receive one-half of the special benefit on a land area basis relative to single family residential property.

The average size of a single family home with 1.0 SFE factor in the District is 0.40 acres. Therefore, a commercial property with 0.40 acres receives one-half the relative benefit of a single family home, or a 0.50 SFE factor.

The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously are also related to the average number of people who work at commercial/industrial properties.

To determine employee density factors, this Report utilizes the findings from the San Diego County Association of Governments Traffic Generators Study (the "SANDAG Study") because these findings were approved by the State Legislature which determined the SANDAG Study to be a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24. As presented in Table 2, the SFE factors for other types of businesses are determined relative to their typical employee density in relation to the average of 24 employees per acre of commercial property.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per .40 acres for the first 5 acres and the

relevant SFE rate per each additional acre over 5 acres. Institutional properties that are used for residential, commercial or industrial purposes are also assessed at the appropriate residential, commercial or industrial rate.⁴

TABLE 3 - COMMERCIAL/INDUSTRIAL DENSITY AND ASSESSMENT FACTORS

Type of Commercial/Industrial Land Use	Average Employees Per Acre ¹	SFE Units per Fraction Acre ²	SFE Units per Acre After 5
Commercial	24	0.500	0.500
Office	68	1.420	1.420
Shopping Center	24	0.500	0.500
Industrial	24	0.500	0.500
Self Storage or Parking Lot	1	0.021	0.021
Golf Course	3	0.063	0.063

Notes:

¹ Source: San Diego Association of Governments Traffic Generators Study

² The SFE factors for commercial and industrial parcels are applied by 0.40 acre of commercial / industrial use land area or portion thereof. (Therefore, the minimum assessment for any assessable parcel in these categories is the SFE Units listed herein.)

VACANT/UNDEVELOPED PROPERTIES

The benefit to vacant properties is determined to be proportional to the corresponding benefits for similar type developed properties; however, at a lower rate due to the lack of Improvements on the property. A measure of the benefits accruing to the underlying land value of land in relation to Improvements for developed property. An analysis of the assessed valuation data from the County of Tuolumne found that approximately 30% of the assessed value of improved properties is classified as the land value. It is reasonable to assume, therefore, that approximately 30% of the benefits are related to the underlying land and 70% are related to the Improvements and the day-to-day use of the property. Using this ratio, the SFE factor for vacant/undeveloped parcels is 0.30 per parcel.

OTHER PROPERTIES

Article XIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from assessment unless there is clear and convincing evidence that those properties receive no special benefit.

⁴. Benefits to commercial and industrial properties are deemed to be related to the area of parcels that are used for such purposes. In the event that a business/industrial parcel includes undeveloped land area that is clearly not related to the business/industrial use of the parcel, such unused land area shall not be included in the SFE benefit unit calculation.

All public properties that are specially benefited are assessed. Public right-of-way parcels, well, reservoir or other water rights parcels that cannot be developed into other improved uses offer similar public resource and open space benefits and/or typically do not generate employees, residents, customers or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

Open space parcels, watershed parcels, parks, properties used for educational purposes, greenbelt lands without improvements and common areas typically offer open space and recreational areas on the property that serve to offset the benefits from the Assessment District. Therefore, these parcels receive minimal benefit and are assessed an SFE factor of 0. If such parcels are converted to residential or commercial use they shall be classified to such new use category and shall be assessed as previously described in this Report.

Other publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

APPEALS OF ASSESSMENTS LEVIED TO PROPERTY

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the General Manager of the Twain Harte Community Services District or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the General Manager or his or her designee will promptly review the appeal and any information provided by the property owner. If the General Manager or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the General Manager or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the General Manager or his or her designee shall be referred to the Board and the decision of the Board shall be final.

ASSESSMENT

WHEREAS, this Engineer's Report (the "Report") has been prepared pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act") and Article XIID of the California Constitution;

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the assessment district and an assessment of the estimated costs of the Improvements upon all assessable parcels within the assessment district;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act, Article XIID of the California Constitution and the order of the Board of the Twain Harte Community Services District, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amount to be paid for the Improvements and the expenses incidental thereto, to be paid by the Assessment District for the fiscal year 2021-22 is generally as follows:

SUMMARY COST ESTIMATES

	FY 2021-22 Budget
Services Costs	\$82,650
Administrative Cost Allocation	\$64,772
Capital Expenses/Outlay	\$380,000
Incidental Expenses	\$4,000
TOTAL BUDGET	<u>\$531,422</u>
Less: District Contribution	(\$401,411)
Transfer To/(From) Reserve	(\$12,869)
NET AMOUNT TO ASSESSMENTS	<u><u>\$117,142</u></u>

As required by the Act, an Assessment Diagram showing the exterior boundaries of the Assessment District is hereto attached and incorporated herein by reference. The distinctive number of each parcel or lot of land in the Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Assessment District, in accordance with the special benefits to be received

by each parcel or lot, from the Improvements, and more particularly set forth in the Estimate of Cost and Method of Assessment in the Report.

The assessment is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. Any change in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 3% or 2) the change in the CPI plus any Unused CPI as described above.

The change in the CPI from December 2019 to December 2020 was 2.00% and the Unused CPI carried forward from the previous fiscal year is 1.58%. Therefore, the maximum authorized assessment rate for fiscal year 2021-22 is increased by 3% which equates to \$72.56 per single family equivalent benefit unit. The estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2021-22 at the rate of \$72.56, which is equal to the maximum authorized assessment rate.

The assessment is made upon the parcels or lots of land within the Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Tuolumne for the fiscal year 2021-22. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2021-22 for each parcel or lot of land within the Assessment District.

Dated: May 4, 2021

Engineer of Work



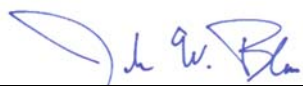
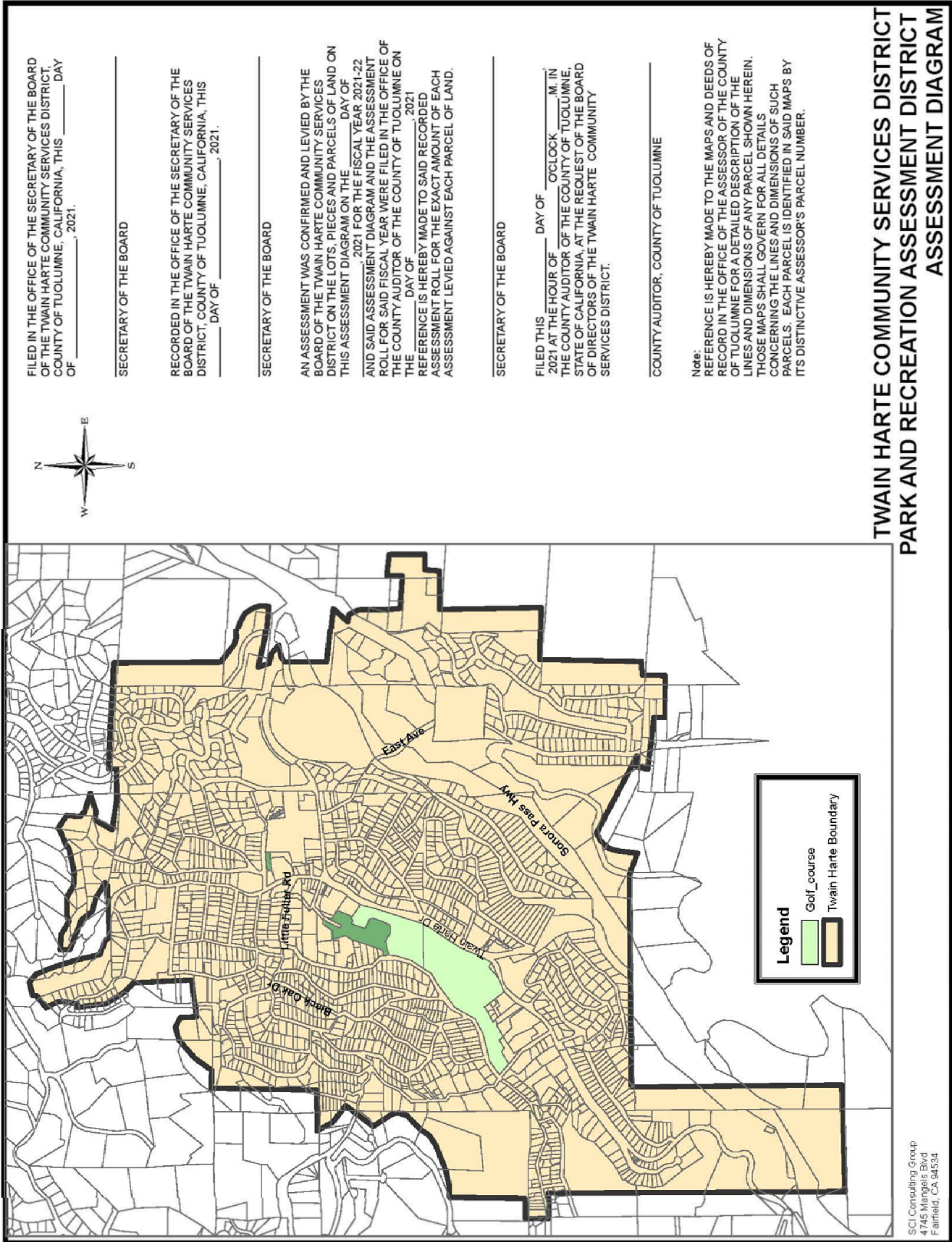
By  _____
John W. Bliss, License No. C52091

EXHIBIT A - ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of Twain Harte Community Services District, as defined by County Tax Rate Areas. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Tuolumne, for fiscal year 2021-22, and are incorporated herein by reference, and made a part of this Diagram and this Report.



FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD

RECORDED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE _____ DAY OF _____, 2021 FOR THE FISCAL YEAR 2021-22 AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE ON THE _____ DAY OF _____, 2021. REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND.

SECRETARY OF THE BOARD

FILED THIS _____ DAY OF _____ O'CLOCK _____ M IN THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA, AT THE REQUEST OF THE BOARD OF DIRECTORS OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT.

COUNTY AUDITOR, COUNTY OF TUOLUMNE

Note: REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF TUOLUMNE FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCEL SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
PARK AND RECREATION ASSESSMENT DISTRICT
ASSESSMENT DIAGRAM**

SCI Consulting Group
4745 Mangels Blvd
Fairfield, CA 94534

EXHIBIT B - ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment) will be filed with the Secretary of the Board and is, by reference, made part of this Report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 21-12**

**INTENTION TO CONTINUE ASSESSMENTS FOR FISCAL YEAR 2021-22, APPROVAL OF
PRELIMINARILY ENGINEER'S REPORT AND NOTICE OF HEARING
FOR THE FIRE AND RESCUE ASSESSMENT DISTRICT**

WHEREAS, on April 16, 2002, by its Resolution No. 02-13, after receiving a weighted majority of 90% of ballots in support of the proposed assessment, this Board ordered the formation of and levied the first assessment of the Twain Harte Community Services District Fire Suppression District within the Twain Harte Community Services District (the "District") pursuant to the provisions of Article XIID of the California Constitution, and Government Code Sections 50078 et. Seq.; 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, SCI Consulting Group has filed with secretary of the Board of Directors of the Twain Harte Community Services District, a Preliminary Engineer's Report which contains: (a) a calculation of the portion of the services to be provided by the Assessment District that constitute a special benefit to the parcels in the District; (b) a methodology for assigning fire suppression assessments to individual parcels; (c) a listing of each lot or parcel of property that would be subject to the fire suppression assessment including public parcels; (d) the amount of the proposed assessment for each lot or parcel for the 2021-22 fiscal year; and (e) an assessment diagram depicting the boundary of the Assessment District.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Twain Harte Community Services District that:

1. the Preliminary Engineer's Report is hereby received and filed; and
2. It is the intention of this Board to continue and to collect assessments within the District for fiscal year 2021-22.
3. The authorized maximum assessment rate for the District includes an annual adjustment by an amount equal to the annual change in the San Francisco Bay Area Consumer Price Index, not to exceed 3% per year. In the event that the annual change in the CPI exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the

annual change in the CPI for years in which the CPI change is less than 3%. The annual Bay Area CPI change as of December 2020 is 2.00%, and the Unused CPI carried forward from the previous fiscal year is 1.58%. Therefore, the maximum authorized increase that may be levied in fiscal year 2021-22 is 3.00%.

4. the estimated fiscal year 2021-22 cost of providing the Services is \$155,892. This cost results in a proposed assessment rate of NINETY-THREE DOLLARS AND TWENTY-TWO CENTS (\$93.22) per single-family equivalent benefit unit for fiscal year 2021-22. Therefore, the assessment rate proposed to be continued for fiscal year 2021-22 is \$92.22, which is the same as the maximum authorized rate. The maximum authorized assessment rate for 2021-22 is \$93.22 per single family equivalent benefit unit.
5. A Public Hearing regarding the continuation of the Assessment District shall be held on June 9, 2021 at 9:00 a.m. or as soon after as practical, at the Twain Harte Community Services District offices located at 22912 Vantage Pointe Drive, Twain Harte, California, 95383. The Clerk of the Board is hereby authorized and directed to cause a notice of the hearing to be given by publishing a notice once, at least ten (10) days prior to the date of the hearing above specified, in a newspaper circulated in the District

PASSED AND ADOPTED by the Board of Directors of the Twain Harte Community Services District at their Regular Meeting on May 12, 2021, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gary Sipperley, Board President

Kimberly Silva, Board Secretary



TWAIN HARTE COMMUNITY SERVICES DISTRICT
FIRE AND RESCUE ASSESSMENT DISTRICT

ENGINEER'S REPORT

MAY 2021

PREPARED FOR:

BOARD OF DIRECTORS TWAIN HARTE COMMUNITY SERVICES DISTRICT

PURSUANT TO GOVERNMENT CODE SECTION 50078 ET. SEQ. AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

SCIConsultingGroup

4745 MANGELS BOULEVARD

FAIRFIELD, CALIFORNIA 94534

PH: 707.430.4300

FAX: 707.430.4319

WWW.SCI-CG.COM

(THIS PAGE INTENTIONALLY LEFT BLANK)

TWAIN HARTE COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS

Gary Sipperley, President
Kathryn deGroot, Vice President
Eileen Mannix, Director
Richard Knudson, Director
Bill McManus, Director

GENERAL MANAGER

Tom Trott

FIRE CHIEF

Neil Gamez

SECRETARY OF THE BOARD

Kim Silva

ASSESSMENT ENGINEER

SCI Consulting Group

TABLE OF CONTENTS

INTRODUCTION	1
LEGAL ANALYSIS	1
COMPLIANCE WITH CURRENT LAW	3
ASSESSMENT PROCESS	3
DESCRIPTION OF SERVICES	5
COST AND BUDGET	6
BUDGET FOR FISCAL YEAR 2021-22	6
METHOD OF APPORTIONMENT.....	7
METHOD OF APPORTIONMENT	7
DISCUSSION OF BENEFIT	7
BENEFIT FACTORS.....	8
STATE RESPONSIBILITY AREA	10
SUMMARY OF BENEFITS	10
GENERAL VERSUS SPECIAL BENEFIT	10
CALCULATING GENERAL BENEFIT	11
BENEFIT FINDING.....	13
ZONES OF BENEFIT.....	14
ASSESSMENT APPORTIONMENT	14
METHOD OF ASSESSMENT.....	15
APPEALS AND INTERPRETATION	17
ASSESSMENT	19
ASSESSMENT DIAGRAM.....	21
ASSESSMENT ROLL	23

LIST OF FIGURES

FIGURE 1 – ESTIMATE OF COST	6
FIGURE 2 – COMMERCIAL/INDUSTRIAL DENSITY AND ASSESSMENT FACTORS.....	17
FIGURE 3 – SUMMARY OF COST ESTIMATE.....	19

INTRODUCTION

The Twain Harte Community Services District ("District") currently provides fire suppression services for approximately 1,756 properties within its boundaries.

This Engineer's Report (the "Report") was prepared to:

- Describe the fire suppression, safety and emergency response services and equipment that would be funded by the assessments (the "Services")
- Establish a budget for the Services that would be funded by the proposed 2021-22 assessments
- Determine the benefits received from the Services by property within the Twain Harte Community Services District Fire and Rescue Assessment (the "Assessment District") and
- Determine and assign a method of assessment apportionment to lots and parcels within the Assessment District.

This Report and the proposed assessments have been made pursuant to the California Government Code Section 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article").

The Assessment District is narrowly drawn to include only properties that will benefit from the additional fire protection services that are provided by the assessment funds. The Assessment Diagram included in this report shows the boundaries of the Assessment District.

LEGAL ANALYSIS

PROPOSITION 218

This assessment is formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant legal document in further legally clarifying

Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the Assessment District

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIIC and XIID of the California Constitution because the Services to be funded are clearly defined; the Services are available to all benefiting property in the Assessment District, the benefiting property in the Assessment District will directly and tangibly benefit from improved protection from fire damage, increased safety of property and other special benefits and such special benefits provide a direct advantage to property in the Assessment District that is not enjoyed by the public at large or other property. There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010, the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its

decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the *SVTA* decision because the Services to be funded are clearly defined; the Services are available to and will be directly provided to all benefiting property in the Assessment District; and the Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Dahms* because, similar to the Downtown Pomona assessment validated in *Dahms*, the Services will be directly provided to property in the Assessment District. Moreover, while *Dahms* could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more conservative measure of general benefits.

The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Services and proportional special benefit to each property. Finally, the Assessments are consistent with *Beutz* because the general benefits have been explicitly calculated and quantified and excluded from the Assessments.

ASSESSMENT PROCESS

In 2002, to address the District's shortfall in fire suppression services funding and the need for improved fire protection and suppression services, the Board proposed an assessment for the Assessment District. In October 2001, the Board conducted an assessment ballot proceeding pursuant to the requirements of Article XIID of the California Constitution ("The Taxpayer's Right to Vote on Taxes Act") and the Government Code Section 50078 et. seq. During this ballot proceeding, property owners in the Assessment District were provided with a notice and ballot for the proposed fire assessment ("the Twain Harte Fire and Rescue Assessment District"). A 45-day period was provided for balloting and a public hearing was conducted March 19, 2002. At the public hearing, all ballots returned within the 45-day balloting period were tabulated.

It was determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (with each ballot weighted by the proportional financial obligation of the property for which ballot was submitted). In fact, the final balloting result was 90% support for the "Assessment District").

As a result, the Board gained the authority to approve the levy of the assessments for fiscal year 2002-03 and to continue to levy them in future years. The authority granted by the ballot proceeding includes an annual adjustment in the assessment levies equal to the annual change in the Consumer Price Index for the San Francisco Bay Area, not to exceed 3%.

In each subsequent year for which the assessments will continue to be levied, the Board must direct the preparation of an Engineer's Report, budgets and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the Board may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments.

This Engineer's Report ("Report") was prepared to establish the budget for the services that would be funded by the proposed 2021-22 assessments, determine the benefits received from the fire suppression services by property within the District and the method of assessment apportionment to lots and parcels within the District. This Report and the proposed assessments have been made pursuant to the California Government Code Section 50078 et. seq. (the "Code") and Article XIID of the California Constitution (the "Article").

If the Board approves this Engineer's Report and the proposed assessments by resolution, a notice of assessment levies must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 9, 2021. At this hearing, the Board will consider approval of a resolution confirming the assessments for fiscal year 2021-22. If so confirmed and approved, the assessments will be submitted to the County Auditor/Controller for inclusion on the property tax rolls for fiscal year 2021-22.

DESCRIPTION OF SERVICES

Following is a description of the Services that are provided for the direct benefit of property in the Assessment District. With the passage of this assessment, the fire protection and fire suppression services within the Assessment District were enhanced significantly and such Services are all over and above what otherwise would be provided. The formula below describes the relationship between the final level of services, the baseline level of service had the assessment not been instituted, and the enhanced level of services funded by the assessment.

Final Level of Improvements	=	Baseline Level of Improvements	+	Enhanced Level of Improvements
------------------------------------	----------	---------------------------------------	----------	---------------------------------------

The budget to be financed from the Assessment District levies is based on the needs of the Twain Harte Community Services District as well as the results of an independent survey conducted for the District, which indicated the community's priorities for various Services. The Assessment District is responsible for obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus and for the purpose of paying the salaries and benefits of firefighting personnel who provide fire suppression services to parcels, improvements or property in the Assessment District, or both, whether or not fire suppression services are actually used by or upon a parcel, improvement, or property. Other services include, but are not limited to, fire prevention and fire education.

In addition to the definitions provided by the Code, the Services to be funded by the Assessment District are generally described as follows: obtaining, furnishing, operating, and maintaining fire suppression, protection and emergency services equipment and apparatus; payment of salaries, benefits and other compensation to fire fighting and fire prevention personnel; training and administration of volunteer personnel performing fire suppression, protection and emergency services; hazardous material response; disaster preparedness; community fire prevention education and fire inspection.

The Assessment District will also contribute to cover the general costs of administering the District, its facilities and operations, as well as the salaries and benefits of firefighting personnel who provide fire suppression, protection and emergency services to parcels, improvements or property in the Assessment District.

COST AND BUDGET

BUDGET FOR FISCAL YEAR 2021-22

The following budget lists the elements proposed to be funded by the Assessment District in Fiscal Year 2021-22.

FIGURE 1 – ESTIMATE OF COST

Twain Harte Community Services District Fire and Rescue Assessment District Estimate of Cost Fiscal Year 2021-22			<i>Total Budget</i>
Beginning Fund Balance			\$0
Fire and Rescue Expenses Services Expenditures			
Services Costs			\$993,410
Salaries and Employee Benefits	\$718,144		
Maintenance and Repairs	\$103,900		
Materials and Supplies	\$12,350		
Outside Services	\$25,300		
Utilities, Prop/Liab Ins, TUD, etc.	\$91,350		
Debt Service	\$42,365		
Administrative Cost Allocation			\$116,589
Capital Expenses/Outlay			\$492,500
Total Service, Administrative and Capital Expenditures			\$1,602,498
Additional Expenditures			
Allowance for Uncollectable Assessments			\$0
County Collection, Levy Administration, and Other Incidentals			\$4,000
Total Additional Expenditures			\$4,000
Total Service, Administrative, Capital and Additional Expenditures			\$1,606,498
Total Benefit of Services and Related Expenses			\$1,606,498
SFE Units			1,672.30
Benefit received per Single Family Equivalent Unit			\$960.65
Less:			
District Contribution for General Benefits			(\$146,191)
District Contribution toward Special Benefits			(\$1,150,542)
Transfers to (from) reserves			(\$153,873)
Total Revenue from Other Sources			(\$1,450,606)
Net Cost of Fire and Rescue Costs			\$155,892
Total Fire and Rescue Assessment District Budget			\$155,892
(Net Amount to be Assessed)			
Budget Allocation to Property			
	Total SFE Units	Assessment per SFE	Total Assessment
	1,672.30	\$93.22	\$155,892

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from providing the Services throughout the Assessment District, and the methodology used to apportion the total assessment to properties within the Assessment District.

The Assessment District consists of all Assessor Parcels within the boundaries of the Twain Harte Community Services District as defined by the County of Tuolumne, and the attached assessment diagram. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Assessment District over and above general benefits conferred on real property or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

1. Identification of all benefit factors derived from the Improvements
1. Calculation of the proportion of these benefits that are general
2. Determination of the relative special benefit within different areas within the Assessment District
3. Determination of the relative special benefit per property type
4. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

DISCUSSION OF BENEFIT

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as Twain Harte Community Services District of Tuolumne County to levy assessments for fire suppression services. Section 50078 states the following:

"Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article."

In addition, California Government Code Section 50078.1 defines the term "fire suppression" as follows:

"(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard."

Therefore, the Services to be provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's services or a property owner's specific demographic status. With reference to the requirements for assessments, Section 50078.5 of the Government Code states:

"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."

"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."

Proposition 218, as codified in Article XIID 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."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The following section describes how and why the Services specially benefit properties. This benefit is particular and distinct from its effect on property in general or the public at large.

BENEFIT FACTORS

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the Services that will be provided to property in the Assessment District. These benefit factors must confer a direct advantage to the assessed properties; otherwise they would be general benefit.

The following benefit categories have been established that represent the types of special benefit to residential, commercial, industrial, institutional and other lots and parcels resulting from the fire suppression services to the District with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies, which describe the types of special benefit received by property from fire suppression services such as those provided by the District. These types of special benefit are summarized as follows:

INCREASED SAFETY AND PROTECTION OF HEALTH FOR REAL PROPERTY ASSETS FOR ALL PROPERTY OWNERS WITHIN THE DISTRICT

The Assessments will fund improved emergency, educational and prevention services, and thereby can reduce significantly the risk of property damage associated with fires. Clearly, fire mitigation helps to protect and specifically benefits both improved properties and vacant properties in the Assessment District.

"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related costs."

"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."ⁱⁱ

"A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service."ⁱⁱⁱ

"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses."^{iv}

"Statistical data on insurance losses bears out the relationship between excellent fire protection...and low fire losses."^v

PROTECTION OF VIEWS, SCENERY AND OTHER RESOURCE VALUES FOR PROPERTY IN THE DISTRICT

The Assessment District will provide funding for improved fire protection and suppression services to protect public and private resources in the Assessment District. This benefits even those properties that are not directly damaged by fire by maintaining and improving the aesthetics and attractiveness of public and private resources in the community, as well as ensuring that such resources remain safe and well maintained.

"Smoke affects people...for example, in producing haze that degrades the visual quality of a sunny day...The other visual quality effect is that of the fire on the landscape. To many people, burned landscapes are not attractive and detract from the aesthetic values of an area."^{vi}

"A visually preferred landscape can be the natural outcome of fuels treatments."^{vii}

ENHANCED ACCESS TO PROPERTIES IN THE ASSESSMENT DISTRICT, AND UTILITY AND DESIRABILITY OF SUCH PROPERTIES

The Assessments will fund improved fire suppression services in the District. In addition to preventing damage to property from fires, the assessments will also protect access to property, because fires can impede or prevent access to property. In addition, the Services will enhance the utility and desirability of the properties in the Assessment District. This is a benefit to residential, commercial, industrial and other properties.

"A Community committed to saving lives and property needs trained firefighters, proper equipment, and adequate supplies of water. Insurance companies consider it good public policy and good business to promote and encourage the efforts of individual communities to improve their fire-protection services."^{viii}

STATE RESPONSIBILITY AREA

The boundaries of the Twain Harte Fire and Rescue Assessment District fall within a State Responsibility Area (SRA). The Twain Harte Fire and Rescue Division responds to all calls within the District regardless of a parcels inclusion in a SRA. Government Code Section 50078.2 (b) states:

"A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as defined in Section 4102 of the Public Resources Code."

Therefore, the assessments are not being levied for wildland or watershed fire protection. Those parcels within the State Responsibility Area zoned for development, which receive a special benefit from the services will be assessed according to the use of the parcel, while parcels designated as "wildland or watershed" will not be assessed.

SUMMARY OF BENEFITS

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from increased safety and protection of real property, increased protection of scenery and views, and enhanced access and utility of properties in the Assessment District. These are special benefits to property in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access.

GENERAL VERSUS SPECIAL BENEFIT

Article XIIC of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to "separate the general benefits from the special benefits conferred on a parcel." The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

Total Benefit	=	General Benefit	+	Special Benefit
--------------------------	----------	----------------------------	----------	----------------------------

There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not "particular and distinct" and are not "over and above" benefits received by other properties. SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide "an indirect, derivative advantage" and are not necessarily proximate to the improvements.

In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

The starting point for evaluating general and special benefits is the 2002 baseline level of service, had the assessment not been approved by the community. The assessment will fund Services “over and above” this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

General Benefit	=	Benefit to real property outside of improvement district	+	Benefit to real property inside of improvement district	+	Benefit to public at large
----------------------------	----------	---	----------	--	----------	---

Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted, the improved Services are available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).) Arguably, all of the Services being funded by the assessment would be a special benefit because the Services would particularly and distinctly benefit the properties in the Assessment District over and above the baseline benefits.

Nevertheless, arguably some of the Services would benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

CALCULATING GENERAL BENEFIT

This section provides a measure of the general benefits from the assessments

BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries. (It should be noted that this Services may, at times, be used outside the District boundaries. However, this use is part of a mutual aid agreement and should be exactly offset by use of Services from other agencies within the District boundaries.) Properties proximate to, but outside of, the proposed boundaries of the Assessment District receive some benefit from the proposed Services due to some degree of indirectly reduced fire risk to their property. These parcels that are proximate to the boundaries of the Assessment District are estimated to receive less than 50% of the benefits relative to parcels within the Assessment District

because they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment District was formed, there were approximately 130 of these "proximate" properties.

CRITERIA:

130 parcels outside the district but proximate to the District Boundaries
 1,863 parcels in the Assessment District
 50% relative benefit compared to property within the Assessment district

CALCULATION:

General benefit to property outside the Assessment District =
 $130/1,993 * .5 = 3.3\%$

Although it can reasonably be argued that properties protected inside, but near the Assessment District boundaries are offset by similar fire protection provided outside, but near the Assessment District's boundaries, we use the more conservative approach of finding that 3.3% of the Services may be of general benefit to property outside the Assessment District.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The "indirect and derivative" benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Services are clearly "over and above" and "particular and distinct" when compared with the 2002 baseline level of Services, had the assessment district not passed.

In determining the proposed Assessment District area, the District has been careful to limit it to an area of parcels that will directly receive the benefit of the improved Services. All parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to maintain the same improved level of fire suppression and protection throughout the area. Fire protection and suppression will be provided as needed throughout the area. The shared special benefit - reduced severity and number of fires - will be received on an equivalent basis by all parcels in the Assessment District. Furthermore, all parcels in the Assessment District will directly benefit from the ability to request service from the District and to have a District firefighter promptly respond directly to the parcel and address the owner's or resident's service need.

The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. We therefore conclude that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the

public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

BENEFIT TO THE PUBLIC AT LARGE

With the type and scope of Services to be provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment District, any general benefit conferred on the public at large would be small. Nevertheless, there may be some indirect general benefit to the public at large.

The public at large uses the public highways, streets and sidewalks, and when traveling in and through the Assessment District and they may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within the district, it is arguably "indirect and derivative" and possibly benefits people rather than property. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, street and sidewalk area within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that approximately 5.8% of the land area in the Assessment District is covered by highways, streets and sidewalks. This 5.8% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment District.

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment Area, we find that approximately 9.3% of the benefits conferred by the Fire and Rescue Assessment may be general in nature and should be funded by sources other than the assessment.

<p>General Benefit =</p> <p>3.3 % (Outside the district)</p> <p>+ 0.0 % (Inside the district - indirect and derivative)</p> <p>+ 5.8 % (Public at Large)</p> <p>= 9.1 % (Total General Benefit)</p>

The Assessment District's total budget for 2021-22 is \$1,606,498. Of this total budget amount, the District will contribute approximately \$1,450,606 or almost 90.3% of the total budget from sources other than this assessment. This contribution constitutes significantly more than 9.1% percent general benefits measured by the Assessment Engineer.

BENEFIT FINDING

As noted, the assessment funds will be used to improve fire protection and suppression services throughout the Assessment District. This Engineer's Report finds that the Services are a significant, tangible benefit that should reasonably and rationally confer more special

benefit to properties in the Assessment District than the assessment cost of \$87.86 per benefit unit.

ZONES OF BENEFIT

As noted, the assessments will fund improved fire suppression and protection services relatively uniformly throughout the Assessment District and the Assessment District boundaries have been narrowly drawn to only include the parcels that directly receive the Services. It therefore is appropriate to provide a District-wide Assessment District without zones of benefit because all parcels of similar type and features benefit similarly.

In *SVTA v. SCCOSA*, the court noted that a local agency-wide assessment district is appropriate under the right conditions: "Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values)." The court therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service. As demonstrated in this engineer's report, each parcel in the Assessment District receives a direct advantage and special benefit from the Services.

ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, the Engineer considered various alternatives. For example, an assessment exclusively for residential improved property was considered but was determined to be inappropriate because commercial, industrial and other properties also receive benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger properties receive a higher degree of benefit than other similarly used properties that are significantly smaller. For two properties used for commercial purposes, there is clearly a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that would benefit from fire suppression services. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

As stated previously, the special benefits derived from the assessments are conferred on property and are not based on a specific property owner's use of the improvements, or a specific property owner's occupancy of property or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who value the special benefits described above, use the community's services, and control property values by placing a value on the special benefits to be provided by the services.¹ In other words, the

benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise use a property is an indicator of the relative level of benefit received by a property.

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative size of the property, and the potential use of property by residents and employees. This method is further described below.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel.

The relative benefit to properties from fire related services is:

RESIDENTIAL PROPERTIES

All improved residential properties that represent a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Detached or attached houses, zero-lot line houses and townhomes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property. The relative benefit for multi-family properties with two units receives twice the benefit of a single family home, and would receive 2 Single family equivalents (2 SFE). Likewise, each condominium unit receives 1.00 SFE and each mobile home receives 1.00 SFE. Single-family residences and mobile homes on parcels greater than one acre receive greater benefit from the services than do such properties on parcels equal to or less than one acre. Therefore, the benefits are deemed to be 1.00 SFE for the first acre and 0.10 SFE per each additional acre over 1 acre.

The single-family equivalency factor of 1.00 per dwelling unit for multifamily residential properties applies to such properties with 5 or fewer units. Moreover, the Engineer's experience with property owners of larger multifamily units has consistently found these owners place a lower level of benefit per dwelling unit to their property from the services relative to owners of single-family residences. Therefore, the benefits for multi-family properties are deemed to reach a maximum benefit of 5.0 SFE.

COMMERCIAL/INDUSTRIAL PROPERTIES

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single family residential property and the average commercial/industrial property. The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously are also related to the average number of people who work at commercial/industrial properties.

In order to determine employee density factors, the findings from the San Diego Association of Governments Traffic Generators Study (the "SANDAG Study") are used because these findings were approved by the State Legislature as being a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24.

In comparison, the average number of people residing in a single-family home in the area is 2.53. Since the average lot size for a single-family home in the Assessment district is approximately 0.50 acres, the average number of residents per acre of residential property is 5.06.

The employee density per acre is generally 4.70 times the population density of single-family residential property per acre (24 employees per acre / 5.06 residents per acre). Therefore, the average employee density can be used as the basis for allocating benefit to commercial or industrial property since a commercial/industrial property with 4.7 employees receives generally similar special benefit to a residential property with 1 resident. This factor of equivalence of benefit between 1 resident to 4.7 employees is the basis for allocating commercial/industrial benefit. Figure 2 shows the average employees per acre of land area or portion thereof for commercial and industrial properties and lists the relative SFE factors per half acre for properties in each land use category.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per half acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres.

Institutional properties that are used for residential, commercial or industrial purposes are also assessed at the appropriate residential, commercial or industrial rate.

FIGURE 2 – COMMERCIAL/INDUSTRIAL DENSITY AND ASSESSMENT FACTORS

Type of Commercial/Industrial Land Use	Average Employees Per Acre ¹	SFE Units per 1/2 Acre ²
Commercial	24	1.00
Office	68	2.83
Shopping Center	24	1.00
Industrial	24	1.00
Self Storage or Parking Lot	1	0.04

¹ Source: San Diego Association of Governments Traffic Generators Study.

² The SFE factors for commercial and industrial parcels are applied by the half acre of land area or portion thereof. Therefore, the minimum assessment for any assessable parcel in these categories is the SFE Units listed herein.

VACANT PROPERTIES

The benefit to vacant properties is determined to be proportional to the corresponding benefits for similar type developed properties; however, at a lower rate due to the minimal improvements that can be damaged by fire on vacant properties. Using Assessor data, the average value of improvements on developed properties is approximately 70% of the total value, with land value comprising the remaining 30%. Since land has intrinsic value or utility that is unaffected by fire, it is estimated that a fire could reduce land value or utility by approximately 1/3rd. Therefore, the SFE factor for vacant parcels is deemed to be 0.10 SFE per acre (1 SFE * 30% * 33%).

OTHER PROPERTIES

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment.

All properties that are specially benefited are assessed. Public right-of-way parcels, well, reservoir or other water rights parcels that cannot be developed into other improved uses, limited access open space parcels, wildland parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

Other publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Twain Harte Community Services District or her or his

designee. Any such appeal is limited to correction of an assessment during the then-current fiscal year or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the District or his or her designee will promptly review the appeal and any information provided by the property owner. If the District or her or his designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the District or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the District or her or his designee, shall be referred to the Board of Directors and the decision of the Board shall be final.

ASSESSMENT

WHEREAS, the Board of Directors of the Twain Harte Community Services District formed the Fire and Rescue Assessment District and is proceeding with the continuation of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article");

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Services upon all assessable parcels within the Assessment District;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Board of the District, hereby makes the following assessment to cover the portion of the estimated cost of the improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the improvements and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2021-22 is generally as follows:

FIGURE 3 – SUMMARY OF COST ESTIMATE

	FY 2021-22 Budget
Fire and Rescue Expenses	\$993,410
Administrative Cost Allocation	\$116,589
Capital Expenses/Outlay	\$492,500
Incidental Expenses	\$4,000
TOTAL BUDGET	\$1,606,499
Less: District Contribution	(\$1,296,733)
Transfer To/(From) Reserve	(\$153,873)
NET AMOUNT TO ASSESSMENTS	\$155,893

As required by the Article, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Assessment district. The distinctive number of each parcel or lot of land in the Assessment district is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Assessment district, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. Any change in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 3% or 2) the change in the CPI plus any Unused CPI as described above.

The change in the CPI from December 2019 to December 2020 was 2.00% and the Unused CPI carried forward from the previous fiscal year is 1.58%. Therefore, the maximum authorized assessment rate for fiscal year 2021-22 is increased by 3% which equates to \$93.22 per single family equivalent benefit unit. The estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2021-22 at the rate of \$93.22, which is equal to the maximum authorized assessment rate.

Since property owners in the Assessment District, in an assessment ballot proceeding, approved the initial fiscal year benefit assessment for special benefits to their property including the CPI adjustment schedule, the assessment may continue to be levied annually and may be adjusted by up to the maximum annual CPI adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

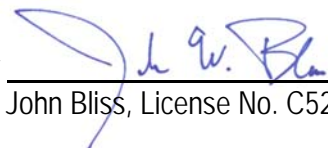
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Tuolumne for the fiscal year 2021-22. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2021-22 for each parcel or lot of land within the Assessment District.

Dated: May 4, 2021

Engineer of Work



By  _____
John Bliss, License No. C52091

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of Twain Harte Community Services District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of the County of Tuolumne, for fiscal year 2021-22, and are incorporated herein by reference, and made a part of this Diagram and this Report.

FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD _____

RECORDED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD _____

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE _____ DAY OF _____, 2021 FOR THE FISCAL YEAR 2021-22 AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE ON THE _____ DAY OF _____, 2021. REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND.

SECRETARY OF THE BOARD _____

FILED THIS _____ DAY OF _____ O'CLOCK _____ M. IN _____ THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA, AT THE REQUEST OF THE BOARD OF DIRECTORS OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT.

COUNTY AUDITOR, COUNTY OF TUOLUMNE _____

Note:
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF TUOLUMNE FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCEL SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
FIRE AND RESCUE ASSESSMENT DISTRICT
ASSESSMENT DIAGRAM**

SCI Consulting Group
4745 Mangels Blvd
Fairfield, CA 94534

ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the Assessment district and the amount of the assessment) will be filed with the Secretary of the Board and is, by reference, made part of this report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern for all details concerning the description of the lots or parcels.

i Insurance Services Offices Inc.
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

ii Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage,"
<http://www.ibhs.org/publications/view.asp?id=125>

iii U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.1,
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

iv U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.2,
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

v Insurance Services Offices Inc., p. 1,
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

vi Weldon, Leslie A. C., "Dealing with Public Concerns in Restoring Fire to the Forest," General Technical Report INT-GTR-341 The Use of Fire in Forest Restoration, U.S. Forest Service, June 1996, p. 3

vii U.S. Forest Service, Department of Agriculture, "Social Science to Improve Fuels Management: A Synthesis of Research on Aesthetics and Fuels Management," p. 1,
http://ncrs.fs.fed.us/pubs/gtr/gtr_nc261.pdf

viii Insurance Services Offices Inc., p. 1,
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 21-13**

**INTENTION TO CONTINUE ASSESSMENTS FOR FISCAL YEAR 2021-22, APPROVAL OF
PRELIMINARY ENGINEER'S REPORT AND NOTICE OF HEARING FOR THE FIRE PROTECTION AND
EMERGENCY RESPONSE SERVICES ASSESSMENT DISTRICT**

WHEREAS, on July 14, 2011, by its Resolution No. 11-18, after receiving a weighted majority of 54.85% of ballots in support of the proposed assessment, this Board ordered the formation of and levied the first assessment of the Twain Harte Community Services District Fire Protection and Emergency Response Assessment District within the Twain Harte Community Services District (the "District") pursuant to the provisions of Article XIID of the California Constitution, and Government Code Sections 50078 et. Seq.; and

WHEREAS, the first Engineer's Report for Fiscal Year 2011-12 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, SCI Consulting Group has filed with secretary of the Board of Directors of the Twain Harte Community Services District, a Preliminary Engineer's Report which contains: (a) a calculation of the portion of the services to be provided by the Assessment District that constitute a special benefit to the parcels in the District; (b) a methodology for assigning fire suppression, fire protection, fire prevention, emergency response and emergency services, basic hazardous materials response, and other services relating to the protection of lives and property ("Fire Services") to individual parcels; (c) a listing of each lot or parcel of property that would be subject to the Fire Services assessment including public parcels; (d) the amount of the proposed assessment for each lot or parcel for the 2021-22 fiscal year; and (e) an assessment diagram depicting the boundary of the Assessment District.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Twain Harte Community Services District that:

1. The Preliminary Engineer's Report is hereby received and filed; and
2. SCI Consulting Group, the Engineer of Work, has prepared an engineer's report in accordance with Article XIID of the California Constitution. The Report has been made, filed with the secretary of the board and duly considered by the Board and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.
3. It is the intention of this Board to continue and to collect assessments for the Fire Protection and Emergency Response Services Assessment for fiscal year 2021-22. Within the Assessment District, the proposed services and equipment to be funded by the assessments ("Services") are generally described as including, but not limited to, the following: obtaining, furnishing, operating, and

maintaining fire suppression, protection and emergency services equipment and apparatus; payment of salaries, benefits and other compensation to fire fighting and fire prevention personnel; training and administration of volunteer personnel performing fire suppression, protection and emergency services; hazardous material response; disaster preparedness; community fire prevention education and fire inspection.

4. The Assessments include a provision for an annual increase equal to the change in the San Francisco Bay Area Consumer Price Index ("CPI"), not to exceed 4% (four percent) per year without a further vote or balloting process. In the event that the annual change in the CPI exceeds 4.00%, any percentage change in excess of 4.00% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4.00%. The annual Bay Area CPI change as of December 2020 was 2.00% and the Unused CPI carried forward from the previous fiscal year is 0.00%. Therefore, the maximum authorized increase that may be levied in fiscal year 2021-22 is 2.00%.
5. The estimated fiscal year 2021-22 cost of providing the Services is \$345,147. This cost results in a proposed assessment rate of ONE HUNDRED NINETY-NINE AND FIFTY-THREE CENTS (\$199.53) per single-family equivalent benefit unit for fiscal year 2021-22. Therefore, the assessment rate proposed to be continued for Fiscal Year 2021-22 is \$199.53 which is the same as the maximum authorized rate. The maximum authorized assessment rate for Fiscal Year 2021-22 is \$199.53 per single family equivalent benefit unit.
6. Notice is hereby given that on June 9, 2021, at 9:00 a.m. or as soon after as practical, at the Twain Harte Community Services District offices located at 22912 Vantage Pointe Drive, Twain Harte, California, 95383, the Board will hold a public hearing to consider the ordering of the continuation of the assessments for fiscal year 2021-22.
7. The secretary of the board shall cause a notice of the hearing to be given by publishing a notice, at least ten (10) days prior to the date of the hearing above specified, in a newspaper circulated in the District.

PASSED AND ADOPTED by the Board of Directors of the Twain Harte Community Services District at their Regular Meeting on May 12, 2021, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gary Sipperley, Board President

Kimberly Silva, Board Secretary



TWAIN HARTE COMMUNITY SERVICES DISTRICT
FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES ASSESSMENT

ENGINEER'S REPORT

MAY 2021

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50078
ET SEQ. AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:

SCIConsultingGroup

4745 MANGELS BLVD

FAIRFIELD, CALIFORNIA 94534

PHONE 707.430.4300

FAX 707.430.4319

WWW.SCI-CG.COM

(THIS PAGE INTENTIONALLY LEFT BLANK)

TWAIN HARTE COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS

Gary Sipperley, President
Kathryn deGroot, Vice President
Eileen Mannix, Director
Richard Knudson, Director
Bill McManus, Director

GENERAL MANAGER

Tom Trott

FIRE CHIEF

Neil Gamez

SECRETARY OF THE BOARD

Kim Silva

ASSESSMENT ENGINEER

SCI Consulting Group

TABLE OF CONTENTS

INTRODUCTION	1
REAL PROPERTY ASSESSMENT UNDER PROPOSITION 218.....	1
SPECIAL BENEFITS	2
PROPORTIONALITY.....	3
COMPLIANCE WITH CURRENT LAW	5
BASELINE LEVEL OF SERVICE	5
ASSESSMENT PROCESS	6
DESCRIPTION OF SERVICES	8
COST AND BUDGET	9
METHOD OF APPORTIONMENT.....	10
METHOD OF APPORTIONMENT	10
DISCUSSION OF BENEFIT	10
BENEFIT FACTORS.....	11
BENEFIT FINDING.....	13
GENERAL VERSUS SPECIAL BENEFIT	13
CALCULATING GENERAL BENEFIT	15
ZONES OF BENEFIT.....	17
ASSESSMENT APPORTIONMENT	18
METHOD OF ASSESSMENT.....	18
CRITERIA AND POLICIES	24
ASSESSMENT	26
ASSESSMENT DIAGRAM.....	29
APPENDICES	31
APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2021-22	31
END NOTES	32

LIST OF TABLES

TABLE 1 - COST AND BUDGET	9
TABLE 2 – FIRE RISK FACTORS	19
TABLE 3 – STRUCTURE REPLACEMENT FACTORS.....	21
TABLE 4 – BENEFIT SUMMARY PER PROPERTY TYPE	22
TABLE 5 – SUMMARY COST ESTIMATE	26

INTRODUCTION

The Twain Harte Community Services District (the "District") was formed in 1996 after the dissolution of the Tuolumne County Water District #1. The District maintains and operates one fire station, and currently has four full time employees and 17 volunteers. In addition to providing fire suppression and prevention, emergency response and emergency services, the District also provides basic hazardous materials response, and other services relating to the protection of lives and property.

The District is located in the rural foothills of Tuolumne County along Highway 108, and its service area encompasses approximately 3.6 square miles. The District includes the town of Twain Harte.

The District is governed by a five member Board of Directors that are elected by the general population within the District boundaries and serve four-year terms.

This Engineer's Report (the "Report") was prepared to:

- Describe the fire suppression, safety and emergency response services and equipment that would be funded by the assessments (the "Services")
- Establish a budget for the Services that would be funded by the proposed 2021-22 assessments
- Reiterate the benefits received from the Services by property within the Twain Harte Community Services District Fire Protection and Emergency Response Services Assessment (the "Assessment District") and
- Reiterate the method of assessment apportionment to lots and parcels within the Assessment District.

REAL PROPERTY ASSESSMENT UNDER PROPOSITION 218

In 1996, Proposition 218 limited local government's ability to impose real property assessments in two significant ways. An assessment can be imposed only for a "special benefit" conferred on real property (art. XIID, § 2, subd. (b)), and the assessment on any parcel must be in proportion to the special benefit conferred on the particular parcel. (Art. XIID, § 4, subd. (a)) (*Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431, 437.)

The special benefit and proportionality requirements are perhaps best understood as being interrelated, not separate, requirements. The proportionality requirement ensures that the *aggregate* assessment imposed on *all* parcels is distributed *among* all assessed parcels *in proportion* to the special benefits conferred on *each parcel*. (See *Town of Tiburon v. Bonander* (2009) 180 Cal.App.4th 1057, 1080–1085, 103 Cal.Rptr.3d 485 (*Tiburon*) [varying amounts assessed on district parcels for the costs of undergrounding utility lines violated the proportionality requirement because the amounts individually assessed were not based on the special benefits the undergrounding project would confer on each assessed parcel].)

The special benefit requirement is thus part and parcel of the proportionality requirement. It is useful, however, to separately discuss special benefits in order to ascertain whether the public improvement or property related service underlying the assessment confers *any* special benefits on district parcels in the first place. (*Silicon Valley, supra*, 44 Cal.4th at pp. 450–456, 79 Cal.Rptr.3d 312, 187 P.3d 37 [discussing whether assessment to fund acquisition and maintenance of open space in County of Santa Clara conferred any special benefits on assessed properties].) (*Beutz v. County of Riverside* (2010) 184 Cal.App.4th 1516, 1522, 1523.)

SPECIAL BENEFITS

The services provide both general benefits to the community and special benefits to particular properties, and the agency imposed an assessment based only on the special benefits. It separated the general benefits from the special benefits and secured other funding for the general benefits. (Art. XIID, § 4, subd. (a).) (*Silicon Valley Taxpayers v. Santa Clara County Open Space Authority, supra*, 44 Cal.4th 431, 450.)

The assessment district was narrowly drawn; the fact that a benefit was conferred throughout the district did not make it general rather than special. The characterization of a benefit depended on whether the parcel received a direct advantage from the improvement (e.g., proximity to a park) or received an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values). (*Silicon Valley Taxpayers v. Santa Clara County Open Space Authority, supra*, 44 Cal.4th 431, 452, fn. 8.)

The purpose of an assessment was to require the properties which received a special benefit from a “public improvement” “to pay the cost of that improvement,” and not to fund an agency's ongoing budget. (*Silicon Valley Taxpayers v. Santa Clara County Open Space Authority, supra*, 44 Cal.4th 431, 457.)

A project confers a special benefit when the affected property receives a “direct advantage” from the improvement funded by the assessment. (*Silicon Valley, supra*, 44 Cal.4th at p. 452, fn. 8, 79 Cal.Rptr.3d 312, 187 P.3d 37.) By contrast, general benefits are “derivative and indirect.” (*Id.* at p. 453, 79 Cal.Rptr.3d 312, 187 P.3d 37.) The key is whether the asserted special benefits can be tied to particular parcels based on proximity or other relevant factors that reflect a direct advantage enjoyed by the parcel. (*Id.* at pp. 455–456, 79 Cal.Rptr.3d 312, 187 P.3d 37.) (*Tiburón v. Bonander* (2010) 180 Cal.App.4th 1057, 1077.)

The mere fact that a project or service has the effect of enhancing property values in a community does not necessarily mean those properties enjoy a special benefit. On the other hand, the prohibition against basing assessments on *general* property value enhancements does not mean any benefit that enhances property values is a general benefit. Nearly every assessment that confers a particular and distinct advantage on a specific parcel will also enhance the overall value of that property in some respect. Such an effect does not transform a special benefit into a general benefit. An increase in property value attributable to a project that provides a direct advantage to a particular property—instead of an indirect

or derivative benefit—is a specific rather than a general enhancement in property value. Here, any enhancement in property values arises from specific benefits conferred on parcels in the Supplemental District. (*Tiburon v. Bonander, supra*, 180 Cal.App.4th 1057, 1079.)

When determining whether benefits are general or special, we must be mindful of the rationale for making the distinction. The purpose of limiting assessments to special benefits conferred on particular properties is to avoid having property owners in an assessment district pay for general benefits enjoyed by the public at large. Conversely, if a project confers particular and distinct benefits upon specific properties in an assessment district, it would be unfair to have taxpayers outside the assessment district pay for those benefits that specifically benefit only property owners within the district. (*Tiburon v. Bonander, supra*, 180 Cal.App.4th 1057, pp.1079-1080.)

Furthermore, the mere fact that properties throughout the District share the same special benefit does not render that benefit “general” and therefore an improper subject of an assessment. Section 2, subdivision (i) of article XIII D of the California Constitution specifies that a special benefit is a “particular and distinct benefit over and above general benefits conferred on real property located in the district...” As the court in *Silicon Valley* observed, in a properly drawn district—“limited to only parcels receiving special benefits from the improvement—every parcel within that district receives a shared special benefit.” (*Silicon Valley, supra*, 44 Cal.4th at p. 452, fn. 8, 79 Cal.Rptr.3d 312, 187 P.3d 37.) One might be tempted to characterize these shared special benefits as “general” because they are not “particular and distinct” or “over and above” the benefits conferred on other properties in the district. However, the Supreme Court stated it did not “believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefitting from an improvement.” (*Ibid.*) As the court explained: “[I]f an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).” (*Ibid.*) (*Tiburon v. Bonander, supra*, 180 Cal.App.4th 1057, 1080.)

PROPORTIONALITY

“The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the... property-related service being provided.” (*Silicon Valley Taxpayers v. Santa Clara County Open Space Authority, supra*, 44 Cal.4th 431, 443.)

Under subdivision (a) of section 4 of article XIII D, of the California Constitution, the assessment imposed on a parcel shall not “exceed the reasonable cost of the proportional special benefit conferred on that parcel.” But article XIII D does not require that the assessment *be no less than* the reasonable cost of the proportional special benefit conferred on that parcel. That is, article XIII D leaves local governments free to impose assessments that are less than the proportional special benefit conferred—in effect, to allow discounts. Moreover, nothing in article XIII D precludes local governments from allowing discounts

across the board for all parcels in the assessment district or from allowing them selectively, for certain parcels in the district but not for others. (*Dahms v. Downtown Pomona Property* (2009) 174, Cal.App.4th 708, 716.)

“[A public entity must] meet its burden under article XIII D, section 4, subdivision (f) to demonstrate that the amounts of the contested assessments are proportional to, and no greater than, the benefits conferred on the properties in question.” (*Tiburon v. Bonander, supra*, 180 Cal.App.4th 1057, 1080.)

For the sake of clarity, it must be emphasized that an assessment is not measured by the precise amount of special benefits enjoyed by the assessed property. (*White v. County of San Diego* (1980) 26 Cal.3d 897, 905, 163 Cal.Rptr. 640, 608 P.2d 728.) Instead, an assessment reflects costs allocated according to relative benefit received. As a general matter, an assessment represents the entirety of the cost of the improvement or property-related service, less any amounts attributable to general benefits (which may not be assessed), allocated to individual properties in proportion to the relative special benefit conferred on the property. (*ibid.*; Art. XIII D, § 4, subd. (a).) Proportional special benefit is the “ ‘equitable, nondiscriminatory basis’ ” upon which a project’s assessable costs are spread among benefited properties. (*White v. County of San Diego, supra*, at p. 905, 163 Cal.Rptr. 640, 608 P.2d 728.) Thus, the “reasonable cost of the proportional special benefit,” which an assessment may not exceed, simply reflects an assessed property’s proportionate share of total assessable costs as measured by relative special benefits. (See Art. XIII D, § 4, subd. (a).) (*Tiburon v. Bonander, supra*, 180 Cal.App.4th 1057, 1081.)

The costs of an improvement project must be considered as a whole. A public improvement such as a utility undergrounding project is either undertaken in an entire district or not at all. In the hypothetical involving certain properties with higher construction costs, the neighboring properties enjoy the benefits of the undergrounding project *only* because the project was pursued in the entire assessment district, which necessarily includes the properties with higher construction costs. It is for this reason that the individual assessments for benefited properties must be apportioned in relation to the *entirety* of the project’s assessable costs, as article XIII D requires. (Art. XIII D, § 4, subd. (a).) To reiterate, proportionate special benefit is the basis upon which a project’s total assessable costs are apportioned among parcels within an assessment district. This method ensures that each property owner pays an equitable share of the overall assessable cost as measured by the relative special benefit conferred on the property. (*Tiburon v. Bonander, supra*, 180 Cal.App.4th 1057, 1083-1084.)

The court in *Dahms* stated that the formula for determining special benefit turned upon lot size and street frontage because some properties received “more special benefit than others.” (*Dahms v. Downtown Pomona Property* (2009) 174 Cal.App.4th 708, 720, 96 Cal.Rptr.3d 10.) Specifically rejecting an argument that the apportionment formula should have been based on the total length of streets bordering all sides of a business instead of the business’s front street footage, the court explained that “[i]t makes sense to use front footage rather than total street length to determine the *proportional special benefit* that a

parcel will derive from the services of the [business district] (e.g., increased security, litter removal, and graffiti removal). For example, a clean and safe front entrance to a commercial parcel is more likely to constitute a *special benefit* to that parcel than a clean and safe side or rear, where there may or may not be any entrance at all. At the same time, the City's formula also takes into account other measures (namely, building size and lot size) of each parcel's size and consequent *proportional special benefit*, and those other measures should compensate for any disproportionality that might have resulted from exclusive reliance on front footage." (*Id.* at p. 721, 96 Cal.Rptr.3d 10, italics added.) The apportionment formula in *Dahms* turned on special benefits and not upon costs. (*Tiburon v. Bonander, supra*, 180 Cal.App.4th 1057, 1085.)

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This assessment outlined in this Engineer's Report is consistent current law because of the following elements of its design:

- The Assessment District ("District") is narrowly drawn.
- Each parcel in the District receives a direct advantage from the improvement.
- The amount of the assessments has been calculated by and set at the amount of benefit to be received by each parcel.
- The special benefit derived by each identified parcel has been set as a proportional share of the entirety of the service being provided.
- General benefits (e.g., common roadways and indirect, derivative benefits to properties adjacent to but outside the District) have been segregated from special benefits to the parcels within the District, and specified other funding will be utilized for the general benefits.

BASELINE LEVEL OF SERVICE

The District has been faced with difficulties in delivering its fire and emergency services primarily due to declining revenues and increasing operational expenses. In response to its decreased revenues, the District took several steps to decrease expenses, including keeping firefighters' salaries below average and using part-time staff whenever possible. In addition, the District had not replaced old equipment and vehicles that were in need of repair, and deferred some facility maintenance.

Even after taking these steps to reduce costs, expenses were still projected to exceed revenues. Therefore, the District projected that it would need to make additional cuts to its firefighting capabilities to bring its operational costs in line with revenues. The additional cuts that would be necessary, absent a new revenue source, were eliminating one full-time professional firefighter position starting in fiscal year 2011-12, and a second one in fiscal year 2012-13. This reduced level of service after these cuts, would be the level of service the District would be able to provide in future years, absent approval of the new assessment. In this Report, this reduced level of service, absent the new assessment, was defined as the "Baseline" level of Service.

ASSESSMENT PROCESS

In Fiscal Year 2010-11, the Twain Harte Community Service District Board of Directors (the "Board") by Resolution No. 11-09 passed on April 14, 2011, called for an assessment ballot proceeding and public hearing on the proposed establishment of a fire protection and emergency services assessment district. The new assessment was proposed in order to fund the cost of the engine company and thereby improve Services for property in the Assessment District. The Report was prepared to quantify a new benefit assessment that would provide funding for Services within the Assessment District.

On April 14, 2011, the Board approved Resolution No. 11-09, and a notice of assessment and assessment ballot was mailed to property owners within the proposed Assessment District boundaries. Such notice included a description of the Services to be funded by the proposed assessments, a proposed assessment amount for each parcel owned, and an explanation of the method of voting on the assessments. Each notice also included a postage prepaid ballot on which the property owner could mark his or her approval or disapproval of the proposed assessments as well as affix his or her signature.

After the ballots were mailed to property owners in the Assessment District, the required minimum 45 day time period was provided for the return of the assessment ballots. Following this 45 day time period, a public hearing was held on July 14, 2011 for the purpose of allowing public testimony regarding the proposed assessments. At the public hearing, the public had the opportunity to speak on the issue.

It was determined that the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots were submitted). Of the ballots received, 54.85% were in support of the proposed assessments.

As a result, Board gained the authority to approve the levy of the assessments for fiscal year 2011-12 and to continue to levy them in future years. The Board took action, by Resolution No. 11-18 passed on July 14, 2011, to approve the first year levy of the assessments for fiscal year 2011-12.

The authority granted by the ballot proceeding was for a maximum assessment rate of \$150.00 per single family home, increased each subsequent year by the San Francisco Bay

Area Consumer Price Index (CPI) not to exceed 4% per year. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

In each subsequent year for which the assessments will be continued, the Board must preliminarily approve at a public meeting a budget for the upcoming fiscal year's costs and services, an updated annual Engineer's Report, and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal 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. At this meeting, the Board will also call for the publication in a local newspaper of a legal notice of the intent to continue the assessments for the next fiscal year and set the date for the noticed public hearing. At the annual public hearing, members of the public can provide input to the Board prior to the Board's decision on continuing the services and assessments for the next fiscal year.

If the assessments are so confirmed and approved, the assessments will be submitted to the Tuolumne County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2021-22. The assessments will continue year-to-year until terminated by the District Board of Directors.

The fiscal year 2021-22 assessment budget includes outlays for supplies, firefighter salaries, and other fire suppression and protection programs. If the Board approves this Engineer's Report for fiscal year 2021-22 and the assessments by Resolution, a notice of assessment must be published in a local paper at least 10 days prior to the date of the public hearing. Following the minimum 10-day time period after publishing the notice, a public hearing will be held for the purpose of allowing public testimony about the proposed continuation of the assessments for fiscal year 2021-22.

The public hearing is currently scheduled for June 9, 2021. At this hearing, the Board would consider approval of a resolution confirming the assessments for fiscal year 2021-22. If so confirmed and approved, the assessments would be submitted to the Tuolumne County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2021-22.

DESCRIPTION OF SERVICES

The Twain Harte Community Services District provides a range of fire suppression, protection, prevention, and educational services to its residents. The Services to be undertaken by the District and the cost thereof paid from the continued levy of the annual assessment will provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein.

Following is a description of the Services that are provided for the direct benefit of property in the Assessment District. With the passage of this assessment, the fire protection and emergency medical services within the Assessment District were enhanced significantly above the Baseline level of service, and such Services are all over and above what otherwise would be provided. The formula below describes the relationship between the final level of services, the Baseline level of service if the assessment is not instituted, and the enhanced level of services funded by the assessment.

Final Level of Improvements	=	Baseline Level of Improvements	+	Enhanced Level of Improvements
--	----------	---	----------	---

In addition to the definitions provided by the Code, the Services to be funded by the Assessment District are generally described as follows: salaries and benefits of firefighting personnel, fire protection and emergency services equipment and apparatus; and direct costs, training and administration of volunteer firefighting personnel.

The Assessment District will also contribute to cover the general costs of administering the District, its facilities and operations, as well as the salaries and benefits of firefighting personnel who provide fire suppression, protection and emergency services to parcels, improvements or property in the Assessment District.

COST AND BUDGET

The following budget lists the expenditures to be funded by the Assessment District in Fiscal Year 2021-22.

TABLE 1 - COST AND BUDGET

Twain Harte Community Services District Improved Fire Protection and Emergency Response Assessment Estimate of Cost Fiscal Year 2021-22			<i>Total Budget</i>
Beginning Fund Balance			\$0
Fire and Emergency Response Services Expenditures			
Services Costs			\$993,409
Salaries and Employee Benefits	\$718,144		
Maintenance and Repairs	\$103,900		
Materials and Supplies	\$12,350		
Outside Services	\$25,300		
Utilities, Prop/Liab Ins, TUD, etc.	\$91,350		
Debt Service	\$42,365		
Administrative Cost			\$116,589
Capital Expenses/Outlay			\$492,500
Total Service, Administrative and Capital Expenditures			\$1,602,498
Additional Expenditures ¹			
Allowance for Uncollectable Assessments			\$3,985
County Collection, Levy Administration, and Other Incidentals			\$5,750
Total Additional Expenditures			\$9,735
Total Service, Administrative, Capital and Additional Expenditures			\$1,612,233
Total Benefit of Services and Related Expenses			\$1,612,233
SFE Units			1729.80
Benefit received per Single Family Equivalent Unit			\$932.03
Less:			
District Contribution for General Benefits			(\$146,713)
District Contribution toward Special Benefits			(\$960,765)
Transfers to (from) reserves			(\$159,608)
Total Revenue from Other Sources ²			(\$1,267,086)
Net Cost of Fire Suppression & Protection Costs			\$345,147
Total Fire Suppression & Protection Costs to Assessment (Net Amount to be Assessed)			\$345,147
Budget Allocation to Property			
	Total SFE Units ⁴	Assessment per SFE	Total Assessment
	1,729.80	\$199.53	\$345,147

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section includes an explanation of the special benefits to be derived from the Services, the criteria for the expenditure of assessment funds and the methodology used to apportion the total assessments to properties within the Assessment District.

The Assessment District area consists of all Assessor Parcels within the Twain Harte Community Services District, including all parcels within the Town of Twain Harte of Tuolumne County. The method used for apportioning the assessment is based upon the proportional special benefits from the Services to be received by the properties in the assessment area over and above general benefits conferred on real property not subject to assessment (such as public roads) or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

1. Identification of all benefit factors derived from the Services
1. Calculation of the proportion of these benefits that are general
2. Determination of the relative special benefit within different areas within the Assessment District
3. Determination of the relative special benefit per property type
4. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

DISCUSSION OF BENEFIT

California Government Code Section 50078 et. seq. allows agencies which provide fire suppression services, such as Twain Harte Community Services District of Tuolumne County to levy assessments for fire suppression services. Section 50078 states the following:

"Any local agency which provides fire suppression services directly or by contract with the state or a local agency may, by ordinance or by resolution adopted after notice and hearing, determine and levy an assessment for fire suppression services pursuant to this article."

In addition, California Government Code Section 50078.1 defines the term "fire suppression" as follows:

"(c) "Fire suppression" includes firefighting and fire prevention, including, but not limited to, vegetation removal or management undertaken, in whole or in part, for the reduction of a fire hazard."

Therefore, the Services to be provided by the Assessment District fall within the scope of services that may be funded by assessments under the Code.

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's specific use of the Services or a property owner's specific demographic status. With reference to the requirements for assessments, Section 50078.5 of the California Government Code states:

"(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the local agency, zone, or area of benefit."

"The assessment may be levied against any parcel, improvement, or use of property to which such services may be made available whether or not the service is actually used."

Proposition 218, as codified in Article XIID 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."

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The following section describes how and why the Services specially benefit properties. This benefit is particular and distinct from its effect on property in general or the public at large.

BENEFIT FACTORS

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the Services that will be provided to property in the Assessment District. These benefit factors must confer a direct advantage to the assessed properties; otherwise they would be general benefit.

The following benefit categories have been established that represent the types of special benefit conferred to residential, commercial, industrial, institutional and other lots and parcels resulting from the improved fire protection and emergency response services that will be provided in the Assessment District. These types of special benefit, which clearly enhance the utility and desirability of property and make them more functional to use, are summarized as follows:

PROTECTION OF REAL PROPERTY ASSETS AND OCCUPANTS FROM FIRES, FIRE DAMAGE AND PROPERTY LOSS

The Assessments will fund improved fire protection and emergency response services, and thereby will reduce the risk of property damage associated with fires for property in the

Assessment District. This is a direct and tangible special benefit to property in the Assessment District.

"Over 140,000 wildfires occurred on average each year, burning a total of almost 14.5 million acres. And since 1990, over 900 homes have been destroyed each year by wildfires."^[i]

"Fire is the largest single cause of property loss in the United States. In the last decade, fires have caused direct losses of more than \$120 billion and countless billions more in related cost."^[ii]

"The strategies and techniques to address fire risks in structures are known. When implemented, these means have proven effective in the reduction of losses."^[iii]

"Statistical data on insurance losses bears out the relationship between excellent fire protection...and low fire losses."^[iv]

PROMPT RESPONSE TO FIRES AND EMERGENCIES DIRECTLY TO ANY PROPERTY IN THE ASSESSMENT DISTRICT AND DIRECT DELIVERY OF FIRE AND EMERGENCY SERVICES TO ANY PROPERTY IN THE ASSESSMENT DISTRICT

The Enhanced Services funded by the Assessments will be directly provided for and received by property in the Assessment District. These Enhanced Services will result in an improved and more effective response to fires and other emergencies, thereby enhancing the protection of property and reducing the risk of property damage associated with fires. Such improved fire protection services are a tangible and direct advantage that will be received by properties in the Assessment District.

"A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service."^[v]

PROTECTION OF THE USE OF PROPERTY AND USE OF IMPROVEMENTS ON PROPERTY AND PROTECTION OF THE LIFE AND SAFETY OF OCCUPANTS OF PROPERTY

The Enhanced Services funded by the Assessments will allow the District to respond to fires and emergencies much more promptly and with more appropriate levels of firefighters and resources in comparison to the Baseline Level of Service. Prompter and more effective responses will better protect the use of property and the life and safety of occupants. This is another direct special benefit from the Assessments.

ENHANCED ACCESS TO PROPERTIES IN THE ASSESSMENT DISTRICT, AND UTILITY OF SUCH PROPERTIES.

As noted, the Assessments will fund improved fire protection and emergency response services in the Assessment District. In addition to preventing damage to property from fires, the Assessments will also protect access to property, because fires can impede or prevent access to property. Furthermore, the Enhanced Services will enhance the utility of the

properties in the Assessment District because safer properties are more functional, usable and desirable. These are additional direct benefits to property in the Assessment District that are not received by other properties or the public at large because the Enhanced Services will be provided for properties in the Assessment District.

BENEFIT FINDING

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from the availability and delivery as needed of the Enhanced Services to any property from fire damage; the increased safety of real property, protection of the use and utility of property; and enhanced access and utility of properties in the Assessment District. These are special benefits to property in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of property and make them more functional to use, safer and easier to access for occupants.

GENERAL VERSUS SPECIAL BENEFIT

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund special benefits but cannot fund general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

Total Benefit	=	General Benefit	+	Special Benefit
--------------------------	----------	----------------------------	----------	----------------------------

There is no widely-accepted or statutory formula for general benefit. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. The decision in *SVTA vs. SCCOSA* provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements.

In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

The starting point for evaluating general and special benefits is the 2011 baseline level of service, if the assessment is not approved by the community. The assessment will fund Services “over and above” this general, baseline level and the general benefits estimated in this section are over and above the baseline.

A formula to estimate the general benefit is listed below:

General Benefit	=	Benefit to real property outside of improvement district	+	Benefit to real property inside of improvement district	+	Benefit to public at large
----------------------------	----------	---	----------	--	----------	---

Special benefit, on the other hand, is defined in the State Constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The *SVTA v. SCCOSA* decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, as noted, the improved Services will be available when needed to all properties in the Assessment District, so the overwhelming proportion of the benefits conferred to property is special, and there are only minimal benefits that will be received by property outside the Assessment District or the public at large.

It should be noted that in the 2009 *Dahms* case, the court ruled that an assessment was properly considered to be an 100% special benefit because the services funded by the assessments were directly provided only to property in the assessment district. Similar to the assessments in Pomona that were approved in *Dahms*, the Assessments described in this Engineer’s Report fund fire suppression services directly provided only to property in the assessment area. Moreover, every property within the Assessment District will receive the Services if and when a fire occurs. Although the court in *Dahms* found a zero general benefit determination to be acceptable, this report calculates the general benefit more conservatively and then that general benefit is budgeted so that it is funded by sources other than the Assessment.

In the 2010 *Beutz* Case, the Appellate Court overturned an assessment for parks in Wildomar, California based upon to the lack of a specific quantification of the general benefit(s) in the Engineer’s Report. As a part of this decision, the court indicated that “virtually all public improvement projects provide general benefits.” At first review, this statement and decision seem to contradict the 2009 *Dahms* decision which upheld an assessment with a 100% special benefit finding. However, the *Beutz* decision concludes by clarifying that the specific facts of *Dahms* are fundamentally different from *Beutz* – and the two decisions do not contradict one another. Essentially, in assessment(s), like in the *Dahms* case (and the Assessment described in this Report), the improvements and services provided within each District are specifically provided to and intended for the assessed parcels only. (The Wildomar assessment in the *Beutz* case, on the other hand, supports improvements and services for area parks only, which arguably have an inherent use by, and benefit to, the general public.)

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).) Arguably, all of the Services being funded by the assessment would be a special benefit because the Services would particularly and distinctly benefit the properties in the Assessment District over an only to properties in the Assessment District.

Nevertheless, some of the Services could benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

CALCULATING GENERAL BENEFIT

This section provides a measure of the general benefits from the assessments.

BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services will be provided solely in the Assessment District boundaries.¹ Properties proximate to, but outside of, the boundaries of the Assessment District receive some benefit from the Services due to some degree of indirectly reduced fire risk to their property. These parcels that are proximate to the boundaries of the Assessment District are estimated to receive less than 50% of the benefits relative to parcels within the Assessment District because they do not directly receive the improved fire protection resulting from the Services funded by the Assessments.

At the time the Assessment District was formed, the Assessment Engineer, using the Geographic Information System parcel map, counted the number of parcels proximate to the Assessment District boundary but outside the Assessment District, and thereby determined that there were approximately 130 of these “proximate” properties.

CRITERIA:

130 PARCELS OUTSIDE THE DISTRICT BUT PROXIMATE TO THE DISTRICT BOUNDARIES
 1,863 PARCELS IN THE ASSESSMENT DISTRICT
 50% RELATIVE BENEFIT COMPARED TO PROPERTY WITHIN THE ASSESSMENT DISTRICT

CALCULATION:

GENERAL BENEFIT TO PROPERTY OUTSIDE THE ASSESSMENT DISTRICT =
 $130 / (1,863 + 130) * .5 = 3.3\%$

Although it can reasonably be argued that properties protected inside, but near the Assessment District boundaries are offset by similar fire protection provided outside the District boundaries, we use the more conservative approach of finding that 3.3% of the Services may be of general benefit to property outside the Assessment District.

¹ It should be noted that the Services may, at times, be used outside the District boundaries. However, this use is part of a mutual aid agreement and would be offset by the provision of Services by other agencies within the Assessment District boundaries.

BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE*

The “indirect and derivative” benefit to property within the Assessment District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Assessment District is special, because the Services are clearly “over and above” and “particular and distinct” when compared with the baseline level of fire suppression and fire protection services had the Assessment District not passed.

In determining the Assessment District area, the District has been careful to limit it to an area of parcels that will directly receive the benefit of the improved Services. All parcels will directly benefit from the use of the improved Services throughout the Assessment District in order to maintain the same improved level of fire suppression and protection throughout the area. Fire protection and suppression will be provided as needed throughout the area. The shared special benefit - reduced severity and number of fires - will be received on an equivalent basis by all parcels in the Assessment District. Furthermore, all parcels in the Assessment District would directly benefit from the ability to request service from the District and to have a District firefighter promptly respond directly to the parcel and address the owner’s or resident’s service need.

The *SVTA vs. SCCOSA* decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment District is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in situations involving a landowner-approved assessment-funded extension or improvement of a local government service to benefit lands. Therefore, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment District are special benefits.

BENEFIT TO THE PUBLIC AT LARGE

Because the Services will be available to and provide for all of the property in the Assessment District, the *Dahms* decision provides a clear basis for a finding of zero general benefit conferred on the public at large. Nevertheless, to establish a more conservative measure, any general benefit to the public at large is quantified in the following paragraph:

The public at large uses the public highways, streets and sidewalks, and when traveling in and through the Assessment District and they may benefit from the services without contributing to the assessment. Although the protection of this critical infrastructure is certainly a benefit to all the property within the district, it is arguably “indirect and derivative”. A reasonable and appropriate measure of the general benefit to the public at large therefore is the amount of highway, street and sidewalk area within the Assessment District relative to the overall land area. An analysis of maps of the Assessment District shows that approximately 5.8% of the land area in the Assessment District is covered by highways, streets and sidewalks. This 5.8% therefore is a reasonable quantified measure of the general benefit to the public at large within the Assessment District.

SUMMARY OF GENERAL BENEFITS

Using a sum of the measures of general benefit for the public at large and land outside the Assessment Area, we find that approximately 9.1% of the benefits conferred by the Fire Protection and Emergency Response Assessment may be general in nature and should be funded by sources other than the assessment.

<p>GENERAL BENEFIT =</p> <p>3.3 % (OUTSIDE THE DISTRICT)</p> <p>+ 0.0 % (INSIDE THE DISTRICT - INDIRECT AND DERIVATIVE)</p> <p>+ 5.8 % (PUBLIC AT LARGE)</p> <p>= 9.1 % (TOTAL GENERAL BENEFIT)</p>

Although this analysis supports the findings that 9.1% of the assessment may provide general benefits, this number is increased by the Assessment Engineer to 10% to conservatively ensure that no assessment revenue is used to support general benefit. This additional amount allocated to general benefit also covers general benefit to parcels in the Assessment Area if it is later determined that there is some general benefit conferred on those parcels.

The Assessment District's budget for 2021-22 is \$1,612,233. The District will contribute approximately \$1,267,086 for fire suppression, fire protection and emergency response services and administrative services costs from revenue sources other than this Fire Protection and Emergency Response Services Assessment. This contribution constitutes significantly more than the 10% calculated above for general benefits, plus an additional 10% allocation for time used on non-fire related services as estimated by the Assessment Engineer.

ZONES OF BENEFIT

The assessment area is small and is readily served by a single fire station. The National Fire Protection Association (NFPA) has adopted a standard of response time equal to six minutes. All parcels in the Assessment District will be served within this NFPA response standard. Therefore, all properties will receive substantially the same level of benefit and this Assessment District has been drawn to include the entire area; no zones within the district have been designated.

In *SVTA v. SCCOSA*, the court noted that a local agency-wide assessment district is appropriate under the right conditions: "Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values)." The court

therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service.

As demonstrated in this engineer's report, the assessments will fund improved fire suppression and protection services relatively uniformly throughout the Assessment District, and the Assessment District boundaries have been narrowly drawn to only include the parcels that directly receive the Services. It therefore is appropriate to provide a District-wide Assessment District without zones of benefit because all parcels of similar type and features benefit similarly and will receive a direct advantage from the Services.

ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, the Assessment Engineer considered various alternatives. For example, an assessment only for all residential improved property was considered but was determined to be inappropriate because vacant, commercial, industrial and other properties also receive special benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger commercial/industrial properties and residential properties with multiple dwelling units receive a higher degree of benefit than other similarly used properties that are significantly smaller. For properties used for commercial purposes, there clearly is a higher benefit provided to a larger commercial property than to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that would benefit from improved fire protection and emergency response services. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

The Assessment Engineer determined that the appropriate method of assessment should be based on the type of property, the relative risk of fire by type of property, the relative size of the property, and the relative damage value of fires by property type. This method is further described below.

METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

The relative benefit to properties from fire related services is:

EQUATION 1 – RELATIVE BENEFIT TO PROPERTIES

$$\text{Benefit} \approx \sum (\text{Fire Risk Factors}) * \sum (\text{Structure Value Factors})$$

That is, the benefit conferred to property is the “sum” of the fire risk factors multiplied by the “sum” of the structure replacement factors, and then normalized by average areas.

FIRE RISK FACTORS

Typical fire assessments are evaluated based upon the fire risk of a certain property type. These evaluations consider factors such as use of structure (e.g. used for cooking), type of structure (centralized heating), etc.

In 2003, the National Fire Protection Association (“NFPA”), one of the pre-eminent authorities on fire protection in the United States, published the 2003 US Fire Problem Overview Report. This report comprehensively tabulates the number of fires for each property type within the United States in the year 1999, and serves as a reasonable and rational basis to determine fire risk.

The number of fires for each property type is then divided by the total number of that property type to determine un-normalized fire risk factor. Finally, the risk factors are normalized based upon a factor of 1.00 for a single family property. Table 2 below tabulates the Fire Risk Factors for each property type.

TABLE 2 – FIRE RISK FACTORS

Property Type	Normalized Fire Risk Factors
Single Family	1.0000
Multi-Family & Condo	1.8769
Mobile Home	0.6028
Commercial/Industrial	0.9982
Office	0.3571
Institutional	0.9675
Storage	2.8916
Vacant	0.2221
Agriculture - Orchards & Vineyards	0.3796
Agriculture - Rice & Flood Irrigation	0.3796
Agriculture - Pasture & Row Crops	0.3451
Agriculture - Dairy, Livestock, Animals	0.3106
Range Land & Open Space	0.0598

Analysis based upon: 2003 US Fire Problem Overview Report, NFPA

STRUCTURE REPLACEMENT FACTORS

The relative replacement factors of different property types were evaluated within the District area to determine the Structure Replacement Factors according to the following formula:

EQUATION 2 - STRUCTURE REPLACEMENT FACTORS

Σ (Structure Replacement Factors)	\approx	f	(Structure Weighting Factor, Average Improved Value, Structure Replacement Factor)
		$+f$	(Land Weighting Factor, Average Total Value)
		$*$	(Adjustment Factor)

Where:

- "Structure Weighting Factor" = 10 to "weight" relative importance of structure over land.
- "Structure Replacement Factor" is based upon the replacement cost per property type, and the adjusted structure square footage per property type, as provided by the County Assessor records.
- "Average Improved Value" is average of value of all improvements (e.g. structures), per property type, as provided by County Assessor records. It is used as a reference only and the Structure Replacement Value is not derived from it.
- Land Weighting Factor = 1
- "Average Total Value" is average of value of all land + improvements (e.g. structures), per property type, as provided by County Assessor records. County assessor land values were not used directly because experience has shown total values to be more comprehensive. It is used as a reference only and the Structure Replacement Value is not derived from it.
- "Adjustment Factor" may be applied including real estate data, demographic data, economic data and other relevant data.

Table 3 is a tabulation of the Structure Replacement Factors for each property type as defined by Equation 2, above.

TABLE 3 – STRUCTURE REPLACEMENT FACTORS

Property Type	Replacement Factor
Single Family	1.0000
Multi-Family & Condo	0.6400
Mobile Home	0.8000
Commercial/Industrial	0.6400
Office	1.6000
Institutional	0.6400
Storage	0.2400
Vacant	0.1000
Agriculture - Orchards & Vineyards	0.0500
Agriculture - Rice & Flood Irrigation	0.0500
Agriculture - Pasture & Row Crops	0.0500
Agriculture - Dairy, Livestock, Animals	0.0500
Range Land & Open Space	0.0100

AN EXAMPLE OF BENEFIT CALCULATION

Below is an example of the benefit calculation per Equation 1 for Commercial/Industrial parcels to illustrate the methodology. (A summary of the results of all calculations is given in Table 4):

Commercial/Industrial Example

The benefit is the normalized Fire Risk Factor times the normalized Structure Replacement Factor, then normalized per average square footage.

Benefit = ((Fire Risk Factor) * (Structure Replacement Factor)) * ((Average Structure Sqft by type / Avg Structure Sqft for single family home))

The fire risk of commercial/industrial parcels is determined by taking the percentage of all fires in commercial/industrial parcels, and dividing it by the percentage of square footage area that are commercial/industrial. The fire percentages are taken from the NFPA 2003 US Fire Problem Overview Report. The resulting figure is normalized relative to the risk of a single family home by taking the percentage of fires in single family homes over the percentage of square footage area that are single family homes, and dividing that figure into the commercial/industrial fire risk figure.

Fire Risk \approx ((% of all fires) / (% of square footage area)) / (normalization factor versus Single Family Homes)

% of all fires = 9.222% for commercial/industrial, and 53.846% for single family homes

% of area = 10.664% for commercial/industrial, and 62.157% for single family homes

Fire Risk Factor = ((9.222% of all fires) / (10.644% of all square footage area)) / ((53.846% of all fires) / (62.157% of all square footage area))

Fire Risk Factor = 0.9982

The Structure Replacement Factor is determined by analyzing the County Assessor’s data including the average structure square footage area. Also, the local average structure replacement cost is established for each structure type. The local average structure replacement cost is normalized and multiplied by the average square footage area for each property type. These values are then compared against the weighted average improved value, weighted average total value, real estate data, etc. and an Adjustment Factor is applied if necessary.

Structure Replacement Factor ≈ Normalized Local Average Replacement Costs * Adjustment Factor

Local Average Replacement Cost for commercial/industrial ≈ \$80.00/sqft

Local Average Replacement Cost for single family homes ≈ \$125.00/sqft

Structure Replacement Factor = (80.00/125.00) * Adjustment Factor (if needed)

Structure Replacement Factor = 0.6400

Since the Benefit is the Fire Risk Factor times the Structure Replacement Factor, then normalized by average square footage, the Commercial/Industrial benefit is 6.884:

$$\text{Benefit} = (0.9982 * 0.6400) * (14,957/1,396) = 6.884/\text{acre}$$

SUMMARY OF BENEFITS FOR EACH PROPERTY TYPE

Per Equation 1, the relative special benefit for each property type (the “SFE” or “Single Family Equivalent” Benefit Units) is determined as the product of the normalized Fire Risk Factors and the normalized Structure Replacement Factors. Table 4 below, summarizes the benefit for each property type.

TABLE 4 – BENEFIT SUMMARY PER PROPERTY TYPE

Property Type	Fire Risk Factors	Structure Replacement Factors	SFE Factors	Average Structure Sq Footage (From Previous Tab)	Fiat Rate Converted SFE	Unit
Single Family	1.0000	1.0000	1.000000	1,396	1.000	per each
Multi-Family & Condo	1.8769	0.6400	1.201190	857	0.737	per unit
Mobile Home	0.6028	0.8000	0.482240	1,440	0.497	per each
Commercial/Industrial	0.9982	0.6400	0.638879	14,957	6.844	per acre
Office	0.3571	1.6000	0.571387	10,000	6.670	per acre
Institutional	0.9675	0.6400	0.619212	3,543	1.523	per each
Storage	2.8916	0.2400	0.693982	10,000	0.464	per acre
Vacant	0.3451	0.1000	0.034511		0.173	per each
Agriculture - Orchards & Vineyards	0.3796	0.0500	0.018981		0.019	per acre
Agriculture - Rice & Flood Irrigation	0.3796	0.0500	0.018981		0.019	per acre
Agriculture - Pasture & Row Crops	0.3451	0.0500	0.017255		0.017	per acre
Agriculture - Dairy, Livestock, Animals	0.3106	0.0500	0.015530		0.016	per acre
Range Land & Open Space	0.3451	0.0100	0.003451		0.003	per acre

*SFE factor has been converted from “Per Acre” to “Per Each Parcel” by multiplying by effective average area.

RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Residential properties on parcels that are larger than one acre receive additional benefit and are assigned additional SFEs on an

“Agricultural/Rangeland” basis. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the Services in proportion to the number of dwelling units that occupy each property. The relative benefit for multi-family properties was determined per Equation 1 to be 0.737 SFEs per residential unit. This rate applies to condominiums as well.

Mobile home properties are assigned 0.497 SFEs per residential unit. Parcels that are larger than one acre receive additional benefit and are assigned additional SFEs on an “Agricultural/Rangeland” basis.

COMMERCIAL/INDUSTRIAL & OFFICE PROPERTIES

Commercial and industrial properties are assigned benefit units per acre, since there is a relationship between effective parcel size, structure size and relative benefits. The relative benefit for commercial and industrial properties was determined per Equation 1 to be 6.844 SFEs per acre. The relative benefit for office properties was determined per Equation 1 to be 6.670 SFEs per acre.

VACANT AND UNDEVELOPED PROPERTIES

The relative benefit for vacant properties was determined per Equation 1 to be 0.173 SFEs per parcel.

RANGELAND, OPEN SPACE AND DUCK CLUB PROPERTIES

The relative benefit for range land & open space properties was determined per Equation 1 to be 0.003 SFEs per acre.

AGRICULTURAL PROPERTIES

The relative benefit for agricultural properties requires additional analysis, as required by Government Code 50078 and the unique agricultural properties within the boundaries. This analysis considered how agricultural operations may mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression service provided. Agricultural properties have been categorized as Agriculture - Orchards & Vineyards; Agriculture - Rice & Flood Irrigation; Agriculture - Pasture & Row Crops; and Agriculture - Dairy, Livestock, Animals according to use and other attributes, and have been analyzed for fire risk and structure replacement per Equation 1. The relative benefit for agricultural properties was determined per Equation 1 to be 0.019 SFEs per parcel for Agriculture - Orchards & Vineyards; 0.019 SFEs per parcel for Agriculture - Rice & Flood Irrigation; 0.017 SFEs per parcel for Agriculture - Pasture & Row Crops; and 0.016 SFEs per parcel for Agriculture - Dairy, Livestock, Animals. These SFE rates are doubled for parcels between 50 acres and 100 acres and are tripled for parcels greater than 100 acres.

OTHER PROPERTIES

Institutional properties such as publicly owned properties are assessed 1.523 SFEs. The relative benefit for storage properties was determined per Equation 1 to be 0.464 SFEs per acre.

Article XIID, Section 4 of the California Constitution states that publicly owned properties shall not be exempt from an assessment unless there is clear and convincing evidence that those properties receive no special benefit. Here, all public properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers or guests and have limited economic value. These miscellaneous parcels receive no special benefit from the fire suppression Apparatus and Equipment and are assessed an SFE benefit factor of 0.

CRITERIA AND POLICIES

This sub-section describes the criteria that shall govern the expenditure of assessment funds and ensures equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however, the Board may adopt additional criteria to further clarify certain criteria or policies established in this Report or to establish additional criteria or policies that do not conflict with this Report.

DURATION OF ASSESSMENT

The Assessment was levied for fiscal year 2011-12 and may be continued every year thereafter, so long as the risk of fire on property in the Assessment District remains in existence and the Twain Harte Community Services District requires funding from the Assessment for its fire suppression Services. As noted previously, if the Assessment and the duration of the Assessment are approved by property owners in an assessment ballot proceeding, the Assessment can be imposed and levied annually after the Twain Harte Community Services District Board of Directors approves an annually updated Engineer's Report, budget for the Assessment, Services to be provided, and other specifics of the Assessment. In addition, the District Board of Directors must hold an annual public hearing to continue the Assessment.

APPEALS OF ASSESSMENTS ON PROPERTY

Any property owner who feels that the assessment on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment or for any other reason may file a written appeal with the General Manager of the Twain Harte Community Services District or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year. Upon the filing of any such appeal, the General Manager or his or her designee will promptly review the appeal and any information

provided by the property owner. If the General Manager or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the General Manager or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the General Manager or his or her designee shall be referred to the Twain Harte Community Services District Board of Directors and the decision of the Board shall be final.

ASSESSMENT

WHEREAS, the Board of Directors of the Twain Harte Community Services District is proceeding with the Fire Protection and Emergency Response Services Assessment District and continuation of assessments under California Government Code sections 50078 et seq. (the "Code") and Article XIID of the California Constitution (the "Article");

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Services upon all assessable parcels within the Assessment District;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Code and Article and the order of the Board of said District, hereby make the following assessment to cover the portion of the estimated cost of said Services, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for said Services and the expense incidental thereto, to be paid by the Assessment District for the fiscal year 2021-22 is generally as follows:

TABLE 5 – SUMMARY COST ESTIMATE

	FY 2021-22 Budget
Services Costs	\$993,409
Administrative Cost Allocation	\$116,589
Capital Expenses/Outlay	\$492,500
Incidental Expenses	\$9,735
TOTAL BUDGET	<u>\$1,612,233</u>
Less: District Contribution	(\$1,107,478)
Transfer To/(From) Reserve	(\$159,608)
NET AMOUNT TO ASSESSMENTS	<u>\$345,147</u>

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the Assessment District. The distinctive number of each parcel or lot of land in the Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Services, including the costs and expenses incident thereto, upon the parcels and lots of land within said Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 4%. Any change in the CPI in excess of 4% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 4%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 4% or 2) the change in the CPI plus any Unused CPI as described above.

The change in the CPI from December 2019 to December 2020 was 2.00% and the Unused CPI carried forward from the previous fiscal year is 0.00%. Therefore, the maximum authorized assessment rate for fiscal year 2021-22 is increased by 2.00% which equates to \$199.53 per single family equivalent benefit unit. The estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2021-22 at the rate of \$199.53, which is equal to the maximum authorized assessment rate.

Since property owners in the Assessment District, in an assessment ballot proceeding, approved the initial fiscal year benefit assessment for special benefits to their property including the CPI adjustment schedule, the assessment may be continued annually and may be adjusted by up to the maximum annual CPI adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are assessed at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

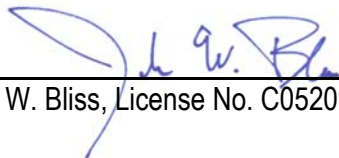
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Tuolumne for the fiscal year 2021-22. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of Tuolumne County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2021-22 for each parcel or lot of land within the said Assessment District.

Dated: May 4, 2021

Engineer of Work



By  _____
John W. Bliss, License No. C052091

ASSESSMENT DIAGRAM

The Assessment District includes all properties within the boundaries of the Fire Protection and Emergency Response Services District. The boundaries of the Assessment District are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions as shown on the maps of the Assessor of Tuolumne County, and are incorporated herein by reference, and made a part of this Diagram and this Report.

FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD _____

RECORDED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD _____

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE _____ DAY OF _____, 2021 FOR THE FISCAL YEAR, 2021-22 AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE ON THE _____ DAY OF _____, 2021. REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND.

SECRETARY OF THE BOARD _____

FILED THIS _____ DAY OF _____ O'CLOCK _____ M. IN _____ THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA, AT THE REQUEST OF THE BOARD OF DIRECTORS OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT.

COUNTY AUDITOR, COUNTY OF TUOLUMNE _____

Note:
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF TUOLUMNE FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCEL SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD _____

RECORDED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT, COUNTY OF TUOLUMNE, CALIFORNIA, THIS _____ DAY OF _____, 2021.

SECRETARY OF THE BOARD _____

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE BOARD OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE _____ DAY OF _____, 2021 FOR THE FISCAL YEAR, 2021-22 AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE ON THE _____ DAY OF _____, 2021. REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND.

SECRETARY OF THE BOARD _____

FILED THIS _____ DAY OF _____ O'CLOCK _____ M. IN _____ THE COUNTY AUDITOR OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA, AT THE REQUEST OF THE BOARD OF DIRECTORS OF THE TWAIN HARTE COMMUNITY SERVICES DISTRICT.

COUNTY AUDITOR, COUNTY OF TUOLUMNE _____

Note:
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF TUOLUMNE FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCEL SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

Legend

- Fire Station
- Golf_course
- Twain Harte Boundary

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
FIRE PROTECTION AND EMERGENCY SERVICES ASSESSMENT DISTRICT
ASSESSMENT DIAGRAM**

SCI Consulting Group
4745 Mangos Blvd
Fairfield, CA 94534



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2021-22

The Assessment Roll is made part of this report and is available for public inspection during normal office hours. Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern for all details concerning the description of the lots of parcels.

End Notes

[i] Institute for Business & Home Safety, "Protect Your Home Against Wildfire Damage," <http://www.ibhs.org/publications/view.asp?id=125>

[ii] Insurance Services Offices Inc.
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

[iii] U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.2,
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

[iv] Insurance Services Offices Inc., p. 1,
<http://www.rockwall.com/FireDepartment/Insurance%20Services%20Office%20Rating%20Information.pdf>

[v] U.S. Fire Administration, Department of Homeland Security, "America Burning, Recommissioned: Principal Findings and Recommendations," p.1,
<http://www.usfa.fema.gov/downloads/pdf/abr-rep.PDF>

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 21-14**

**AUTHORIZING REINSTATEMENT OF WATER AND SEWER LATE FEES AND
WATER FLOW RESTRICTIONS FOR NON-PAYMENT**

WHEREAS, the Twain Harte Community Services District's (District) Water and Sewer Ordinances (Ordinances #22 and #29, respectively) provide methods for shutting off services and charging fees for late payment or non-payment of monthly water and sewer bills; and

WHEREAS, Governor Newsom signed Executive Order N-42-20, which remains in effect, to temporarily prohibit disconnection of water services due to non-payment to ensure California's residents have access to drinking water during the economic shutdowns caused by the COVID-19 pandemic; and

WHEREAS, the District, to further assist its customers during the COVID-19 pandemic, adopted Resolution #20-09 in April 2020, which temporarily suspended water and sewer late fees; and

WHEREAS, since that time, the District has had difficulty collecting payment from many of its customers, despite offering payment plan options; and

WHEREAS, as a result, customers have accumulated large unpaid balances and the District has suffered significant revenue loss; and

WHEREAS, customers now have access to State programs that offer bill payment assistance to California residents who meet specific income standards; and

WHEREAS, COVID-19 restrictions have eased and Governor Newsom plans to fully reopen the economy on June 15, 2021; and

WHEREAS, while the District prioritizes reliable and continuous delivery of water services for drinking, sanitation and cooking, it finds that fees and penalties are an important tool to collect the revenue needed to continue to provide such services; and

WHEREAS, the District finds that water flow restriction devices can be used in lieu of water service disconnections as an effective method to encourage bill payment while continuing to provide sufficient water for drinking, sanitation and cooking.

WHEREAS, in order to collect revenue needed to provide continuous water services and to help customers not accumulate high unpaid balances, it is now necessary to reinstate water and sewer late fees and penalties.

NOW, THEREFORE, BE IT RESOLVED, by the District Board of Directors that:

1. All penalties, fees and interest associated with late or non-payment of District water and sewer bills are reinstated per District Ordinances #22 and #29; and

2. In compliance with Executive Order N-42-20, disconnection of water and sewer services due to non-payment shall continue to be prohibited; and
3. Instead of disconnecting services for non-payment as described in the District Water and Sewer Ordinances, the District is authorized to install water flow restriction devices at the customer meter to encourage bill payment. All timelines and notices for service shutoffs shall apply to the installation of flow restriction devices; and
4. This resolution is effective immediately, cannot be applied retroactively, and will remain in effect until modified by the Board.

PASSED AND ADOPTED, by the Board of Directors of Twain Harte Community Services District on May 12, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Gary Sipperley, Board President

Kimberly Silva, Board Secretary

TWAIN HARTE COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: District Facility Keys
POLICY NUMBER: 3095
ADOPTED: August 16, 2005
AMENDED:

3095.10 All District owned facilities will be protected by District-issued security devices only.

3095.20 Keys will be issued by the District for approved activities only and for specified time periods dependent upon the proposed use of the facilities. The party requesting the keys shall be required to sign an agreement of responsibility for damage to the facilities during use and timely return of facility keys. Any key issued by the District which is unreturned within the specified time period will be considered to be lost.

3095.30 Upon discovery that a District facility key has been lost, District staff will replace the affected security device and a lost key fee that includes the cost of the security device(s), installation and administrative labor will be charged to the party to whom the key was issued.

3095.31 Lost key fees and charges are detailed in Policy 1060, Miscellaneous Fee Schedule.

3095.32 Lost key fees and charges will be billed directly to the party to whom the key was issued. If such party is a customer of the District, the lost key fees and charges will be added to the primary account of the party and become due and payable in accordance with District policy.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 21-15**

ADOPTING THE RECORDS RETENTION AND DESTRUCTION POLICY (POLICY #3100) AND AUTHORIZING DESTRUCTION OF CERTAIN TYPES OF RECORDS

WHEREAS, the Twain Harte Community Services District (District) is required by law to preserve and make available to the public certain types of records relating to District business; and

WHEREAS, preserving and maintaining some types of records after a certain period of time is not necessary for the efficient and effective operation of the District and does not provide any benefit to the interests of the District or the public; and

WHEREAS, in recognition of this fact, Section 60201(b)(1) of the California Government Code (GC) enables a legislative body of a district to authorize destruction or disposal of any record that is not expressly required by law to be filed and preserved if the District meets the following two requirements:

1. Adopts a resolution finding that destruction or disposition of this category of records will not adversely affect any interest of the district or of the public; and
2. Maintains a list, by category, of the types of records destroyed or disposed of that reasonably identifies the information contained in the records in each category; and

WHEREAS, the attached Records Retention and Destruction Policy (Policy #3100) identifies specific categories of records and associated retention time frames that meet the requirements of the law and the length of time each category maintains reasonable benefit to the interests of the District and the public; and

WHEREAS, Policy #3100 also specifies requirements for the destruction of certain categories of documents after the required retention period has been met, including a requirement to keep a categorical list of the types of records destroyed; and

WHEREAS, it is in the District's best interest to adopt Policy #3100, approving the destruction of records in accordance to the Policy and its Records Retention Schedule and authorizing the General Manager to authorize and carry out such actions.

NOW, THEREFORE, BE IT RESOLVED, by the Twain Harte Community Services District Board of Directors that:

1. Existing District Policy #3100 is repealed in its entirety.
2. The attached Records Retention and Destruction Policy (Policy #3100) is adopted to govern the retention and destruction of District records, replacing existing District Policy #3100; and

3. The District finds that the destruction or disposition of the categories of records in accordance with Policy #3100 and its Records Retention Schedule will not adversely affect any interest of the District or of the public; and
4. The General Manager is authorized to carry out the destruction or disposition of District records in accordance with Policy #3100 and its Records Retention Schedule.

PASSED AND ADOPTED, by the Board of Directors of Twain Harte Community Services District on May 12, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Gary Sipperley, Board President

Kimberly Silva, Board Secretary

TWAIN HARTE COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Records Retention & Destruction
POLICY NUMBER: 3100
ADOPTED: November 10, 2011

EXISTING VERSION

3100.10 The purpose of this policy is to provide guidelines regarding the retention or destruction of Twain Harte Community Services records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records and ensure compliance with legal and regulatory requirements.

3100.20 Vital and important records, regardless of recording media, are those having legal, financial, operational or historical value to the District.

3100.30 The General Manager is authorized by the Board of Directors to interpret this policy and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below and according to the approved **Records Retention Schedule (Appendix B)**.

3100.40 Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403 and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of Twain Harte Community Services District.

3100.41 Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.

3100.42 Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.

3100.43 In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

3100.44 Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

- A) The record, paper or document is photographed, micro photographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standard, or copied to an approved electronic media;

- B) The device used to reproduce such records, papers or documents on film or to retrieve and print the document from the electronic media is one which accurately reproduces the original thereof in all details; and,
- C) The photographs, micro photographs or other reproductions on film are placed in conveniently accessible files and provision are made for preserving, examining and using the same, together with documents stored via electronic media.

3100.45 Any accounting records which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction per the **Records Retention Schedule (Appendix B)** provided that:

- A) There is not continuing need for said record, i.e. long-term transactions, special projects, pending litigations, etc., and;
- B) There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;
- C) Said audit report or reports were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements, and that;
- D) Said audit or audits contain the expression of an unqualified opinion.

3100.46 Any accounting record created for a specific event or action may be destroyed per the **Records Retention Schedule (Appendix B)**, if said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction per the **Records Retention Schedule** at the end of the fiscal period to which it applies. The following may be destroyed at any time:

- A) Duplicated (original-subject to aforementioned requirements).
- B) Rough drafts, notes or working papers (except audit).
- C) Cards, listing, non-permanent indices, other papers used for controlling work or transitory files.

3100.47 All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed per the **Records Retention Schedule (Appendix B)**, provided said records have been microfilmed and qualify for destruction in **3100.40** above. Payroll and personnel records include the following:

- A) Accident reports, injury claims and settlements
- B) Medical histories
- C) Injury frequency charts
- D) Applications, changes and terminations of employees
- E) Insurance record of employees
- F) Time cards
- G) Classification specifications (job descriptions)
- H) Performance evaluation forms
- I) Earning records and summaries
- J) Retirements

3100.48 All assessing records may upon authorization be destroyed per the **Records Retention Schedule (Appendix B)**.

3100.49 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in **3100.40** above. Terms and conditions of bonds warrants and other long-term agreements should be retained until final payment and thereafter, may be destroyed per the **Records Retention Schedule (Appendix B)**.

3100.50 Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are microfilmed as provided for in **3100.40** above. Recording tapes (or other media) of Board meetings will be kept for a period of 60 days from the date of the recorded meeting, after which they will be destroyed.

3100.60 Construction records, such as bids, correspondence, change orders, etc. per the **Records Retention Schedule (Appendix B)** shall be kept unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

3100.70 Contracts should be retained per the **Records Retention Schedule (Appendix B)**. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

3100.80 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

APPENDIX A

Definitions for Records Retention and Destruction Policy

1. AUTHORIZATION – Approval from the General Manager, as authorized by the District’s Board of Directors.
2. ACCOUNTING RECORDS – Includes but not limited to the following:
 - A). Source Documents
 1. Invoices
 2. Warrants
 3. Requisitions/Purchase Orders (attached to invoices)
 4. Cash Receipts
 5. Claims (attached to warrants in place of invoices)
 6. Bank Statements
 7. Bank Deposits
 8. Checks
 9. Bills
 10. Various accounting authorizations taken from Board minutes, Resolutions or contracts.
 - B). Journals
 1. Cash Receipts
 2. Accounts Receivable or Payable Registers
 3. Check or Warrant (payables)
 4. General Journal
 5. Payroll Journal
 - C). Ledgers
 1. Expenditure
 2. Revenue
 3. Accounts Payable or Receivable Ledger
 4. Construction
 5. General Leger
 6. Assets/Depreciation
 - D). Trial Balance
 - E). Statements (Interim or Certified-Individual or All Fund)
 1. Balance Sheet
 2. Analysis of Changes in Available Fund Balance
 3. Cash Receipts and Disbursements
 4. Inventory of Fixed Assets (Purchasing)
 - F). Journal Entries

- G). Payroll and Personnel Records – Includes but not limited to the following:
 - 1. Accident reports, injury claims and settlements
 - 2. Applications, changes or terminations of employees
 - 3. Earnings records and summaries
 - 4. Fidelity Bonds
 - 5. Garnishments
 - 6. Insurance records of employees
 - 7. Job Descriptions
 - 8. Medical Histories
 - 9. Retirements
 - 10. Time Cards

 - H). Other
 - 1. Inventory Records (Purchasing)
 - 2. Capital Asset Records (Purchasing)
 - 3. Depreciation Schedule
 - 4. cost Accounting Records
3. LIFE – The inclusive or operational or valid dates of a document.
 4. RECORD – Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm or other document, issued by or received in a department and maintained and used as information in the conduct of its operation.
 5. RECORD COPY- The official district copy of a document or file.
 6. RECORD SERIES – A group of records, generally filed together and having the same reference and retention value.
 7. RECORDS CENTER – The site selected for storage of inactive records.
 8. RECORDS DISPOSAL – The planning for and/or the physical operation involved in the transfer of records to the Records Center or the authorized destruction of records pursuant to the approved Records Retention Schedule.
 9. RECORDS RETENTION SCHEDULE – The consolidated, approved schedule of all District records which timetables the life and disposal of all records.
 10. RETENTION CODE – Abbreviation of retention action which appears on the Retention Schedule.
 11. VITAL RECORDS - Records which, because of the information they contain, are essential to one or all of the following:
 - A). the resumption and/or continuation of operations;
 - B). the recreation of legal and financial status of the District, in case of a disaster;
 - C). the fulfillment of obligations to bondholders, customers, and employees.
 - D). Vital Records include but are not limited to the following:

1. Agreements
2. Annexations and detachments
3. As-built drawings
4. Audits
5. Contract drawings
6. Customer statements
7. Deeds
8. Depreciation schedules
9. Disposal of surplus & excess property
10. Disposal of scrap materials
11. District insurance records
12. District water rights
13. Employee accident reports, injury claims & settlements
14. Employee earning records
15. Employee fidelity bonds
16. Employee insurance records
17. Encroachment permits (by others)
18. Encroachment permits (by THCS D)
19. Facility improvement plans
20. Improvement districts
21. Individual water rights
22. Individual claims/settlements
23. Inventory
24. Journal vouchers
25. Ledgers
26. Licenses & permits (to operate)
27. Loans & grants
28. Maps
29. Minutes of Board meetings
30. Payroll registers
31. Policies, Rules & Regulations
32. Purchase orders & requisitions
33. Restricted materials permits
34. Rights of ways & easements
35. Spray permits
36. Statements of Economic Interest
37. State surplus acquisitions
38. Warehouse requisitions
39. Warrant/Voucher register
40. Warrants (with backup)
41. Water rights history

LOCAL GOVERNMENT RECORDS RETENTION GUIDELINES

**City Clerks' Association of California
California State Archives 2002 Version**

LEGEND**Records Retention**

AC = Active
AU = Audit
CU = Current Year
E = Election
P = Permanent
T = Termination

AD = Adoption
CL = Closed/Completion
DOB = Date of Birth
L = Life
S = Supersede

CITATIONS

B&P – Business and Professions

H&S – Health & Safety

CAC – California Administrative Code

**HUD – Housing and Urban
Development**

CCP – Code of Civil Procedure

**OSHA – Occupational Safety & Health
Act**

CCR – Code of California Regulations

PC – Penal Code

**CEQA – California Environmental
Quality Act**

**POST – Police Officers Standards
Training**

CFR – Code of Federal Regulations

UFC – Uniform Fire Code

EC – Election Code

USC – United States Code

**FMLA – Family & Medical Leave Act,
1993**

WIC – Welfare & Institutions Code

GC – Government Code

ADMINISTRATION

Record Series	Retention	Citation	Descriptor
AUDIT			
Annual Financial Report	CL + 2	GC34090	Independent auditor analysis
Bonds	CL + 10	GC34090; CCP 337.5	Final bond documentation
Budget	P	GC34090	Annual operating budget approved by Legislative Body
Budget Operating (copies)	S	GC34090	Departmental Reference
Hearing or Review	AU + 2	GC34090; OMB A-128	Documentation created and or received in connection with an audit hearing or review
Reports	AU + 4	GC34090; OMB A-128	Internal and/or external
Reviews, Internal/External Periodic	CU	GC34090; GC6250	Daily, weekly, monthly, quarterly or other summary, review, evaluation, log, list, statistics, except a report
COMMUNITY SERVICES			
Libraries	CU + 2	GC 34090	Books, art, gifts, donations, exhibits, theatre, music, special events, etc.
Plaques	P		Historic value
Sports Organization	S + 2		
ELECTIONS			
Affidavit Index	CL + 5	EC 17001	
Applications, Absentee Ballots and Envelopes	E + .5	EC 17505; EC 17302	From date of election
Assisted, Challenged Voters List	E + .5	EC 17304	From date of election
Ballots	E + .5	EC 17302	From date of election; ballots submitted to precincts/City Clerk that were not used - unless contested (EC 17302(c)) retention by court order
Ballots Prop. 218 (Assessment Districts)	P	California Constitution Art. XIII	Property related fees (Assessment Ballot proceeding)
Calendar	E + 2	GC 34090	
Canvass	P	GC 22932; EC 17130; EC 2653	Notifications and Publication of Election; Records used to compile final election results, including tally sheets, voting machine tabulation, detailed breakdown of results; special election results
Certificates of Election	T + 4	GC 81009(a) (d)	Certificates of election; Original reports and statements
Charter Amendments/ Measures	P	GC34458-60; GC34090	Chapter designations by Secretary of State following adoption of voters

ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Fair Political Practices			
Administration/ Campaign Statements and Conflict of Interest	CU + 5		FPPC Opinions
Campaign disclosure, Elected	P	GC81009(b) (g)	FPPC Filings
Campaign disclosure, Not Elected	E + 5	GC81009(b)	FPPC Filings
Campaign disclosure - Unsuccessful (all other committees)	E + 7	GC81009	FPPC Filings
Candidate Statements	E + 4		Sample ballot retained permanently.
History	P	GC 34090	History of elections, sample ballots, certificates of destruction, other resolutions re: elections
Statement of economic interest - Elected Officials	T + 7	GC 81009(e)	FPPC Filings
Statement of economic interest - Not Elected	E + 5	GC 81009(b)	FPPC Filings
Lobbyist Registration	P	EC 81009(b)	Statements
Maps, Precincts/Voter Information	E + 2	GC 34090; EC 17501; EC 17301	
Nomination Papers Successful Unsuccessful	E + 4 E + 2	EC 17100 GC 81009(b)	
Notifications and Publications	E + 2	GC 34090	Proof of publication or posting, certification and listing of notice of posting; copy of newspaper notice and certification of offices to be voted for at forthcoming election
Oaths of Office	T + 6	GC34090; 29 USC 1113	Elected Officials
Petitions	.75	EC 17200, 17400; GC 7253.5; EC 14700 + GC 3756:8	From date of filing or election; Initiative, referendum, recall, Charter Amendments

ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Precinct Records	E + .5	EC 17503	From date of election: Precinct official material; declaration of intention, precinct board member applications, orders appointing members of precinct boards and designating polling places Includes notice of appointment of office and record of service
Roster (Of Voters)	E + 5	EC 17300	From date of election; Initiative, referendum recall, general municipal election, Charter Amendments
Voter Affidavits	CL + 5	EC 17000	
Voter Registration Signature Copy	CU + 5	EC 17000	Fire, special or school district
GENERAL SUBJECT			
Administration	P	GC 34090	
Biographies	CU + 2	GC34090	
Classifications and Appointments	P	GC 34090; GC 12946; 29 CFR 516.6(2); 29 CFR 1602.4	Includes supplemental Personnel records. Wage rate tables 2 years.
Correspondence/ Originating Department	CU + 2	GC34090(d)	If not attached to agreement or project file
Goals & Objectives	CU + 2	GC34090	Departmental goals & objectives
Policies & Procedures, Departmental	S + 5	GC34090(d)	Retain while current
Promotional Marketing			
External	CU + 7		
Internal	2		
Reports			
Departmental	CU + 2	GC34090	Special/or final summary, review or evaluation
Staff	CU + 2	GC34090	Non-agenda related, includes supporting documentation
Special Projects	CU + 2	GC34090	
Support Services	CU + 2	GC34090	Reproduction; printing; postal/mailing services, other internal resources
Travel Records	CU + 2	GC34090	
GRANTS			
Community Development Block Grant and Urban Development	T + 4	GC34090; 24 CFR 570.502 24 CFR85.42*	Applications, reports, contracts, supporting documents; *OMB Cir. A-102, A-110, A-128
Federal and State	CL + 5	GC34090	Refer to grant application close-out procedure
Financial Records	CL + 5	GC34090	Refer to grant application close-out procedure
Unsuccessful	CL + 2	GC34090	Applications not entitled

ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
HUMAN RESOURCES			
Benefit Plan Claims	P	GC6250 et seq; OMB A-129 29 CFR 1602.30; 32; Lab Rel Sec 1174*	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance *29 CFR 1637.3; 29 USC 1027; 29 CFR 1627.3; 29 USC 1113
Benefit Plan Enrollment, Denied	CL + 4	GC34090; OMB A-128	
Bond, Personnel Fidelity	T + 2	GC34090	Employee Fidelity Bonds
Employee Handbook	S + 2	GC 34090	General employee information including benefit plans
Employee Programs	CL + 2	GC 34090; GC 12946	Includes EAP and Recognition
Employee Rights General Employees Safety (Police)	T + 2 T + 5	GC12946; 29 CFR 1602; 29 USC 211 (e); 203(m); 207(g)	May include Arbitration, grievances, union requests, sexual harassment and Civil Rights, complaints, disciplinary actions
Hourly Employees	T + 6	GC12946; GC34090*	*29 CFR 1627.3, Labor Relations Section 1174
Immigrant		Immigration Reform/Control Act 1986 Pub. L 99-603	I-9's
Medical Leave	CL + 30	FMLA 1993 US OSHA; 29 CFR ; 1910.20*	May include Family leave; certifications; tests; W-4's; *29 CFR 1602.30.32; 49 CFR 193-9;
Motor Vehicle Pulls (DMV)	CL + 7	GC12946, *	*CA 91009; 8 USC 1324 (a)
Negotiation	P	29 USC Sections 211(c), 203(m), 207(g)	Notes, notebooks, correspondence, contracts, and Memorandums of Agreements

ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Non-Safety Employees	T + 3	Reference: 29 CFR 1627.3; CCR Sec 1174; 29 CFR 1602.30.32; GC6250 et seq; 29 CFR; GC 12946, 34090*	Non-safety employees may include: Release Authorizations; Certifications; Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre-employee medicals; fingerprints; identification cards (ID=s) *1607.4; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Personnel Records (copies)	CU + 2	GC34090; GC6250	Attendance; evaluations; drafts; worksheets; postings
PERS, Social Security, SSI	P	29 CFR 1627.3(2); GC 12946, 34090	EEOC/ADEA
Recruitment	CL + 3	Reference: GC12946; GC6250 et seq; 29 CFR 1602 et seq 29 CFR 1607; 29CFR 1627.3	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
Reports	CU + 2	GC34090	Employee statistics, benefit activity; liability loss
Safety Employees	T + 5	Reference: 29 CFR 16273; CCR Sec 1174; 29 CFR 1607.4; *	Police, fire, emergency employees may include; Release Authorizations; Certifications Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre employee medicals *29 CFR 1602.30.32; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Surveys and Studies	CU + 2	GC 12946, 34090; 29 CFR 516.6(2); 29 CFR 1602.14	Includes classification, wage rates
Training Records Non-Safety	CU + 7	GC6250 et seq	Employee applications, volunteer program training, class training materials, internships;
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers internal and external training
Safety	CU + 2	GC34090	Certifications/designations
Vehicle Mileage Reimbursement Rates	S + 2	GC 34090	Annual mileage reimbursement rates

ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
INFORMATION SERVICES			
Internet, World Wide Web	S + 2	GC34090	Management/Policies and supporting documentation
Inventory, Information Systems	S + 2	GC34090	Hardware/Software Inventory logs; systems manuals
Network Information Systems (LAN/WAN)	CU + 4	GC34090; CCP 337.2; 343	Configuration maps and plans
Program Files and Directories	CU + 2 CU + (2 mos.) CU + 1 CU + .5	GC34090; GC34090.7	Annual backup Daily backup Monthly backup Weekly backup
Tapes Information Systems	CU + 2	GC34090	System Generation
LEGAL/ LEGISLATIVE			
Agendas	CU + 2	GC34090	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas for Council, Boards and Commissions
Agenda Reports (Master, Subject Files)	CU + 2	GC34090 (d)	Documentation received, created and/or submitted to Council
Appeals, Civil	CU + 3	CCP 583.320(a)(3); GC 34090	
Applications, Boards, Commissions, Committees	CL + 2	GC34090	Not selected
Applications, Boards, Commissions, Committees	T + 5	GC34090; GC40801	Selected
Articles of Incorporation	P	GC34090; CCP 337.2	
Case Log	CL + 7	CCP 337.2; 343	From Close of cases listed; Chronological listing of cases
Case Records - (High Profile)	P	GC6254	Significant cases which have importance/or set legal precedence. Includes logs, complaints, police reports, court orders, motions, notes, briefs
Case Records	CO + 7	42 USC s1983	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)
Contracts and Agreements Excl. Capital Improvement	T + 5	CCP 337.2, 343; B&P7042.5; *	Includes leases, equipment, services or supplies *PU7685; 48 CFR:2; GC53066
Incl. Capital Improvement	P	2.08.110;*	Construction *GC37090a; 4004; H&S 19850
Index, Attorney Case	L	GC6254	Including notations on activities related to case

ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Legal Advertising	CU + 4	CCP 343, 349 et seq.; GC 911.2; GC 34090	Includes public notices, legal publications
Logs, Attorney Service Request	CU + 2	GC34090	Service request, summaries of monthly requests
Minutes	P	GC34090(d) ; GC36814; GC40801	Official minutes and hearing proceedings of governing body or board, commission or committee
Notices, Meeting	CU + 2	GC 34090.7, 54960.1(c)(1)	Special meetings
Opinions	S + 2	GC34090; GC6254	Confidential
Ordinances	P	GC34090(d) 40806	Charter amendments; municipal code
Petitions	CU + 1	GC50115; GC6253	Submitted to legislative bodies
Resolutions	P	GC34090(d) 40801	Legislative actions
Tapes, Audio/Video	CU + 3 mos.	GC 34090.7	When used for minute preparation and may have historical value.
MUNICIPAL CLERK			
Assessment Districts	P	GC 34090	Original documentation
Inventory, Records	CU + 2	GC34090; 80 OPS Atty. Gen. 106	Inventory of non-current or inactive records holdings and location, indices. Tapes may be recycled.
Municipal Code	P	GC 34090	Supplements included
Public Records Request	CL + 2	GC 34090	
Records Management	CL + 2	GC34090	Document includes retrieval, transfers - inactive
Records Management Disposition Certification	P	GC34090	Documentation of final disposition or records
Records Retention Schedules	S + 4	CCP 343	
POLICIES/ PROCEDURES			
General Administrative	S + 2	GC34090; 40801	All city policies and procedures
Policy, Council/ Proclamations	S + 2	GC34090	Policies, directives rendered by Council not assigned a resolution or ordinance number
PUBLIC FINANCING AUTHORITY			
Administration	P	GC 34090	

ADMINISTRATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Financial Records	P	GC 34090, 40802, 53901	
Management Reports	2	GC 34090	
PUBLIC INFORMATION			
Brochures, publications, newsletter, bulletins	S + 2	GC 34090	
Calendar, City	CU + 2	GC 34090	
Media Relations	CU + 2	GC 34090	Includes cable, newspaper, radio, message boards, presentations.
RISK MANAGEMENT			
Accident Reports - City Assets	CL + 7	29 CFR 1904.2; 29,*	Reports and related records * CFR 1904.6
Bonds, Insurance	P	CCP 337.2; 343	Bonds and insurance policies insuring city property and other assets
Claims, Damage	CL + 5	GC34090; GC25105.5	Paid/Denied
Incident Reports	CL + 7	29 CFR 1904.2; 29 CFR 1904.6	Theft, arson, vandalism, property damage or similar occurrence (excluding fire/law enforcement)
Insurance, ACCEL JT Powers Agreement	P	GC34090	(Authority California Cities Excess Liability Insurance) B Accreditation/ MOU=s/agreement/agendas
Insurance, Certificates	P	GC34090	Insurance certificates filed separately from contracts, includes insurance filed by licensees
Insurance, Liability/Property	P	GC34090	May include liability, property, Certificates of Participation, deferred, use of facilities
Insurance, Workers Compensation	P	GC6410; 29 CFR 1910.20	Indemnity; PERS - working files - originals with Administrator
Photographs, Negatives, Film	CL + 2	GC34090	
Risk Management Reports	CL + 5	OMB 1220- 0029; 29 CFR1904.4; GC 34090	Federal OSHA Forms; Loss Analysis Report; Safety Reports ; Actuarial Studies
Workers Compensation	P	CCR 14311; 15400.2; CA Labor Code 110-139.6	Claim Files, Reports, Incidents (working files) originals filed with Administrator

DEVELOPMENT

Record Series	Retention	Citation	Descriptor
ADMINISTRATION			
Benchmark Data	CU + 2	GC34090d	Horizontal, vertical & control
Bids & Proposals (Unsuccessful)	CL + 2	GC34090d	
Bonds	CL + 10	CCP 337.5	Housing; Industrial Development
Development Security	CL + 2	GC34090	Documentation created and or received in connection with the performance of work/services for the city, or for parcel maps and subdivision work
Code Books	P	GC34090e	National Electrical Code, Uniform Building, Fire, Mechanical, Plumbing & Supplements
Contractor	CU + 2	GC34090d	Current listing
Correspondence	CU + 2	GC34090d	Working documentation
Development Conditions	L	GC34090	Mitigation measures; filed with case files
Development Agreements	P	CCP337, 337.1(a), 337.15; GC34090; 48 CFR 4.703	Infrastructure contracts, franchises. Original maintained for 7 years.
Development Standards	P	GC34090a	Landscape mediums, parkway landscape development, public works construction
Drawings, Project Plan	CU + 2	GC34090d	Does not include those usually filed with case or project
Franchises	P	GC65864, 65869.5, 34090*	Including subdivision agreements, contracts for sale or purchase of property, cable, grant of easements and/pr involving construction of improvements *CCP 337.2, 343; AC16023
General Subject Files	CU + 2	GC34090d	Internal working files including correspondence
Grants, Community/Urban Development (includes CDBG)	CL + 4	24CFR 570.502(b) (3); 241CFR 85.42 & OMB Cir. A-110, Attach. C; *	Project files, contracts, proposals, statements, reports, sub-recipient docket, Environmental review, grant documents, applications, inventory, consolidated plan, etc. Includes Section 108 loan guarantee *OMB Cir. A-102 & 128, HUD regulations
Historic Preservation Inventory	2	GC34090d	Historic structures & landmarks
Incident Files	2	GC34090d	Emergency Call Outs
Land Uses, nonconforming	P	GC34090a	Building or site usage which does not conform to current standards
Logs	CU + 5		Logs, registers or similar records listing permits, certificates of occupancy issued; may include inspection, building activity, daily, plan check, utility

DEVELOPMENT(CONTINUED)

Record Series	Retention	Citation	Descriptor
Maps & Plats	P	GC34090a	Engineering & field notes and profiles; cross-section of roads, streets, right-of-way, bridges; may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire hydrants, base maps, etc.
Master Plans, Annual	S + 2	GC34090	Special or long range program plan for municipalities – coordination of services; strategic planning
Permits, Construction	P	GC34090a; H&S19850; 4003; 4004	Plans, building, signs, grading, encroachment, including blueprints and specifications
Permits, Other	CL + 2	GC34090d	Alterations, encroachment, excavations, road, street sidewalks & curb alterations, transportation, swimming pool drainage, temporary uses, etc.
Photographs	S + 2	GC34090d	Aerial photographs
Projects, Not Completed or Denied	CL + 2	GC34090d	Building, engineering, planning
Reports	CU + 2	GC34090	Activity, periodic
Seismic Retrofit Program	P	GC34090a	Includes Certificates of Compliance
Street Names and House Numbers	P	GC34090a	Street dedications, closings, address assignment/changes
Studies, Special Projects & Areas	CL + 2	GC34090d	Engineering, joint powers, noise, transportation
Surveys	P	GC34090a	Recording data and maps
BUILDING			
Blueprints, Specifications	CL + 2	GC34090d	Submitted by contractors with application for permit and builds for Certificate of Occupancy
Certificates	L	GC34090a	Compliance, elevation, occupancy which affect real property
Construction (Approved)	P	GC34090a; 4003; 4004; H&S 19850, 19853	New commercial and residential construction, tenant improvements room additions, spa, signs, block wall, remodel including security bonds
Inspection	CL + 2	GC34090d	Correspondence, fees, appeal requests, reports
Permits	P	GC34090a; H&S 19850; 4003;4004	Plans, building, signs, grading, encroachment permits
Signs (Temporary)	S + 2	GC34090d	Home occupations, off-premise signs
CODE ENFORCEMENT			
Abandoned Vehicles	CL + 2	GC34090d	
Case Files	CL + 2	GC34090d	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and weed abatement, vehicle abatement, citations, massage parlor permits, general
Liens & Releases, Supporting Recorded	CL + 2 P	GC34090	Utilities, abatement, licenses

DEVELOPMENT(CONTINUED)

Record Series	Retention	Citation	Descriptor
Logs	CU + 2	GC34090d	Lien Recovery, citations, complaints
Regulations	S + 2	GC34090d	Includes rules
Reports, Federal and State	P	GC34090a	Code enforcement statistics; may contain records affecting title to real property or liens thereon
Violations, Building, Property & Zoning	CL + 2	GC34090d	Supporting code enforcement activity
ENGINEERING			
Capital Improvement Projects	CL + 10	CC337.15	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
Construction Tracking, Daily	P	CC337.15	Assesses value of real property
Drawings, Traffic Control Plan	P	GC34090a	Signs, signing & striping, road construction
Flood Control	CL + 2	GC34090d	Storm Drains
Special Districts	P	GC34090a	Supporting documents re: improvement, lighting, underground utility; bonds, taxes & construction
Street/Alley (Abandonment/ Vacation)	CL + 2	GC34090d	Relinquishment of rights and fee title
Traffic Signals	CL + 2	GC34090d	Counts, collisions, accidents
ENVIRONMENTAL QUALITY			
Air Quality (AQMD)	CU + 7	CCP 338(k); GC34090	Participants/voucher logs, Total Daily Mileage Survey (TDM); various local authorities; Commute Alternative
Asbestos	P	GC34090a	Documents abatement projects, public buildings
California Environmental Quality Act (CEQA)	P	GC34090a + CEQA Guidelines	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations
Congestion Management	CU + 2	GC34090d	Ride sharing, trip reduction
Environmental Review	CL + 2	GC34090d	Correspondence, consultants, issues, conservation
Pest Control	CU + 2	GC34090d	Pesticide applications, inspections & sampling, documents
Soil	CL + 2	GC34090d	Analysis, construction recommendations
Soil Reports	P	GC34090d	Final Reports
HOUSING			
Bonds	CL + 4	CCP 337	Revenue Bond Documentation
Programs	CL + 3	24 CFR 570.502(b)(3); 24 CFR 85.42 & OMB Cir. A-110, #C	Includes comprehensive Housing Authority Strategy, Meeting Credit Certificate, Housing bond advisory, HOME, In-Lieu Housing Mitigation, Low/Moderate Housing, Rental Housing Assistance

DEVELOPMENT(CONTINUED)

Record Series	Retention	Citation	Descriptor
Redevelopment Budgets	P	GC 34090, 40802, 53901	Includes annual audit
Bond Issues	P	GC43900 et seq.	
MUNICIPAL FACILITY			
Capital Improvements, Construction	P	2.083110; GC34090a; 4004; H&S 19850; GC34090a	Contains records re: Planning, design, construction, conversion or modification of local government-owned facilities, structures & systems
Facility Rentals/Use	CU + 2	GC34090	Permits, contracts, diagrams, schedules, insurance binders
Maintenance & Operations	CU + 2	GC34090d	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal
PLANNING			
Case files, Planning and Zoning	P	GC34909a; H&S 19850; 4003;4004	Pertains to real property. May include blueprints, drawings, maps, plans, reports, evaluations, correspondence, uses, permits, variances, studies, appeals, compliance certificates, lot line adjustments or other planning-related matters brought before legislative body
Certificates	L	GC34090	Retain during life of structure
Flood Records	CU + 2	GC34090	
General Plan and Elements	P	GC34090	Includes sphere of influence
General Plan Amendments			
Approved	CL + 2	GC34090	
Denied	CU + 3	GC65103; *	* GC50110
Interpretations	CU + 2	GC34090	
Maps, Plans, Drawings, Exhibits, Photos	P	GC34090; H&S 19850; GC34090.7	Zoning, tentative subdivision, parcel, land use map, aerial photos, specific plans
PROPERTY			
Abandonment	P	GC34090a	Buildings, Condemnation, Demolition
Acquisition/Disposition	CL + 10	GC34090a; GC6254	Supporting documents re: sale, purchase, exchange, lease or rental of property by City
Disposition			
Annexation Case Files	P	GC34090a	Reports, agreements, public notices
Appraisals	CL + 2	GC34090; GC6254(h)	Exempt until final acquisition or contract agreement obtained
Deeds & Promissory Notes	P	GC34090a *	* 24 CFR 570.502(b)(3); 24 CFR 8.42 & OMB Circ. SA-110
Maps, City Boundary	P	GC34090d	Recorded maps, surveys, monuments
Lot Split Cases	P	GC34090	
Relocation Files	CL + 2	GC34090	e.g., Redevelopment

FINANCE

Record Series	Retention	Citation	Descriptor
ACCOUNTING			
Accounts Payable	AU + 4	GC34090	Invoices, check copies, supporting documents
Accounts Receivable	AU + 4	GC 34090	
Applications	CL + 2	GC34090	Utility connections, disconnects, registers, service
Assessment Districts	P	GC 34090	Collection information; Original documentation files with municipal clerk
Bank Reconciliation	AU + 5	GC34090; 26 CFR 16001-1	Statements, summaries for receipts, disbursements & reconciliation
Billing Records	AU + 2	GC34090	Customer name, service address, meter reading, usage, payments, applications/cancellations
Budget	AU + 2	GC 34090	
Budget adjustments, journal entries	AU + 2	GC34090	Account transfers
Checks	AU + 5	GC34090; CCP 337	Includes payroll, canceled & voided checks
Deposits, Receipts	AU + 4	GC 34090; CCP 337	Checks, coins, currency
Invoices	AU + 2	GC34090	Copies sent for fees owed, billing, related documents
Journals			
Utility Billing	CU + 2	GC34090	Billing including monthly activity
Ledger, General	P	GC34090; *	* CCP 337
Voucher	AU + 4	GC34090; CCP 337	Account postings with supporting documents
Taxes, Receivable	AU + 3	CCP338	
Warrant Register	AU + 2	GC 34090.7	
ADMINISTRATIVE SERVICES			
Budget Operating (copies)	S	GC34090	Departmental Reference
Budget, Proposed	CU + 2	GC34090	Presented to Council
Adopted	P	GC 34090	
FIXED ASSETS			
Inventory	AU + 4	GC34090; 26 CFR 301 65-1(F)	Reflects purchase date, cost, account number
Surplus Property			
Auction	AU + 2	GC34090	Listing of property
Disposal	AU + 4	GC34090; CCP 337	Sealed bid sales of equipment
Vehicle Ownership & Title	L	VC 9900 et seq.	Title transfers when vehicle sold
LICENSE			
Business	T + 4	GC34090; CCP 337	Paid & reports

FINANCE (CONTINUED)

Record Series	Retention	Citation	Descriptor
PAYROLL			
Adjustments	AU + 4	GC 34090 29 CFR 516.5 – 516.6	Audit purposes
Employee Time Sheets	AU + 6	GC34090; 29 CFR 516.2*	Signed by employee for audit & FEMA Reports *20 CFR 516.6(1); IRS Reg. 31.6001-1(e)(z); R&T 19530; LC 1174(d)
PERS Employee Deduction Reports	T + 4	GC34090; CAC 22- 1085-2	Record of deductions (PERS Public Employee Retirement System) *26CFR 31.6001-1;29 CFR 516.5, 516.6, LC 1174(d)
Register	P	GC34090; GC37207	Labor costs by employee & program
Salary Records	T + 3	GC34090; 29 CFR 516.2	Deduction authorization, beneficiary designations, unemployment claims, garnishments
PURCHASING			
Bids, RFQ's, RFP's Successful Unsuccessful	AU + 4 AU + 5 CU + 2	GC34090; CCP 337; *	Requests for Qualifications; Requests for Proposals regarding goods and services * GC 25105-1; GC 34090
Requisitions			
Purchase Orders	AU + 4	GC34090; CCP 337	Original documents
Stores	CU + 2	GC34090	Completed forms for ordering
Vendor Register	P	GC34090	Alpha vendor listing of purchase orders, invoices, account numbers and check date
REPORTS			
Audits	P	GC 34090	
Deferred Compensation	T + 5	GC34090; 26 CFR 16001- 1*	Records of employee contributions and city payments *29 CFR 1627.3(2)
Federal and State Tax	AU + 4	GC34090; 29USC 436 *	Forms 1096, 1099, W-4's and W-2's *26 CFR 31.6001.1-4; IRS REG 31.6001-1(e)(2);R&T 19530;29 CFR 516.5-516.6
Financial, Annual	AU + 7	GC 34090.7	
Investment Transactions	P	GC34090; CCP 337; GC 53607	Summary of transactions, inventory & earnings report
Labor Distribution	AU + 2	GC34090	Costs by employee & program
Meter Reading	CU + 2	GC34090	
State Controller	P	GC34090	Controller may destroy after 5 years
Utility Rebates	CU + 2	GC34090	
TREASURER			
Bank Statements	AU + 2	FC 3368, 30210; GC 43900 et seq.	Financing authority

FINANCE (CONTINUED)

Record Series	Retention	Citation	Descriptor
Bonds			
Account Statements	CL + 10	GC34090; CCP 337.5	Monthly statement of transactions.
Administration	CL + 10	GC34090; CCP 337.5	Supporting documents
Bonds and Coupons	CL + 2	GC34090; 53921	Paid/canceled

PUBLIC SAFETY

Record Series	Retention	Citation	Descriptor
EMERGENCY MANAGEMENT			
Mutual Aid, Strategic Plans	S + 2	GC34090	
FIRE SAFETY ADMINISTRATION			
Books, Fire Code	S + 3	GC34090.7 CCP 340.5	Include OPS manuals
General Orders, Policies/Procedures	S + 2		
Inspections, Fire Prevention	CL + 3	UFC 103.34	Alarm/sprinkler systems, prevention efforts
Investigations, Evidence Arson	P	PC 799	Support prosecution resulting in homicide
Investigations, Evidence Arson	CL + 6	PC 800	Great bodily harm, inhabited structure or property
Journals, Fire Station	CU + 2	GC34090	Activities, personnel, engine company
Permits, Uniform Fire Code	CL + 2	GC34090	
PERSONNEL			
Exposure	T + 30	29 CFR 1910.1020	Sampling results, collection methodology, background
Exposure	T + 1	29 CFR 1910.1020	Laboratory reports and worksheets
Medical	T + 30	29 CFR 1910.1020	
Medical	T + 2	29 CFR 1910.1020; *	Employees less than one year *GC34090
Training	T + 2	GC34090	Certifications/designations
PROPERTY			
Apparatus/Vehicle	CU + 2	GC34090 CCP 340.5 *	Repair and Maintenance *8 CAL Code Reg. 3203 (b) (1)
Inventory, Equipment & Supplies	CU + 2	GC34090	
Logs, Fire Equipment/Gear	CU + 2	GC34090	
REPORTS			
Incident	CL + 3	GC34090 CCP338 *	Dispatch and daily logs *CCP 340.5
Field, Non-fire and Logs	CU + 2	GC34090	
Fire, Non-arson and Logs	CU + 2	GC34090	

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Investigations, Evidence Arson	CL + 3	PC 801; UFC 104.32	Structure
Weed Abatement	CL + 2	GC34090	Reports, assessments, resolutions, documentation
HAZARDOUS MATERIALS			
Hazardous Waste Disposal	CU + 10	CAL OSHA; 40 CFR 122.21	Documentation re handling and disposal of hazardous waste
Permits, Hazardous Materials Storage	CU + 2	GC34090	Departments consistently recommend permanent retention of environmentally sensitive materials.
Programs, Household Hazardous Waste	S + 2	GC34090	
Training Materials	S + 2	Cal Code *	Standards and Administration *Reg. 3204(d), et seq.
Underground Storage Tank Compliance Maintenance & Operation.	P CU + 2	GC34090a GC34090	Documents re: storage Location, installation, removal, remediation
LAW ENFORCEMENT ADMINISTRATION			
Accounting/Cash Reconciliation	CU + 2	GC34090	
Alarm Records	CU + 2	GC34090	
Claim Files	CL + 6	PC 832.5	Claim copy, correspondence, photographs, supporting documents relative to incidents involving the Police Department filed by citizens
Department Manual	S		Changes to manual are recorded in the General Orders (permanent)
Equipment Communication	T + 2	GC34090	Retained until termination of equipment use; Manuals, instructions, procedures
Inventory	S + 2	GC34090	Listing of equipment assigned to division, to whom it is assigned
Reports Activity	CU + 2	GC34090	Weekly/monthly/quarterly/ annual activity/statistical reports by division. Retain only one form for retention period
Chemical Emissions Survey	CU + 2	GC34090	
Response Files	CU + 2	GC34090	Surveys, responses, correspondence with other agencies requesting statistical data
INVESTIGATIONS			
Administrative/Internal	CL + 5	PC 832.5 EVC 1045 GC-12946 PC 801.5; 803(c) VC 2547	Initiated by citizens complaints or internally initiated; includes complaint, reports, findings

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Asset Forfeiture	CL + 2	GC34090	
Investigations/ Proceedings Case File			
Notifications	CU + 2	GC34090	To legal property owner prior to case filing that property is subject to asset forfeiture proceedings. If case is filed, notification becomes part of forfeiture case file.
Case Books, Investigative	CL + 2	GC34090	Retained by division until a case is suspended/closed; transfer to Records Division to be filed with associated Daily Report (DR) file
Case Files Homicide Investigator's File	P	PC 799	
Narcotics (No arrest, Narcotics Cases)	CL + 2	GC34090	Retained by division until no longer useful for investigative purposes
Officer Involved Shootings	CL + 25	GC34090	
Court Daily Schedule	CU + 1	GC34090.7	Printouts of daily court scheduling
Sign-In Logs	CU + 2	GC34090	Logs officers' names, time in/out for court appearances
Tracking System Records	CU + 2	GC34090	Database records subpoena number, officer name, case number, defendant name, district attorney name, court information disposition
Evidence, Disposition Forms			Attach to duplicate Property Report, file w/DR in Records Division
Fingerprint Applicants Files	T + 2	GC34090	Paperwork authorizing fingerprinting and background checks for city employment applicants and business license applicants
Inked/Palm Cards	AC + 20		Persons booked into detention facility; (Copies distributed to county, state, federal agencies)
Records Latents		Approp. PC Section	1) Retain for applicable case statute of limitation; 2) or until evidence in case is destroyed; Hard copy and digitized
Suspect, Adult/Juvenile	CL	Law Enforcement Management Guide by POST	Adults/juveniles suspected of a crime, taken for comparison. Destroy after original purpose achieved
Guns, Dealers Record of Sale	CU + 6	PC 12070	Applicants, Monthly Gun Audits, Applications Denied, Stolen (DOJ File)
Informant Files	T + 10		Legal notifications, identification information, payment information, activities information

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Record Series	Retention	Citation	Descriptor
Jail Daily Logs	CU + 6	GC34090	Daily report of staffing, bookings/releases, transfers, transportation
Inmate Record			Dependent on facility's classification; see Laws and Guidelines for Local Detention Facilities by Board of Corrections (State of California)
Inspection Files	CL + 6		Inspections by various agencies
Surveys	CL + 2	GC34090	Prepared quarterly, forwarded to State Board of Corrections
Licenses Bicycle	CU + 2	GC34090	
Bingo, Mace	CU + 2	GC34090	
Business License Review Board Administrative Files	T + 1	GC34090	
Duplicate (Pink), Secondhand Dealer, Pawn Brokers	CU + 2	GC34090	Original to licensee, Blue duplicate to DOJ; Pink duplicate retained by agency; renewals issued annually by local agency
Logs Auto Theft	S		
Case Assignment	CU + 1		
Daily Activity Officer	CU + 2	GC34090	
Report Summary	CU + 2	GC34090	Daily activity of incidents not reported by use of official report
Investigative (Pre-Arrest)	CL + 10	GC34090	Report numbers, type, names, dates retained for research value
Juvenile Detention	CU + 2	GC34090	Retained by division until cases are suspended and closed
Property Control	CU + 2	GC34090	Logs document juvenile processing per CYA
Rap Sheet	CL + 2	GC34090	Logs items coming into and going out of property room
Subpoena	CU + 2	GC34090	Requests for criminal history
Pawn Slips/Tickets	CU + 3	B & P 21628	Subpoenas received/served daily
Photographs			Crime Scene, Registrant/Applicant, Photo file, Accident. Retain according to practical and functional association.
Daily Report (Negatives)	T	GC34090	Assigned DR number, retained as form of evidence, destroyed at same time evidence for associated case is destroyed
Inmates (Negatives)	CU + 20		By Prisoner number

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Registration Files, Arson, Sex and Narcotics	Life of registrant within juris- diction		Fingerprint Card, photo, information also forwarded to DOJ
Arrest/Conviction H&S Section 11357 (b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring after January 1, 1996)	2 (Man- datory destruc- tion from date of convic-tion or date of arrest with no convic- tion)	H&S 11361.5	Applicable to convictions occurring after January 1, 1996 or arrests not followed by a conviction occurring after January 1, 1996; Exception: H&S 11357(e), the record shall be retained until a juvenile offender attains the age of 18 years, then destroyed pursuant to 11361.5
Arrest/Conviction H&S Section 11357(b), (c), (d), (e) or H&S Section 11360 (b) violations (Occurring before January 1, 1996)	Man-datory Destruc- tion (Upon notice from Depart- ment of Justice)	H&S 11361.5 (c)	Applicable to convictions occurring prior to January 1, 1996 or arrests not followed by a conviction occurring prior to January 1, 1996 for violations of H&S Code 11357, 11364, 11365 and 11550
Crime Felony Crimes With Or Without Arrests	See descriptor	PC 800 PC 801	Prosecution for an offense punishable by imprisonment in state prison for eight years or more must commence within 6 years after offense commission. Commencement of prosecution defined in PC 804. Exception: See PC 803 - Tolling/Extension of time periods; Appeals process and "Three Strikes" also considerations in assigning retention.
Misdemeanor/ Infractions	CL + 2	GC34090	No arrests, identifiable property or missing persons (See: Note 1)
Supplemental Felony Capital Crimes, Crimes Punishable by Death, Life Imprisonment	P	PC 799	No statutory limitation for prosecution. Includes Murder, kidnapping for ransom, treason, procuring execution by perjury, train wrecking, assault with a deadly weapon by a life-term prisoner, bombing resulting in death or bodily injury, making defective war materials that cause death
Destruction Guns	P		
Narcotics	P		
Disposition of Arrest/Court Action			Retention determined by action taken; i.e., recordable arrest or detention (released no arrest)
False Alarm (Duplicate)	CU + 2	GC34090	
Non-Criminal Occurrences	CU + 2	GC34090	Injured or sick persons; missing persons where person has been returned; traffic collision reports not used as the basis for criminal charges

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Property Original	Until case is adjudicated/disposition determined		Copy retained in records case file; Refer to Managing Property in Law Enforcement Agencies (By POST)
Range Inventory	S + 2	GC34090	Quarterly reports of inventories of weapons and ammunition held by Department Range
Reports	CU + 2	GC34090	Arrest & Citation Register; Arson Offenses; Crimes Against Senior Citizens; Death in Custody; Domestic Violence; FBI Include Return A/Supp; Hate Crime Incidents; Homicide Reports, Supp.; Officers Killed or Assaulted; Original to FBI - DOJ; Uniform Crime Reports
Statistical (Crime Analysis)	CU + 2	GC34090	Internally generated information using activity logs, citizen calls, current and past crime statistic reports, finance dept expenditure and budget records; citations, crime reports, accident reports, permits, receipts. Reports created for variety of purposes including increases/decreases in criminal activity; officer workload, deployment, time usage
Statistical (UCR), Uniform Crime Reports Mandatory to DOJ (LEIC); FBI Include Return A/Supplement; Supplementary Homicide Report; Law Enforcement Officers Killed or Assaulted; Monthly Return of Arson Offenses Know to Law Enforcement; Number of Violent Crimes Committed Against Senior Citizens; Monthly Report of Domestic violence Related Calls for Assistance; Monthly Arrest and Citation Register; Monthly Hate Crimes Incidents; Death In Custody Reporting.	CU + 2	GC34090	Originals sent to FBI, DOJ
Research Project Files	CL + 2	GC34090	May include request forms, background materials, staff reports, final project reports and supporting data

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Sealed Adult Found Factually Innocent	Manda-tory Destruc-tion Upon and Pursu- ant to Court Order	PC 851.8	General provision: Upon petition, records of agency must be sealed and destroyed in accordance with the provisions set by court record; exceptions.
Juvenile	Manda-tory Destruc-tion upon and pursu- ant to court order	WIC 826 (a) & (b) WIC 781 (a)	Upon petition, local laws enforcement records within WIC 826(b) may be destroyed as ordered by the court, if related probation and juvenile court records have been destroyed by the probation officer. Records involving arrests, detention and/or petitioning juvenile before juvenile court
Subpoenas (Duplicate)	CU + 2	GC34090	
Tapes Audio, Telephone and Radio Communications	CU + 180 days	GC34090.6	Exception: Recordings used as evidence in a criminal prosecution or claim filed or litigation or potential claims and litigation shall be preserved for 100 days after conclusion of the court action
Surveillance/Se- curity Video (Jail)	CU + 13 mos.	GC34090.6	
Use of Force Supervisory Review Files	CU + 2	GC34090	Includes review forms, arrest report copies, logs
Warrants Felony	Recall after 10 years. Excep-tion: Murder/ Escape		Recommended by the California Law Enforcement Warrant Officer's Association
Misdemeanor Criminal	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Served	CU		Includes Warrant Service Information Card, alpha index card
Unserved (Local)	Until served, recalled or purged		
PATROL			
Cards Dispatch	CU + 2	GC34090	
Field Interview	CL + 2	GC34090	
Citations 11357(e), Juvenile	CL + 2	11361.5 H&S	
11357b H&S, 11357c H&S, 11360b H&S Violations	CL + 2	11361.5 H&S*	*CA Admin Code, Chapter 1, Title II, Sec. 708
Cite and Release	CL + 2	GC34090	

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
California Vehicle Code Infractions (Duplicates)	CU + 90 days	GC34090	Original is forwarded to court.
Parking/Traffic, Duplicates	CU + 2	GC34090.7	Originals are forwarded to court after agency processing; includes citations electronically created
Transmittals	CU + 2	GC34090	Listing of citations forwarded to court, filed for reference
Equipment Radio Logs (Communication)	CU + 2	GC34090	Documents problems, malfunctions, resolution to provide equipment performance history
General Orders	P		
Patrol Requests (Correspondence)	CU + 2	GC34090	From citizens for patrol presence
Radar Calibration Records	T + 2	GC34090	Documentation of Radar instruments retained during use/ownership
Reports Accident	CL + 2	GC34090	Non-Jury
Traffic Collision Fatalities	P		
Vehicle Assignment Reports	S		Record of assignments
Down Reports	CU + 1		Printouts reporting which vehicles are down for repair, maintenance, etc.
Repossession/Private Impounds	CU + 2	GC34090	
Service Schedules	S	GC34090	
Vests, Bulletproof Letters	CU + 2	GC34090	Authorization to purchase
Warrants Parking	Recall after 1 year		Recommended by the California Law Enforcement Warrant Officer's Association
Traffic	Recall after 5 years		Recommended by the California Law Enforcement Warrant Officer's Association
Weapons, Database	P		Departmentally-owned weapons, personal weapons, alternate weapons, secondary handguns; produces inventory reports
SERVICES			
Chemicals/Film Inventories	S		
Equipment Inventory/Sign-out Cards- Photo Lab	T		
Operations-Files - Photo Lab	T		Retain-until-equipment-no-longer-owned/used-by-department; Manuals, instructions, procedures for use/operations of photographic equipment

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Grievance Files	CL + 2	GC34090	Grievance filed by employees, supporting documentation
Investigations, Background	CL + 2	GC34090	Non hired
Background Hired	P		Include original reports re: PC 832.5 investigations
Parades & Special Events File	CL + 2	GC34090	Reports, memos, correspondence, scripts, supplier information, assignments, deployments, supporting documentation
Permits Alcoholic Beverage Control License	L + 2	GC34090	Approval process
Concealed Weapons	CL + 2	GC34090	
Photographs Personnel	S + 2	GC34090	
Negative Log	CU + 2	GC34090	
Negatives, Misc.	CU + 2	GC34090	Not case-related (Public relations, promotions, events, ceremonies, staff photos)
Press Releases	CU + 2	GC34090	
Press, Video Programs (Community Relations)	CU + 2	GC34090	Collection of videos of programs and events; outside press coverage of department
Property Files	CU + 2	GC34090	Original reports and supplemental documentation (Lost, Found, Safekeeping)
Property, Pawn Broker/Secondhand	CU + 2	GC34090	Sales, slips. Dealer required to file duplicate with agency
Reports Dealer of Gun Sales, Duplicate	CU + 6 mos.	GC34090.7	Original maintained by DOJ. Dealer required to file duplicate with agency
Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	CU (See descriptor)		Destroy after law enforcement actions described in PC 273.5, 273.6, 646.9, 12028.5, 13700 and Family Code Sections 6380-6383 are fulfilled and effective date of restraining order has expired.
Rosters (Divisional)	S + 2	GC34090	Personnel assigned to division.
Schedules Daily	CU + 2	GC34090	Schedules of Officers on duty
Watch Assignment/ Timekeeping Records	CU + 2	GC34090	
Speaker Requests	CU + 2	GC34090	Community and business requests for public appearances, speakers
Tests, Densitometer Results (Photo Lab)	T + 2	GC34090	Daily tests of development chemicals/processes for quality control.

PUBLIC SAFETY (CONTINUED)

Record Series	Retention	Citation	Descriptor
Training Bulletins	P		
Event Files	CU + 2	GC34090	Correspondence, brochures, promotional materials, info on speakers, guests, supporting documents
Lesson Plans, Range	CL + 15		Scope, content, time period of courses
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers' internal and external training
Schedules, Range	CU + 2	GC34090	Daily, weekly, monthly schedules of training events at range
Volunteer Card Files	T + 2	GC34090	Volunteers' identification, contact information

Note 1: The destruction of felony, misdemeanor and infraction Crime/Supplemental Reports is permitted providing:

1. They do not relate to an unadjudicated arrest except for H&S 11357 or H&S 11360 violations;
2. They do not relate to unserved warrants;
3. They do not involve identifiable items which have not been recovered;
4. They do not relate to PC 290, PC 457.1, or H&S 11590 registrants;
5. They do not relate to violations listed in PC Sections 799 and 800;
6. The cases are not presently involved in either a civil or criminal litigation.

PUBLIC WORKS

Record Series	Retention	Citation	Descriptor
PARKS			
Agendas, Board	CU + 2	GC34090	
Grants (refer to Admin.)			
Inventory, Equipment	AU + 2	GC34090	Warranties, purchase orders
Landscape	CU + 2	GC34090	Drawings, contracts, complaints, specifications, photos, reports
Maintenance/ Operations	C + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps	P	GC34090	Irrigation, plot plans
Minutes, Board	P	GC34090	
Photographs	S + 2	GC34090	
Plans, Proposed	CU + 2	GC34090	Future plans, new sites, expansions
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Railroad Right-of-way	CL + 3	36 CFR 64.11	Land acquisitions, correspondence, improvements, statutory records
Reports			
Accident	CL + 2	GC34090	Patrons, employees
Others	CL + 2	GC34090	
Studies	CL + 2	GC34090	Future sites, expansions
Resolutions, Board	P	GC34090	
Schedules, Class & Events	CU + 2	GC34090	Enrollment, liability releases, evaluations, attendance, flyers
SANITATION/ SOLID WASTE/ WASTEWATER			
Collections/Landfill	CU + 2	GC34090	Daily records, usage
Facilities	CU + 2	GC34090	Correspondence, maps, patron list
History, Sanitation	P	GC34090	Where City-owned
Incineration Plants, Sludge	CU + 2	40 CFR 61.54	Sludge, sampling, charging rate to measure mercury content
Incinerator Operations, Treatment Plant	CU + 2	40 CFR 60.153	Gas flow through wet scrubbing, oxygen content of exhaust gas, sludge rate, temperatures, fuel flow, total solids and volatile solids
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps, Septic Tank	P	GC34090	Location maps
Rates	CU + 2	GC34090	
Recycling Programs	S + 2	GC34090	
Regulations	S + 2	GC34090	Includes legislation
Reports			
Studies	CL + 2	GC34090	
Tonnage	CU + 2	GC34090	

PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
STREETS/ALLEYS			
Abandonment/ Vacations	P	GC34090	
Closures	P	GC34090	
Easements, Dedications, Rights-of- Way	P	GC34090	
Field Books	P	GC34090	
Grants (<i>see Admin.</i>)			
Intersection Records	CU + 2	GC34090	Includes correspondence; volume counts; accident history
Inventory, Traffic Control Device	S + 2	GC34090	Signs, lights
Landscaping	CU + 2	GC34090	Plants, tree maintenance, work orders
Lighting	CU + 2	GC34090	Maintenance, work orders
Maintenance/ Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints, signals, striping
Maps	P	GC34090	Fire hydrants, lighting districts, wheel chair ramps, storm drains, streets, sidewalks, sewers
Master Plans	CU + 2	GC34090	Copies
Parking			
Lots	CU + 2	GC34090	
Regulations	S + 2	GC34090	
Reports/Studies	CL + 2	GC34090	
Permits			
Encroachment	P	GC34090	
Improvement	CL + 2	GC34090	May include curbs, sidewalks; Applications for excavation, fill, alterations
Oversize Load	CL + 2	GC34090	
Parking	CL + 2	GC34090	Residential
Paving	CL + 2	GC34090	
Use (Temporary)	CU + 2	GC34090	Includes Special Events
Photographs	S + 2	GC34090	Includes aerials
Plans, Capital Improvement, Projects	P	GC34090	Streets, curbs, gutters, sidewalks, storm drains
Policies and Procedures	S + 2	GC34090	Includes rules, regulations, standards
Naming and numbering	P	GC34090	

PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
Speed Limits	S + 2	GC34090	
Programs			
Federal Aid Urban	CL +	23 CFR 633 (a) & (c)	
Traffic Safety	S + 2	GC34090	Drivers Education, Pedestrian Safety, Bicycle Lanes
Reports			
Bridges & Overpasses	L	GC34090	Life of structure
Inspection	CU + 2	GC34090	Includes intersection, sidewalks. Bridges and Overpasses, keep life of structure
Studies	CL + 2	GC34090	Traffic volume, accident history, requests, statistics, drawings supporting traffic devices
Traffic Count	CL + 2	GC34090	Evaluation of traffic volume
Vehicle Accident	CL + 2	GC34090	
Routes, School Bus & Truck	S + 2	GC34090	Truck routes, access ramps, rest areas
Signage	L + 2	GC34090	Log books, index register cards, inventory lists, records of traffic signs
Traffic Signals	L		Logs, drawings, wiring diagrams, codes, circuit numbers, installation records, testing and maintenance.
Weigh Scales	S + 2	GC34090	
UTILITIES			
Facilities	T + 2	GC34090	If city owned
Gas & Electric Rates	S + 2	GC34090	
Underground	P	GC34090	GC4003, GC4004; H&S 19850
WATER			
Billing/Customer Records	CU + 2	GC34090	Billings, correspondence, complaints
Connection Records	P	GC34090	Maps, water line connections
Flood Control			
Drainage Facilities	P	GC34090	Includes dams, lakes, basins, creeks
Flood Zones	P	GC34090	Includes flood maps
Insurance Programs	S + 2	GC34090	Includes copies of policies, rules, programs

PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
Policies/ Procedures	S + 2	GC34090	Rules and Regulations
Reports/ Studies	CL + 2	GC34090	
Grants (see Admin.)			
Inventory, Equipment	CU + 2	GC34090	
Locations	P	GC34090	Mains, valves, hydrants, wells
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Service	CU + 2	GC34090	Includes work orders, entry cards, manholes, service to property owners
Well & Pumping	CU + 2	GC34090	Times operational, power used and quantity
Maps	P	GC34090	Line location; easements
Master Plans	CU + 2	GC34090	Copies
Meter Operations	CU + 2	GC34090	Reader reports, orders, tests Maintenance Reports
Permits			
National Pollutant Discharge Elimination System NPDES)	P	40 CFR 122.28	Municipalities of 100,000/more, compliance with Clean Water Act re: pollutants
Others	CU + 2	GC34090	May depend on terms of state or federal agency
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Rates	S + 2	GC34090	
Reclamation	CU + 5	40 CFR 122.41	Daily operations including sewage flow, grit removal, chlorine usage, lab analysis results, etc.
Reports			
Conservation	CU + 2	GC34090	
Consumption	CU + 2	GC34090	
Corrosion Control	CU + 12	40 CFR 141.91	Compliance documentation
Discharge Monitoring	CU + 5	40 CFR 122.41	Average amount of pollution discharged into waters of municipality.
Drinking Water Corrections	CU + 10	40 CFR 141.33	
Hydrograph	P	GC34090	Daily flow of streams
Lead Service Line	CU + 12	40 CFR 141.91	Compliance documentation

PUBLIC WORKS (CONTINUES)

Record Series	Retention	Citation	Descriptor
Public Education	CU + 12	40 CFR 141.91	Compliance documentation
Quality Parameters	CU + 12	40 CFR 141.91	Compliance documentation
Sanitary Surveys	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Source Water	CU + 12	40 CFR 141.91	Compliance documentation, e.g. lead & copper
State Certification	CU + 12	40 CFR 141.91	Compliance documentation
Variations, Water System	CU + 5	40 CFR 141.33	
Well Level	CU + 2	GC34090	
Sources	CU + 2	GC34090	May include wells, rivers, lakes, districts
Surveyor Field Notes	P	GC34090	Notes preparatory to maps of water installations
Surveys, Water System Sanitary	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Tests			
Bacteriological Analysis	CU + 5	40 CFR 141.33	Compliance records include location, date, method and results; corrections, analysis of bacterial content
Chemical Analysis	CU + 10	40 CFR 141.33	Compliance records include location, date, method used and results; corrections, analysis of chemical content
Quality	CU + 12	40 CFR 141.91	Compliance documentation including sampling data, analysis, reports, surveys, documents, evaluation, schedules, valves, etc.
Valve Main Records	P	GC34090	
Violations, Drinking Water	CU + 3	40 CFR 141.33	Retention applies to each violation

TRANSPORTATION

Record Series	Retention	Citation	Descriptor
ADMINISTRATION			
Agreements	T + 4	CCP 337	Including concessionaire, slip rental, facility storage
Applications Aircraft Storage Parking Slip Rentals	T + 2	GC34090	Payment invoices, inventory listings, billing correspondence and other related documents
Special Events	CU + 2	GC34090	Permits, correspondence, related documents re use of rights of way
Fueling	AU + 3	CCP 337	Meter readings, fuel consumption reports, invoices, receipts and records pertaining to refueling operations
Hazardous Waste Disposal	CU + 10	CAL OSHA; 40 CFR 122.21	Documentation re: the handling and disposal of hazardous waste
Inventory, Equipment Parts & Supplies	L + 2		Includes vehicles, aircraft, vessels and related documents re repairs
Inventory, Vehicle Ownership and Title	L + 2		Owners manual, warranty documents, Department of Motor Vehicle title and registration, and related documents
Licenses, Permits	CU + 2		Forms, related documentation re: licenses and permits required by federal and state agencies
Maintenance/ Operations	L + 2	GC34090	Related to requests for service and work orders for fuel, vehicle and equipment maintenance and repairs
Report, Accident (Copies)	CU + 2	GC34090	Memos and working documents
Vehicle Assignment	CU + 2	GC34090	Log books, request forms, lists
AIRPORT			
Airport Certification	P	14 CFR 139.207b & 171.13- 171.213	Federal Aviation Administration (FAA) required manuals
Airport Noise Monitoring and Complaint	CU + 10		Correspondence, studies, memos, reports, log books, documents related to assessment of noise levels at airports and resolution of complaints
Inspection, Runway	CU + 10		Maintenance including inspection reports, work orders and related records
Inspection, Safety Self	CU + 2	CFR 139.327	Safety inspection and related document include reviews and analysis of all aspects of airport operation
Maintenance, FAA	P	14 CFR 171.13 - 171.213	Forms and reports required by FAA including Forms FAA-198, -418, -6030-1, -6790-4

TRANSPORTATION (CONTINUED)

Record Series	Retention	Citation	Descriptor
Reports			
Accident and Incident (Aircraft)	CL + 8		Accidents, injuries, property damages, general conditions re pilot and aircraft
Airport Operational (Regulatory)	P		Annual and special reports to federal and state regulatory agencies.
Airport Operational (Administrative)	CU + 2		Logs, statistical summaries; administrative records
NOTAM (Notice to Airmen)	CU + 3		Reports re: conditions affecting airport maintenance/operations
GROUND TRANSPORTATION			
Auto for Hire	T + 4	GC34090	License, permits for Taxicabs, shuttles, etc
HARBOR			
Registers, Transient Vessel Reservation	AU + 3		Reservation applications, receipts, and index registers relating to boats in transit, temporarily moored
Slip Rental Index	CU + 5		Annual and periodic reports of slip renters
Slip Rental Permits	CL + 2		Applications, statement of rental conditions, vessel inspection check sheets, copy of DMV registration, boat owner information, and other documents re: dock slip spaces
Slip Rental Waiting List	CU + 2		

TWAIN HARTE COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Records Retention & Destruction
POLICY NUMBER: 3100
ADOPTED: November 10, 2011
REVISED:

**PROPOSED VERSION TO
COMPLETELY REPLACE
CURRENT VERSION**

3100.10 PURPOSE

The purpose of this policy is to provide staff guidance regarding the retention or disposal of Twain Harte Community Services District (District) records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

3100.20 AUTHORITY

This policy and schedule govern the retention and disposal of District records pursuant to the provisions of California Government Code §61061(c) and §60200 – §60203.

The General Manager is authorized by the District Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified herein.

3100.30 DEFINITIONS

1. **LIFE:** The inclusive or operational or valid dates of a document. Signified by an "L" in the Records Retention Schedule (Appendix A).
2. **PERMANENT:** The requirement to keep a record indefinitely without destroying it. Signified by a "P" in the Records Retention Schedule (Appendix A).
3. **RECORD:** Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document (regardless of physical form or characteristics) produced, received, owned or used by the District in the conduct of its operations. See California Government Code §6252(g) for more information.
4. **RECORDS RETENTION SCHEDULE:** The consolidated, approved schedule and/or list of all District records which timetables the life and disposal of all records. Included in this policy as Appendix A.

5. **RETENTION PERIOD:** The length of time a record is required to be kept by the District without being destroyed, expressed in years. Unless specified otherwise, the retention period begins when a document is approved, complete or received in its final form. Finance record retention periods begin at the end of the fiscal year in which records were created.

3100.40 NON-RECORDS

The following are not considered records and may be destroyed at any time without authorization of the Board or General Manager and without copying to photographic or electronic media:

1. Duplicates.
2. Preliminary drafts, worksheets, internal notes not necessary as verification on the completed draft.
3. Intra-agency memoranda which are not retained by the District in the ordinary course of business.
4. Telephone messages, shorthand notes, steno tapes, other temporary mechanical recordings.
5. Letters of transmittal or form letters which require no follow-up action.
6. Routine acknowledgements, answers to inquiries.
7. Advertising Literature, circulars, 3rd class mail.
8. Superseded or outdated publications, forms, directories, etc.
9. Notes of appreciation, congratulations, etc.
10. Announcements, bulletin board notices.

3100.50 RECORDS RETENTION REQUIREMENTS

3100.51 Records Retention Schedule: Appendix A contains the District's Records Retention Schedule, which provides minimum time periods for retaining categories of District records. Indefinite retention periods (periods not labeled "Permanent") are based on any minimum retention requirements established by law and the maximum period of time the District deems each type of record could reasonably affect any interest of the District or public.

3100.52 Records not Listed: Originals of records, papers and documents that do not fall under one of the records categories in the Records Retention Schedule and were prepared or received in any manner other than pursuant to State or Federal statute shall be retained for a minimum of two (2) years prior to destruction.

3100.53 E-mail Retention: The District's electronic mail ("e-mail") system is intended as a medium of temporary communication only and should not be used to store or maintain correspondence and other documentation considered to be public records per the California Public Records Act (Gov. Code § 6250-6276.48).

However, some e-mails and/or their attachments may be considered public records. The following retention requirements apply to District e-mails:

1. E-mails as Public Records: "Public records" include any writing containing information relating to the conduct of District business prepared, owned, used or retained by the District regardless of physical form or characteristics. If an e-mail (including attachments) meets the definition of a public record, it must be retained in accordance with the retention periods specified in this policy and the Records Retention Schedule (Appendix A), based on type of record.
2. E-mails as Non-Records: E-mails that can be considered non-records (see Section 3100.40) are not required to be retained. Employees are encouraged to delete documents which are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of duties or the conduct of the District's business. Examples of e-mail messages that are generally not considered public records may include:
 - Personal messages not related to official District business.
 - Messages with attached copies or extracts of documents distributed for convenience or reference (with the original documents being preserved according to the District's Records Retention Policy).
 - Messages that are essentially cover notes or distribution slips.
3. Responsibility for E-Mail Retention: Generally, the District employee who sends or receives an e-mail that qualifies as a public record should be the person responsible for preserving that e-mail. Employees responsible for a particular program or project file shall also be responsible for preserving all e-mail they send or receive related to that program or project. District employees may print and file hard copies of e-mail messages that must be retained. Employees may also save e-mail messages electronically, in electronic folders separate from their regular e-mail inboxes. All e-mail messages retained electronically must be easy to retrieve, view and print out.
4. Determination of Public Record: The General Manager or their designee will assist employees in determining whether an e-mail message is required to be retained and/or is necessary or convenient to the discharge of duties or the conduct of the District's business.
5. Claims/Lawsuits: Any e-mail messages that relate to a claim or a potential claim against the District must be preserved. Likewise, any e-mail messages that may relate to a lawsuit filed against the District, even if a subpoena or court order for such e-mail messages has not yet been issued, must be preserved. The District has a duty to preserve any relevant data when there is even a hint of possible litigation.

6. Requests for E-mail Records: In the event a records request or subpoena is made for e-mail, the employees having control over such e-mail, once they become aware of the request or demand, shall use their best efforts, by any reasonable means available, to temporarily preserve any e-mail which is in existence until it is determined if such e-mail is subject to preservation, public inspection or disclosure.
7. Other Electronic Communication: For the purposes of this section, e-mail also includes messages sent through a wireless phone or other electronic device that ends up as e-mail or text message to or from any District employee as long as such message pertains to the District's business.

3100.60 RECORDS DESTRUCTION

3100.61 No Destruction of Records in Use: In no instances are records, papers, or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

3100.62 E-mail Destruction: The District's e-mail system will automatically delete all e-mail messages in employee's inboxes that are greater than (2) years old. E-mail messages saved in electronic folders as public records will not be deleted.

3100.63 Destruction of Records: Keeping numerous records after a certain period of time is not necessary for the effective and efficient operation of the District and does not provide any benefit to the interests of the District or public. Therefore, records, papers or documents **which are not expressly required by law** to be filed and preserved may be destroyed if **all** the following conditions are met:

1. The record's retention period has been met, pursuant to this policy and the Records Retention Schedule (Appendix A).
2. The District finds the category of records listed in the policy may be destroyed after specified retention periods because the record's destruction is not found to have an adverse effect on any interest of the District or of the public.
3. Records must be approved for destruction by the General Manager on a form authorizing said destruction. The form shall include a general inventory of the documents to be destroyed by category that reasonably identifies the information in the records destroyed.

3100.64 Destruction Timing: Approval and destruction of records is to occur on an annual basis or as necessary. Destruction of records shall be in a manner that does not compromise privacy or other confidential information.

Appendix A Records Retention Schedule

FILING SYSTEM COLOR CODE KEY	
COLOR CODE	RETENTION PERIOD
GREEN	3
YELLOW	5
ORANGE	7
RED	10
PURPLE	P (Permanent)
PINK	L (Life)

Record	ADMINISTRATION	
	Retention Period	Description/Examples
Agreements		
Agreements	P	Not Capital Improvement ¹ MOU's Contracts
Board of Directors		
Board Meeting Materials	3	Agendas, Board Packets ²
Board Legal Documents	7	Election Materials/Results ³ Ethics Training/Certificate ⁴ Form 700 ⁵ Oaths of Office ⁶
Minutes	P	⁷
Resolutions and Ordinances*	P	*If the resolution or ordinance has been repealed, it may be destroyed or disposed 5 years after it was repealed. ⁸
Policies	P	*If the policy has been repealed, it may be destroyed or disposed 5 years after it was repealed. ⁹
Capital Improvement Projects		
Final Project Documents	P	Bid Docs/Results Agreements/Contracts Design Drawings (Originals) Permits CEQA Surveys ¹⁰
Unaccepted Bids/Proposals	3	¹¹
Correspondence		
Correspondence	3	Support Letters Agency Correspondence ¹²

Customer Files		
Customer Files	P	Incode Files Liens and Releases Work Orders Water/Sewer Hook Up Forms ¹³
District Documents		
District Documents	P	District Formation Documents District Reorganization/Changes Boundaries LAFCO Documents ¹⁴
District Insurance		
Claims	3	Damage Claims Against the District
Policy Documents	10	Property/Liability Insurance
Reports	10	Accident, Incident Reports ¹⁵
District Property – ‘Real Property’		
Agreements	P	Agreements, Contracts, Leases ¹⁶
Surveys	P	District Boundaries Property Surveys Survey Maps ¹⁷
Real Property Interests Documentation	P	Annexations Detachments Grant Deeds Easements Encroachments ¹⁸
Grants		
Unsuccessful Grants	3	
Successful Grants*	P	*Refer to funding agreement for required documents.
Legal		
Litigation*	L+2	*Any pending claim or litigation or any settlement other than a disposition of litigation. ¹⁹
Legal Counsel/Opinion	3	²⁰
Operating Procedures		
Operating Procedures	L+3	SOP's, SOG's ²¹
Records Management		
Filing Structure/Inventory	L	
Public Records Request	3	²²
Records Destruction	P	Destruction approval/inventory form
Vehicle & Equipment Maintenance		
Vehicle & Equipment Maintenance	L	Title / Registration Inspection/Maintenance Records ²³

Record	FINANCE	
	Retention Period	Description/Examples
Accounting Records		
Accounting Records	10	Accounts Payable/ Receivable ²⁴ Annual Financial Reports Audit (Working Files) ²⁵ Billing Reports ²⁶ Bills/Invoices ²⁷ Cash Receipts Depreciation Schedule Fuel Logs Ledgers / Journals Petty Cash Purchase Orders Sales Tax Report
Banking		
Banking	10	Deposits ²⁸ Reconciliation ²⁹ Statements (With copies of checks) Checks, Stubs ³⁰
Cost of Services/Financing		
Cost of Services/Financing	P	Rates and Charges / Prop 218 Documents Taxes/Fees Assessments Bonds Loans ³¹
Final Audit Report		
Final Audit Report	P	
Final Budget		
Final Budget	P	Operating/Capital Improvement Budget Salary Schedule ³²
Payroll		
Federal/State Reports	10	W-2's, W-4's, 1099's Quarterly & Year End Reports ³³
Reports	10	Direct Deposit Workers Comp Retirement – CalPERS / 457 Overtime Vacation, CTO, Sick Leave ³⁴
Additional Payroll Documents	10	Deductions ³⁵ Registers ³⁶ Timesheets ³⁷ Garnishments ³⁸

Record	PERSONNEL	
	Retention Period	Description/Examples
Employee Records		
Resumes/Job Applications	3	Non-successful candidates ³⁹
Employee Training Records	L+3	⁴⁰
Personnel Files	L+3	Training Certifications Performance Evaluations Employment Apps, Resumes Tests, Changes Terminations Medical Leave DMV Pull Notices/Reports Disciplinary Actions ⁴¹
Human Resources		
Employee Programs	3	EAP Recognition ⁴²
Job Descriptions	L+3	⁴³
CA & Federal Employment Notices	5	
Insurance		
Employee Benefits	7	Benefit Plans Health Insurance Programs COBRA ⁴⁴
Union		
Employee Rights	3	Grievances Sexual harassment Civil rights
Agreements	P	MOU
Correspondence	3	
Workers Compensation Claims		
Workers Compensation Claims	P	⁴⁵

Record	OPERATIONS	
	Retention Period	Description/Examples
As Built and Facility Drawings		
As Built and Facility Drawings	P	
Operations/Maintenance Records		
Operational	10	SWTP/Well Records Lift Station Pumping ⁴⁶
Maintenance	10	Manhole Inspections Sewer Line Cleaning Pump Maintenance ⁴⁷
Regulatory/Compliance		
Permits	P	Water Supply Permit Permit to Operate OSHA State Health Permit Compressor Permit ⁴⁸
Water Testing Analysis	P	
Reports – Regulatory Inspection	P	Hazardous Waste Inspections
Reports – Regulatory Compliance	3	Backflow SSO's CCR Annual Report
Inspection Reports	10	FERC Facility DWR/CDPH County OSHA
Operation Plans	P	ERP SSMP BSSP SWTP/GW OP

Record	FIRE	
	Retention Period	Description/Examples
Emergency Management & Response		
Emergency Planning	L+3	Mutual Aid Plans Response Plans Evacuation Plans Business Pre-Plans
Incidents	3	Mutual Aid Incidents Strike Team Patient Care Records Reports - Dispatch & Incident ⁴⁹
Fire Safety		
Business Pre Plans	L+3	
Fire Codes & Manuals	L+3	⁵⁰
Inspections / Citations	L+3	Building, Business, Vacant Lots ⁵¹
Investigations	P	
Plans	L+3	Fire Alarm, Sprinkler
ISO Ratings	L+3	
Operations		
Daily Station Logs	P	Activities, Engine Company
Inventory & Supplies	L	⁵²
Operational Logs/Journals	3	Pass-down logs Training logs ⁵³
Permits	L+3	Confined Space Other Permits
Volunteer Programs		
Volunteer Programs	L+3	CERT Intern Programs Reserve Programs Operational Support Unit

FOOTNOTES

ADMINISTRATION

¹ CCP 337

CCP 337.2

CCP 343

² GC 34090

GC 34090.5

³ GC 53235.2

⁴ GC 81009b, 81009g

⁵ GC 81009e

GC 81009b

⁶ GC 34090

29 USC 1113

⁷ GC 34090

GC 40801

⁸ GC 34090d

GC 40806

GC 40801

GC 60201

⁹ GC 34090d

GC 40806

GC 40801

GC 60201

¹⁰ GC 34090

CCP 337.15

¹¹ GC 60201(d)(11)

¹² GC 34090d

¹³ GC 34090

¹⁴ GC 34090

¹⁵ 29 CFR 1904.2 29 CFR 1904.6

¹⁶ CCP 337.15

¹⁷ GC 34090

¹⁸ GC 34090a

¹⁹ GC 34090

GC 60201

²⁰ GC34090

²¹ GC 34090

²² GC 34090

GC 60201

²³ VC 9900 et seq.

FINANCE

²⁴ GC 34090.7

²⁵ GC 34090

CCP 337

CCP 343

-
- 26 GC 34090
 - 27 GC 34090

 - 28 GC 34090
 CCP 337
 - 29 GC 34090
 26 CFR 16001-1
 - 30 GC 34090
 CCP 337
 - 31 GC 34090
 - 32 GC 34090
 - 33 29 USC 436; 26 CFR 31.6001-4;
 R & TC 19530; R & TC 19704; 26 USC 6001
 - 34 GC 60201
 - 35 GC 34090; CAC 22-1085-2; 29 CFR 516.6c
 - 36 GC 34090; GC 37207; 29 CFR 516.5a, LC 1174d
 - 37 GC 34090; 29 CFR 516.2; LC 1174d
 - 38 CCP 337

PERSONNEL

- 39 29 CFR 1627.3
- 40 GC 12946
 GC 34090
- 41 GC 12946; 29 CFR 1627.3
- 42 GC 34090
 GC 12946
- 43 29 CFR 1627.3
- 44 29 USC 1027; 11 CCR 560; 29 CCR 1300.85.1; 29 CFR 1627.3(b)(2)
- 45 Insurance- GC 6410; 29 CFR 1910.20
Claims- CCR 14311; 15400.2, CA Labor Code 110-139.6

OPERATIONS

- 46 GC 34090
- 47 GC 34090
- 47 GC 34090

FIRE

- 49 GC 34090; CCP 338
- 50 GC 34090
 CCP 340.5
- 51 UFC 103.34
- 52 GC 34090
- 53 GC 34090



OPERATIONS REPORT FIRE DIVISION APRIL 2021

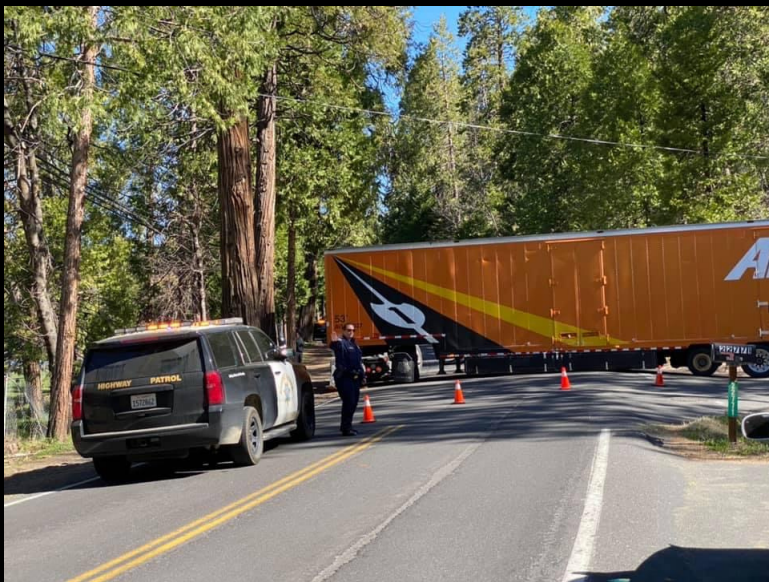
BY FIRE CHIEF NEIL GAMEZ

APRIL INCIDENTS- 26

PUBLIC CONTACTS- 05



Vehicle accident at the West entrance to Twain Harte



Semi Truck stuck in the roadway, Twain Harte drive, and Highlander drive.

PERSONNEL

Current Staffing

2-Captains active

1-Captain non-active

3- Active Relief Captains

2-Non-active Relief Captains

3-Intern Operators

4-Intern Firefighters

5-Reserve Firefighters



Congratulations to Mark
Coulter and Justin Grant
on completing their
Associates Degree at
Columbia College





EQUIPMENT & APPARATUS

All Apparatus passed their B.I.T inspections.

FACILITIES

NOTHING TO REPORT



TRAINING

Total staff training hours:106

2-days of hands-on Forcible Entry training, Over 50 students



FIRE
NORCAL



NIGGETS

FINANCIAL REPORT

THFD has currently applied for grants through;

- Sonora Foundation for Community AED/CPR program
- Firehouse Subs for Fire hose and Nozzles
- Jenny's Heroes for Wildland PPE
- Stryker for Lucas C.P.R. machine and new AED's for the Engines

We were notified that we received the Recruit and Retention grant from CSFA for 8 sets of Structure PPE.



Jenny's Heroes CALIFORNIA
Supporting California's Volunteer Firefighters
In Partnership with California State Firefighters Association

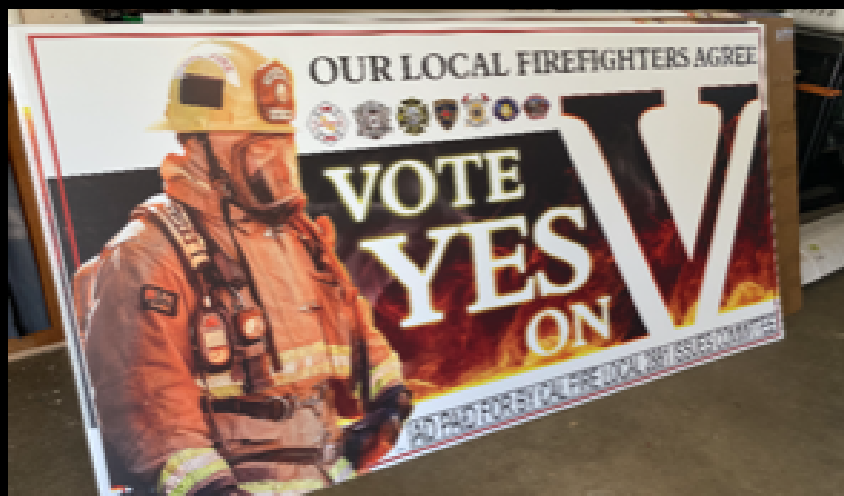


Grants for Safety & Protective Equipment



TUOLUMNE COUNTY FIRE CHIEFS ASSOCIATION REPORT

Measure V signs and pamphlets
are starting to circulate
Wildland Fire preparedness
training has started throughout
the county



All burning has
been suspended.



GET READY, GET SET, GO!

Wildfire Is Coming. Are You Ready?

GET PREPARED FOR WILDFIRE BEFORE IT STRIKES BY FOLLOWING THE READY, SET GO! GUIDE:

BEING READY



100^{FT}



UP TO 1 MILE

CREATE DEFENSIBLE SPACE: 100-FEET OF DEFENSIBLE SPACE IS REQUIRED AROUND YOUR HOME. LEARN HOW TO MAINTAIN THE TWO ZONES OF DEFENSIBLE SPACE NEEDED.

HARDEN YOUR HOME: FLYING EMBERS CAN DESTROY HOMES UP TO A MILE FROM WILDLAND AREAS. LEARN HOW TO PROTECT AND HARDEN YOUR HOME FROM A WILDFIRE THREAT.

GETTING SET



PREPARE YOUR HOME AND FAMILY FOR THE POSSIBILITY OF HAVING TO EVACUATE.

1. WHAT
2. HOW
3. WHO
4. WHEN

CREATE A WILDFIRE ACTION PLAN.



ASSEMBLE AN EMERGENCY SUPPLY KIT.



FILL OUT A FAMILY COMMUNICATION PLAN.

BEING READY TO GO



PRE-EVACUATION STEPS: PREPARE BOTH THE INSIDE AND OUTSIDE OF YOUR HOUSE FOR EVACUATION. GET THE CHECKLISTS.



REVIEW YOUR EVACUATION PLAN CHECKLIST.

GO!

EVACUATION STEPS: WHEN IMMEDIATE EVACUATION IS NECESSARY, GET READY TO GO!



ENSURE YOUR EMERGENCY SUPPLY KIT IS IN YOUR VEHICLE.

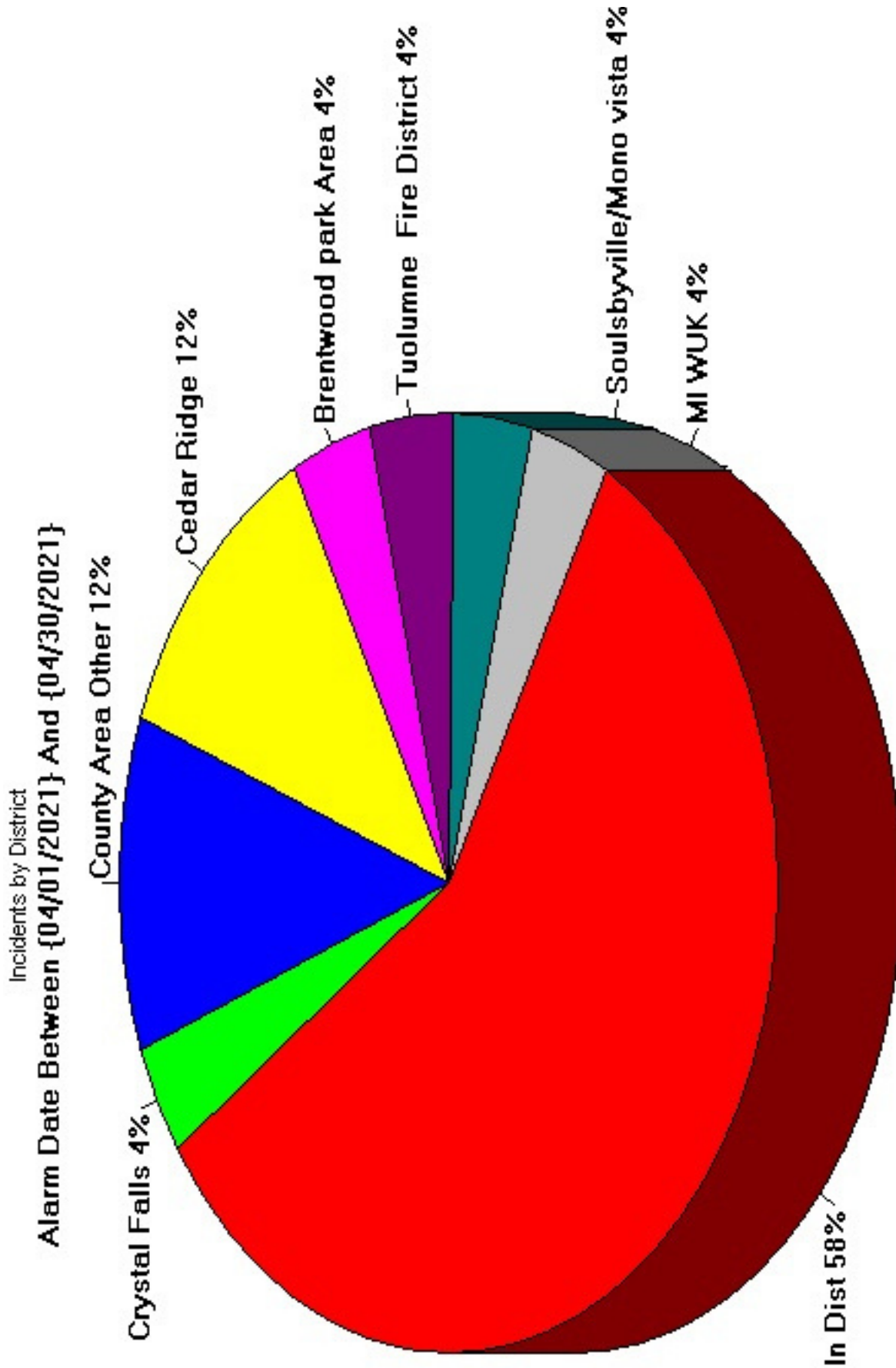


COVER-UP TO PROTECT AGAINST HEAT AND FLYING EMBERS. WEAR LONG PANTS, LONG SLEEVE SHIRT, HEAVY SHOES/BOOTS, CAP, DRY BANDANNA TO COVER FACE, GOGGLES OR GLASSES. 100% COTTON IS PREFERABLE.

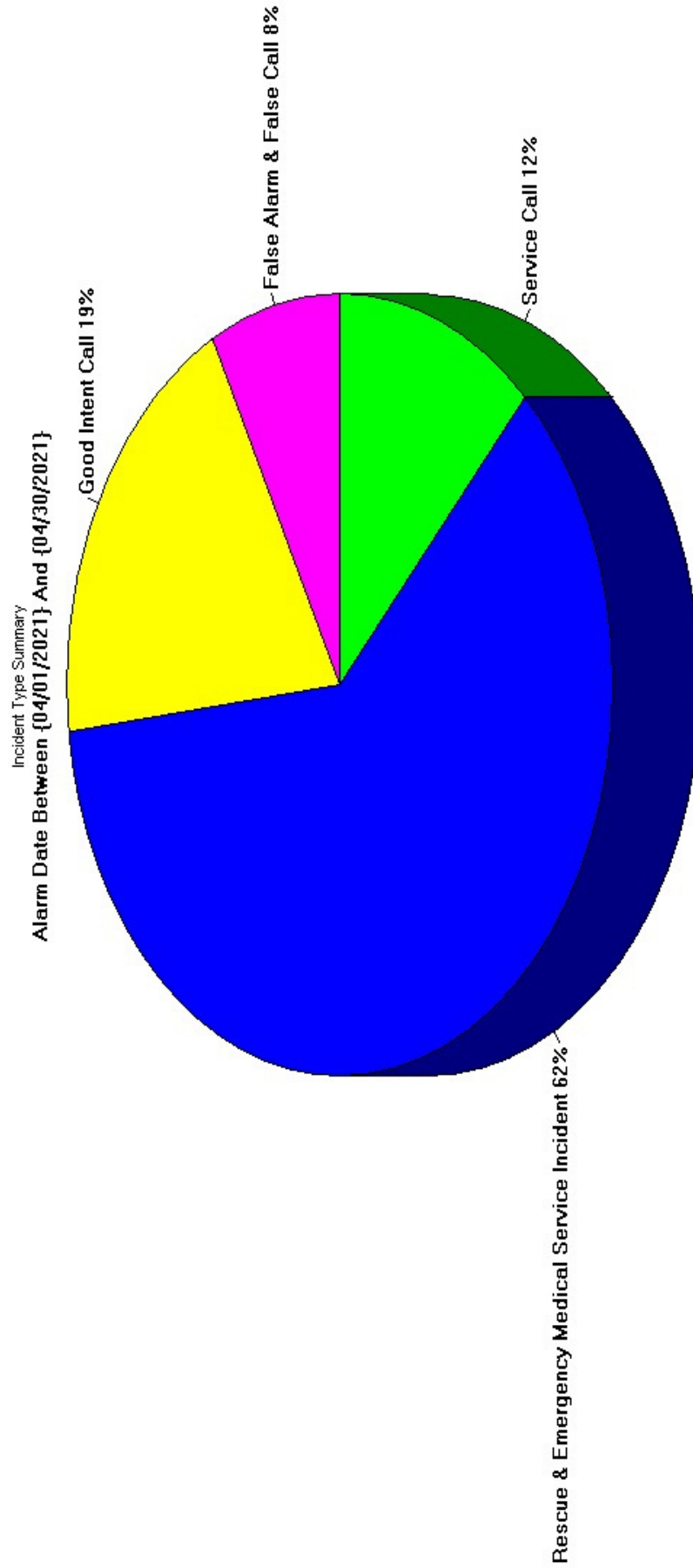


LOCATE YOUR PETS AND TAKE THEM WITH YOU.

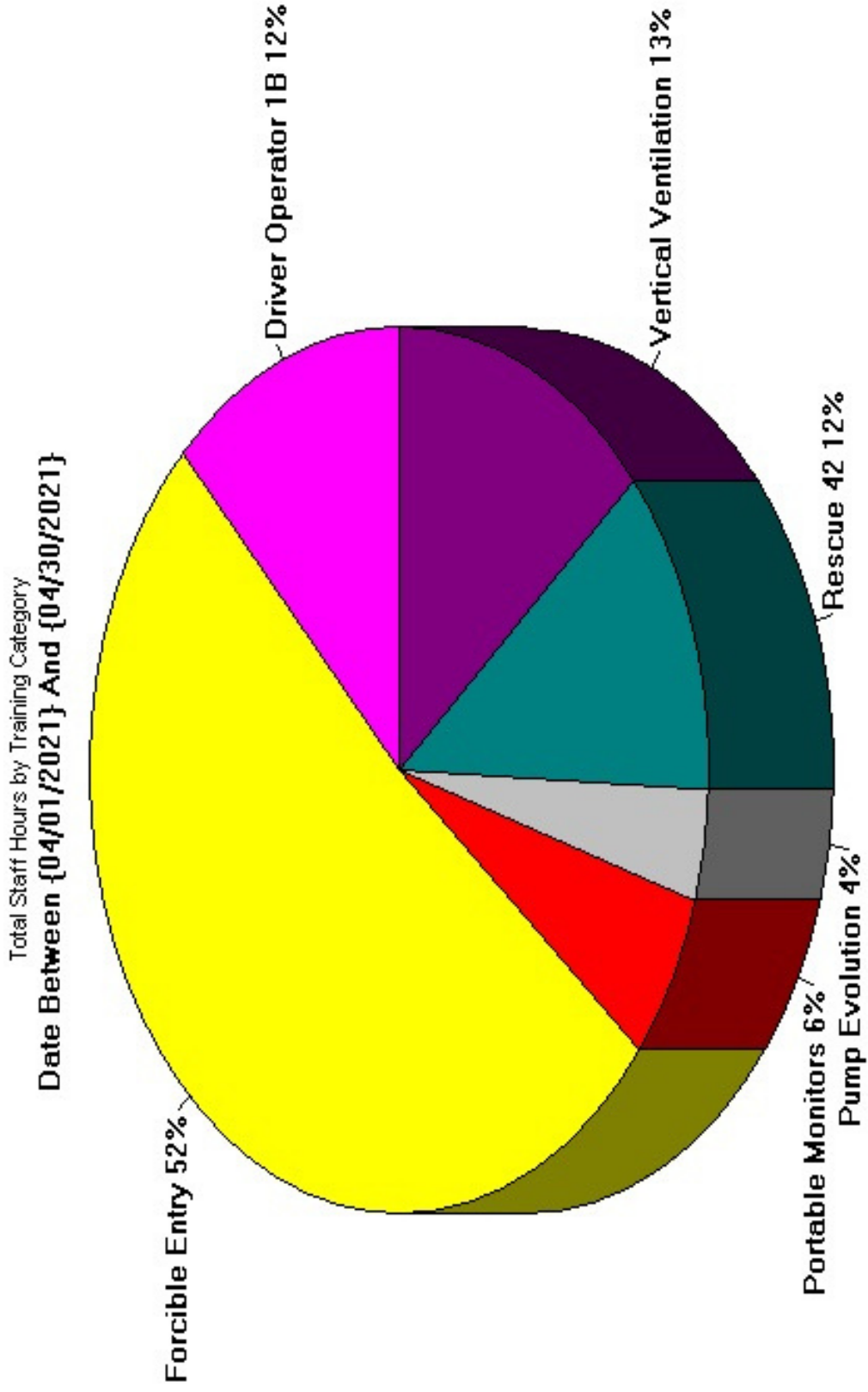
Incidents by districts



Incidents by type



Training by topic





TWAIN HARTE CSD OPERATIONS REPORT



Water/Sewer/Park Division

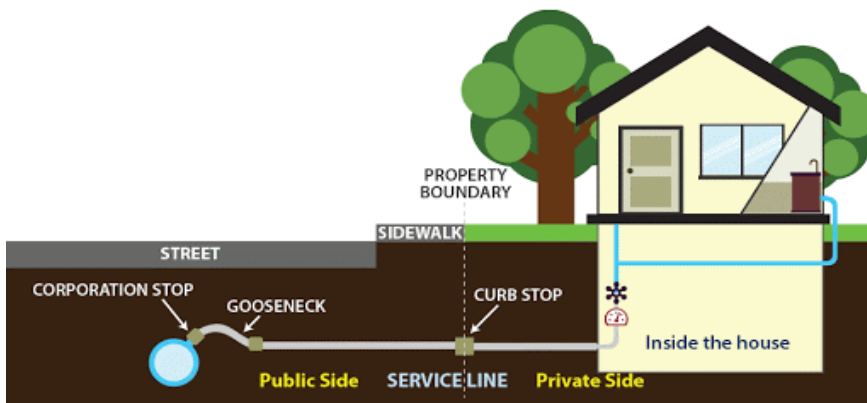
For April 2021

Committee Meetings 5/5/21

Board Meeting 5/12/21

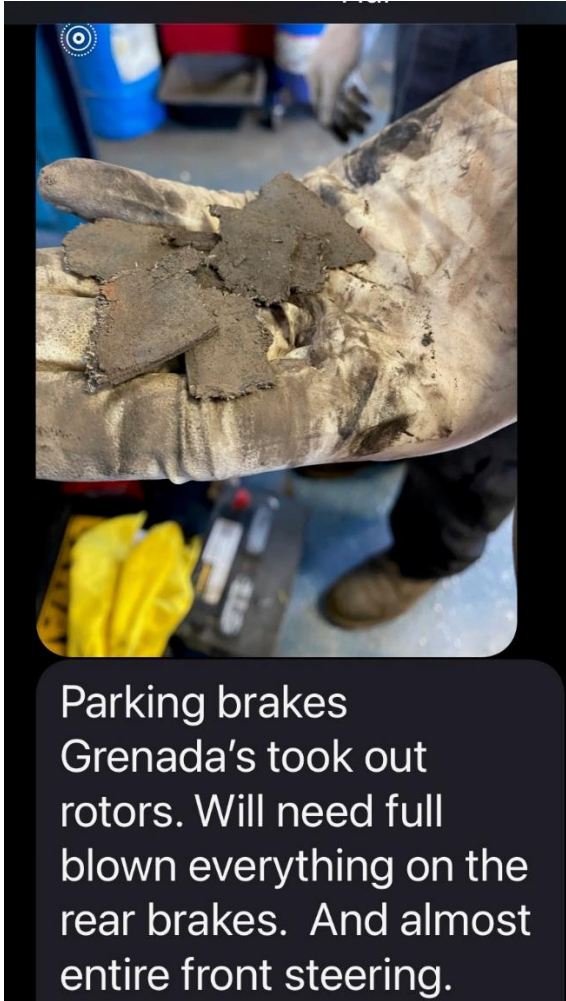
What's New

- USEPA Lead and Copper Rule Revisions (LCRR)
 - May possibly become effective June 17, 2021, however the EPA is proposing to delay implementation until December 16, 2021
 - We will be required to complete an inventory of service lines, including fittings as lead, galvanized, non-lead, or lead status unknown, regardless of ownership by January 16, 2024.



- Golf Club and Fireside valve issue spurred an improvement in operations and reliability by using a shared database of locations with notes in OneDrive as well as notes and corrections in GIS. We will also place rustproof tags in valve cans with information. We have locations in both water and sewer that could use clarification in OneDrive and GIS. The database will also provide a running list of locations that need to be verified so that GIS corrections can be confidently made.

- Substantial steering and parking brake work performed on Truck 4.



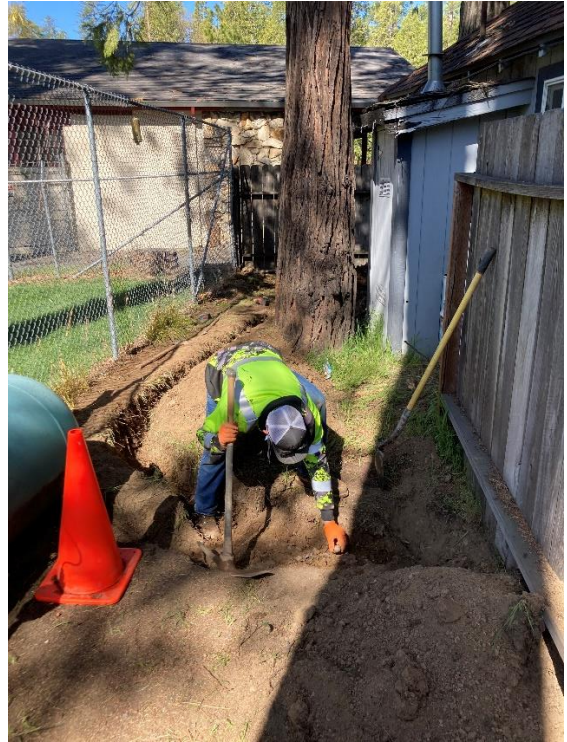
Operations Highlights

Water

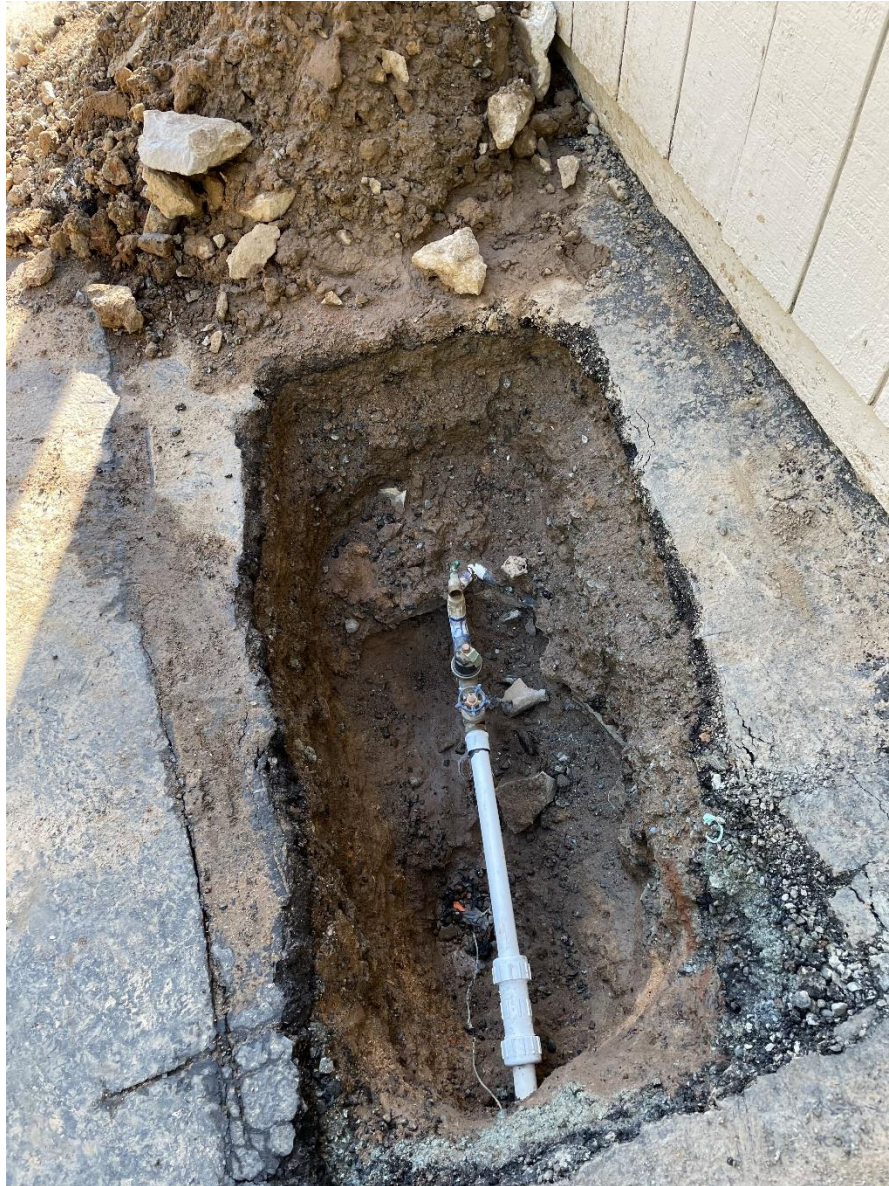
- Number of customer service calls were below average for this time of year (18-30) for a total of 17.
- Clarifier scrapers are doing a great job keeping the bottom of clarifier clean. It would normally be a thick brown layer.



- The service line for the cottage and The Press (the Mug) was replaced after it was discovered that their PSI was extremely low for what should have been available in the area. It was discovered that the service line was an old, galvanized pipe filled with iron tuberculation.



- Leaks at the Twain Harte ballfield snack-shack, garden in triangle by Twain Harte arch, and in Sherwood Forest near Knox Rd.



- Currently at the beginning stages of Well #3's generator installation. Brush has been cleared from the path the trench will be dug for the propane line.



- Number of customer service calls were average for this time of year (1-10) for a total of 4.
- Mono Way (below) Sewer line roots and offset issues.

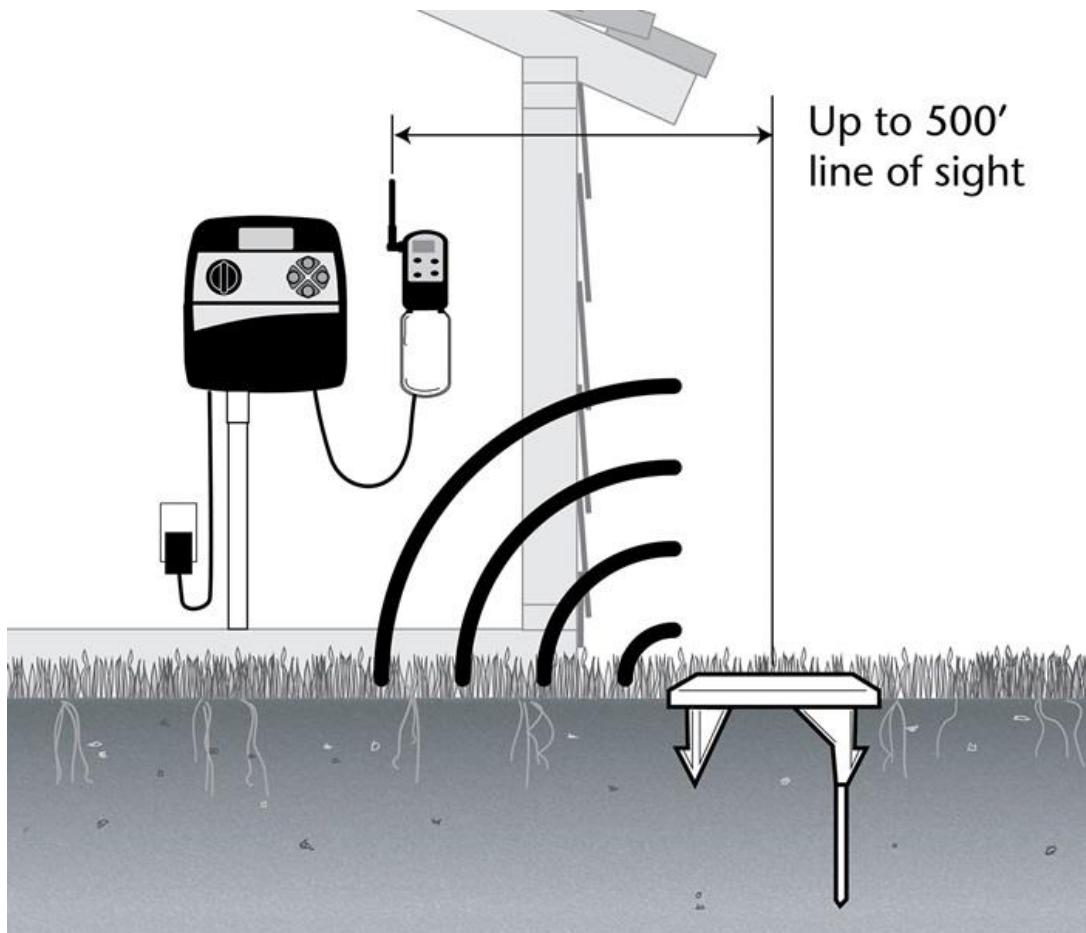




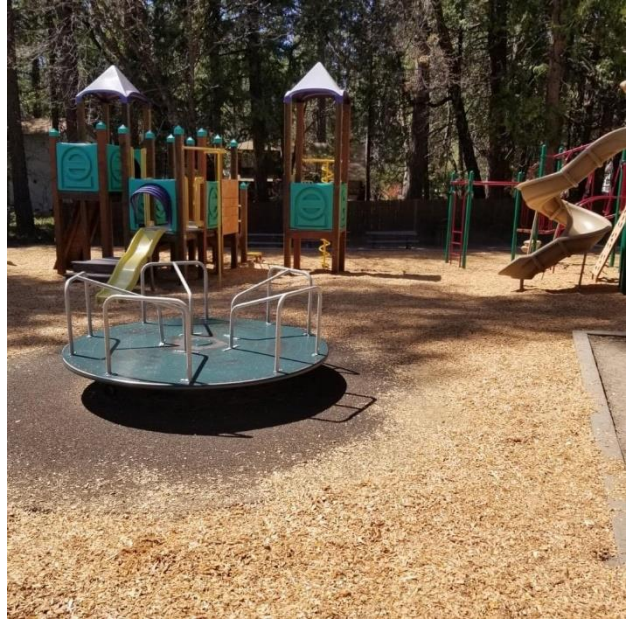
- Root-X expansion and monitoring

Eproson & Twain Harte Meadows Park

- Park and ballfield smart watering system to be installed on Thursday.



- New bark was placed at park.



- Stone for bocci pavilion pillars was delivered.



- 40 tons of rock for park tank swale.



- Tennis screens installed by our generous volunteers, Ron Jacobs and Tom Dunlap.



- Park fence posts are in the process of being replaced. Fence will be stained in the coming days.



Year: 2021

Month	*Treatment Plant (Gal)	Well #1 (Gal)	Well #2 (Gal)	Well #3 (Gal)	**Total Recycled (Gal)	***Total Production (Gal)	2013 Total Production (Gal)	Percentage Conserved (%)	Rain (inches)	Snow (inches)
Jan	1,782,867	888,093	1,724,068	830,885	171,667	5,225,913	8,304,262	37.07%	5.95	31.5
Feb	812,370	1,084,946	1,670,276	1,048,320	79,857	4,615,912	5,836,362	20.91%	2.72	0
Mar	682,442	1,106,362	2,160,718	960,206	89,574	4,909,728	5,776,198	15.00%	2.69	15
Apr	2,354,350	1,132,186	2,027,031	962,489	251,811	6,476,056	6,737,931	3.89%	0.92	0
May						0	9,624,851	100.00%		
Jun						0	11,912,958	100.00%		
Jul						0	14,740,484	100.00%		
Aug						0	14,605,710	100.00%		
Sep						0	10,891,827	100.00%		
Oct						0	9,867,000	100.00%		
Nov						0	6,638,895	100.00%		
Dec						0	7,410,084	100.00%		
Total	5,632,029	4,211,587	7,582,093	3,801,900	592,909	21,227,609	112,346,562	81.11%	12.28	46.5



GENERAL MANAGER'S REPORT

May 12, 2021

Administration / Operations

- *FY 2021-22 Budget Prep*
- *Document Retention Policy / Filing System*
- *Fire Staffing*

Planning Projects

- *Sewer System Evaluation/Analysis* – Condition Assessment, Sherwood Forest Analysis, Hydraulic Model complete. Engineering Report in process.
- *Water System Hydraulic Model* – Anticipated completion this month, including a cost estimate to eliminate Cedar Pines Tank and the Laurel Pump Station Upgrade.

Capital Projects

- *Bocce Court Improvements* – Rain tank plumbing and rain garden started. Pillar rock and lighting in next 4 weeks. Landscaping planting on May 28th.
- *TH School Sewer Re-Alignment* – Deep manhole safety platform installation next week. Re-alignment anticipated in June as soon as school is out.

Funding Opportunities

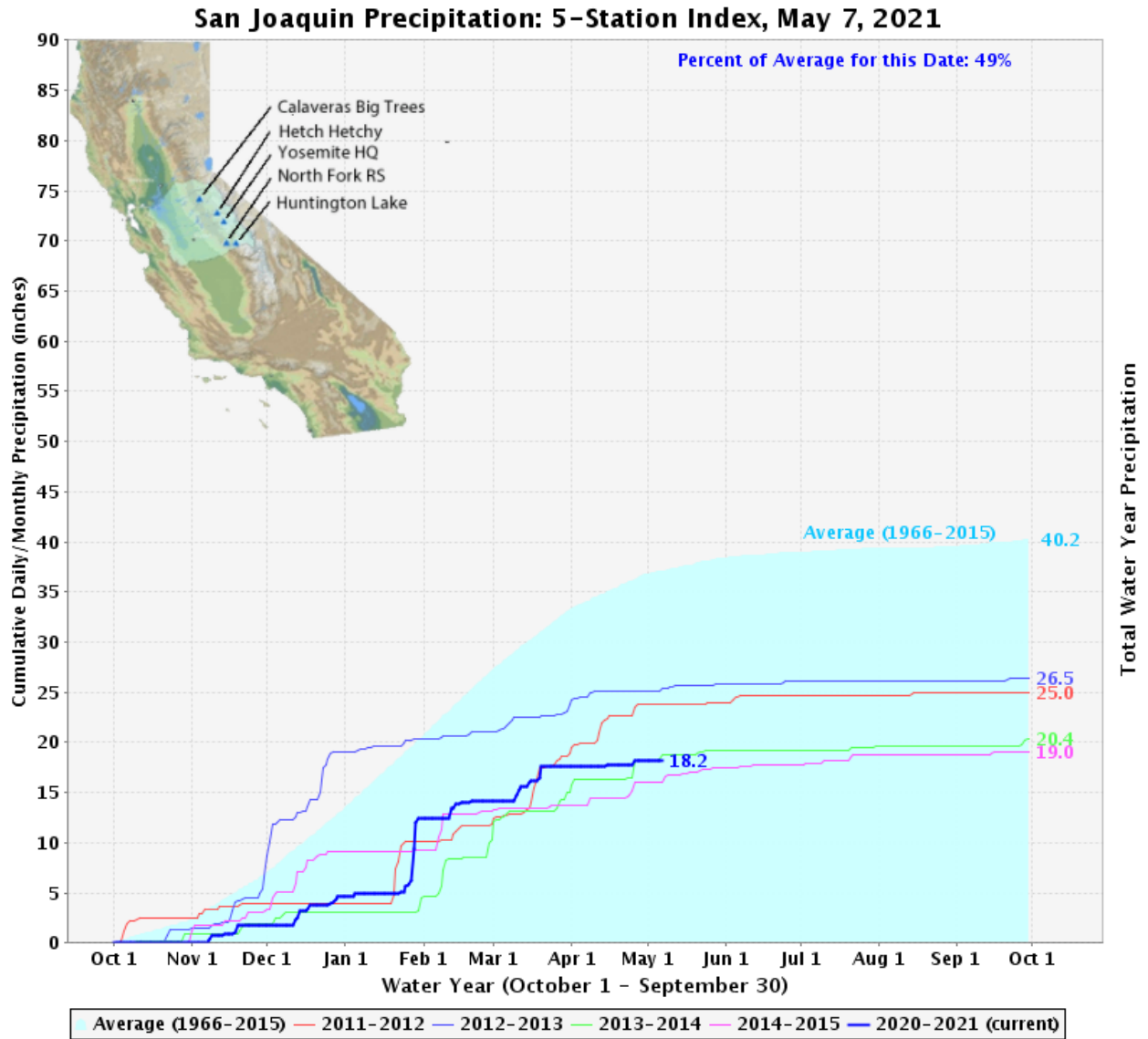
- *Prop 68 Per Capita Park Grant* – Park revenue enhancement (\$177,952): **Awarded**
- *Prop 1 Stormwater Grant* – TH Stormwater Enhancement (\$3.478 M): **Awarded**
- *Cal OES PSPS Grant* – Critical Facility Generators (\$60,000): **Awarded**
- *SWRCB Water System Planning Grant* – Water System (\$500 K): **Likely award June 2021**
- *Assistance to Firefighters Grant* – SCBA Replacement (\$150,000): **Find out in June**
- *Prop 68 Statewide Park Program* – TH Meadows Park (\$1.25 M): **Find out Summer 2021**
- *Prop 68 Rural Recreation Program* – TH Meadows Park (\$1.25 M): **Due Nov 2021**

Meetings of Interest

- *Ditch Outage* – 5/16-21/21
- *Legislative Days (Gary)* – 5/18-19/21

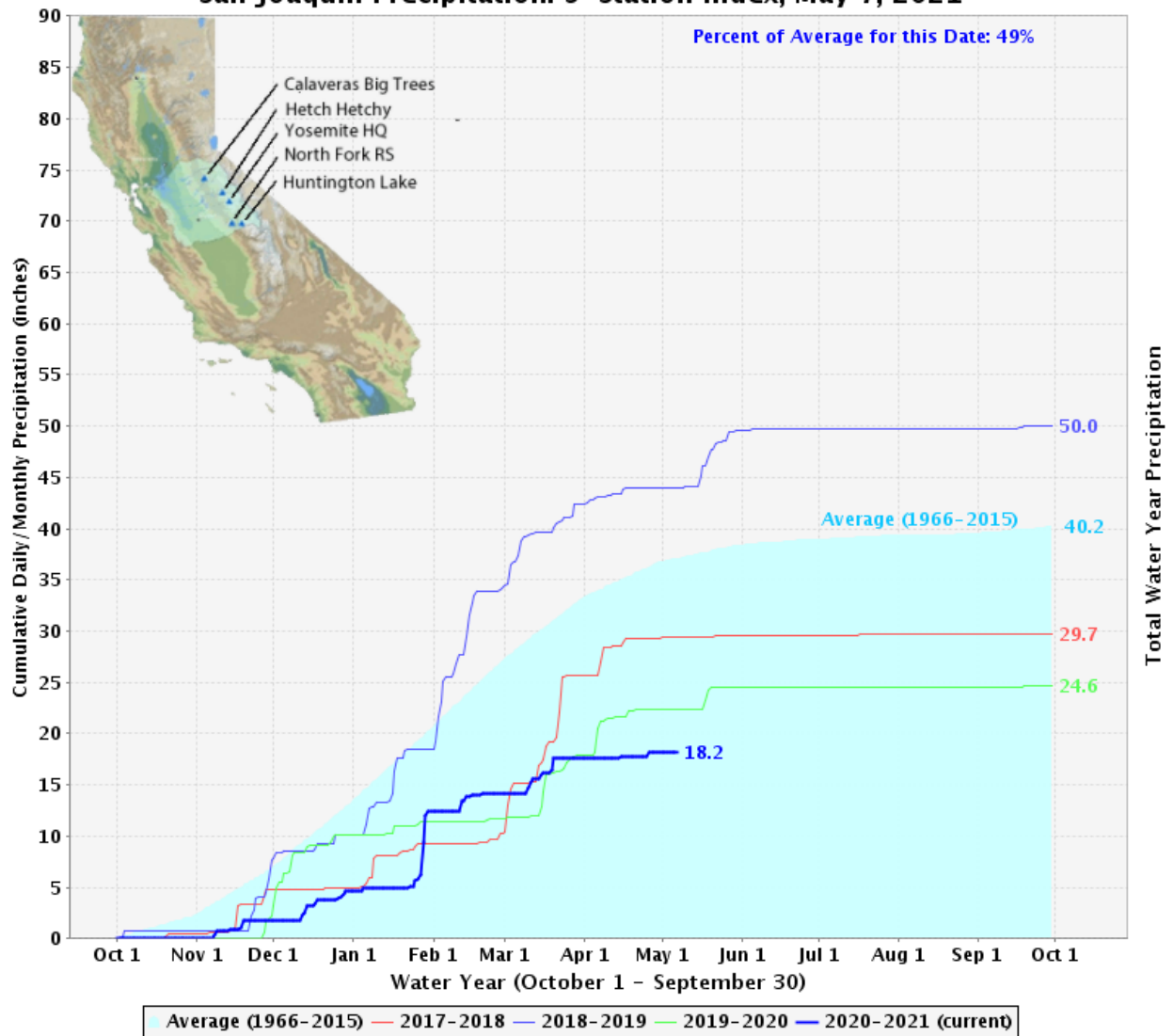
WATER SUPPLY UPDATE – MAY 2021

PRECIPITATION – Current Year vs. Last Drought



PRECIPITATION – Last 4 Years

San Joaquin Precipitation: 5-Station Index, May 7, 2021



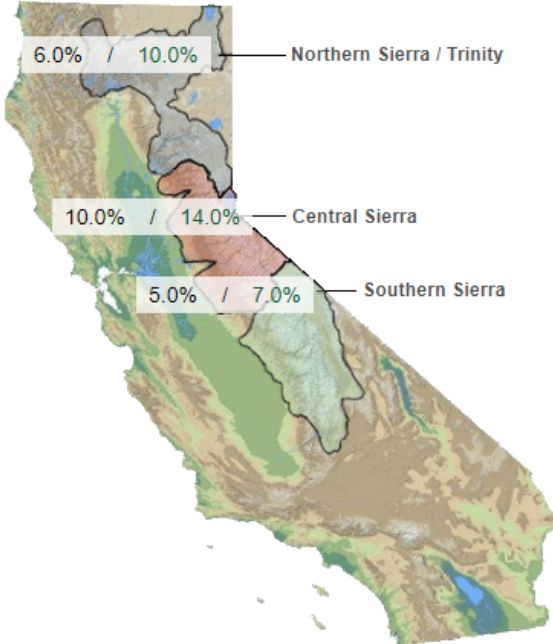
SNOW PACK

Snow Water Equivalents (inches)

Provided by the California Cooperative Snow Surveys

Data For: 07-May-2021

% Apr 1 Avg. / % Normal for this Date



Change Date :

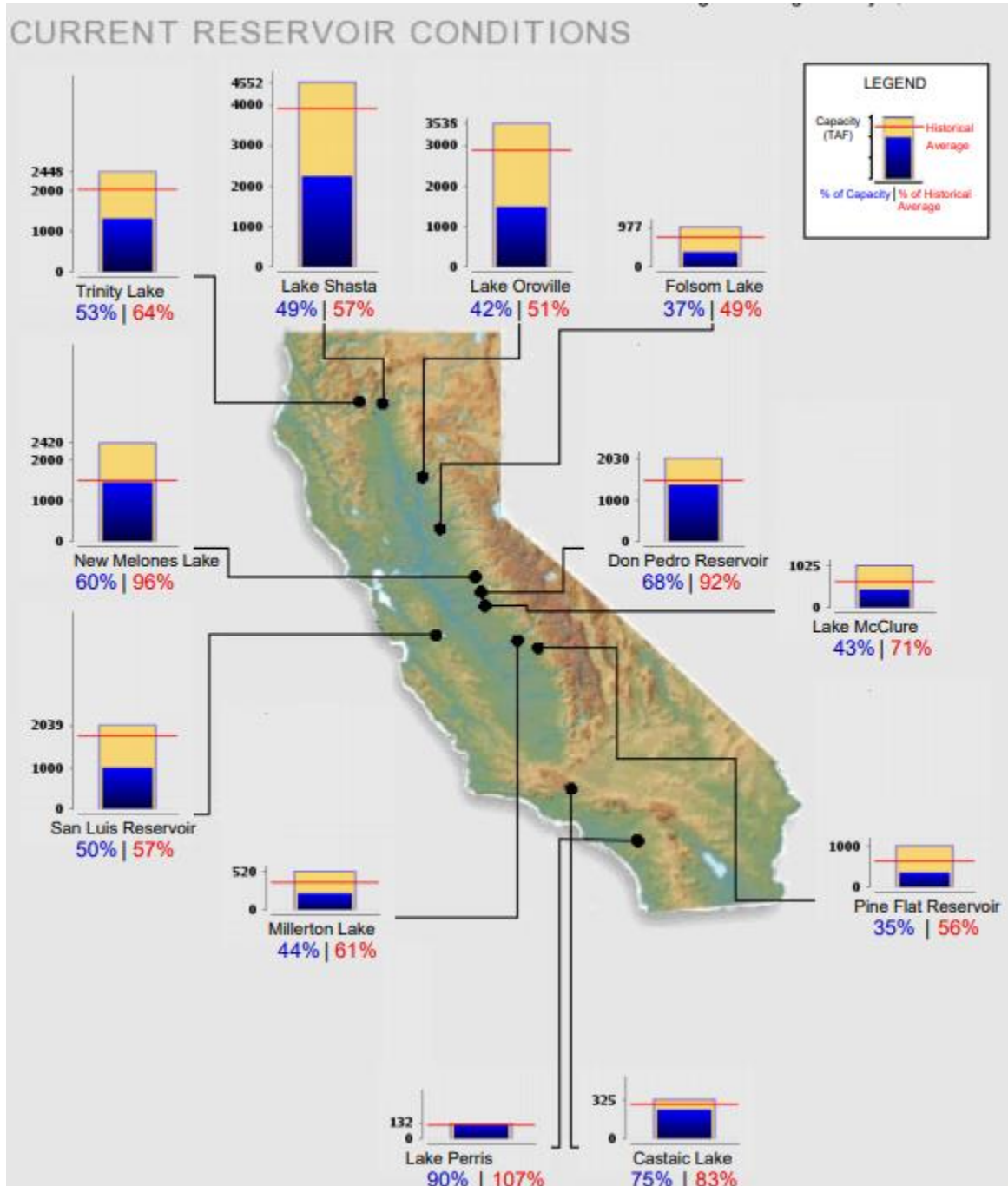
NORTH	
Data For: 07-May-2021	
Number of Stations Reporting	31
Average snow water equivalent	1.6"
Percent of April 1 Average	6%
Percent of normal for this date	10%

CENTRAL	
Data For: 07-May-2021	
Number of Stations Reporting	41
Average snow water equivalent	3.0"
Percent of April 1 Average	10%
Percent of normal for this date	14%

SOUTH	
Data For: 07-May-2021	
Number of Stations Reporting	27
Average snow water equivalent	1.2"
Percent of April 1 Average	5%
Percent of normal for this date	7%

STATEWIDE SUMMARY	
Data For: 07-May-2021	
Number of Stations Reporting	99
Average snow water equivalent	2.1"
Percent of April 1 Average	7%
Percent of normal for this date	10%

RESERVOIR STORAGE



Pinecrest Storage (5/7): 5,605 AF

~36% of Normal

~32% less than 2014

Lyons Storage (4/29): 2,820 AF

~68% of Normal

~51% less than 2014

TUD ASSURES THAT BOTH RESERVOIRS WILL FILL AND SPILL

TWAIN HARTE COMMUNITY SERVICES DISTRICT
P.O. Box 649 Twain Harte, California 95383
Tel: (209) 586-3172 Fax: (209) 586-0424

AMENDMENT #2
GENERAL MANAGER EMPLOYMENT AGREEMENT

The Twain Harte Community Services District (“District”) and Thomas C. Trott (“General Manager”) hereby agree to amend the following articles of the General Manager Employment Agreement (“Agreement”) dated May 9, 2018, as follows:

1. Subparagraph B, “General Manager and Board Responsibilities”, under Article 1, “Position and Responsibilities”, shall be removed and replaced in its entirety with the following:

B. General Manager and Board Responsibilities: The General Manager shall have the primary responsibility for the execution of District Policy, whereas the Board shall retain the responsibility of formulating and adopting said policy. The Board, at its discretion, may refer criticisms, complaints, and suggestions to the General Manager for study and recommendation.

2. Subparagraph C, “Personnel Matters”, under Article 1, “Position and Responsibilities”, shall be removed and replaced in its entirety with the following:

C. Personnel Matters: The General Manager shall act as the employee relations officer for the District and shall be responsible for organizing, reorganizing, and arranging the District’s employees and defining their job descriptions in a manner that enables the District to best accomplish the mission and strategic objectives set by the Board. Although employee organization is the General Manager’s responsibility, it is understood that the fiscal year budget and salary plan is subject to Board approval and the General Manager may need to modify the organizational chart to operate within the budgetary limits set by the Board.

3. The first sentence in Article 3, “Compensation”, shall be removed and replaced in its entirety with the following:

The General Manager shall be paid the annual salary of one hundred forty thousand dollars (\$140,000) per year, as of July 1, 2021 (renewal each fiscal year), for his full-time services, accruing neither overtime nor compensatory time, prorated and payable at the regular District pay periods, subject to the following adjustments:

4. Subparagraph A, “Use of District Vehicle”, under Article 4, “Benefits”, shall be removed and replaced in its entirety with the following:

A. Use of District Vehicle: If the General Manager lives within Tuolumne County, he shall have access to a District vehicle for his use in unlimited travel related to District business, pursuant to approved budgets, including travel to and from home and District office, meetings, trainings, and classes. The vehicle may be used for incidental personal use associated with travel, but shall not otherwise be used for personal purposes.

5. A new Subparagraph H, entitled "Remote Work" shall be added under Article 4, "Benefits", as follows:

H. Remote Work: *The General Manager, at his option, may live outside Tuolumne County and/or California and perform his duties remotely. If he opts to live and work remotely, the General Manager shall make in-person visits to the District on a regular basis. The frequency and length of said visits shall be mutually agreed to by the Board and the General Manager and may be revised as needed. It is understood that the General Manager may need to make occasional, short in-person visits to the District when needed to carry out his duties.*

Except as specifically provided below, the District shall pay or reimburse the General Manager for all travel costs associated with each in-person District visit for its entire duration. Travel costs may include, but are not limited to air travel, parking, ground transportation, car rental, lodging, meals and other reasonable costs. The following exceptions and rules shall apply:

- 1) Travel expenses shall be subject to the Board-approved fiscal year budget.*
- 2) Travel expenses paid or reimbursed by the District shall comply with the District's Training and Travel Authorization and Expense Reimbursement Policy; however, General Manager's travel to, from, and within the District will not be subject to pre-approval.*
- 3) Unless specifically approved otherwise by the Board, the General Manager will be responsible for bearing all ground transportation costs between his home and the airport when air travel is required.*
- 4) Unless specifically approved otherwise by the Board, the General Manager will be responsible for bearing all lodging and meal costs while in District.*

6. Except as specifically provided herein and as previously amended in Amendment #1 to the Agreement, dated July 10, 2019, all other terms and conditions of the Agreement shall remain in full force and effect, and each of its terms are incorporated herein by reference.

7. This Amendment #2 is effective as of the date approved by the Board and executed by both parties below.

TWAIN HARTE COMMUNITY SERVICES DISTRICT

GENERAL MANAGER

Gary Sipperley, Board President

Thomas C. Trott, General Manager

Date: _____

Date: _____