

2020-2029



# **DOWNTOWN VISALIA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT**

**MANAGEMENT DISTRICT PLAN & ENGINEER'S REPORT**

*Prepared pursuant to the Property and Business Improvement District Law of 1994, Streets and  
Highways Code section 36600 et seq.*

**April 22, 2019**

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## I. OVERVIEW

Developed by a growing coalition of property owners, the Downtown Visalia Property and Business Improvement District (DTVPBID) is a benefit assessment district whose main goal is to provide improvements and activities which constitute and convey a special benefit to assessed parcels. This approach has been used successfully in other cities throughout the country to provide special benefits to property owners, namely increased sales, attraction of new tenants, increased occupancies, and specifically increased property values. As required by state law, property owners have created this Management District Plan (Plan) to renew the DTVPBID.

**Location:** The DTVPBID generally includes parcels in the downtown area of the City of Visalia, as shown on the map in Section V.

**Purpose:** The purpose of the DTVPBID is to provide activities and improvements which constitute and convey a special benefit to assessed parcels. The DTVPBID will provide environmental enhancements, economic enhancements, and related administration programs directly and only to assessed parcels within its boundaries.

**Budget:** The DTVPBID annual assessment budget for the initial year of its ten (10) year operation is anticipated to be \$500,291.13. The annual budget may be subject to an increase in assessment rates of no more than ten percent (10%) per year. The assessment funds will be supplemented by non-assessment funds (such as grants and event income), so that the total budget for the initial year is estimated at \$525,179.97.

**Cost:** The assessment rate (cost to the parcel owner) is based on parcel size and benefit zone. The initial annual rate to each parcel is shown in the table below. Assessment rates may be subject to an increase of no more than ten percent (10%) per year for the second and third years of the renewed term and no more than five percent (5%) per year for the fourth through tenth years of the renewed term.

Initial Parcel Assessment Rates		
Parcel Type	Parcel Size (sq. ft.)	
Benefit Zone	Zone 1	Zone 2
Commercial	\$0.140	\$0.045

**Renewal:** DTVPBID renewal requires submittal of petitions from property owners representing more than fifty percent (50%) of the total assessment. The "Right to Vote on Taxes Act" (also known as Proposition 218) requires a ballot vote in which more than fifty percent (50%) of the ballots received, weighted by assessment, be in support of the DTVPBID.

**Duration:** The DTVPBID will have a ten (10) year life beginning January 1, 2020 through December 31, 2029. Near the end of the term, the petition, ballot, and City Council hearing process must be repeated for the DTVPBID to again be renewed.

**Management:** The Downtown Visalia Property Owner's Association (the Association) will continue to serve as the Owners' Association for the DTVPBID.

## **II. IMPETUS**

There are several reasons why now is the time to renew the DTVPBID. The most compelling reasons are as follows.

**1. The Need to be Proactive in Determining the Future of Downtown Visalia.**

In order to protect their investment, parcel owners must be partners in the process that determines the level and frequency of services, and how new improvements and development projects are implemented. The DTVPBID will allow these owners to lead and shape future services and improvements through the DTVPBID.

**2. The Need to Attract New Business and Investment throughout Downtown Visalia.**

If Downtown Visalia is to compete as a successful commercial district it must develop its own well-financed, proactive strategy to retain businesses and tenants as well as attract new business and investment. The DTVPBID provides the financial resources to develop and implement a focused strategy that will work to prevent and fill vacancies and attract new tenants to all areas of the DTVPBID.

**3. An Opportunity to Create a Private/Public Partnership with a Unified Voice for Downtown Visalia.**

Because parcel owners would be investing financial resources through the DTVPBID, they will be looked upon as a strong partner in negotiations with the City. This partnership will have the ability to leverage the parcel owner's investment with additional public investment in Downtown Visalia.

**4. An Opportunity to Establish Private Sector Management and Accountability.**

A non-profit, private organization formed for the sole purpose of improving Downtown Visalia will manage the services provided and the DTVPBID. Annual DTVPBID work plans and budgets are developed by a board composed of stakeholders that own property in the Downtown Visalia. Improvements and activities provided by the DTVPBID are subject to private sector performance standards, controls, and accountability.

### III. BACKGROUND

The International Downtown Association estimates that more than 1,500 Property and Business Improvement Districts (PBIDs) currently operate throughout the United States and Canada. PBIDs are a time-tested tool for property owners who wish to come together and obtain collective services which benefit their properties.

PBIDs provide supplemental services in addition to those provided by local government. They may also finance physical and capital improvements. These improvements and activities are concentrated within a distinct geographic area and are funded by a special parcel assessment. Services and improvements are only provided to those who pay the assessment.

Although funds are collected by the local government, they are then directed to a private nonprofit. The nonprofit implements services and provides day-to-day oversight. The nonprofit is managed by a Board of Directors representing those who pay the assessment, to help ensure the services meet the needs of property owners and are responsive to changing conditions within the PBID.

PBIDs all over the globe have been proven to work by providing services that improve the overall viability of commercial districts, resulting in higher property values, lease rates, occupancy rates, and sales volumes.

The DTVPBID will be renewed pursuant to a state law that took effect in January of 1995. The “Property and Business Improvement District Law of 1994,” which was signed into law by Governor Pete Wilson, ushered in a new generation of Property and Business Improvement Districts in California. Key provisions of the law include:

- Allows a wide variety of services which are tailored to meet specific needs of assessed properties in each individual PBID;
- Requires property owner input and support throughout the renewal process;
- Requires written support on both a petition and ballot from property owners paying fifty percent (50%) of proposed assessments;
- Allows for a designated, private nonprofit corporation to manage funds and implement programs, with oversight from property owners and the City;
- Requires limits for assessment rates to ensure that they do not exceed the amount owners are willing to pay; and
- Requires the PBID be renewed after a certain time period, making it accountable to property owners.

The “Property and Business Improvement Business District Law of 1994” is provided in Appendix 2 of this document.

## IV. ACCOMPLISHMENTS

During the previous term of the DTVPBID, the Downtown Visalia Property Owner's Association has achieved significant results for the benefit of assessed property owners within the DTVPBID. Examples include:

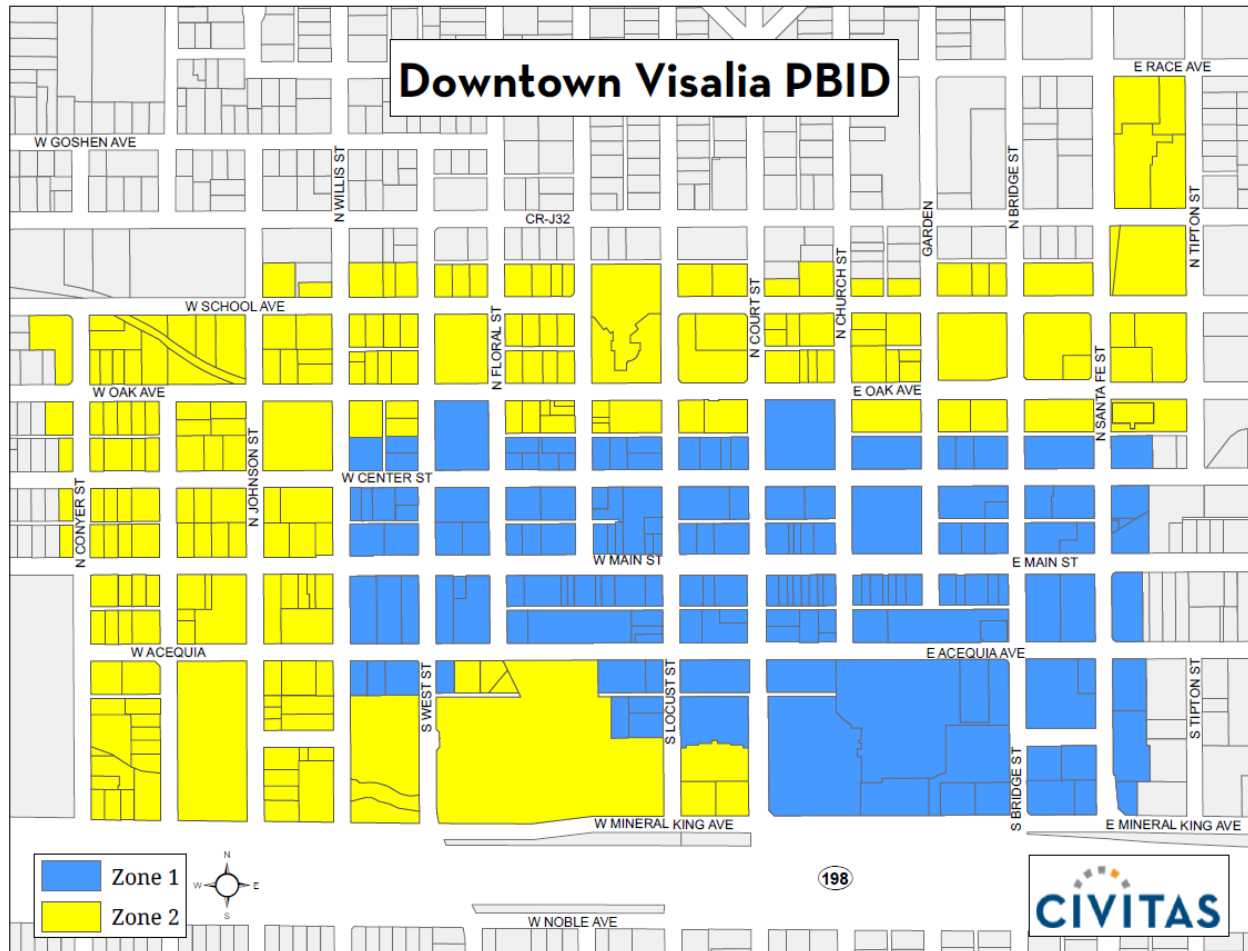
- Upgraded and installed decorative lighting on 48 trees along Main Street. Decorative lights are maintained annually and removed and rehung for tree maintenance every three years.
- LED light upgrade to Candy Cane Lane holiday lighting.
- Removal of over 14,000 graffiti tags (1,650 annually).
- Provision of 24/7 security services. There have been just under 25,000 call for service (3,000 annually) and 30,000 vagrant contacts.
- Landscaping improvements including a total revamp and enhancement of the Main Street corridor and converting to drip irrigation systems.
- Pedestrian safety enhancements along the Main Street corridor.
- Parking in-lieu fees designed to attract businesses to the DTVPBID.
- Enclosure artwork improvements.
- DTVPBID maintenance programs.

In the next term of the DTVPBID, the Downtown Visalia Property Owner's Association envisions the following:

- Street light replacements in January 2020.
- Water infrastructure replacements along Main Street in January 2020.
- Using Public Safety Planning grant funds to improve traffic flows, bicycle safety, and pedestrian safety throughout the DTVPBID.

## V. BOUNDARIES

The DTVPBID generally includes parcels in the downtown area of the City of Visalia, as shown on the map below. The service area includes approximately 374 properties with 241 property owners. The DTVPBID boundary is illustrated by the map below. A larger map is available on request by calling (916)437-4300 or (800)999-7781.





## **VI. SERVICE PLAN & BUDGET**

### **A. Improvements and Activities**

The DTVPBID will provide supplemental improvements and activities that are above and beyond those provided by the City and other government agencies. None of the services to be provided by the DTVPBID are provided by the City or other government agencies. The improvements and activities will be provided directly and only to assessed parcels; they will not be provided to parcels that are not assessed. Each and every service is unique to the DTVPBID, thus the benefits provided are particular and distinct to each assessed parcel.

#### **1. Environmental Enhancements**

The environmental enhancement programs may include public safety patrols to support crime prevention and reduce the incidence of nuisance crimes, streetscape and landscape enhancements to make the DTVPBID more attractive, graffiti removal to provide a cleaner DTVPBID environment, and general DTVPBID maintenance including sidewalk sweeping and steam cleaning.

#### **2. Economic Enhancements**

The economic enhancement programs and incentives are designed to attract, grow, and incubate new businesses. DTVPBID economic enhancements programs will also include an in-lieu parking program to remove barriers to downtown development and promotions to improve the downtown image and invite customers to assessed parcels within the DTVPBID.

#### **3. Administration**

The administration portion of the budget will be utilized for administrative costs associated with providing the activities and improvements. Those costs may include rent, telephone charges, legal fees, accounting fees, postage, administrative staff, insurance, and other general office expenses.

#### **4. Contingency/Reserve**

The budget includes a contingency line item to account for uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program, administration or renewal costs at the discretion of the Owners' Association. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board of Directors of the Owners' Association. The reserve fund may be used for the costs of renewing the DTVPBID.

### **B. Annual Budget**

A projected ten (10) year budget for the DTVPBID is provided below. The overall budget shall remain consistent with this Plan. In the event of a legal challenge, assessment funds may be used to defend the DTVPBID. The annual budget is based on the following assumptions and guidelines:

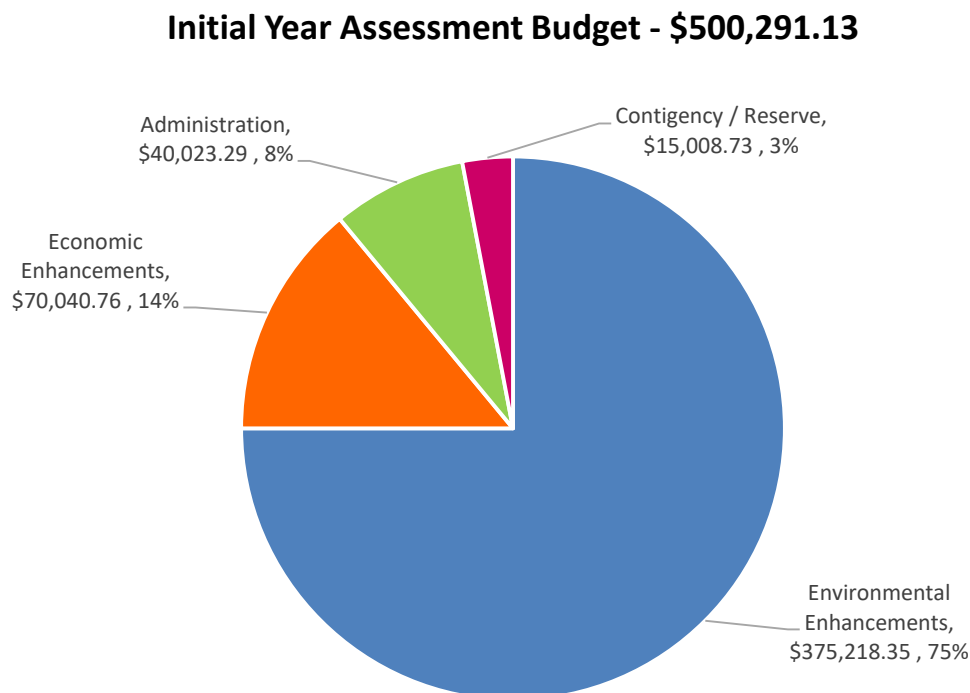
1. The cost of providing improvements and activities may vary depending upon the market cost for those improvements and activities. Expenditures may require adjustment up or down to continue the intended level of improvements and activities. The Association shall annually have the ability to re-allocate up to fifteen percent (15%) of the budget allocation by line item within the budgeted categories. Any change will be approved by the Association and submitted with the Annual Report.



2. Funds not spent in any given year may be rolled over to the next year.
3. The assessment rate may be subject to annual increases that will not exceed ten percent (10%) per year for the second and third years of the renewed term and will not exceed five percent (5%) per year for the fourth through tenth years of the renewed term. Increases will be determined by the Association and will vary each year. The projections below illustrate the maximum annual increase for all budget items.
4. Each budget category includes all costs related to providing that improvement, maintenance, or activity, in accordance with Generally Accepted Accounting Principles (GAAP). For example, the environmental enhancements budget includes the cost of staff time dedicated to overseeing and implementing environmental enhancements programs. Staff time dedicated purely to administrative tasks is allocated to the administration and advocacy portion of the budget. The costs of an individual staff member may be allocated to multiple budget categories, as appropriate in accordance with GAAP. The staffing levels necessary to provide the DTVPBID improvements, maintenance, and activities will be determined by the Association on an as-needed basis.

### C. Assessment Budget

The total improvement, maintenance, and activity budget for 2020 that is funded by property assessments is \$500,291.13. In addition to the assessment revenue, the programs will be supplemented by non-assessment funds. The total of non-assessment funds, and the determination of special and general benefit, is included in the Engineer's Report. The total of assessment and non-assessment funds is provided in Appendix 4. Below is an illustration of the estimated total assessment budget allocations for each budget category for the ten (10) year life of the DTVPBID. The allocation of the assessment funds is governed by Section E below. Non-assessment funds may be shifted between budget categories as needed by the Association.



#### D. Zone Assessment Budgets

Funds may only be spent on improvements, maintenance, and activities provided in the zone from which they funds were derived. The budget for 2020, broken down by zone, is below.

<b>Benefit Zone</b>	<b>Zone 1</b>	<b>Zone 2</b>
Environmental Enhancements	\$266,100.24	\$109,118.11
Economic Enhancements	\$49,672.04	\$20,368.72
Administration	\$28,384.03	\$11,639.26
Contingency / Reserve	\$10,644.01	\$4,364.72
<b>Zone Totals</b>	<b>\$354,800.32</b>	<b>\$145,490.81</b>

#### E. Annual Maximum Assessment Budget

The budget below assumes the maximum annual increase of ten percent (10%) per year for the second and third years of the renewed term and of five percent (5%) per year for the fourth through tenth years of the renewed term.is enacted and that there are no changes to the categorical budget allocations.

<b>Year</b>	<b>Environmental Enhancements</b>	<b>Economic Enhancements</b>	<b>Administration</b>	<b>Contingency / Reserve</b>	<b>Total</b>
2020	\$375,218.35	\$70,040.76	\$40,023.29	\$15,008.73	\$500,291.13
2021	\$412,740.19	\$77,044.84	\$44,025.62	\$16,509.60	\$550,320.25
2022	\$454,014.20	\$84,749.32	\$48,428.18	\$18,160.56	\$605,352.26
2023	\$476,714.91	\$88,986.79	\$50,849.59	\$19,068.59	\$635,619.88
2024	\$500,550.66	\$93,436.12	\$53,392.07	\$20,022.02	\$667,400.87
2025	\$525,578.19	\$98,107.93	\$56,061.67	\$21,023.12	\$700,770.91
2026	\$551,857.10	\$103,013.33	\$58,864.76	\$22,074.28	\$735,809.47
2027	\$579,449.96	\$108,163.99	\$61,807.99	\$23,177.99	\$772,599.93
2028	\$608,422.45	\$113,572.19	\$64,898.39	\$24,336.89	\$811,229.92
2029	\$638,843.58	\$119,250.80	\$68,143.31	\$25,553.74	\$851,791.43
<b>Total</b>	<b>\$5,123,389.59</b>	<b>\$956,366.07</b>	<b>\$546,494.87</b>	<b>\$204,935.52</b>	<b>\$6,831,186.05</b>

## **VII. GOVERNANCE**

### **A. Owners' Association**

The District shall be governed by the Downtown Visalia Property Owner's Association, with oversight from the Visalia City Council. The Downtown Visalia Property Owner's Association shall serve as the Owners' Association described in the Streets and Highways Code §36651. The Board of Directors of the Association and its staff are charged with the day-to-day operations of the DTPVBID.

A majority of the Board of Directors of the Downtown Visalia Property Owner's Association must be parcel owners paying the DTPVBID assessment. The Board of Directors shall be composed as follows:

- Directors must represent diversity in property and business type, including both large and small property owners, as well as different uses within the DTPVBID boundaries including office, retail, hospitality, government, and non-profits;
- Directors will also include business owners who may not be property owners; and
- Directors will also include representatives of both benefit zones.

### **B. Brown Act & Public Records Act Compliance**

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its Board of Directors or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association must act as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Association Board of Directors and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

### **C. Annual Report**

The Association shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 2). The annual report is a prospective report for the upcoming year and must include:

1. Any proposed changes in the boundaries of the DTPVBID or in any benefit zones or classification of property within the district;
2. The improvements, maintenance, and activities to be provided for that fiscal year;
3. The estimated cost of providing the improvements, maintenance, and activities to be provided for that fiscal year;
4. The method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year;
5. The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
6. The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this Plan.

## VIII. ENGINEER'S REPORT

The DTVPBID's parcel assessments will be imposed in accordance with the provisions of Article XIII D of the California Constitution. Article XIII D provides that "only special benefits are assessable,"<sup>1</sup> and requires the City to "separate the general benefits from the special benefits conferred on a parcel."<sup>2</sup> Special benefits are a "particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public-at-large."<sup>3</sup> Conversely, a general benefit is "conferred on real property located in the district or to the public-at-large."<sup>4</sup> Assessment law also mandates that "no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."<sup>5</sup>

The Engineer determined the total cost of the improvements, maintenance, and activities, quantified the general benefit accruing to the public-at-large and non-assessed parcels adjacent to and within the DTVPBID, and separated that amount from the special benefit accruing to the assessed parcels. Then, the Engineer determined the proportional special benefit derived by each parcel and allocated the special benefit value of the improvements, maintenance, and activities accordingly. The Engineer's determinations and detailed calculations are summarized in this report.

### A. Separation of General and Special Benefits

Each of the improvements, maintenance, and activities, and the associated costs and assessments within the DTVPBID, were reviewed, identified, and allocated based on special and general benefits pursuant to Article XIII D of the California Constitution. The assessment has been apportioned based on the proportional special benefits conferred to the assessed parcels located within the DTVPBID boundaries as determined below.

#### 1. General Benefits

Unlike special benefits, which are conferred directly and only upon assessed parcels, a general benefit is conferred on the general public or non-assessed parcels. Existing City and other public services, which are provided to every person and parcel, everywhere within the City, are an example of a general benefit. Although the DTVPBID's boundaries have been narrowly drawn and programs have been carefully designed to provide special benefits, and improvements, maintenance, and activities will only be provided directly to assessed parcels, it is acknowledged that there will be general benefits as a result of the DTVPBID's improvements, maintenance, and activities.

The California Constitution mandates that "only special benefits are assessable, and an agency shall separate the general benefits from the special benefits."<sup>6</sup> "Generally, this separation and quantification of general and special benefits must be accomplished by apportioning the cost of a service or improvement between the two and assessing property owners only for the portion of the cost representing special benefits."<sup>7</sup> The first step that must be undertaken to separate general and special benefits provided by the DTVPBID's improvements, maintenance, and activities is to identify and quantify the general benefits. There are two bodies who can receive general benefits: the public-at-large within the DTVPBID, and non-assessed parcels surrounding the DTVPBID.

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<sup>1</sup> Cal. Const., art. XIII D, §4(a)

<sup>2</sup> Cal. Const., art. XIII D, §4(a)

<sup>3</sup> Id., §2(i)

<sup>4</sup> Cal. Const., art. XIII D, §2(i)

<sup>5</sup> Cal. Const., art. XIII D, §4(a)

<sup>6</sup> Cal. Const., art. XIII D, §4(a)

<sup>7</sup> Golden Hill Neighborhood Association v. City of San Diego (2011) 199 Cal.App.4th 416

### General Benefit to the Public-at-Large

Although the improvements, maintenance, and activities are narrowly designed and carefully implemented to specially benefit the assessed parcels, and only provided directly to assessed parcels, they will generate a general benefit to the public-at-large within the DTVPBID. State law indicates that “Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed.”<sup>8</sup> However, “the mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.”<sup>9</sup> Further, “the value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.”<sup>10</sup> Thus, although there may be some incidental benefit to persons engaged in business on the assessed parcels, that incidental benefit is not considered general benefit because it is inherently produced by improvements, maintenance, and activities that provide special benefits to the assessed parcels. There is, however, a general benefit to persons not engaged in business on the assessed parcels.

Intercept surveys conducted in similar districts have found that approximately 97.3% of pedestrian traffic within PBID boundaries is engaged in business on assessed parcels, while the remaining approximately 2.7% is simply passing through and not engaging in business on the assessed parcels<sup>11</sup>. The 2.7% of traffic passing through does not have any connection to the assessed parcels, and therefore does not represent a special benefit to the assessed parcels. The 2.7% will, however, receive a derivative and indirect general benefit as a result of the improvements, maintenance, and activities being provided in the District. Therefore, it is estimated that 2.7% of the benefit created by the District’s services is general benefit provided to the public-at-large. To ensure that the assessment dollars do not fund general benefits to the public-at-large, that portion of the cost of improvements, maintenance, and activities will be paid for with funds not obtained through assessments. Using the 2.7% figure, based on the initial year improvement, maintenance, and activity budget, the value of this general benefit to the public-at-large is \$14,179.86 ( $\$525,179.97 \times 0.027$ ).

### General Benefit to Non-Assessed Parcels

Although they are only provided directly to the assessed parcels, the DTVPBID’s improvements, maintenance, and activities may also confer general benefits upon non-assessed parcels surrounding the DTVPBID. One study examining property values in PBID areas found “no evidence of spill-over impacts (either good or bad) on commercial properties located just outside the BID’s boundaries;”<sup>12</sup> however, the California Court of Appeals has stated that “services specifically intended for assessed parcels concomitantly confer collateral general benefits to surrounding properties.”<sup>13</sup> It is reasonable to conclude that improvements, maintenance, and activities within the DTVPBID will have an incidental impact on non-assessed parcels surrounding the DTVPBID boundaries. Although the legislature has indicated that “the value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based

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<sup>8</sup> Streets and Highways Code section 36601(h)(2)

<sup>9</sup> Ibid

<sup>10</sup> Streets and Highways Code section 36622(k)(2)

<sup>11</sup> Surveys conducted in: North Park, San Diego (January 2015); Mack Road, Sacramento (July 2014); and Sunrise MarketPlace, Citrus Heights (December 2013)

<sup>12</sup> Furman Center for Real Estate & Urban Policy; The Impact of Business Improvement Districts on Property Values: Evidence from New York City (2007) p. 4

<sup>13</sup> Beutz v. Riverside (2010) 184 Cal.App.4th 1516

district and that benefit property or persons not assessed shall *not* be deducted from the entirety of the cost of any special benefit,”<sup>14</sup> the California Court of Appeals has noted that “the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement...or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement.”<sup>15</sup> Those derivative and indirect impacts are considered general benefits and will be quantified and separated.

In this Engineer’s opinion, because improvements, maintenance, and activities are provided only within the DTVPBID and on its perimeter, parcels separated from the DTVPBID by either at least one intervening parcel or an impassable physical barrier such as a wall, railroad track, freeway, or ditch will not receive spill over benefits. Parcels separated from the DTVPBID will not benefit because they are physically removed from the actual location of improvements, maintenance, and activities provided, and do not face serviced parcels. Therefore, this analysis considers non-assessed surrounding parcels that are immediately adjacent to and accessible from the DTVPBID’s boundaries.

The total DTVPBID improvement, maintenance, and activity budget for the first year is \$525,179.97. After reducing the improvement, maintenance, and activity budget by the general benefit to the public-at-large (\$14,179.86), the remaining benefit to parcels is \$511,000.11. This benefit has been distributed to both assessed and non-assessed parcels using the following methodology. The general benefit to the public-at-large has been proportionally allocated to the DTVPBID’s improvement, maintenance, and activity categories as shown in the following table.

<b>Category</b>	<b>Benefit to Parcels</b>	<b>Benefit to Public-at-Large</b>	<b>Total</b>
Environmental Enhancements	\$383,695.86	\$10,647.27	\$394,343.13
Economic Enhancements	\$71,094.24	\$1,972.81	\$73,067.05
Administration; Contingency/Reserve	\$56,210.01	\$1,559.78	\$57,769.79
<b>TOTAL</b>	<b>\$511,000.11</b>	<b>\$14,179.86</b>	<b>\$525,179.97</b>

To determine the general benefit to parcels, the Engineer assigned each parcel group a benefit factor, determined the appropriate parcel characteristic to use in the calculation, multiplied the benefit factor by the benefit characteristic to determine the benefit units attributable to each parcel group, and apportioned the remaining service cost (service cost minus general benefit to the public) in accordance with the benefit units derived by each parcel group.

#### Benefit Factors

All parcels within and adjacent to the DTVPBID have been assigned a benefit factor to mathematically represent the proportional special and general benefit and quantify the value of each. The determination of benefit factors for each type of improvement, maintenance, and activity follows.

#### *Improvements*

The improvements to be provided by the DTVPBID provide two types of special benefits:

<sup>14</sup> Streets and Highways Code section 36622(k)(2)

<sup>15</sup> Tiburon v. Bonander (2009) 180 Cal.App.4<sup>th</sup> 1057, 1077

*Improvement* – The primary special benefit provided by the DTVPBID’s improvements is the improvements themselves, which are available to tenants and customers of assessed parcels.

*Proximity* – The DTVPBID’s improvements also provide the special benefit of being in proximity to a parcel that is benefitting from an improvement, as parcels will enjoy the spillover benefits of neighboring parcels utilizing the improvements.

The majority of the benefit is the improvements themselves; proximity is a lesser benefit. It is this Engineer’s estimation that eighty-five percent (85%) of the special benefit from the DTVPBID’s improvements is the improvement, while the presence and proximity special benefits each account for fifteen percent (15%) of the special benefit. Assessed parcels will receive both benefits; non-assessed parcels within and adjacent to the DTVPBID will not be directly improved, and therefore only receive the general benefit of proximity.

#### *Tangible Activities*

The tangible activities (those that are physically provided via a person or people working throughout the DTVPBID) to be provided by the DTVPBID generate three types of special benefits:

*Service* – The primary special benefit provided by the DTVPBID’s physical activities is the actual service.

*Presence* – The DTVPBID’s physical activities also provide the special benefit of an individual’s presence on the assessed parcel as the activities are provided, which can have a deterrent effect and creates a positive impression that the area is well-maintained and safe. The “Disneyland effect” is the benefit the parcels receive from the observation that parcels are being maintained. There are studies which link the perception of cleanliness to a perception of increased security.

*Proximity* – The DTVPBID’s physical activities also provide the special benefit of being in proximity to a cleaner, safer parcel. Neighboring parcels enjoy the spillover benefits of being adjacent to increased safety and cleanliness.

The majority of the benefit received by the parcels is the results of the DTVPBID’s services; onsite presence and proximity are lesser benefits. It is this Engineer’s estimation that seventy-five percent (75%) of the special benefit from the DTVPBID’s physical activities is the service, while the presence and proximity benefits each account for twelve and one-half percent (12.5% presence, 12.5% proximity) of the special benefit. Assessed parcels will receive all three benefits; non-assessed parcels within and adjacent to the DTVPBID will not be directly serviced by individuals present on the parcels and therefore only receive the general benefit of proximity.

#### *Intangible Activities*

Some of the DTVPBID’s activities, such as marketing, are distinct in that they are not provided to a targeted area within the DTVPBID, rather they are provided via Internet, radio, and other forms of media and targeted at an audience outside the DTVPBID in an effort to bring the audience into the DTVPBID. These activities provide two types of special benefits:

*Direct Exposure* – The primary special benefit provided by the DTVPBID’s intangible activities is exposure. The intangible activities increase awareness of the DTVPBID as a commercial and business destination and lead to increased patronage.

*Incidental Exposure* – The DTVPBID’s intangible activities will also have a secondary special benefit of incidental exposure, such as word-of-mouth exposure, that results from the direct



exposure and increases awareness of the DTVPBID as a commercial and business destination.

The majority of the benefit from these activities is the direct exposure; the incidental exposure is a lesser benefit. It is this Engineer's estimation that ninety percent (90%) of the special benefit from the intangible activities is direct exposure, while ten percent (10%) is incidental exposure. Assessed parcels will receive both as special benefits; non-assessed parcels within and adjacent to the DTVPBID will not be directly marketed and therefore only receive the general benefit of incidental exposure.

#### *Factors Determined*

Based on the foregoing analysis, all assessed parcels within the DTVPBID specially benefit from the DTVPBID's improvements, maintenance, and activities, and have been assigned a benefit factor of 1.0. Parcels that are not assessed have been assigned benefit factors based on the portion of the benefit they will receive, as described above. The non-assessed parcels will benefit from 15% of the improvements, 12.5% of the tangible activities, and 10% of the intangible activities; therefore they have been assigned benefit factors of 0.150, 0.125, and 0.100, respectively.

#### Non-Assessed Benefit Characteristics

There are two types of parcels that are not assessed; those within the DTVPBID and those immediately adjacent to and accessible from the DTVPBID. Because they generally benefit in a differing manner, distinct parcel characteristics are used to quantify the general benefit to each type.

- *Inside* – Non-assessed parcels inside of the DTVPBID are surrounded by parcels that are assessed and receiving the full special benefits; they will, therefore, receive the general benefit of proximity. These parcels are impacted on more than one side by the DTVPBID's improvements, maintenance, and activities and improvements, maintenance, and activities are provided all around them. Because these parcels are surrounded by specially benefitted parcels, it is appropriate that parcel square footage be used to measure the general benefit they receive.
- *Adjacent* – Adjacent parcels are those that are immediately adjacent to or directly across the street from specially benefitted parcels, and accessible from specially benefitted parcels. These parcels generally benefit differently than those inside the DTVPBID, because these parcels are adjacent to, rather than surrounded by, specially benefitted parcels. Square footage is not an appropriate measure of benefit to these parcels. Because the parcels are not surrounded by serviced parcels, a long, shallow parcel with the same square footage as a deep, narrow parcel will receive a different level of general benefit. Likewise, two parcels with the same depth but a different width adjacent to serviced parcels will benefit differently. To account for this difference, it is appropriate that parcel linear frontage be used to measure the general benefit the adjacent parcels receive.

#### Calculations

To quantify and separate the general benefit to non-assessed parcels, the following calculations were undertaken for each budget category.

1. The total service budget for each category was determined and the amount of general benefit to the public-at-large was subtracted from the category budget.
2. The benefit factor applicable to each improvement, maintenance, or activity was multiplied by the linear frontage of assessed and non-assessed parcels, to determine the number of benefit units received by each parcel group.

3. The benefit units for all parcel groups were summed, and the percentage of benefit units attributable to each parcel group was calculated.
4. The total remaining improvement, maintenance, and activity budget, less the amount already determined to be general benefit to the public-at-large, was allocated to general and special benefit categories for each parcel group using the calculated benefit percent and applicable benefit characteristic methodology.
5. The special and general benefit resulting from the administration and contingency / reserve portions of the budget were determined based on the proportional allocation of benefits derived from improvements, maintenance, and activities.

### *Environmental Enhancements*

The environmental enhancements budget, minus the amount of general benefit to the public-at-large, is \$383,695.86. The calculations below determine the amount of general benefit to non-assessed parcels within the DTVPBID. The environmental enhancements budget category contains both improvements and tangible activities; out of an abundance of caution, the Engineer used the higher 0.150 benefit factor to quantify the general benefit.

<b>Parcel Type</b>	<b>Square Footage</b>	<b>Benefit Factor</b>	<b>Benefit Units</b>	<b>Benefit Percent</b>	<b>Remaining Budget</b>	
Assessed	5,767,417	X 1.000	=5,767,417.00	99.428%	X \$383,695.86	= \$381,502.67
Non-Assessed	221,039	X 0.150	=33,155.85	0.572%	X \$383,695.86	= \$2,193.19

The environmental enhancements budget, minus the amount of general benefit to the public and non-assessed parcels within the DTVPBID, is \$381,502.67. The calculations below determine the amount of general benefit to parcels adjacent to the DTVPBID.

<b>Parcel Type</b>	<b>Linear Frontage</b>	<b>Benefit Factor</b>	<b>Benefit Units</b>	<b>Benefit Percent</b>	<b>Remaining Budget</b>	
Inside	95,991	X 1.000	=95,991.00	98.353%	X \$381,502.67	= \$375,218.35
Adjacent	10,718	X 0.150	=1,607.70	1.647%	X \$381,502.67	= \$6,284.32

Therefore, the allocation of the environmental enhancements budget is as follows:

General Benefit – Public At Large	\$10,647.27
General Benefit – Inside Parcels	\$2,193.19
General Benefit – Adjacent Parcels	\$6,284.32
Special Benefit	\$375,218.35
Total	\$394,343.13

### *Economic Enhancements*

The economic enhancements budget, minus the amount of general benefit to the public-at-large, is \$71,094.24. The calculations below determine the amount of general benefit to non-assessed parcels within the DTVPBID. The economic enhancements budget category contains intangible activities; the Engineer used the 0.100 benefit factor to quantify the general benefit.

Parcel Type	Square Footage	Benefit Factor	Benefit Units	Benefit Percent	Remaining Budget	
Assessed	5,767,417	X 1.000	=5,767,417.00	99.618%	X \$71,094.24	= \$70,822.81
Non-Assessed	221,039	X 0.100	=22,103.90	0.382%	X \$71,094.24	= \$271.43

The economic enhancements budget, minus the amount of general benefit to the public and non-assessed parcels within the DTVPBID, is \$70,822.81. The calculations below determine the amount of general benefit to parcels adjacent to the DTVPBID.

Parcel Type	Linear Frontage	Benefit Factor	Benefit Units	Benefit Percent	Remaining Budget	
Inside	95,991	X 1.000	=95,991.00	98.896%	X \$70,822.81	= \$70,040.76
Adjacent	10,718	X 0.100	=1,071.80	1.104%	X \$70,822.81	= \$782.05

Therefore, the allocation of the economic enhancements budget is as follows:

General Benefit – Public At Large	\$1,972.81
General Benefit – Inside Parcels	\$271.43
General Benefit – Adjacent Parcels	\$782.05
Special Benefit	\$70,040.76
<b>Total</b>	<b>\$73,067.05</b>

#### *Administration; Contingency / Reserve*

The administration and contingency / reserve budget line items relate to the improvements, maintenance, and activities provided. These costs have been allocated proportionally based on the special and general benefit provided by each category.

	Special Benefit to Parcels	General Benefit to Parcels
Environmental Enhancements	\$375,218.35	\$8,477.51
Economic Enhancements	\$70,040.76	\$1,053.48
Improvement, Maintenance, and Activity Totals	\$445,259.11	\$9,530.99
Percent	97.904%	2.096%
Administration; Contingency / Reserve	\$55,032.02	\$1,177.99
<b>Total Parcel Benefits</b>	<b>\$500,291.13</b>	<b>\$10,708.98</b>

#### **iv. Total Benefits**

Based on the foregoing calculations, the total benefits to assessed parcels, non-assessed parcels, and the general public are:

	Special	Parcel General	Public	Total
Environmental Enhancements	\$375,218.35	\$8,477.51	\$10,647.27	\$394,343.13

Economic Enhancements	\$70,040.76	\$1,053.48	\$1,972.81	\$73,067.05
Administration; Contingency / Reserve	\$55,032.02	\$1,177.99	\$1,559.78	\$57,769.79
<b>Total</b>	<b>\$500,291.13</b>	<b>\$10,708.98</b>	<b>\$14,179.86</b>	<b>\$525,179.97</b>

c. Non-Assessment Funding

The programs funded by the DTVPBID receive additional non-assessment funding in the form of city funding, grants, corporate sponsorships, event income, and other miscellaneous funds. These funding sources are anticipated to equal or exceed the amount of general benefit conferred annually by the DTVPBID's improvements, maintenance, and activities, \$24,888.84. These non-assessment funds will be used to pay for the general benefit provided by the DTVPBID's improvements, maintenance, and activities, ensuring that parcel assessments will only be used to provide special benefits.

## 2. Special Benefit

The improvements, maintenance, and activities to be provided by the DTVPBID constitute and convey special benefits directly to the assessed parcels. Assessment law requires that "the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided."<sup>16</sup> Further, "no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."<sup>17</sup> Special benefit "includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed."<sup>18</sup>

To determine the total special benefit value to be conveyed to the assessed parcels, we deduct the general benefit value (\$24,888.84) from the total value of the improvements, maintenance, and activities (\$525,719.97). The remaining \$500,291.13 is considered the special benefit to assessed parcels (the "Total Assessment"). The Total Assessment represents the total value of the special benefit to be provided by the improvements, maintenance, and activities. The Total Assessment has been proportionally divided among the assessed parcels so that no assessment exceeds the reasonable cost of the proportional special benefit conferred on a parcel. The assessment rate has been designed to ensure that "properties that receive the same proportionate special benefit pay the same assessment."<sup>19</sup>

<b>Service Provided</b>	<b>Total Benefit Value</b>	<b>General Benefit Value to Public</b>	<b>Benefit Value to Parcels (Special &amp; General)</b>	<b>Special Benefit to Assessed Parcels</b>
Environmental Enhancements	\$394,343.13	\$10,647.27	\$383,695.86	\$375,218.35
Economic Enhancements	\$73,067.05	\$1,972.81	\$71,094.24	\$70,040.76
Administration	\$42,014.40	\$1,134.39	\$40,880.01	\$40,023.29

<sup>16</sup> Cal. Const., art XIII D §4(a)

<sup>17</sup> Ibid

<sup>18</sup> Streets and Highways Code section 36615.5

<sup>19</sup> *Tiburon v. Bonander* (2009) 180 Cal.App.4<sup>th</sup> 1057

Contingency / Reserve	\$15,755.39	\$425.39	\$15,330.00	\$15,008.73
<b>TOTAL</b>	<b>\$525,179.97</b>	<b>\$14,179.86</b>	<b>\$511,000.11</b>	<b>\$500,291.13</b>

## B. Assessment Methodology

### 1. Base Formula

Each parcel will be assessed based on proportional special benefits received. The variables used for the annual assessment formula are parcel size and benefit zone. These variables are appropriate measures of the proportional special benefit because the need for services, level of services, and quantity of services are all relative to these variables; thus the special benefit provided to each parcel by the services can be proportionally measured using these variables.

#### Determination of Assessment Rates

“Because not all parcels in the district are identical in size...some will receive more special benefit than others.”<sup>20</sup> Each of the variables used relates directly to the service level and special benefit provided to each parcel. Parcel square footage is the size of the parcel, measured in square feet. Size is an appropriate measure of proportional special benefit because it relates directly to the quantity of services provided to the parcel, the highest and best use of a parcel, and reflects the long-term value implications of the DTVPBID. The larger a parcel, the more services and benefit the parcel will receive.

To determine the assessment rates, the assessed parcels were classified by the estimated benefit assessed parcels receive, the estimated special benefit value of the improvements, maintenance, and activities provided to each type was determined based on approximate cost of service provision, and an assessment rate that is proportional to the estimated proportional benefit received by assessed parcels was determined.

To determine the assessment rates, the estimated special benefit value for assessed parcels was divided by the total assessable parcel square footage as shown in the tables below.

#### *Parcel Size*

The DTVPBID’s services will benefit each assessed parcel as a whole. The service budget which, in this Engineer’s estimation, represents special benefits to the parcels, has been allocated based on parcel size.

<b>Parcel Type</b>	<b>Initial Parcel Size Budget</b>	<b>Parcel Square Footage</b>	<b>Initial Parcel Assessment Rate (\$/sqft/yr)</b>
Zone 1 Commercial	\$354,800.32 ÷	2,534,288 =	\$0.1400
Zone 2 Commercial	\$145,490.81 ÷	3,233,129 =	\$0.0450

#### Summary of Assessment Rates

Therefore, for the initial year, the maximum annual assessment rates to parcels are as shown below and in Appendix 1. Maximum annual assessment rates may be subject to an increase of no more than ten percent (10%) per year for the second and third years of the renewed term and no more than five percent (5%) per year for the fourth through tenth years of the renewed term, as shown in Appendix 1.

<sup>20</sup> *Dahms v. Downtown Pomona* (2009) 174 Cal.App.4th 708

Initial Parcel Assessment Rates	
Parcel Type	Parcel Size (sq. ft.)
Zone 1 Commercial	\$0.1400
Zone 2 Commercial	\$0.0450

Sample assessment calculations are shown in Appendix 3.

## 2. Commercial Parcels

Commercial parcels will receive and benefit from all DTVPBID services, and will therefore be assessed the full rate.

## 3. Publicly-Owned Parcels

Under “The Right to Vote on Taxes Act” (also known as Proposition 218) all public parcels are required to pay assessments unless they can demonstrate by clear and convincing evidence that their parcels do not receive a special benefit. Publicly owned parcels will receive and specially benefit from all of the District’s services and will therefore be assessed the full rate.

## 4. Non-Assessed Parcels

There are twenty-six (26) parcels within the DTVPBID that will not be assessed. These parcels are not commercial or publicly-owned parcels and will not specially benefit from or directly receive the DTVPBID’s improvements, maintenance, and activities. These parcels are accounted for in the analysis of general benefit provided to non-assessed parcels within the DTVPBID. These parcels have the following uses:

- Residential Parcels: There are twenty-four (24) residential parcels within the DTVPBID boundary that will not be assessed. The state legislature has determined that “properties zoned solely for residential use...are conclusively presumed not to benefit from the improvements and services funded through these assessments, and shall not be subject to any assessment.”<sup>21</sup> The services and improvements to be provided are designed to specially benefit commercial and publicly-owned parcels by attracting and increasing customers and visitors to assessed parcels and by improving the maintenance and safety of the assessed parcels. None of these benefits apply to residential parcels, which will not be serviced or benefit from the DTVPBID’s improvements, maintenance, and activities. Residential parcels are those parcels with four family units or less and planned unit development of single family residences.
- Utility Parcel: There is one (1) parcelized railroad track within the DTVPBID boundary that will not be assessed. The vast majority of railroad tracks are not parcelized; this parcel is an oddity. Because the vast majority of railroad tracks are not parcelized and cannot be assessed, and will not receive or benefit from DTVPBID programs, this railroad track parcel is also not assessed.
- Miscellaneous Parcel: There is one (1) parcel that is a pedestrian thoroughfare and does not have a commercial component. The vast majority of pedestrian thoroughfares are not parcelized; this parcel is an oddity. Because the vast majority of pedestrian thoroughfares are not parcelized and cannot be assessed, and will not receive or benefit from DTVPBID programs, this pedestrian thoroughfare parcel is also not assessed.

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<sup>21</sup> Streets and Highways Code section 36632(c)

## 5. Changes in Data

It is the intent of this Plan and Engineer's Report that each parcel included in the DTVPBID can be clearly identified. Every effort has been made to ensure that all parcels included in the DTVPBID are consistent in the boundary map and the assessment calculation table. However, if inconsistencies arise, the order of precedence shall be: 1) the assessment calculation table and 2) the boundary map.

If the parcel size or type of a parcel changes during the term of this DTVPBID, the assessment calculation may be modified accordingly.

### C. Assessment Notice

During the hearing process, an Assessment Ballot will be sent to owners of each parcel in the DTVPBID. The Assessment Ballot provides an estimated assessment. The final individual assessment for any particular parcel may change, up or down, if the parcel square footage or parcel type differ from those used to calculate the amount shown on the notice, which can be found in Appendix 3.

### D. Time and Manner for Collecting Assessments

As provided by State Law, the DTVPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Tulare. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Tulare shall distribute funds collected to the Association. Existing laws for enforcement and appeal of property taxes, including penalties and interest, apply to the DTVPBID assessments.

### E. Engineer's Certification

I hereby certify, to the best of my knowledge and experience, that each of the identified assessed parcels located within the Downtown Visalia Property and Business Improvement District will receive a special benefit over and above the general benefits conferred and that the amount of the assessment is no greater than the proportional special benefits conferred on each parcel, as described in this Engineer's Report.

Review of this Downtown Visalia Property and Business Improvement District Management District Plan and preparation of the Engineer's Report was completed by:



Ross Peabody  
State of California



April 22, 2019

Date

*This Engineer's Report is intended to be distributed as part of the Management District Plan in its entirety, including the Assessment Calculation Table (Appendix 3) and the Boundary Map. Reproduction and distribution of only Section VIII of this Management District Plan violates the intent of this stamp and signature.*



## APPENDIX 1 – MAXIMUM ANNUAL ASSESSMENT RATES

The table below illustrates the maximum annual assessment rate with the assumption that the rates will be increased annually by ten percent (10%) per year for the second and third years of the renewed term and by five percent (5%) per year for the fourth through tenth years of the renewed term with approval of the Association Board of Directors. The maximum rates listed are a required disclosure and not the anticipate course of action.

Maximum Parcel Assessment Rates		
Year	Benefit Zone	Commercial
2020	Zone 1	\$0.140
	Zone 2	\$0.045
2021	Zone 1	\$0.154
	Zone 2	\$0.050
2022	Zone 1	\$0.169
	Zone 2	\$0.054
2023	Zone 1	\$0.178
	Zone 2	\$0.057
2024	Zone 1	\$0.187
	Zone 2	\$0.060
2025	Zone 1	\$0.196
	Zone 2	\$0.063
2026	Zone 1	\$0.206
	Zone 2	\$0.066
2027	Zone 1	\$0.216
	Zone 2	\$0.069
2028	Zone 1	\$0.227
	Zone 2	\$0.073
2029	Zone 1	\$0.238
	Zone 2	\$0.077

## APPENDIX 2 – PBID LAW

\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 2019 SUPPLEMENT \*\*\*  
(ALL 2018 LEGISLATION)

### STREETS AND HIGHWAYS CODE DIVISION 18. PARKING PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

#### CHAPTER 1. General Provisions

#### ARTICLE 1. Declarations

##### **36600. Citation of part**

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

##### **36601. Legislative findings and declarations; Legislative guidance**

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
  - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
  - (2) Job creation.
  - (3) Business attraction.
  - (4) Business retention.
  - (5) Economic growth.
  - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
  - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

### **36602. Purpose of part**

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

### **36603. Preemption of authority or charter city to adopt ordinances levying assessments**

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

### **36603.5. Part prevails over conflicting provisions**

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

### **36604. Severability**

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

## **ARTICLE 2. Definitions**

### **36606. “Activities”**

“Activities” means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

### **36606.5. “Assessment”**

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

**36607. “Business”**

“Business” means all types of businesses and includes financial institutions and professions.

**36608. “City”**

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

**36609. “City council”**

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

**36609.4. “Clerk”**

“Clerk” means the clerk of the legislative body.

**36609.5. “General benefit”**

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

**36610. “Improvement”**

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

**36611. “Management district plan”; “Plan”**

“Management district plan” or “plan” means a proposal as defined in Section 36622.

**36612. “Owners’ association”**

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for

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

**36614. "Property"**

"Property" means real property situated within a district.

**36614.5. "Property and business improvement district"; "District"**

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

**36614.6. "Property-based assessment"**

"Property-based assessment" means any assessment made pursuant to this part upon real property.

**36614.7. "Property-based district"**

"Property-based district" means any district in which a city levies a property-based assessment.

**36615. "Property owner"; "Business owner"; "Owner"**

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

**36615.5. "Special benefit"**

"Special benefit" means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

**36616. "Tenant"**

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

**ARTICLE 3. Prior Law**

**36617. Alternate method of financing certain improvements and activities; Effect on other provisions**

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

**CHAPTER 2. Establishment**

### **36620. Establishment of property and business improvement district**

A property and business improvement district may be established as provided in this chapter.

#### **36620.5. Requirement of consent of city council**

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

#### **36621. Initiation of proceedings; Petition of property or business owners in proposed district**

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
  - (1) A map showing the boundaries of the district.
  - (2) Information specifying where the complete management district plan can be obtained.
  - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
  - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
  - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

#### **36622. Contents of management district plan**

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section

36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.

(m) In a property-based district, the total amount of general benefits, if any.

(n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(o) Any other item or matter required to be incorporated therein by the city council.

### **36623. Procedure to levy assessment**

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the



owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

#### **36624. Changes to proposed assessments**

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

#### **36625. Resolution of formation**

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
- (2) The number, date of adoption, and title of the resolution of intention.
- (3) The time and place where the public hearing was held concerning the establishment of the district.
- (4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
- (5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
- (6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district

boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

### **36627. Notice and assessment diagram**

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

### **36628. Establishment of separate benefit zones within district; Categories of businesses**

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

### **36628.5. Assessments on businesses or property owners**

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

### **36629. Provisions and procedures applicable to benefit zones and business categories**

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

### **36630. Expiration of district; Creation of new district**

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

## **CHAPTER 3. Assessments**

### **36631. Time and manner of collection of assessments; Delinquent payments**

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

**36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property**

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

**36633. Time for contesting validity of assessment**

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

**36634. Service contracts authorized to establish levels of city services**

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

**36635. Request to modify management district plan**

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

**36636. Reflection of modification in notices recorded and maps**

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

**36637. Reflection of modification in notices recorded and maps**

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

## **CHAPTER 3.5. Financing**

### **36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments**

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

## **CHAPTER 4. Governance**

### **36650. Report by owners' association; Approval or modification by city council**

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

- (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
- (2) The improvements, maintenance, and activities to be provided for that fiscal year.
- (3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
- (4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
- (5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- (6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

**36651. Designation of owners' association to provide improvements, maintenance, and activities**

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

**CHAPTER 5. Renewal**

**36660. Renewal of district; Transfer or refund of remaining revenues; District term limit**

- (a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
- (b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
- (c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

**CHAPTER 6. Disestablishment**

**36670. Circumstances permitting disestablishment of district; Procedure**

- (a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
  - (1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
  - (2) During the operation of the district, there shall be a 30-day period each year in which assesseses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
- (b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

**36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district**

- (a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property

or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

## APPENDIX 3 – PARCEL ASSESSMENT CALCULATIONS

MAP KEY	APN	OWNER NAME	LOT SIZE	ASSESSMENT	ZONE
1	093-175-007	VAN RYN JONATHAN A & NIKKI M (TRS)	17161	\$772.25	2
2	093-175-009	MINYARD DAVID & LYNN A	6098	\$274.41	2
3	093-175-010	LOMELLI MARIA C	11267	\$0.00	2
4	093-176-003	ALI KARIM K	16428	\$739.26	2
5	093-176-005	VINTAGE PRESS INC	7125	\$320.63	2
6	093-181-001	FABRIE JERRY & EVELYN	7314	\$329.13	2
7	093-181-006	KITCHEN WILLIAM R & JUDIETH K	8712	\$0.00	2
8	093-181-007	PRICE & PRICE OPTOMETRISTS	6079	\$273.56	2
9	093-181-008	RODARTE ELPIDIO	6161	\$277.25	2
10	093-181-009	KWONG CARINA KAR MAY	5137	\$231.17	2
11	093-181-012	TAYS ROBERT C (TR)	15688	\$705.96	2
12	093-181-014	RICO CHARLES L JR & VIRGINIA A (TRS)	17548	\$789.66	2
13	093-181-015	PETERS JOHN & SUZETTE	5877	\$264.47	2
14	093-181-016	FARLEY MICHAEL & DIANE	25609	\$1,152.41	2
15	093-181-017	CANERDAY CHAD	13700	\$616.50	2
16	093-181-018	PETERS JOHN & SUZETTE	13385	\$602.33	2
17	093-181-019	KITCHEN ERIC ALLEN	15924	\$716.58	2
18	093-181-020	UNION PACIFIC RAILROAD CO	15611	\$0.00	2
19	093-183-002	CARY KAREN ANN (TR) (CREDIT SHELTER T	7695	\$346.28	2
20	093-183-003	CARY KAREN ANN (TR) (CREDIT SHELTER	10125	\$455.63	2
21	093-183-006	BARRON RITA S & RICHARD B	8844	\$397.98	2
22	093-183-010	J & P WALNUTS LP	8844	\$397.98	2
23	093-183-011	VINTAGE PRESS INC	18348	\$825.66	2
24	093-183-012	PARENTING NETWORK INC	17292	\$778.14	2
25	093-184-003	INKSTER PATRICK J (TR)	8068	\$0.00	2
26	093-184-004	MILLER WARREN BENTON II (TR) (WBM II	8712	\$392.04	2
27	093-184-007	TRALEIKA LLC	7060	\$317.70	2
28	093-184-008	TMSTERS CRMRY EMPS & DRVRS UN #517	5990	\$269.55	2
29	093-184-009	BROADMAN HOWARD R (TR) (LIV TR)	5034	\$226.53	2
30	093-184-010	MILLER DAVID & BEVERLY (CO-TRS) (REV	2394	\$107.73	2
31	093-184-011	EVANS EDWARD D & BRENDA K (TRS) E&BE	12273	\$552.29	2
32	093-184-012	MENDOZA MARIO & MANDI L	8500	\$0.00	2
33	093-184-013	ELITE LIMOUSINE CA GP	7634	\$343.53	2
34	093-185-003	TSCHANNEN BRUCE	8712	\$392.04	2
35	093-185-004	CHAN JASON	8118	\$365.31	2



36	093-185-005	VISALIA CITY OF	8118	\$1,136.52	1
37	093-185-006	VISALIA CITY OF	8118	\$1,136.52	1
38	093-185-016	VINTAGE PRESS INC THE	15870	\$2,221.80	1
39	093-185-017	VINTAGE PRESS INC THE	17388	\$782.46	2
40	093-186-001	R H C ASSOCIATES	69791	\$3,140.60	2
41	093-187-001	JV-KC REAL ESTATE PROPERTIES	7924	\$0.00	2
42	093-187-002	HERFURTH JAMES R & SHIRLEY F (TRS)	9508	\$427.86	2
43	093-187-003	HERFURTH JAMES R & SHIRLEY F (TRS)	8714	\$392.13	2
44	093-187-004	JV-KC REAL ESTATE PROPERTIES	8717	\$0.00	2
45	093-187-011	JVKC REAL ESTATE PARTNERSHIP	11480	\$516.60	2
46	093-187-012	LEAL ROBERT & STACY	13782	\$620.19	2
47	093-187-013	JVKC REAL ESTATE PARTNERSHIP	9588	\$431.46	2
48	093-188-001	MC CULLOUGH WILLIAM A JR & ESPERANZ	6570	\$295.65	2
49	093-188-002	HILL CLARENCE H (TR) (REV TR)	6678	\$300.51	2
50	093-188-003	HILL CLARENCE H (TR) (REV TR)	6678	\$300.51	2
51	093-188-004	HILL CLARENCE (TR) (REV TR)	6678	\$300.51	2
52	093-188-005	LEDFORD DIANE F & MERL III(TRS FAM	6678	\$300.51	2
53	093-188-006	VOONG CALVON MD	6678	\$300.51	2
54	093-188-007	RAIBLEY JOHN C & BARBARA J(TRS)(REV	6678	\$300.51	2
55	093-188-010	SPRAGUE KEITH M & DARLENE M	6448	\$290.16	2
56	093-188-011	GROEN GREGORY D & MARJORIE JOANNE (	13356	\$601.02	2
57	093-191-001	CELILLO DON G (TR)	6552	\$294.84	2
58	093-191-002	CELILLO DON G (TR)	6678	\$300.51	2
59	093-191-003	CELILLO DON G (TR)	6678	\$300.51	2
60	093-191-009	CELILLO DON G (TR)	6678	\$300.51	2
61	093-191-010	CELILLO DON G(TR)	6678	\$300.51	2
62	093-191-011	CELILLO DON G (TR)	6552	\$294.84	2
63	093-191-012	WEST AMERICA BANK	13356	\$601.02	2
64	093-191-013	MC INTOSH FAMILY LP	13356	\$601.02	2
65	093-192-001	SAMUEL MARGUERITE(TR)(M S LIV TR)	8712	\$392.04	2
66	093-192-002	LUISI STEVEN D & SHARON L (TRS)	8712	\$392.04	2
67	093-192-003	PRO DEVELOPMENT LLC	17424	\$784.08	2
68	093-192-004	NASH LIMITED PARTNERSHIP	8712	\$392.04	2
69	093-192-005	PETERSON PAUL STANLEY & MONICA	8712	\$392.04	2
70	093-192-006	LUISI STEVEN D & SHARON L (TRS)	8712	\$392.04	2
71	093-192-007	SCHNEIDER GERALD M & NANCY L(TRS)	8712	\$392.04	2
72	093-193-001	SA SUZANNE & LESLIE	8712	\$392.04	2
73	093-193-007	VISALIA MEMORIAL DISTRICT	26136	\$1,176.12	2

74	093-193-010	MILLER PRESTON	12936	\$582.12	2
75	093-193-014	GHS PROPERTIES	13200	\$594.00	2
76	093-193-015	VALLEY OAK CREDIT UNION	7260	\$326.70	2
77	093-194-002	WHITLATCH LYMAN W & CLARE (TRS)	5357	\$749.98	1
78	093-194-012	ARAGON LLC	11088	\$1,552.32	1
79	093-194-013	REGENCY INVESTMENTS GP	8220	\$1,150.80	1
80	093-194-014	REGENCY INVESTMENTS GP	2868	\$401.52	1
81	093-194-016	DOE RUSSELL M & TAMARA J (TRS)(CH R	15708	\$2,199.12	1
82	093-194-019	PERRY DANIEL M (TR)	5544	\$776.16	1
83	093-194-021	MARTIN & MARTIN PROPERTIES LLC	16016	\$2,242.24	1
84	093-195-001	OUZOUNIAN INVESTMENTS I	25700	\$3,598.00	1
85	093-195-005	SUNCREST BANK	17381	\$2,433.34	1
86	093-195-006	SUNCREST BANK	24400	\$3,416.00	1
87	093-196-001	ANUPA INC	17424	\$784.08	2
88	093-196-011	NASH PROPERTIES LLC	26136	\$1,176.12	2
89	093-196-015	MACKLIN KAREN L	4914	\$221.13	2
90	093-196-016	MACKLIN KEVIN A	3777	\$169.97	2
91	093-196-017	KENT STEPHEN F & MARCIA N (TRS)	8712	\$392.04	2
92	093-196-018	YEHYA NASSER AHMED	8712	\$392.04	2
93	093-197-003	VALLEY BUSINESS BANK	3300	\$148.50	2
94	093-197-005	BINESH BORNA	5742	\$258.39	2
95	093-197-006	SIMONIAN THOMAS & CYNTHIA (TRS S LI	2970	\$133.65	2
96	093-197-007	COPPOLA GARY A(SCSR TR)(VMC REV TR)	14111	\$635.00	2
97	093-197-008	VALLEY BUSINESS BANK	43560	\$1,960.20	2
98	093-198-001	VISALIA CITY OF	12600	\$567.00	2
99	093-198-002	DOUGHERTY LISA M	6360	\$286.20	2
100	093-198-003	ALLEN DAVID E & JAMIE E	6360	\$286.20	2
101	093-198-004	EVANS BRUCE L & CYNTHIA R(TRS)(B&CE	6360	\$286.20	2
102	093-198-007	MANGINI PROPERTIES FAMILY LP	6784	\$305.28	2
103	093-198-008	COHN DAVID & CARYL (TR)	6430	\$289.35	2
104	093-198-009	WAGNER SUSAN ALDRICH	6990	\$0.00	2
105	093-198-010	SETTIMI JANINE(TR FAM TR)	13516	\$608.22	2
106	093-201-003	VISALIA CITY OF	8190	\$0.00	2
107	093-201-007	VISALIA CITY OF	7788	\$350.46	2
108	093-201-008	VISALIA CITY OF	5691	\$256.10	2
109	093-201-009	VISALIA CITY OF	5624	\$0.00	2
110	093-201-010	VISALIA CITY OF	5919	\$0.00	2
111	093-201-011	VISALIA CITY OF	7146	\$0.00	2

112	093-201-012	KAWEAH DELTA HEALTH CARE DISTRICT	18649	\$839.21	2
113	093-201-013	KAWEAH DELTA HEALTH CARE DISTRICT	5800	\$261.00	2
114	093-201-014	KAWEAH DELTA HEALTH CARE DISTRICT	7424	\$334.08	2
115	093-201-015	KAWEAH DELTA HEALTH CARE DISTRICT	5800	\$261.00	2
116	093-201-016	KAWEAH DELTA HEALTH CARE DISTRICT	5275	\$237.38	2
117	093-201-018	VISALIA CITY OF	23489	\$1,057.01	2
118	093-201-019	KAWEAH DELTA HEALTH CARE DISTRICT	1618	\$72.81	2
119	093-201-020	KAWEAH DELTA HEALTH CARE DISTRICT	13854	\$623.43	2
120	093-201-022	VISALIA CITY OF	14900	\$670.50	2
121	093-201-023	POSTON JEFFERY L & MARLENE A(TRS)(R	17925	\$806.63	2
122	093-202-002	VISALIA CITY OF	160556	\$7,225.02	2
123	093-203-001	TSK LLC	8714	\$392.13	2
124	093-203-004	KAWEAH DELTA HEALTH CARE DIST	8707	\$391.82	2
125	093-203-008	KAWEAH DELTA HEALTH CARE DISTRICT	2904	\$130.68	2
126	093-203-009	KAWEAH DELTA HEALTH CARE DISTRICT	3036	\$136.62	2
127	093-203-010	CHERNEY PHILLIP H & LORI A	2805	\$126.23	2
128	093-203-013	KAWEAH DELTA HEALTH CARE DISTRICT	13935	\$627.08	2
129	093-203-014	KAWEAH DELTA HEALTH CARE DISTRICT	12486	\$561.87	2
130	093-203-015	HILL CLARENCE H (TR) (REV TR)	17418	\$783.81	2
131	093-204-001	RUSSELL T MITTS INC	8612	\$1,205.68	1
132	093-204-002	RUSSELL T MITTS INC	8873	\$1,242.22	1
133	093-204-009	MITTS THOMAS F(TR)(TR A UWOLINDA K	16928	\$2,369.92	1
134	093-204-018	KAWEAH DELTA HEALTH CARE DISTRICT	18820	\$846.90	2
135	093-204-019	VISALIA CITY OF	16416	\$0.00	2
136	093-204-020	KAWEAH DELTA HEALTH CARE DISTRICT	91911	\$4,136.00	2
137	093-206-002	SORENSEN BRANDON N & CALI CARLIN	10824	\$487.08	2
138	093-206-009	CRISTALLO LUIGI	10738	\$483.21	2
139	093-206-012	KAWEAH DELTA HEALTH CARE DISTRICT	30793	\$1,385.69	2
140	093-206-013	KAWEAH DELTA HEALTH CARE DISTRICT	1742	\$78.39	2
141	093-206-014	KAWEAH DELTA HEALTH CARE DISTRICT	4859	\$0.00	2
142	093-206-015	JOHNSON ROGER A & LYDIA A (TRS)	8250	\$371.25	2
143	093-206-016	JOHNSON ROGER A & LYDIA A (TRS)	7237	\$325.67	2
144	093-224-006	PATINO ALEXANDER N & MARIE L (TRS)	6678	\$0.00	2
145	093-225-005	ADENIJI ADEGOKE	6572	\$0.00	2
146	093-225-006	JACKSON JOHN K	6572	\$295.74	2
147	093-231-009	CH-VISALIA COMMUNITY COVENANT	30165	\$1,357.43	2
148	093-232-002	KISER JACOB & JAE	13386	\$0.00	2
149	094-100-041	VISALIA CITRUS PACKING GROUP LP	22214	\$999.63	2
150	094-100-042	VISALIA CITRUS PACKING GROUP LP	32275	\$1,452.38	2

151	094-221-010	VISALIA CITY OF	24893	\$3,485.02	1
152	094-221-015	MISSION LINEN SUPPLY	9331	\$1,306.34	1
153	094-221-016	4 CREEKS INVESTMENTS LLC	35719	\$5,000.66	1
154	094-231-001	WILLIAM & DORIS LAND & ENERGY CO LL	1184	\$165.76	1
155	094-231-014	WILLIAM & DORIS LAND & ENERGY CO LL	16334	\$2,286.76	1
156	094-231-021	EZELL HUGH L (610)	1686	\$236.04	1
157	094-231-023	WILLIAM & DORIS LAND & ENERGY CO LL	16847	\$2,358.58	1
158	094-235-019	SHARMA DINESH & DIANE L(TRS)(REV LI	30800	\$4,312.00	1
159	094-240-001	ELMA LAND	12141	\$546.35	2
160	094-240-002	VISALIA CITY OF	21780	\$980.10	2
161	094-240-013	AEQUUS HOLDINGS LLC	19496	\$2,729.44	1
162	094-240-040	VISALIA CITY OF	23986	\$1,079.37	2
163	094-240-041	VISALIA CITY OF	12842	\$577.89	2
164	094-240-044	AMIDI PARTNERS LLC	43149	\$1,941.71	2
165	094-250-038	CUSENZA FAMILY LIMITED PARTNERSHIP	65340	\$2,940.30	2
166	094-250-039	CUSENZA FAMILY LIMITED PARTNERSHIP	6144	\$276.48	2
167	094-250-045	VISALIA CITRUS PACKING GROUP LP	33687	\$1,515.92	2
168	094-250-046	VISALIA LAND & INVESTMENT CO LLC	47916	\$2,156.22	2
169	094-271-004	KOOBATIAN STEVEN D & KARIN BETH (CO	19428	\$874.26	2
170	094-271-005	TWINPALMSDINUBA LLC	9174	\$412.83	2
171	094-272-007	PEREZ EDDIE R & SUSIE S	8194	\$0.00	2
172	094-272-008	H2KW	8250	\$371.25	2
173	094-273-004	FISHER INVESTMENT GROUP LLC	8133	\$365.99	2
174	094-273-005	FISHER INVESTMENT GROUP	8130	\$0.00	2
175	094-273-006	AGUIAR MANUEL TOSTE (TR)	16255	\$731.48	2
176	094-274-006	FAMILY HEALTHCARE NETWORK	32670	\$1,470.15	2
177	094-281-001	BIANCO PHILIP S & MAUREEN A	5197	\$233.87	2
178	094-281-002	CH-CHRISTIAN FAITH FELLOWSHIP-VIS	5197	\$233.87	2
179	094-281-003	CH-CHRISTIAN FAITH FELLOWSHIP-VIS	5952	\$267.84	2
180	094-281-004	LOCAL 1109 UNITED BROTHERHOOD OF	16275	\$732.38	2
181	094-281-005	BIANCO PHILIP S & MAUREEN A	8167	\$367.52	2
182	094-281-006	BIANCO PHILIP S & MAUREEN A	4083	\$183.74	2
183	094-281-007	TULARE COUNTY OF	16335	\$735.08	2
184	094-281-009	BIANCO PHILIP S & MAUREEN A	4083	\$183.74	2
185	094-282-001	KOOBATIAN STEVEN D & KARIN (TRS)	8184	\$368.28	2

186	094-282-002	MADRIGAL RITA IRENE	16335	\$735.08	2
187	094-282-003	DOWNS ELIZABETH A	3575	\$160.88	2
188	094-282-004	DOWNS ELIZABETH A	6580	\$296.10	2
189	094-282-005	ARTS VISALIA	6188	\$278.46	2
190	094-282-006	SAFCO OF AMERICA LLC	8184	\$368.28	2
191	094-282-007	VARTANIAN JOHN G JR (TR BYPASS TR)	18480	\$831.60	2
192	094-283-001	VISALIA CITY OF	66957	\$3,013.07	2
193	094-284-006	VISALIA CITY OF	9822	\$441.99	2
194	094-284-008	FAMILY HEALTHCARE NETWORK	54885	\$2,469.83	2
195	094-285-001	SUMIDA ROY Y & LINDA H (TRS)	8118	\$1,136.52	1
196	094-285-008	VISALIA CITY OF	32670	\$4,573.80	1
197	094-285-009	SUMIDA KAMIO J & TAKAKO J (TRS)	15963	\$2,234.82	1
198	094-285-010	SUMIDA ROY Y & LINDA H (TRS)	8550	\$1,197.00	1
199	094-285-014	PILE PARTNERS #1 LLC	14698	\$661.41	2
200	094-285-015	VISALIA CITY OF	17294	\$778.23	2
201	094-285-017	VISALIA CITY OF	32536	\$1,464.12	2
202	094-286-002	GREGORY CYNTHIA C (TR)	32670	\$4,573.80	1
203	094-286-003	ON TRACK VENTURES LLC	32670	\$1,470.15	2
204	094-287-001	TULARE COUNTY OF	69696	\$9,757.44	1
205	094-291-001	VISALIA CITY OF	18315	\$2,564.10	1
206	094-291-005	BFD INVESTMENT CO LLC	10148	\$1,420.72	1
207	094-291-006	FREITAS DANIEL S & JEANETTE A	6290	\$880.60	1
208	094-291-007	SCIACCA SAM A & MARLENE (TR)	3185	\$445.90	1
209	094-291-008	KNOWLES KENNETH K (SURV TR)	2226	\$311.64	1
210	094-291-009	FREITAS DANNY & JEANETTE	10482	\$1,467.48	1
211	094-291-011	VISALIA CITY OF	14355	\$2,009.70	1
212	094-292-012	BK OF AMER NATL TR & SAV ASSN	67518	\$9,452.52	1
213	094-293-002	ESTES DONALD R & LYDIA B (TRS FAM RE	10339	\$1,447.46	1
214	094-293-003	ESTES DONALD R & LYDIA B (TRS FAM RE	10306	\$1,442.84	1
215	094-293-004	VISALIA CITY OF	10642	\$1,489.88	1
216	094-293-006	THREE TEN CENTER STREET LLC	27123	\$3,797.22	1
217	094-293-007	THREE TEN CENTER STREET LLC	5547	\$776.58	1
218	094-294-013	LUM CHRISTOPHER M (TR)	12733	\$1,782.62	1
219	094-294-014	SCHAEFER KIMBERLY LUM (TR) (LIV TR)	19823	\$2,775.22	1
220	094-294-015	CURTI KENNETH J (TR) (K J CURTI TR)	19746	\$2,764.44	1
221	094-294-016	CURTI KENNETH J (TR) (KJC 1999 TR)	10952	\$1,533.28	1
222	094-295-008	LEE CHE PING & CHUI PING	33901	\$4,746.14	1
223	094-295-010	WHITTLESEY MARK (TR)	33898	\$4,745.72	1
224	094-296-001	VISALIA CITY OF	7722	\$1,081.08	1
225	094-296-002	CORTES GILBERTO & ALICIA (TRS)	3960	\$554.40	1

226	094-296-005	YOUNG ALBERT(CO TR)(YKY LIV TR)	4974	\$696.36	1
227	094-296-006	KORSGADEN TROY LEE(TR)(TLK SEP PROP	4530	\$634.20	1
228	094-296-009	EQUITABLE HOTELS	16335	\$2,286.90	1
229	094-296-010	CALTERRAS	4083	\$571.62	1
230	094-296-011	LESLIE A MOSLEY LLC	3844	\$538.16	1
231	094-296-012	BEVERLY FABRICS INC	5761	\$806.54	1
232	094-296-013	BREWBAKERS INC	2400	\$336.00	1
233	094-296-014	LESLIE A MOSLEY LLC	3713	\$519.82	1
234	094-296-015	LESLIE A MOSLEY LLC	4368	\$611.52	1
235	094-296-016	LESLIE A MOSLEY LLC	7440	\$1,041.60	1
236	094-296-017	ADCC VISALIA OFFICE PARNTERS LLC	7870	\$1,101.80	1
237	094-296-018	VISALIA CITY OF	48473	\$6,786.22	1
238	094-296-019	315 E MAIN STREET LLC	10890	\$1,524.60	1
239	094-298-001	GARCIA CAROL J (SCSR TR)	5816	\$814.24	1
240	094-298-002	THOMPSON CYRIL ROBERT & ELIZABETH J	3921	\$548.94	1
241	094-298-003	VALENCIA REVOC FAMILY TR DATED 2/11	2496	\$349.44	1
242	094-298-004	SCIACCA SAM A & MARLENE E(TRS)(FAM	3659	\$512.26	1
243	094-298-005	BULLOCK-GOLDEN PARTNERSHIP	3489	\$488.46	1
244	094-298-006	NOBLE INVESTORS LLC	3805	\$532.70	1
245	094-298-007	1329 W RANCHO VISTA BLVD LLC	2336	\$327.04	1
246	094-298-008	1329 W RANCHO VISTA BLVD LLC	5606	\$784.84	1
247	094-298-011	VISALIA CITY OF	9012	\$1,261.68	1
248	094-298-012	FOUR CREEKS LODGE 94-IOOF	8032	\$1,124.48	1
249	094-298-013	VISALIA CITY OF	7447	\$1,042.58	1
250	094-298-015	LINDSEY CAROL (TR)(2016 CL SEP PROP	2310	\$323.40	1
251	094-298-016	SHIRK JENNIFER CONN	5857	\$819.98	1
252	094-301-009	CAL-WESTERN FARMING CO	32670	\$4,573.80	1
253	094-302-007	METZGER PERRY LLOYD	16335	\$2,286.90	1
254	094-302-008	METZGER PERRY LLOYD	16335	\$2,286.90	1
255	094-302-013	VISALIA CITY OF	26070	\$3,649.80	1
256	094-302-016	VISALIA CITY OF	204732	\$28,662.48	1
257	094-302-018	HOTEL CIRCLE GL HOLDING LLC	149284	\$20,899.76	1
258	094-302-019	VISALIA CITY OF	60548	\$8,476.72	1
259	094-302-020	VISALIA CITY OF	35550	\$4,977.00	1
260	094-304-005	SMITH AUTO PARTS	8692	\$1,216.88	1
261	094-304-006	216 SOUTH BRIDGE ST LP	60984	\$8,537.76	1
262	094-305-002	KMK ENTERPRISES	17424	\$2,439.36	1

263	094-305-003	K M K ENTERPRISES	17424	\$2,439.36	1
264	094-305-008	SPS 410 INVESTMENTS LLC	23743	\$3,324.02	1
265	094-305-009	SPS 410 INVESTMENTS LLC	9782	\$1,369.48	1
266	094-311-011	KAWEAH DELTA HEALTH CARE DISTRICT	5170	\$232.65	2
267	094-311-012	KAWEAH DELTA HEALTH CARE DISTRICT	9405	\$423.23	2
268	094-311-014	KAWEAH DELTA HEALTH CARE DISTRICT	12524	\$563.58	2
269	094-311-019	KAWEAH DELTA HEALTH CARE DISTRICT	8464	\$1,184.96	1
270	094-311-020	KAWEAH DELTA HEALTH CARE DISTRICT	420789	\$18,935.51	2
271	094-311-021	ELLISON BETTY TAYLOR (TR BYPASS TR	8184	\$1,145.76	1
272	094-311-022	KELLER DENNIS R & CATHLYN A(TRS)	8150	\$1,141.00	1
273	094-311-023	202 W WILLOW LLC	12540	\$1,755.60	1
274	094-311-024	202 W WILLOW LLC	10329	\$1,446.06	1
275	094-311-025	PACIFIC BELL	22568	\$3,159.52	1
276	094-313-005	U S A USPS	32736	\$4,583.04	1
277	094-313-009	VISALIA MASONIC BUILDING ASSN	17424	\$784.08	2
278	094-313-010	J S T LLC	17424	\$784.08	2
279	094-313-013	VISALIA CITY OF	34141	\$1,536.35	2
280	094-313-014	WILLOW STREET DEVELOPMENT CO LLC	46609	\$6,525.26	1
281	094-321-003	MARTIN MICHAEL A & DARLENE M (CO-TR	12750	\$1,785.00	1
282	094-321-004	MARTIN MICHAEL A & DARLENE M(TRS FA	12750	\$1,785.00	1
283	094-321-007	VISALIA CITY OF	26928	\$3,769.92	1
284	094-322-001	CENTRAL VALLEY COMMUNITY BANK	16335	\$2,286.90	1
285	094-322-002	FRANEY ROGER G (CO-TR)(EMF BYPASS T	16335	\$2,286.90	1
286	094-322-003	VISALIAN FRIENDS OF THE FOX THEATRE	15411	\$2,157.54	1
287	094-322-004	FRANEY FAMILY LIMITED PARTNERSHIP	8406	\$1,176.84	1
288	094-322-005	320 W MAIN LLC	7005	\$980.70	1
289	094-323-003	MARTIN & MARTIN PROPERTIES LLC	28538	\$3,995.32	1
290	094-323-004	LUCIO MARK A & LEE ANN E	3960	\$554.40	1
291	094-323-005	KENT MARCIA & STEPHEN F (TRS)	2838	\$397.32	1
292	094-323-006	MITCHELL WILLIAM N (TR LIV TR)	2838	\$397.32	1
293	094-323-007	SIMONS JAMES F	3990	\$558.60	1
294	094-323-008	BIANCO JOHN P & SUZANNE M	3713	\$519.82	1
295	094-323-009	GARCIA INVESTMENTS	6421	\$898.94	1
296	094-323-011	BRITTBRANDT PROPERTIES LLC	5280	\$739.20	1
297	094-323-012	VISALIA CITY OF	9396	\$1,315.44	1
298	094-324-001	120 W MAIN ST LLC	7706	\$1,078.84	1
299	094-324-002	RANSBERGER WILLIAM RAY & JUDITH LEE	7705	\$1,078.70	1

300	094-324-003	CUSENZA FAMILY LIMITED PARTNERSHIP	15645	\$2,190.30	1
301	094-324-007	SHAHAN ROBERT & SABRINA(TRS LIV TR)	8999	\$1,259.86	1
302	094-324-009	VISALIA CITY OF	23667	\$3,313.38	1
303	094-325-002	MC ALPINE BETTY SUE (TR)	5018	\$702.52	1
304	094-325-003	BOOKOUT RALPH & BETTY (TRS)	15411	\$2,157.54	1
305	094-325-012	JILANI SHAIQUEL	10519	\$1,472.66	1
306	094-325-015	LOURENCO CARLOS	5650	\$791.00	1
307	094-325-016	VISALIA CITY OF	15842	\$2,217.88	1
308	094-325-017	CUSENZA FAMILY LIMITED PARTNERSHIP	10388	\$1,454.32	1
309	094-326-001	HI JACK AND BUSY BEA LLC	7706	\$1,078.84	1
310	094-326-002	HI JACK AND BUSY BEA LLC	16462	\$2,304.68	1
311	094-326-003	VACARRO JOE & MARIA G	2919	\$408.66	1
312	094-326-004	PETERSEN MARGARET E(TR)(BYPASS TR)	2918	\$408.52	1
313	094-326-005	BOOKOUT RALPH & BETTY (TRS)	9387	\$1,314.18	1
314	094-326-006	WIEBE MICHELLE R (TR) (REV LIV TR)	2919	\$408.66	1
315	094-326-007	VAN RYN JONATHAN A	5838	\$817.32	1
316	094-326-010	COREVAL LLC	3484	\$487.76	1
317	094-326-017	VACARRO JOE & MARIA G	13625	\$1,907.50	1
318	094-326-018	BIANCO PHILLIP S & MAUREEN A	7624	\$1,067.36	1
319	094-326-023	FAMILIA FLORES INC	7220	\$1,010.80	1
320	094-326-024	CENTER FOR SPIRITUAL LIVING VISALIA	4146	\$580.44	1
321	094-326-025	CHOICE PROPERTIES GP	9934	\$1,390.76	1
322	094-326-026	VISALIA CITY OF	48351	\$6,769.14	1
323	094-327-001	TDS INVESTMENTS LLC	16962	\$2,374.68	1
324	094-327-003	KENT MARCIA & STEPHEN F (CO-TRS)	4097	\$573.58	1
325	094-327-004	KAWEAH DELTA HEALTH CARE DISTRICT	31618	\$4,426.52	1
326	094-331-007	VISALIA NEWSPAPERS INC	53267	\$2,397.02	2
327	094-332-002	COUNTRYMAN L KENNETH (TR)	8167	\$367.52	2
328	094-332-003	PARRY SUSAN	8032	\$361.44	2
329	094-332-004	HILL CLARENCE H (TR) (REV TR)	7375	\$331.88	2
330	094-332-006	SIERRA ELK LLC	6744	\$303.48	2
331	094-332-007	SEYMOUR JEAN (TR)(EST OF)	9585	\$0.00	2
332	094-332-008	HILL CLARENCE H (TR) (MARITAL DED T	8187	\$368.42	2
333	094-332-009	NEPINSKY BRIAN C & VALERIE	7986	\$359.37	2
334	094-332-010	KAWEAH MANAGEMENT COMPANY	6652	\$0.00	2
335	094-333-005	TULARE COUNTY OF	71874	\$3,234.33	2
336	094-333-006	VISALIA CITY OF	47916	\$2,156.22	2
337	094-334-010	VISALIA CITY OF	43560	\$1,960.20	2



338	094-334-011	VISALIA SENIOR HOUSING II INC	25525	\$1,148.63	2
339	094-335-001	GAMEZ JO ANN(SCSR)(TR KCH)	12251	\$551.30	2
340	094-335-004	SHEKLIAN MYRON EDWARD(SCSR TR)	8167	\$1,143.38	1
341	094-335-008	DUCOR COLD STORAGE LLC	9900	\$1,386.00	1
342	094-335-009	VISALIA CITY OF	9900	\$1,386.00	1
343	094-335-010	FARLEY MICHAEL L & DIANE C	4703	\$658.42	1
344	094-335-011	VANDERHAM ROBERT W & LENA	20139	\$906.26	2
345	094-336-001	KAESTNER PHILLIP	2508	\$0.00	2
346	094-336-002	SULLIVAN J PATRICK & CHRISTINE	1452	\$65.34	2
347	094-336-003	225 OAK AVE LLC	4092	\$184.14	2
348	094-336-004	CH-FIRST PRESBYTERIAN OF VISALIA	24354	\$1,095.93	2
349	094-336-005	CH-FIRST PRESBYTERIAN OF VISALIA	7920	\$1,108.80	1
350	094-336-006	CH-FIRST PRESBYTN OF VIS (TR PRES O	8180	\$1,145.20	1
351	094-336-007	JKP LAND LLC	8167	\$1,143.38	1
352	094-336-010	VISALIA CITY OF	8167	\$1,143.38	1
353	094-337-001	STORY WALTER R & PEGGY SUE (TRS)(FA	8167	\$367.52	2
354	094-337-002	KRIKOIRAN BETTY J (TR) (MAR TR B)	8167	\$367.52	2
355	094-337-003	OAK STREET STUDIOS	2158	\$97.11	2
356	094-337-004	METZGER KENNETH R (TR)	3635	\$163.58	2
357	094-337-005	SEBERT SHAWN & DOROTHY	1872	\$84.24	2
358	094-337-006	CITRUS RESEARCH BOARD	8871	\$399.20	2
359	094-337-007	LEGACY INVESTMENTS LLC	7654	\$1,071.56	1
360	094-337-008	LEGACY INVESTMENTS LLC	3969	\$555.66	1
361	094-337-009	VALHALLA FAMILY INVESTMENTS LLC	5454	\$763.56	1
362	094-337-010	VALHALLA FAMILY INVESTMENTS LLC	3969	\$555.66	1
363	094-337-011	MC ALPINE BETTY SUE (TR)	7654	\$1,071.56	1
364	094-337-012	VALHALLA FAMILY INVESTMENTS LLC	3969	\$555.66	1
365	094-338-012	BILL & TANYA MILLER FAMILY LTD PTNS	52272	\$7,318.08	1
366	094-341-005	LAIRD PHILIP B & CAROL L(TRS)LAIRD	8167	\$0.00	2
367	094-341-006	LAIRD PHILIP B & CAROL L(TRS)LAIRD	8168	\$367.56	2
368	094-341-007	GILBERT AVIATION INDUSTRIES INC	8167	\$367.52	2
369	094-342-005	HUTTON DONALD L & CATHY A(TRS)	5331	\$239.90	2
370	094-342-006	GUTIERREZ JESUS R (TR)	5445	\$0.00	2
371	094-342-007	GRANGER STEPHEN	9157	\$0.00	2
372	094-342-008	FORD HENRY H & SHIRLEY D(TRS)(2014	12622	\$0.00	2
373	094-344-005	CH-APOSTOLIC ASMBY FAITH IN CHRIST	16335	\$735.08	2
374	094-344-006	PINE MANOR RECOVERY HOME GUILD INC	16335	\$735.08	2
<b>Total</b>				<b>\$500,291.13</b>	

## APPENDIX 4 – TOTAL ESTIMATED MAXIMUM COST OF IMPROVEMENTS, MAINTENANCE, AND ACTIVITIES

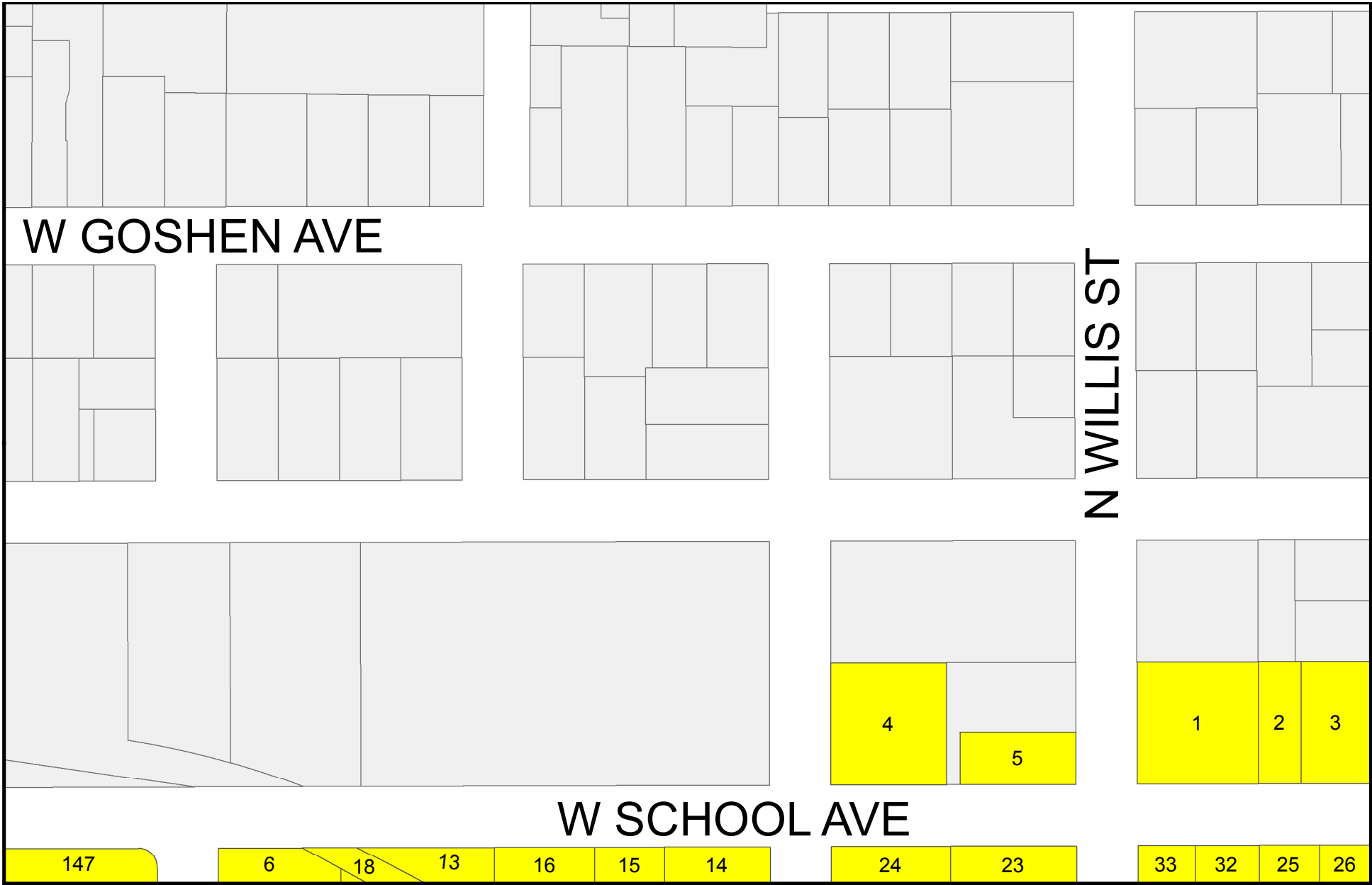
The estimated maximum cost of the line items below was developed based on the estimated costs of providing services in the proposed DTVPBID. The costs below are estimated, the actual line item costs will fluctuate. The table below shows expenditures from assessment and non-assessed funds. Assessment funds are governed by Section VI. There is not limit on reallocation of non-assessment funds by the Association. The total maximum budget may exceed the maximum listed in this table if parcel ownership changes results in parcels being assessed at a higher rate due to a higher estimated benefit.

<b>Year</b>	<b>Environmental Enhancements</b>	<b>Economic Enhancements</b>	<b>Administration</b>	<b>Contingency / Reserve</b>	<b>Total</b>
2020	\$394,343.13	\$73,067.05	\$42,014.40	\$15,755.39	\$525,179.97
2021	\$433,777.44	\$80,373.76	\$46,215.84	\$17,330.93	\$577,697.97
2022	\$477,155.19	\$88,411.13	\$50,837.42	\$19,064.02	\$635,467.76
2023	\$501,012.95	\$92,831.69	\$53,379.30	\$20,017.22	\$667,241.16
2024	\$526,063.59	\$97,473.27	\$56,048.26	\$21,018.08	\$700,603.20
2025	\$552,366.77	\$102,346.94	\$58,850.67	\$22,068.99	\$735,633.37
2026	\$579,985.11	\$107,464.28	\$61,793.20	\$23,172.44	\$772,415.03
2027	\$608,984.37	\$112,837.50	\$64,882.86	\$24,331.06	\$811,035.79
2028	\$639,433.59	\$118,479.37	\$68,127.01	\$25,547.6	\$851,587.58
2029	\$671,405.27	\$124,403.34	\$71,533.36	\$26,824.99	\$894,166.96
<b>Total</b>	<b>\$5,384,527.41</b>	<b>\$997,688.33</b>	<b>\$573,682.32</b>	<b>\$215,130.73</b>	<b>\$7,171,028.79</b>

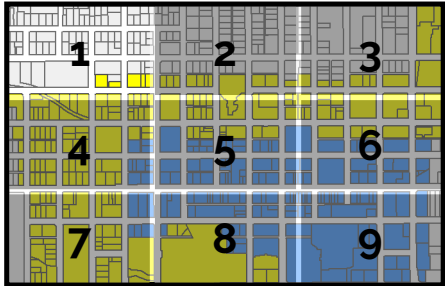
## APPENDIX 5 – SERVICES BY ZONE

Zone	Environmental Enhancements	Economic Enhancements	Administration	Contingency / Reserve
1	<ul style="list-style-type: none"> <li>• Pressure washing of sidewalks.</li> <li>• Tree lighting.</li> <li>• Dumpster enclosures clean and sanitized.</li> <li>• Christmas decorations.</li> <li>• Enhanced landscaping.</li> <li>• Capital improvement projects (new street light enhancements).</li> <li>• Graffiti removal.</li> </ul>	<ul style="list-style-type: none"> <li>• Programs and incentives designed to attract, grow, and incubate new businesses.</li> <li>• In-lieu parking program to remove barriers to downtown development.</li> <li>• Promotions to improve the downtown image and invite customer to assessed parcels.</li> </ul>	Administrative costs related to providing activities, maintenance, and improvements.	Funds held in contingency / reserve to be used as determined by the Association.
2	<ul style="list-style-type: none"> <li>• Pressure washing of sidewalks (as needed).</li> <li>• Dumpster enclosures clean and sanitized (as needed).</li> <li>• Graffiti removal.</li> <li>• Some capital improvement projects.</li> </ul>	<ul style="list-style-type: none"> <li>• Programs and incentives designed to attract, grow, and incubate new businesses.</li> </ul>	Administrative costs related to providing activities, maintenance, and improvements	Funds held in contingency / reserve to be used as determined by the Association.

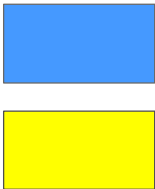
## **APPENDIX 6 – MAP**



**Downtown  
Visalia  
PBID**

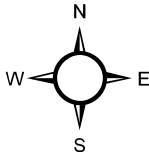


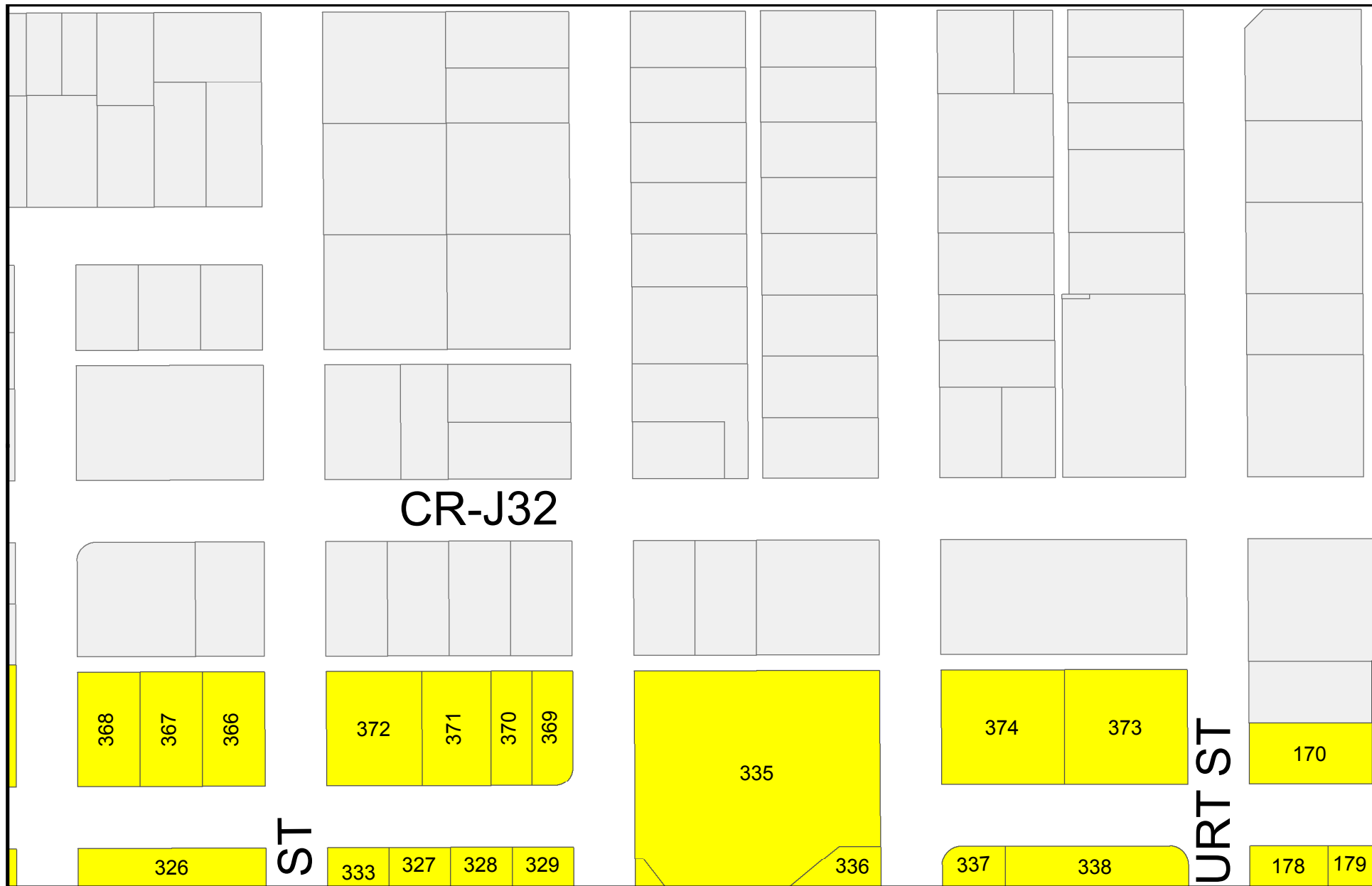
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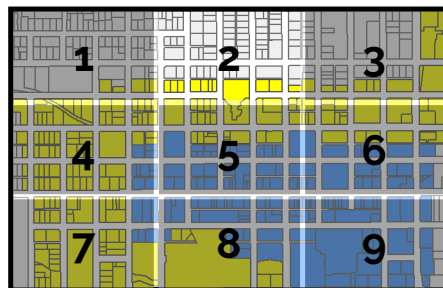
Zone 1

Zone 2

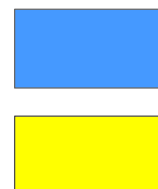




# **Downtown Visalia PBID**

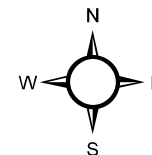


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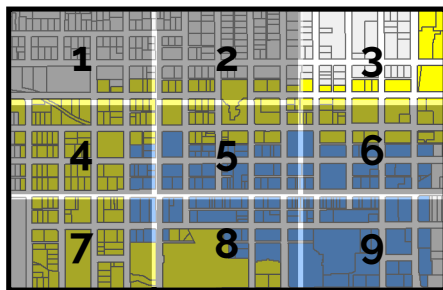
Zone 1

Zone 2

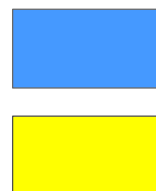




# Downtown Visalia PBID

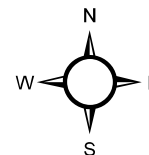


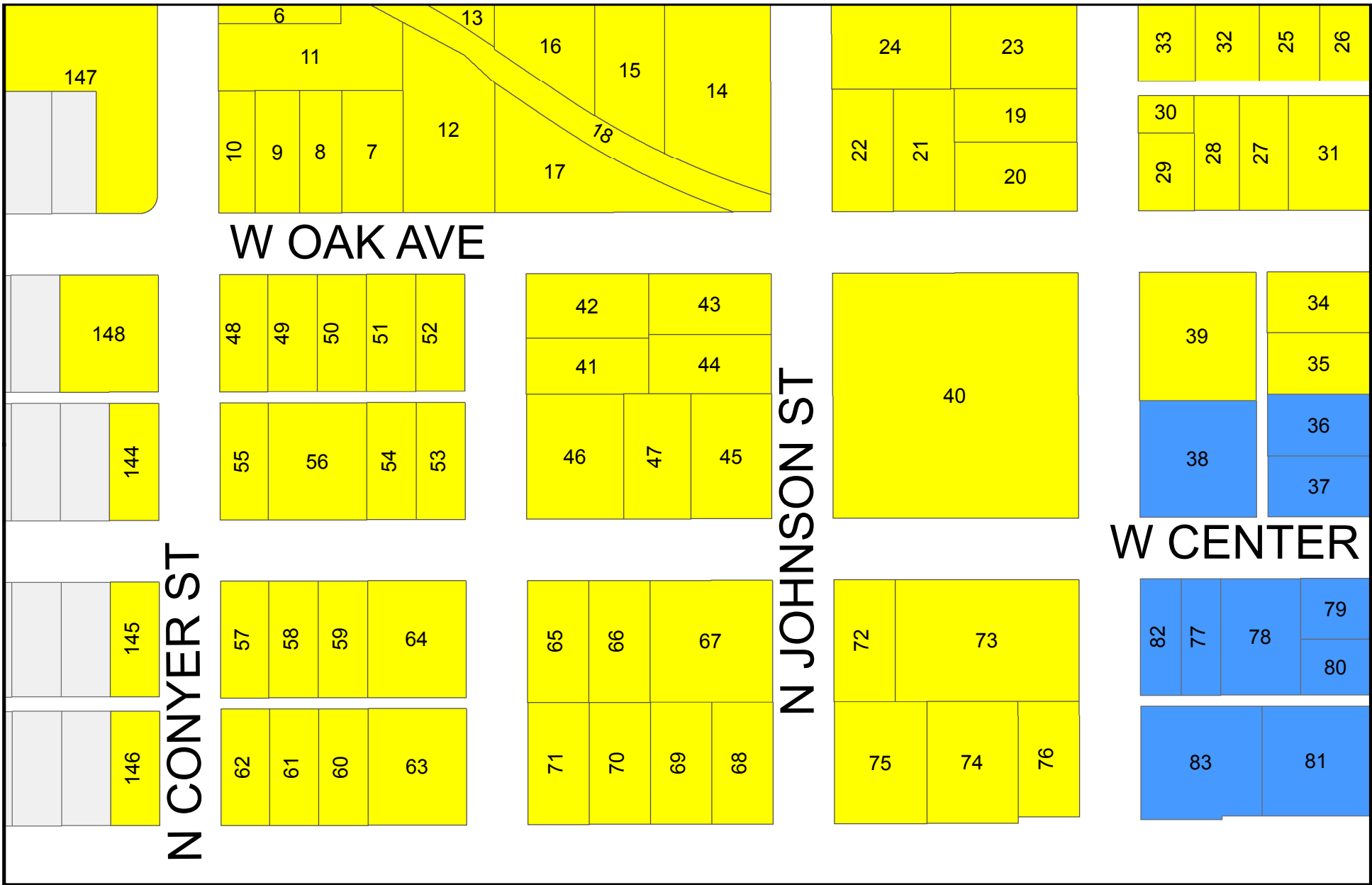
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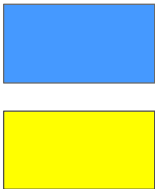
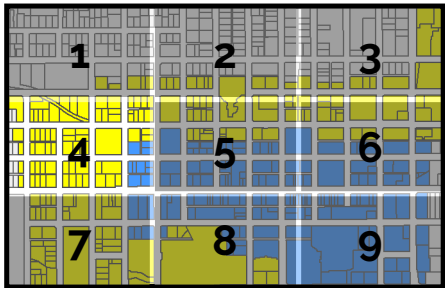
Zone 1

Zone 2

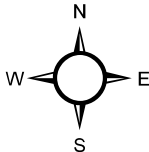




**Downtown  
Visalia  
PBID**



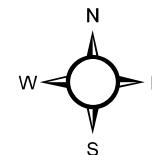
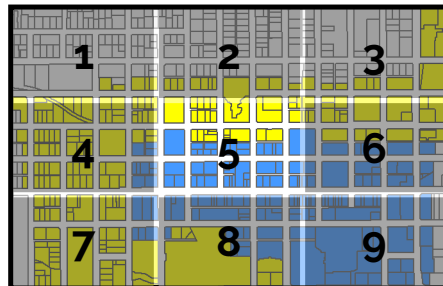
Zone 1  
Zone 2

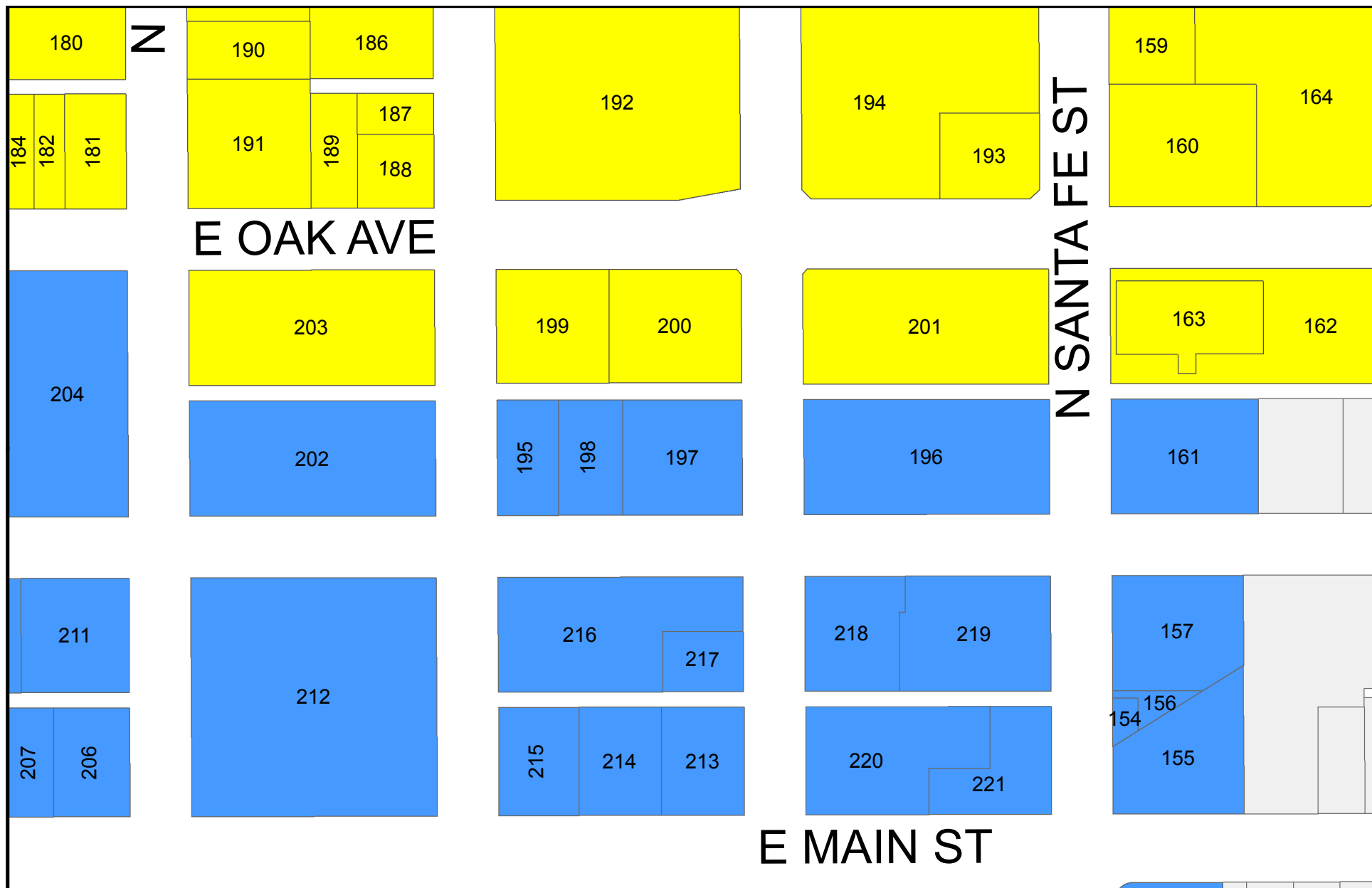




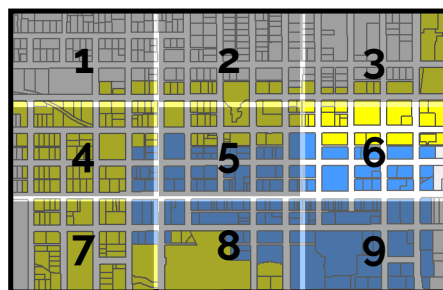


**Downtown  
Visalia  
PBID**

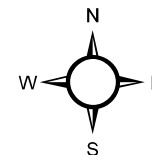
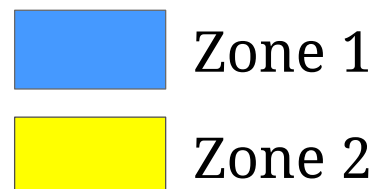


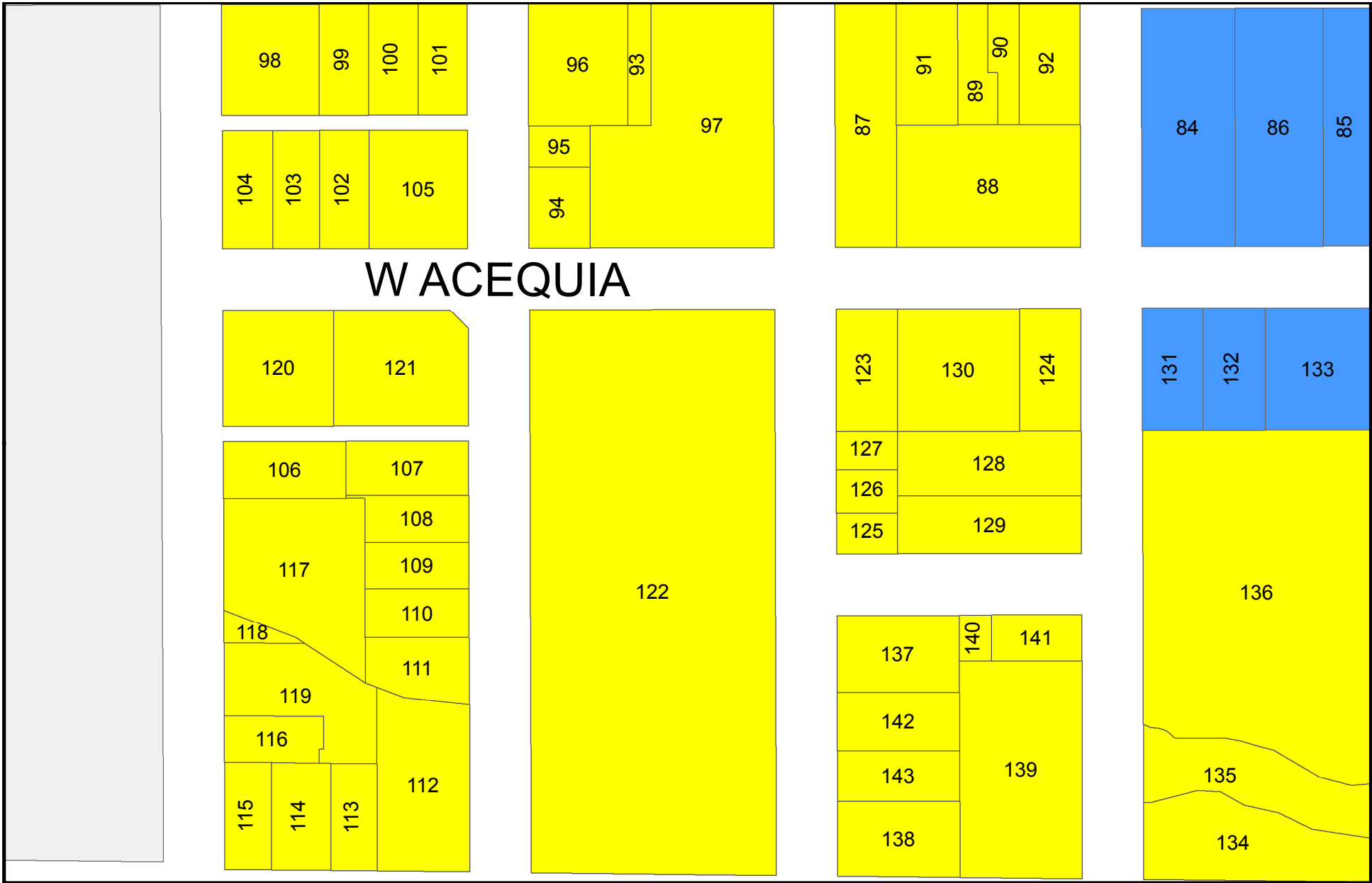


**Downtown  
Visalia  
PBID**

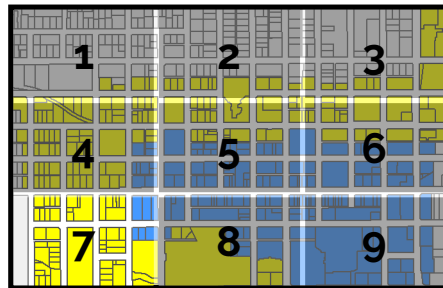


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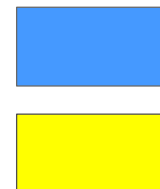




**Downtown  
Visalia  
PBID**

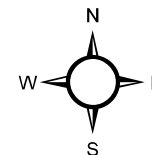


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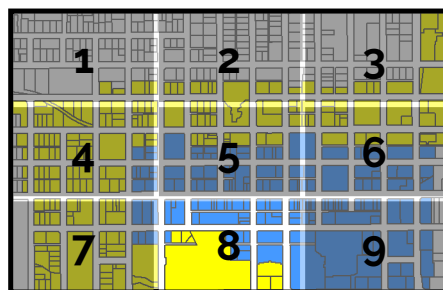
Zone 1

Zone 2



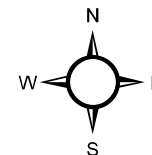


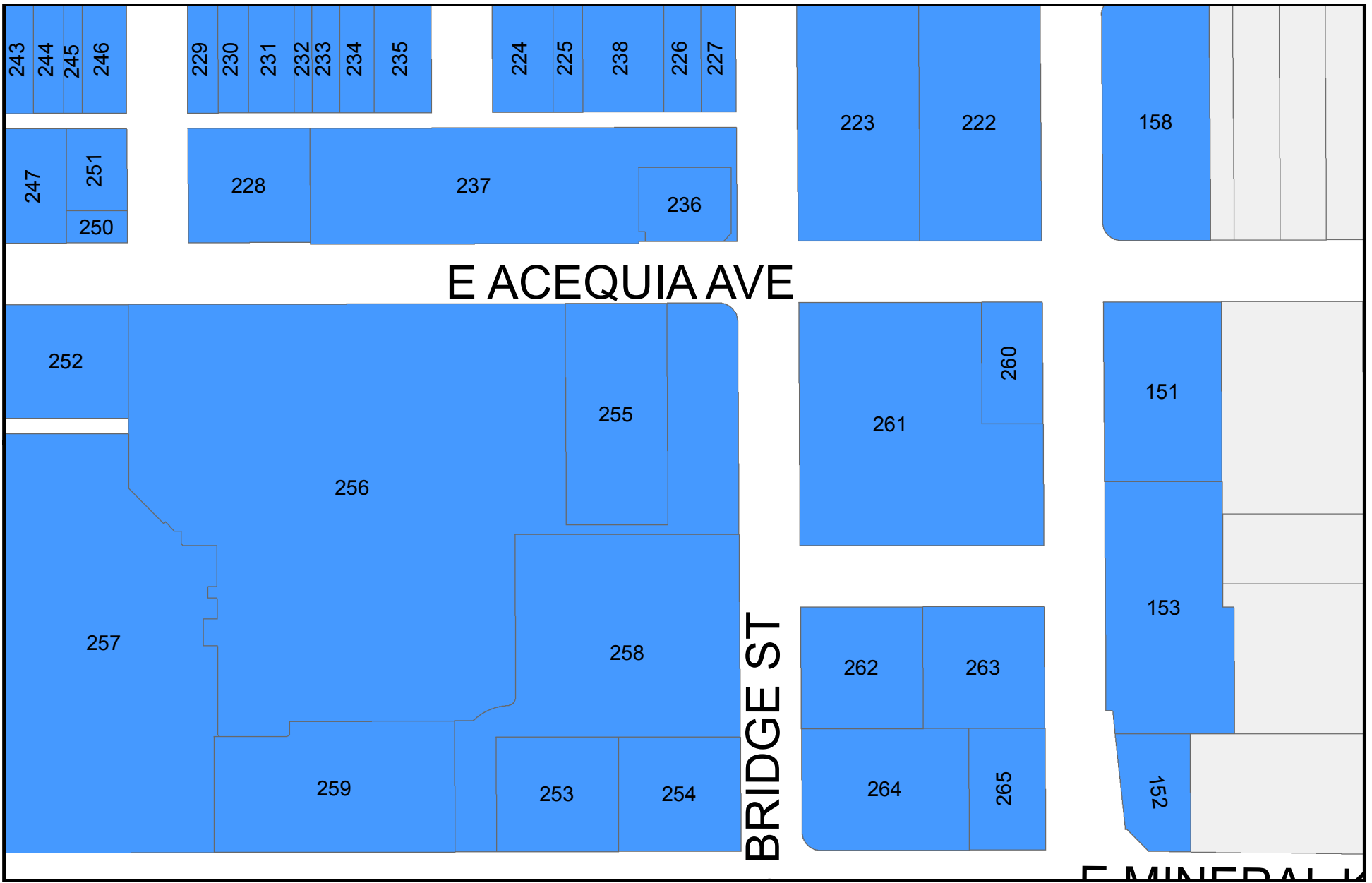
**Downtown  
Visalia  
PBID**



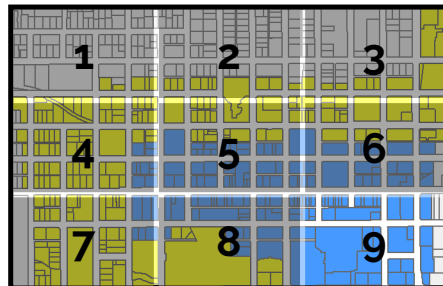
Zone 1

Zone 2

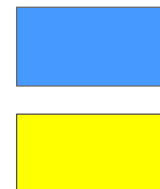




# **Downtown Visalia PBID**



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Zone 1

Zone 2

