CITY OF NEWARK
CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

AGENDA

Thursday, July 13, 2023
7:00 P.M.

A. ROLL CALL

B. PRESENTATIONS

1. Introduction of employee(s)

2. Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival

C. PUBLIC COMMENT

The public is invited to address the City Council on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Council from acting on non-agenda items.

D. CONSENT CALENDAR

Consent Calendar items are considered to be routine and may be approved by one motion. There will be no separate discussion on these items unless there is a request by a Council Member, a staff member, or a member of the public to remove an item for separate discussion and action.

1. Approval of Audited Demands

2. Approval of June 22, 2023, minutes

3. Adopt resolutions: (1) authorizing the deletion of one full-time equivalent Aquatic Activities Specialist and the addition of one full-time equivalent Aquatics Coordinator to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (2) amending Resolution No. 2505, Employee Classification Plan, to add the class specification of City Engineer; amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of City Engineer and assign salary range 20; authorizing the deletion of one full-time equivalent Assistant City Engineer and the addition of one full-time equivalent City Engineer to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with

California Code of Regulations, Title 2, Section 570.5; (3) authorizing the addition of one full-time equivalent Senior Street Maintenance Worker to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (4) amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of Maintenance Supervisor and assign salary steps; authorizing the addition of one full-time equivalent Maintenance Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5; and (5) amending Resolution No. 2505, Employee Classification Plan, to add the class specification of Facilities Supervisor; amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of Facilities Supervisor and assign salary steps; authorizing the addition of one full-time equivalent Facilities Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5

4. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with LPC Services, Inc. for pest control services for City facilities

5. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Applied Landscape Materials, Inc., to install engineered wood fiber material to all City-owned playgrounds

6. Adopt a resolution authorizing the City Manager to execute an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant Program and authorize an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024.

7. Waive full reading, conduct second reading by title only, and adopt an ordinance repealing and replacing Chapter 3.04, “Purchasing System” of Title 3 “Revenue and Finance” of the Newark Municipal Code in its entirety

8. Waive full reading, conduct second reading by title only, and adopt an ordinance adding Chapter 3.05, “Informal Bid Procedures” to Title 3 “Revenue and Finance” of the Newark Municipal Code

9. Adopt a resolution to approve an amendment to Contractual Services Agreement with Patrick Ibarra dba The Mejorando Group to complete employee training services and approve a budget amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024.

10. Adopt a Resolution authorizing the City Manager to execute an agreement with All City Management Services, Inc. to provide Crossing Guard Services for the Newark Unified School District and amend the 2022-2024 Biennial Budget and Capital Improvement Plan.

E. PUBLIC HEARINGS

1. Hearing to consider adopting a resolution to confirm the diagram and assessments and to levy and collect assessments in conjunction with Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19

F. OTHER BUSINESS

G. CITY COUNCIL MATTERS

City Council Members report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting. City Council Members may also announce upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

H. CITY MANAGER UPDATES

I. CLOSED SESSION

1. Conference with legal counsel - Existing Litigation
Pursuant to California Government Code Section 54956.9(d)(1)
Name of Case: Horst, Joshua v. City of Newark (Workers' Compensation Appeals Board Number ADJ16393743)

2. Conference with legal counsel - Existing Litigation
Pursuant to California Government Code Section 54956.9(d)(1)
Name of Case: Saunders, Jeff v. City of Newark (Workers' Compensation Appeals Board Number ADJ9328008)

3. Closed session for conference with Labor Negotiator pursuant to California Government Code Section 54957.6. Agency Designated Representative: Mayor Hannon, Unrepresented employee: City Manager Benoun

J. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person, virtually via Zoom, or watch it via YouTube or Cable Channel 26. The ability to participate and observe via Zoom, YouTube or Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that make those platforms unavailable, the City Council will proceed with business in person unless otherwise prohibited by law.

How to view the meeting remotely:
Livestream online at YouTube: https://www.youtube.com/@cityofnewark3077/streams
Copy/paste the YouTube URL into your browser if the link does not automatically open.

How to participate in the meeting remotely, via Zoom Webinar:
From a PC, Mac, iPad, iPhone or Android device: https://us06web.zoom.us/j/87619650220

From a telephone dial 1- 669-900-9128, Webinar ID 876 1965 0220

Provide live, remote public comments, when the Mayor calls for comments. Use the raise your hand feature in Zoom to be called upon by the City Clerk.

For frequently asked Zoom questions, please go to Agendas and Minutes and select the Frequently Asked Questions link.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:
The agenda packet is available for review at Agendas and Minutes. The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and will be posted at https://www.newark.org/departments/city-manager-s-office/agendas-minutes and will concurrently be made available for public inspection during regular business hours at the David W. Smith City Hall, 37101 Newark Boulevard, Newark CA. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the City Clerk at least two days prior to the meeting atCity Clerk or 510-578-4266.

STAFF REPORT

Item B. 1.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Introduction of employee(s)

The following employees will be introduced at the City Council meeting: Licensed Child Care Instructors Katherinne Dardon and Madonna "Donna" Luistro.

STAFF REPORT

Item B. 2.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival

The Portuguese Fraternal Society of America Council No. 16 will celebrate the annual Holy Ghost Festival and their anniversary in the City of Newark on July 22 and 23, 2023. This year's event is extra special since it will be the 100th celebration of Holy Ghost Festival in Newark. Representatives from the Portuguese Fraternal Society will be at the City Council meeting to accept a proclamation.

Attachments

Proclamation

PROCLAMATION NO.

PORTUGUESE FRATERNAL SOCIETY OF AMERICA COUNCIL NO. 16
100th ANNIVERSARY

WHEREAS, the Annual Newark Pavilion/Portuguese Fraternal Society of America (P.F.S.A.) Council No. 16 Holy Ghost Festival will be celebrated in Newark on July 22-23, 2023; and

WHEREAS, this event will also be the celebration of the Society's 100th Anniversary in the City of Newark; and

WHEREAS, the early members of P.F.S.A. were involved in and contributed greatly to the development of the City of Newark; and

WHEREAS, these early members of P.F.S.A. established the Holy Ghost Festival, thus preserving their Portuguese homeland traditions and sharing those traditions with all Newark residents; and

WHEREAS, the City of Newark wishes to join the Portuguese community of Newark in the celebration of their 100th Anniversary of the Annual Newark Pavilion/P.F.S.A. Council No. 16 Holy Ghost Festival;

NOW, THEREFORE, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim July 22-23, 2023, as days of celebration of the

PORTUGUESE FRATERNAL SOCIETY OF AMERICA COUNCIL NO. 16
100th ANNIVERSARY

and ask all citizens of the City of Newark to join in celebration of this event and in celebration of the rich cultural history that our Portuguese community shares with all residents of Newark.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Thirteenth Day of July, Two Thousand Twenty-three.

Michael K. Hannon
Mayor

STAFF REPORT

Item D. 1.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Krysten Lee, Finance Director
SUBJECT	Approval of Audited Demands

Attachments

Audited Demands 6.8.23
Audited Demands 6.15.23
Audited Demands 6.22.23 - 1
Audited Demands 6.22.23 - 2

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/08/2023

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/08/2023	8592	Accounts Payable	4IMPRINT, INC.		1,516.74
	Invoice		Date	Description		Amount
	11218215		06/06/2023	100 DRAWSTRING BACKPACKS & WATER BOTTLES FOR TE REC STAFF		1,516.74
Check	06/08/2023	8593	Accounts Payable	BAGSINBULK		1,621.40
	Invoice		Date	Description		Amount
	104531		06/06/2023	BACKPACKS W/ SCHOOL SUPPLIES & BACKPACKS W/ HYGIENE SUPPLIES		1,621.40
Check	06/08/2023	8594	Accounts Payable	AFLAC		893.28
	Invoice		Date	Description		Amount
	808588		06/01/2023	AFLAC - MAY PREMIUMS		893.28
Check	06/08/2023	8595	Accounts Payable	ALPINE AWARDS INC		4,270.91
	Invoice		Date	Description		Amount
	6102829		06/06/2023	EMBROIDERED STAFF JACKETS		1,808.98
	6103331		06/02/2023	AQUATICS UNIFORMS		2,461.93
Check	06/08/2023	8596	Accounts Payable	ANKAR CYCLES, INC DBA OAKLAND HARLEY-DAVIDSON		5,145.67
	Invoice		Date	Description		Amount
	101278		05/30/2023	M-26 SERVICE 5/24/23		2,343.17
	101306		05/27/2023	M-28 SERVICE 5/26/23		885.00
	101298		05/30/2023	M-27 SERVICE 5/30/23		1,917.50
Check	06/08/2023	8597	Accounts Payable	GUSTAVO ARROYO		411.42
	Invoice		Date	Description		Amount
	052523EXP		05/30/2023	TASER INSTRUCTOR-SAN JOSE		411.42
Check	06/08/2023	8598	Accounts Payable	BAIRD + DRISKELL COMMUNITY PLANNING		51,924.75
	Invoice		Date	Description		Amount
	1478		05/12/2023	HOUSING ELEMENT UPDATE PREPARATION - 2/23-4/23		51,924.75
Check	06/08/2023	8599	Accounts Payable	BRYAN CABECEIRA		169.58
	Invoice		Date	Description		Amount
	051623EXP		05/31/2023	EXPENSE REIMBURSEMENT		169.58
Check	06/08/2023	8600	Accounts Payable	CENTRAL VETERINARY HOSPITAL		249.50
	Invoice		Date	Description		Amount
	495239		04/25/2023	VET SVCS 4/12, 4/20, 4/24/23		249.50
Check	06/08/2023	8601	Accounts Payable	CINDY K. HULL & ASSOCIATES - FORENSIC CONSULTING		85.00
	Invoice		Date	Description		Amount
	141		05/18/2023	LATENT PRINT ANALYSIS MAY 2023		85.00
Check	06/08/2023	8602	Accounts Payable	ALAMEDA COUNTY ASSESSOR'S OFFICE		24.00
	Invoice		Date	Description		Amount
	1647		05/12/2023	ASSESSOR MAP UPDATES - 4/2023		24.00
Check	06/08/2023	8603	Accounts Payable	DAILY JOURNAL CORPORATION		540.00
	Invoice		Date	Description		Amount

	B3705592	05/30/2023	PH 22-23 - PC CUP FOR 2086 NEWPARK MALL		112.50
	B3696051	05/09/2023	LEGAL ADVERTISING - PROJECT 1301 - 5/2/23 - 5/9/23		427.50
Check	06/08/2023	8604 Accounts Payable	DELTA DENTAL OF CALIFORNIA		17,058.30
	Invoice	Date	Description		Amount
	BE005528190	06/01/2023	DELTA PPO - JUNE PREMIUMS		17,058.30
Check	06/08/2023	8605 Accounts Payable	DELTA DENTAL INSURANCE COMPANY		172.82
	Invoice	Date	Description		Amount
	BE005526293	06/02/2023	DELTA CARE - JUNE PREMIUMS		172.82
Check	06/08/2023	8606 Accounts Payable	DOOLEY ENTERPRISES, INC.		25,997.62
	Invoice	Date	Description		Amount
	65579	05/18/2023	AMMUNITION 05/18/2023		25,997.62
Check	06/08/2023	8607 Accounts Payable	EQUIFAX INFORMATION SVCS LLC		51.26
	Invoice	Date	Description		Amount
	2055046468	05/13/2023	CREDIT BUREAU REPORT FEES - 5/13/23		51.26
Check	06/08/2023	8608 Accounts Payable	EVIDENT, INC.		157.68
	Invoice	Date	Description		Amount
	221394A	05/17/2023	FIELD FINGERPRINT KITS		157.68
Check	06/08/2023	8609 Accounts Payable	EWING IRRIGATION PRODUCTS		8,479.00
	Invoice	Date	Description		Amount
	19463426	05/19/2023	PARK SUPPLIES		8,479.00
Check	06/08/2023	8610 Accounts Payable	FRONTIER BUILDING PRODUCTS PACIFIC, INC		1,709.00
	Invoice	Date	Description		Amount
	5-19-856392	05/19/2023	PD DOOR REPAIR 5/19/23		1,305.00
	5-17-871221	05/17/2023	SVC IRRIGATION VAN DOOR REPAIR 5/17/23		404.00
Check	06/08/2023	8611 Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.		42,925.58
	Invoice	Date	Description		Amount
	E 207586A	04/01/2023	MAINTENANCE CONTRACT APRIL 2023		17,507.40
	E 207586B	04/01/2023	MAINTENANCE CONTRACT-CH, PD, LIB APRIL 2023		3,500.00
	E 208257B	05/01/2023	MAINTENANCE CONTRACT-CH, PD, LIB MAY 2023		3,500.00
	E 208710	05/05/2023	MEDIANS MAINLINE REPAIR 5/5/23		910.78
	E 208257A	05/01/2023	MAINTENANCE CONTRACT MAY 2023		17,507.40
Check	06/08/2023	8612 Accounts Payable	GRAINGER		372.72
	Invoice	Date	Description		Amount
	9694085367	05/02/2023	CHERRY FIRE-CORD REEL		78.06
	9692703078	05/01/2023	BLDG TRASH CAN TOP		13.37
	9567112744	01/09/2023	BLDG GRATE HOOK AND WEATHERSTRIP		281.29
Check	06/08/2023	8613 Accounts Payable	GYM DOCTORS		322.68
	Invoice	Date	Description		Amount
	00141843	04/14/2023	FITNESS CENTER EQUIPMENT MAINTENANCE - 4/13/23		322.68
Check	06/08/2023	8614 Accounts Payable	PATRICIA HADDOCK		536.62
	Invoice	Date	Description		Amount
	05302023	05/30/2023	PERSUASIVE TRAINING & EDITING - 5/9/23 & 5/15/23		536.62
Check	06/08/2023	8615 Accounts Payable	DUNCAN HALL		37.99
	Invoice	Date	Description		Amount
	0604-060523EXP	06/06/2023	ADVANCED TRAINING OFFICER (CTI UPDATE)		37.99
Check	06/08/2023	8616 Accounts Payable	HIROSHI ICHIMURA		3,355.20
	Invoice	Date	Description		Amount
	0304-042923	04/29/2023	KENDO CLASSES FOR 3/4-4/29		3,355.20
Check	06/08/2023	8617 Accounts Payable	JOSH HORST		907.94
	Invoice	Date	Description		Amount
	0530-053123EXP	06/06/2023	SAVE DINNER REIMBURSEMENT		907.94

Check	06/08/2023	8618	Accounts Payable	INDUSTRIAL PLUMBING SUPPLY, LLC.	303.79

Invoice	Date	Description	Amount
108002	05/17/2023	SILLIMAN TOILET	303.79

Check	06/08/2023	8619	Accounts Payable	JOINT VENTURE SILICON VALLEY	3,500.00

Invoice	Date	Description	Amount
975SOVNEWARK	01/18/2023	STATE OF THE VALLEY CONFERENCE - 2023	3,500.00

Check	06/08/2023	8620	Accounts Payable	KIM TURNER	375.00

Invoice	Date	Description	Amount
INVOICE-2785	03/29/2023	ADVANCED TRAINING COURSE-MARISA H - 6/4/23	375.00

Check	06/08/2023	8621	Accounts Payable	KNORR SYSTEMS INTERNATIONAL	692.00

Invoice	Date	Description	Amount
200767	05/18/2023	SILLIMAN POOL SERVICE-TROUBLESHOOT CO2 5/18/23	692.00

Check	06/08/2023	8622	Accounts Payable	KAMINI KUMAR	588.73

Invoice	Date	Description	Amount
0531-060223EXP	06/06/2023	GRANT WRITING USA-KAMINI 05/31-6/02/23	588.73

Check	06/08/2023	8623	Accounts Payable	LEXISNEXIS RISK DATA MANAGEMENT INC.	100.00

Invoice	Date	Description	Amount
1845802-20230331	03/31/2023	INVESTIGATIVE INFO RESEARCH 3/31	50.00
1845802-20230430	04/30/2023	INVESTIGATIVE INFO RESEARCH 4/30	50.00

Check	06/08/2023	8624	Accounts Payable	LOOMIS	392.91

Invoice	Date	Description	Amount
13260029	05/31/2023	ARMORED CAR SERVICE - 05/23	392.91

Check	06/08/2023	8625	Accounts Payable	MEYERS NAVE, A PROFESSIONAL CORPORATION	3,770.50

Invoice	Date	Description	Amount
204369	04/27/2023	LEGAL SVCS FOR CEDAR/ROBSON HOMES - SVCS THRU 3/31/23	1,868.50
204370	04/27/2023	LEGAL SVCS FOR CEDAR BLVD TWNHMS (WAYMARK) SVCS THRU 3/31/23	942.50
205384	05/24/2023	LEGAL SVCS FOR CEDAR BLVD TWNHMS (WAYMARK) SVCS THRU 4/30/23	959.50

Check	06/08/2023	8626	Accounts Payable	MIKE YORKS INVESTIGATIONS	150.00

Invoice	Date	Description	Amount
2023-20	05/18/2023	BACKGROUND INVESTIGATIONS 5/6-5/15/23	150.00

Check	06/08/2023	8627	Accounts Payable	MISSION LINEN SUPPLY - UNIFORM	2,351.51

Invoice	Date	Description	Amount
MAY' 23	05/31/2023	UNIFORM/MATS MAY 2023	2,351.51

Check	06/08/2023	8628	Accounts Payable	KYLE MOORE	72.05

Invoice	Date	Description	Amount
021323EXP	05/31/2023	EXPENSE REIMBURSEMENT	72.05

Check	06/08/2023	8629	Accounts Payable	NUTRIEN AG SOLUTIONS, INC.	1,860.60

Invoice	Date	Description	Amount
50963545	05/04/2023	RANGER PRO PESTICIDE 05/04/23	1,860.60

Check	06/08/2023	8630	Accounts Payable	ORIGINAL WATERMEN, INC	600.67

Invoice	Date	Description	Amount
S82539	05/29/2023	LIFEGUARD EQUIPMENT	600.67

Check	06/08/2023	8631	Accounts Payable	PACIFIC GAS & ELECTRIC	2,966.64

Invoice	Date	Description	Amount
7460-051823	05/18/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 03/28-04/26/23	2,966.64

Check	06/08/2023	8632	Accounts Payable	PERFORMANCE PEST MANAGEMENT	267.00

Invoice	Date	Description	Amount

	68140		05/15/2023	PEST SERVICES - CITY HALL #102699 5/15/23	267.00
Check	06/08/2023	8633 Accounts Payable		PETERSON POWER SYSTEM INC	1,628.58
	Invoice		Date	Description	Amount
	PC001821654		05/18/2023	FLEET PARTS FOR SERVICE	1,628.58
Check	06/08/2023	8634 Accounts Payable		POOLED LIABILITY ASSURANCE NETWORK JPA	972.53
	Invoice		Date	Description	Amount
	PLAN-2023-0212		05/08/2023	GENERAL LIABILITY PREMIUM FY22-23-APRIL 2023	972.53
Check	06/08/2023	8635 Accounts Payable		PROVIDENT LIFE & ACCIDENT INSURANCE	62.68
	Invoice		Date	Description	Amount
	UNUM MAY 2023		06/01/2023	UNUM - MAY 2023 COVERAGE	62.68
Check	06/08/2023	8636 Accounts Payable		RELIABLE TRANSLATIONS INC.	3,218.35
	Invoice		Date	Description	Amount
	24679		04/25/2023	TRANSLATIONS & INTERPRETATION SVCS - 4/25/23	486.00
	24682		04/26/2023	TRNSL & INTERP SVCS - FIRE EXTINGUISHER MAKE-UP CLASS - 4/26/23	373.01
	24744		05/02/2023	TRNSL & INTERP SVCS - DIGITAL MRKTNG WRKSHP - 5/2/23	486.00
	24818		05/08/2023	TRNSL & INTERP SVCS - DIGITAL MRKTNG WRKSHP - 5/8/23	486.00
	24832		05/09/2023	TRNSL & INTERP SVCS - DIGITAL MRKTNG WRSHP 5/9/23	486.00
	24681		04/26/2023	INTERP/TRNSL SVCS - ARPA - FIRE EXTINGUISHER MK-UP CLS - 4/26/23	253.34
	24817		05/08/2023	INTERP/TRNSL SVCS - ARPA - DIGITAL MRKTNG WRKSHP 5/8/23	162.00
	24831		05/09/2023	INTERP/TRNSL SVCS - ARPA - DIGITAL MRKTNG WRKSHP 5/9/23	162.00
	24678		04/25/2023	INTERP/TRNSL SVCS - ARPA - DIGITAL MRKTNG WRKSHP 4/25/23	162.00
	24743		05/02/2023	INTERP/TRNSL SVCS - ARPA - DIGITAL MRKTNG WRKSHP 5/2/23	162.00
Check	06/08/2023	8637 Accounts Payable		REVOLUTION DANCEWEAR, LLC	1,006.94
	Invoice		Date	Description	Amount
	SI-2483265		03/23/2023	DANCE COSTUMES	1,006.94
Check	06/08/2023	8638 Accounts Payable		SFPUC	3,768.51
	Invoice		Date	Description	Amount
	59675		05/24/2023	SFPUC RENT WATER AC#3642 5/24/23	970.17
	59707		05/24/2023	SFPUC RENT WATER AC#2866 5/24/23	2,798.34
Check	06/08/2023	8639 Accounts Payable		WILLE ELECTRIC SUPPLY CO., INC	190.66
	Invoice		Date	Description	Amount
	S2143369.002		05/17/2023	SILLIMAN LIGHTING SUPPLIES	190.66
Check	06/08/2023	8640 Accounts Payable		S.B.R.P.S.T.C.	7,222.00
	Invoice		Date	Description	Amount
	223400		01/17/2023	ACADEMY FEES FY 22/23-MONTEREY 10/31/22-5/2/23	7,222.00
Check	06/08/2023	8641 Accounts Payable		STAPLES	1,055.91
	Invoice		Date	Description	Amount
	8070292920		05/15/2023	OFFICE SUPPLIES 5/1-5/11/23	1,055.91
Check	06/08/2023	8642 Accounts Payable		SUMMIT UNIFORMS CORP	999.69
	Invoice		Date	Description	Amount
	86660		05/09/2023	UNIFORM-CHRISTIAN LARA	999.69
Check	06/08/2023	8643 Accounts Payable		SURF TO SNOW ENVIRONMENTAL RESOURCE	16,907.50
	Invoice		Date	Description	Amount
	12805		04/30/2023	MUNICIPAL STORMWATER INSPECTION SERVICES (04/01-04/30/23)	16,907.50
Check	06/08/2023	8644 Accounts Payable		T-MOBILE	147.76
	Invoice		Date	Description	Amount
	966241989052023		05/31/2023	IPHONE SVC 04/21-05/20/23	147.76
Check	06/08/2023	8645 Accounts Payable		THE GOODYEAR TIRE & RUBBER COMPANY	1,870.89
	Invoice		Date	Description	Amount

	184-1098878		05/15/2023	TIRE REPAIR 05/16/23	1,870.89
Check	06/08/2023	8646	Accounts Payable	THE TACTICAL ADVANTAGE POLICE SUPPLY	960.27

Invoice	Date	Description	Amount
7163	02/09/2023	BULLETPROOF VESTS ARIEL SAN PEDRO; APPROVAL #2023-12	960.27

Check	06/08/2023	8647	Accounts Payable	UNION PACIFIC RAILROAD CO	267.00

Invoice	Date	Description	Amount
90124878	04/19/2023	PRELIMINARY ENGINEERING SVCS FOR MOWRY VILLAGE PROJECT - 12/22	267.00

Check	06/08/2023	8648	Accounts Payable	KENNETH WOOD	278.21

Invoice	Date	Description	Amount
052023EXP	05/31/2023	EXPENSE REIMBURSEMENT	278.21

EFT	06/08/2023	593	Accounts Payable	SPECTRUM SMALL BUSINESS SERVICES, LLC	325084426 / 5348560846	7,938.50

Invoice	Date	Description	Amount
05082023-GENERAL	05/08/2023	SM BUS SUPPORT - SHEEREN TURGHUN'S TRAVEL - 4/23/23-4/27/23	1,772.25
04302023-GENERAL	04/30/2023	SMALL BUSINESS SUPPORT - MIKE BULL'S MEETINGS - 4/30/23	3,575.00
04302023-ARPA	04/30/2023	CONSULTING & REFERRAL TO BUS SUPPORT AGENCIES-ARPA - 4/30/23	577.50
06012023-GENERAL	06/01/2023	SMALL BUSINESS SUPPORT - MIKE BULL'S MEETINGS - 6/23	2,013.75

EFT	06/08/2023	594	Accounts Payable	SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.	121000248 / 4942808510	14,780.50

Invoice	Date	Description	Amount
SF-8510-01290893	05/01/2023	FY 22/23 WORKERS COMPENSATION CLAIMS -04/03/23-04/30/23	14,780.50

AP ZBA	ACCOUNTS PAYABLE Totals:	Transactions: 59	$250,204.54

Checks:	57	$227,485.54
EFTs:	2	$22,719.00

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/15/2023

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/15/2023	8649	Accounts Payable	ALAMEDA COUNTY WATER DISTRICT		2,423.47
	Invoice		Date	Description		Amount
	0401-053121		06/01/2023	ACWD HYDRANT 04/1-05/31/23		2,423.47
Check	06/15/2023	8650	Accounts Payable	ALLIED AUTO STORES INC		781.71
	Invoice		Date	Description		Amount
	MAY' 23		05/31/2023	FLEET SUPPLIES 05/05/23-05/25/23		781.71
Check	06/15/2023	8651	Accounts Payable	ALPINE AWARDS INC		3,352.39
	Invoice		Date	Description		Amount
	6102993		05/18/2023	SHIRTS/UNIFORMS		3,352.39
Check	06/15/2023	8652	Accounts Payable	BAY AREA TEMPORARY SANITATION, INC.		409.78
	Invoice		Date	Description		Amount
	102053		05/10/2023	PORTABLE RESTROOMS AND SINKS - 05/05/23		409.78
Check	06/15/2023	8653	Accounts Payable	CCUG		700.00
	Invoice		Date	Description		Amount
	2023000302CCUG		05/23/2023	AGENCY MEMBERSHIP-MARISA HUNTLEY - 2023		125.00
	2023000314CCUG		05/26/2023	2023 SEMINAR-HUNTLEY - 9/11/23-9/12/23		575.00
Check	06/15/2023	8654	Accounts Payable	CENTRAL VALLEY TOXICOLOGY, INC.		280.00
	Invoice		Date	Description		Amount
	328037		05/25/2023	LAB TESTS 05/25/2023		40.00
	327913		05/19/2023	LAB TESTS 05/19/2023		160.00
	327584		05/04/2023	LAB TESTS 05/04/2023		40.00
	327583		05/04/2023	LAB TESTS 05/04/2023		40.00
Check	06/15/2023	8655	Accounts Payable	CITY OF FREMONT		13,861.90
	Invoice		Date	Description		Amount
	329115		06/01/2023	SHELTER OPERATING EXP JUNE 2023		13,861.90
Check	06/15/2023	8656	Accounts Payable	CITY OF HAYWARD		166.00
	Invoice		Date	Description		Amount
	351337		05/17/2023	TRAINING AT CANG 5/17/23		166.00
Check	06/15/2023	8657	Accounts Payable	COMCAST		846.16
	Invoice		Date	Description		Amount
	8821-05242023		05/24/2023	TELEVISION & PUBLIC WIFI ACCESS 5/29-6/28/2023		846.16
Check	06/15/2023	8658	Accounts Payable	TONYA CONNOLLY		600.33
	Invoice		Date	Description		Amount
	052423EXP		05/24/2023	FOOD FOR PUBWORKS EVENT 5/24/23		600.33
Check	06/15/2023	8659	Accounts Payable	CRIME SCENE CLEANERS INC		108.00
	Invoice		Date	Description		Amount
	87063		05/25/2023	CLEAN AND DISINFECT POLICE CAR #1703		108.00
Check	06/15/2023	8660	Accounts Payable	CYNTHIA M KIRBY		6,825.00
	Invoice		Date	Description		Amount
	2306035		06/01/2023	POLYGRAPH TESTING SERVICES - 2/3/23 - 5/30/23		6,825.00

Check	06/15/2023	8661	Accounts Payable	DAILY JOURNAL CORPORATION	368.75

Invoice	Date	Description	Amount
B3706893	06/06/2023	LEGAL ADVERTISING - 6/6/23	308.75
B3706904	06/06/2023	LEGAL ADVERTISING - 6/6/23	60.00

Check	06/15/2023	8662	Accounts Payable	DUKE DE LEON	393.00

Invoice	Date	Description	Amount
4173	05/29/2023	VIDEO CITY COUNCIL AND PLANNING COMMISION MTGS MAY 2023	393.00

Check	06/15/2023	8663	Accounts Payable	ECS IMAGING, INC.	2,362.50

Invoice	Date	Description	Amount
17844	05/26/2023	LASERFICHE CLOUD UPGRADE - VALIDATION & GO LIVE	2,362.50

Check	06/15/2023	8664	Accounts Payable	GRAINGER	1,434.41

Invoice	Date	Description	Amount
9699735800	05/08/2023	BLDG SUPPLIES-AIR FILTERS, BUSHING, BULBS	690.89
9702974016	05/10/2023	SVC EQUIPMENT SHOP HEATER	743.52

Check	06/15/2023	8665	Accounts Payable	YAMA HOMAYOUN	526.32

Invoice	Date	Description	Amount
0522-0524EXP	06/06/2023	SLI SESSION 7-RANCHO MURIETA	526.32

Check	06/15/2023	8666	Accounts Payable	ALONZO MADRID	4,679.13

Invoice	Date	Description	Amount
2313328-1	04/11/2023	CRESTRON REPLACEMENT	886.00
2313332-1	04/11/2023	SERVICE AND INSTALLATIONS - CHAMBER PODIUM 2/24/23, 3/6/23	1,322.19
2313336-1	04/11/2023	SERVICE AND INSTALLATIONS - PD HDMI 4/6/23	2,470.94

Check	06/15/2023	8667	Accounts Payable	NAPA AUTO PARTS	1,802.75

Invoice	Date	Description	Amount
MAY' 23	05/31/2023	NAPA-FLEET SUPPLIES MAY 2023	1,802.75

Check	06/15/2023	8668	Accounts Payable	L.N. CURTIS AND SONS	210.54

Invoice	Date	Description	Amount
INV708025	05/24/2023	ACADEMY GEAR	210.54

Check	06/15/2023	8669	Accounts Payable	MIKE YORKS INVESTIGATIONS	450.00

Invoice	Date	Description	Amount
2023-19	05/19/2023	BACKGROUND INVESTIGATIONS 4/29-5/9/23	225.00
2023-21	05/23/2023	BACKGROUND INVESTIGATIONS 5/6-5/28/23	225.00

Check	06/15/2023	8670	Accounts Payable	PACIFIC GAS & ELECTRIC	2,018.76

Invoice	Date	Description	Amount
3926-060623	06/06/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 05/01-05/30/23	98.06
1859-060623	06/06/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 05/01-05/30/23	1,522.90
9045-060523	06/05/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 04/27-05/25/23	209.86
0552-060223	06/02/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 04/28-05/26/23	79.45
2305-060223	06/02/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 04/27-05/25/23	108.49

Check	06/15/2023	8671	Accounts Payable	MORGAN PEDERSEN	990.03

Invoice	Date	Description	Amount
032423-060323EXP	06/12/2023	CNU 31 MEMBERSHIP, CONFERENCE & TOURS	920.00
05192023EXP	05/19/2023	SNACKS 2ND ROUND CHAMBER OF COMMERCE CEO INTERVIEWS	40.05
06092023EXP	06/09/2023	SNACKS FOR 2ND SESSION EMERG PREP WRKSHP	29.98

Check	06/15/2023	8672	Accounts Payable	PERFORMANCE PEST MANAGEMENT	350.00

Invoice	Date	Description	Amount
68776	05/23/2023	PEST SERVICES - CITY HALL #102699 5/23/23	175.00
68778	05/23/2023	PEST SERVICES - SENIOR CENTER #102706 5/23/23	175.00

Check	06/15/2023	8673	Accounts Payable	RAYMUNDO RUIZ	318.62

Invoice	Date	Description	Amount
061123EXP	06/11/2023	BOOT REIMBURSEMENT 6/11/23	318.62

Check	06/15/2023	8674	Accounts Payable	SAN MATEO REGIONAL NETWORK INC	20.00

Invoice	Date	Description	Amount

	24365		05/10/2023	DNS SERVICE PROVIDER - MAY '23	20.00
Check	06/15/2023	8675 Accounts Payable		SAVAGE TRAINING GROUP LLC	610.00
	Invoice		Date	Description	Amount
	STG-7434		06/07/2023	FIELD TRAINING PROGRAM SUPERVISOR -DAVID HIGBEE 8/28/23-8/30/23	610.00
Check	06/15/2023	8676 Accounts Payable		SIMON & COMPANY INC	1,720.00
	Invoice		Date	Description	Amount
	05-2023		05/25/2023	PROFESSIONAL FEDERAL AFFAIRS ASSISTANCE FOR MAY 2023	1,720.00
Check	06/15/2023	8677 Accounts Payable		LEHR	2,375.00
	Invoice		Date	Description	Amount
	SI87585		05/22/2023	CF33S INSTALL - 20 CF-33 PROJECT 2023-03	425.00
	SI87584		05/22/2023	CF33S INSTALL - 20 CF-33 PROJECT 2023-03	425.00
	SI87583		05/22/2023	CF33S INSTALL - 20 CF-33 PROJECT 2023-03	425.00
	SI87582		05/22/2023	CF33S INSTALL - 20 CF-33 PROJECT 2023-03	425.00
	SI87581		05/22/2023	CF33S INSTALL - 20 CF-33 PROJECT 2023-03	675.00
Check	06/15/2023	8678 Accounts Payable		SUMMIT UNIFORMS CORP	2,650.16
	Invoice		Date	Description	Amount
	86901		05/24/2023	UNIFORM-TARYN S	183.75
	86920		05/25/2023	VOLUNTEER UNIFORMS	2,466.41
Check	06/15/2023	8679 Accounts Payable		TEMPERATURE TECHNOLOGY INC.	41,718.85
	Invoice		Date	Description	Amount
	I2487		05/22/2023	PD HVAC REPAIR 5/12/23	1,200.00
	I2501		05/22/2023	SILLIMAN SUPPLIES-AHU-2 PARTS	1,958.47
	I2505		05/26/2023	SILLIMAN HVAC SERVICE 5/26/23	390.00
	I2473		05/08/2023	SILLIMAN HVAC REPAIR AND MAINTENANCE-4/24/23 - 5/1/23	16,087.42
	I2366		03/09/2023	SILLIMAN HVAC REPAIR AND MAINTENANCE PARTS	20,348.83
	I2443		04/24/2023	SILLIMAN HVAC REPAIR AND MAINTENANCE-4/7/23	1,734.13
Check	06/15/2023	8680 Accounts Payable		JENNIFER TRAN	110.04
	Invoice		Date	Description	Amount
	0501-053123EXP		06/07/2023	MILEAGE REIMBURSEMENT 5/1/23-5/31/23	110.04
Check	06/15/2023	8681 Accounts Payable		TREASURER OF ALAMEDA COUNTY	6,695.00
	Invoice		Date	Description	Amount
	23-05108		06/07/2023	BOOKING FEES MAY 2023	6,695.00
Check	06/15/2023	8682 Accounts Payable		VERIZON WIRELESS	6,353.83
	Invoice		Date	Description	Amount
	9935174028		05/18/2023	WIRELESS SERVICE APRIL 19 - MAY 18, 2023	6,353.83
Check	06/15/2023	8683 Accounts Payable		VISTA UNIVERSAL INC	1,486.31
	Invoice		Date	Description	Amount
	T514682		05/31/2023	SPORTSFIELD LIGHTS 5/30/23	1,486.31
Check	06/15/2023	8684 Accounts Payable		ORION SECURITY	3,754.40
	Invoice		Date	Description	Amount
	121906		06/03/2023	UNARMED, UNIFORMED SECURITY OFFICER 5/30/23 - 6/2/23	1,155.20
	121693		05/27/2023	UNARMED, UNIFORMED SECURITY OFFICER 5/22/23 - 5/25/23	1,155.20
	121649		05/20/2023	UNARMED, UNIFORMED SECURITY OFFICER 5/15/23 - 5/19/23	1,444.00
Check	06/15/2023	8685 Accounts Payable		CHAPA , DIOSEL	300.00
	Invoice		Date	Description	Amount
	679768		06/12/2023	REFUND FOR FACILITY RENTAL	300.00
Check	06/15/2023	8686 Accounts Payable		GARCIA , HEATHER	500.00
	Invoice		Date	Description	Amount
	679198		06/13/2023	REFUND FOR COMM CTR RENTAL DEPOSIT	500.00
Check	06/15/2023	8687 Accounts Payable		METROPOLITAN PLANNING GROUP	4,925.00
	Invoice		Date	Description	Amount
	2003617		01/25/2023	CEDAR/ROBSON HOMES PROJECT - SVCS THRU 12/31/22	1,828.75
	2003668		02/14/2023	CEDAR/ROBSON HOMES PROJECT - SVCS THRU 1/31/23	1,295.00

	2003744	04/14/2023	CEDAR/ROBSON HOMES PROJECT - SVCS THRU 3/31/23		878.75
	2003804	05/12/2023	CEDAR/ROBSON HOMES PROJECT - SVCS THRU 5/12/23		922.50
EFT	06/15/2023	595 Accounts Payable	CLIENTFIRST TECHNOLOGY CONSULTING	122037760 / 001064667052	2,562.50

Invoice	Date	Description	Amount
15024	04/30/2023	IT SUPPORT 3/1/23 - 4/30/23	2,562.50

EFT	06/15/2023	596 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC.	026009674 / 351510	12,222.07

Invoice	Date	Description	Amount
91540	05/23/2023	LEASE PAYMENT MAY 15 - JUNE 14, 2023	190.38
89419	05/15/2023	COPIER LEASE YEAR 1 OF 5 - MAY 23 - JUNE 04 2023	223.29
84807	04/25/2023	COPIER LEASE 04/15/23 - 05/14/23	4,342.60
83244	04/13/2023	COPIER LEASE 04/05/23 - 05/04/23	223.29
91539	05/23/2023	COPIER LEASE 05/15/23 - 06/14/23	4,734.71
55Y1363271	04/25/2023	OVERAGES 3/21/23 - 5/20/23	1,152.80
55Y1371931	05/26/2023	REPAIR 5/24/23	720.00
55Y1369658	05/17/2023	SUPPLIES	635.00

AP ZBA ACCOUNTS PAYABLE Totals:		Transactions: 41	$134,262.71

Checks:	39	$119,478.14
EFTs:	2	$14,784.57

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/22/2023

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/22/2023	8688	Accounts Payable	ABBE & ASSOCIATES LLC		4,488.00
	Invoice		Date	Description		Amount
	N-19		06/05/2023	RECYCLING/ORGANICS CONSULTANT (THROUGH MAY 2023)		4,488.00
Check	06/22/2023	8689	Accounts Payable	ACCESS		100.00
	Invoice		Date	Description		Amount
	10286254		05/31/2023	SHREDDING SVCS MAY 2023		100.00
Check	06/22/2023	8690	Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		7,657.82
	Invoice		Date	Description		Amount
	85950		05/31/2023	SCHOOL CROSSING GUARD SVCS 5/14/23-5/27/23		7,657.82
Check	06/22/2023	8691	Accounts Payable	AMERICAN ASPHALT REPAIR & RESURFACING CO., INC.		203,983.71
	Invoice		Date	Description		Amount
	17235		05/31/2023	21-22 CITYWIDE PARK PATHWAYS RESURFACING FOR ADA ACCESS 05/23		203,983.71
Check	06/22/2023	8692	Accounts Payable	APPLIED AIR FILTERS		3,039.53
	Invoice		Date	Description		Amount
	46720		06/02/2023	AIR FILTERS: BLGS, SILLIMAN, PD AND LIBRARY		3,039.53
Check	06/22/2023	8693	Accounts Payable	BAY CENTRAL PRINTING		64.27
	Invoice		Date	Description		Amount
	195741		05/31/2023	BUSINESS CARDS - FARRELL		64.27
Check	06/22/2023	8694	Accounts Payable	BEAR ELECTRICAL SOLUTIONS, INC.		14,798.26
	Invoice		Date	Description		Amount
	18438		03/23/2023	FY22-23 STREET LIGHT MAINTENANCE - 03/23		14,798.26
Check	06/22/2023	8695	Accounts Payable	CARBONIC SERVICE		571.80
	Invoice		Date	Description		Amount
	509625		06/02/2023	POOL CHEMICALS		571.80
Check	06/22/2023	8696	Accounts Payable	MICHAEL CARMEN		33.81
	Invoice		Date	Description		Amount
	110322EXP		11/07/2022	EXPENSE REIMBURSEMENT - MILEAGE		33.81
Check	06/22/2023	8697	Accounts Payable	CENTRAL VETERINARY HOSPITAL		270.00
	Invoice		Date	Description		Amount
	496790		05/30/2023	VET SVCS 4/3/23-05/30/23		205.00
	492534		02/23/2023	VET SVCS 02/14/2023		65.00
Check	06/22/2023	8698	Accounts Payable	APRO LLC		80.00
	Invoice		Date	Description		Amount
	050123-053123		05/31/2023	CAR WASH 05/01-05/31/23		80.00
Check	06/22/2023	8699	Accounts Payable	CHEVROLET OF FREMONT		1,002.62
	Invoice		Date	Description		Amount
	139042		06/15/2023	FLEET PARTS-ROTOR		274.21
	139039		06/13/2023	FLEET PARTS-PAD KIT, ROTOR AND BOLT		728.41
Check	06/22/2023	8700	Accounts Payable	CLASSIC GRAPHICS		38.76
	Invoice		Date	Description		Amount

	48046		06/02/2023	MOTORCYCLE DECALS	38.76
Check	06/22/2023	8701 Accounts Payable		ALAMEDA COUNTY	6,067.00
	Invoice		Date	Description	Amount
	IN0341269		05/25/2023	CUPA FEES - FLEET JUN '23	6,067.00
Check	06/22/2023	8702 Accounts Payable		ALAMEDA COUNTY ENVIRONMENTAL HEALTH	820.00
	Invoice		Date	Description	Amount
	IN0341334		05/25/2023	CUPA FEES - FLEET - JUNE 2023	820.00
Check	06/22/2023	8703 Accounts Payable		DELL MARKETING L.P.	5,881.15
	Invoice		Date	Description	Amount
	10672426659		05/17/2023	MONITORS	5,881.15
Check	06/22/2023	8704 Accounts Payable		EAST BAY LAWN MOWER	265.67
	Invoice		Date	Description	Amount
	38116		06/12/2023	SMALL EQUIPMENT REPAIR 6/12/23	52.48
	38104		06/12/2023	SMALL EQUIPMENT PARTS	213.19
Check	06/22/2023	8705 Accounts Payable		ENVIRONMENTAL LOGISTICS, INC.	810.00
	Invoice		Date	Description	Amount
	119562		06/16/2023	HAZARDOUS WASTE REMOVAL 06/16/23	810.00
Check	06/22/2023	8706 Accounts Payable		FEDEX	35.60
	Invoice		Date	Description	Amount
	8-143-17580		05/26/2023	PACKAGE DELIVERY - 5/18/23	17.80
	8-150-30770		06/02/2023	PACKAGE DELIVERY - 5/23/23	17.80
Check	06/22/2023	8707 Accounts Payable		FIDELITY SECURITY LIFE INSURANCE/EYEMED	2,280.31
	Invoice		Date	Description	Amount
	165797150		06/13/2023	EYE MED - JUNE PREMIUMS	2,280.31
Check	06/22/2023	8708 Accounts Payable		FREMONT FORD	602.45
	Invoice		Date	Description	Amount
	215308		06/14/2023	FLEET PARTS-COVER, PAD, CAP	236.27
	215333		06/15/2023	FLEET PARTS - HEADLAMP, NAME PLATE	366.18
Check	06/22/2023	8709 Accounts Payable		GACHINA LANDSCAPE MANAGEMENT, INC.	6,801.00
	Invoice		Date	Description	Amount
	E 209555		06/08/2023	IMPROVEMENTS FOR SOFTBALL FIELDS	6,801.00
Check	06/22/2023	8710 Accounts Payable		GRAINGER	256.65
	Invoice		Date	Description	Amount
	9710867459		05/17/2023	PD SUPPLIES-GASKET	19.77
	9712532069		05/18/2023	PD SUPPLIES-HOES ADAPTER	77.21
	9654276634		03/27/2023	PD SHOWER CURTAINS	159.67
Check	06/22/2023	8711 Accounts Payable		GROUP 4 ARCHITECTURE RESEARCH + PLANNING, INC.	13,080.91
	Invoice		Date	Description	Amount
	11717		04/30/2023	REIMBURSABLES AND PROFESSIONAL SERVICES RENDERED THROUGH 4/30/23	13,080.91
Check	06/22/2023	8712 Accounts Payable		HOME DEPOT CREDIT SERVICES	13,010.96
	Invoice		Date	Description	Amount
	JUN' 23		06/13/2023	HOME DEPOT CC PURCHASE 5/12/23-06/10/23	13,010.96
Check	06/22/2023	8713 Accounts Payable		DEEPA IYER	355.08
	Invoice		Date	Description	Amount
	EXPREIMB-05/23		05/26/2023	PAYMENT FOR HR DIRECTOR POSTING ON CALPERLA PORTAL	326.00
	EXPREIMB-06/23		06/01/2023	MILEAGE REIMB TO ERC BAY AREA MEETING - 06/01/23	29.08
Check	06/22/2023	8714 Accounts Payable		KNORR SYSTEMS INTERNATIONAL	4,837.56
	Invoice		Date	Description	Amount

	201955		05/31/2023	POOL CHEMICALS	4,837.56
Check	06/22/2023	8715	Accounts Payable	KARL KREUTZER	5,740.68
	Invoice		Date	Description	Amount
	EXPEDUREIEMB2023		06/06/2023	EDUCATIONAL REIMBURSEMENT- REMAINING MONIES IN FUND TO REIMBURSE	5,740.68
Check	06/22/2023	8716	Accounts Payable	LANCE, SOLL & LUNGHARD LLP	19,805.00
	Invoice		Date	Description	Amount
	57326		06/07/2023	AUDITING SERVICES - 2023 GOVERNMENT AUDIT	19,805.00
Check	06/22/2023	8717	Accounts Payable	LANGUAGE LINE SERVICES	441.09
	Invoice		Date	Description	Amount
	11014761		05/31/2023	INTERPRETATION SVCS MAY 2023	441.09
Check	06/22/2023	8718	Accounts Payable	LEGACY ROOFING & WATERPROOFING	2,340.00
	Invoice		Date	Description	Amount
	6010062-WO		06/07/2023	ROOF REPAIR 6/7/23	1,815.00
	6010031-WO		06/15/2023	EVIDENCE ROOM ROOF REPAIR 5/4/23	525.00
Check	06/22/2023	8719	Accounts Payable	GOVERNMENT TECHNOLOGY GROUP, LLC	22,499.00
	Invoice		Date	Description	Amount
	134		05/30/2023	BROADBAND MASTER PLAN #2	22,499.00
Check	06/22/2023	8720	Accounts Payable	LEXISNEXIS RISK DATA MANAGEMENT INC.	424.20
	Invoice		Date	Description	Amount
	1415640-20230531		05/31/2023	BACKGROUND CHECKS MAY 2023	424.20
Check	06/22/2023	8721	Accounts Payable	LEXISNEXIS RISK SOLUTIONS FL INC	50.00
	Invoice		Date	Description	Amount
	1845802-20230531		05/31/2023	INVESTIGATIVE INFO RESEARCH - 5/31/23	50.00
Check	06/22/2023	8722	Accounts Payable	MIKE YORKS INVESTIGATIONS	7,125.00
	Invoice		Date	Description	Amount
	2023-11		05/31/2023	BACKGROUND INVESTIGATIONS 03/20-05/31/23	3,075.00
	2023-15		05/31/2023	BACKGROUND INVESTIGATIONS 04/13-5/5/23	3,075.00
	2023-24		06/09/2023	BACKGROUND INVESTIGATIONS 5/12-6/8/23	975.00
Check	06/22/2023	8723	Accounts Payable	MNS ENGINEERS INC	24,304.42
	Invoice		Date	Description	Amount
	83395		06/16/2023	PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES (05/01-05/31/23)	395.90
	83394		06/16/2023	PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES (05/01-05/31/23)	23,908.52
Check	06/22/2023	8724	Accounts Payable	NATIONAL CINEMEDIA LLC	2,973.75
	Invoice		Date	Description	Amount
	INV-219300		05/30/2023	RECREATION SERVICES ONSCREEN ADVERTISING - 5/5/-5/11/23	2,973.75
Check	06/22/2023	8725	Accounts Payable	OTHRAM, INC	8,325.00
	Invoice		Date	Description	Amount
	9992B9C1-0001		05/31/2023	DNA SERVICES - 5/31/23	8,325.00
Check	06/22/2023	8726	Accounts Payable	PACIFIC GAS & ELECTRIC	71,101.56
	Invoice		Date	Description	Amount
	0870-060723		06/07/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 05/02-05/31/23	78.84
	7578-061323		06/13/2023	CITYWIDE ELECTRICAL 05/04-06/04/23	71,022.72
Check	06/22/2023	8727	Accounts Payable	PAKPOUR CONSULTING GROUP, INC.	6,349.88
	Invoice		Date	Description	Amount
	4131		06/06/2023	ON-CALL CIVIL ENGINEERING PLAN REVIEW SERVICES 05/01-05/31/23	6,349.88
Check	06/22/2023	8728	Accounts Payable	PERFORMANCE PEST MANAGEMENT	827.00
	Invoice		Date	Description	Amount

	68619	05/30/2023	PEST SERVICES - CITY HALL #102699 5/30/23		267.00
	68779	05/23/2023	PEST SERVICES - PD #104419 5/23/23		175.00
	68780	05/23/2023	PEST SERVICES - SERVICE CENTER #102702 5/23/23		205.00
	68777	05/23/2023	PEST SERVICES - SILLIMAN #102710 5/23/23		180.00
Check	06/22/2023	8729 Accounts Payable	R.L. BANKS & ASSOCIATES		23,285.00
	Invoice	Date	Description		Amount
	5	06/14/2023	RAILROAD QUIET ZONE STUDY, PRJ 1276 - TASK ORDER NO. 1 - OCT '22		23,285.00
Check	06/22/2023	8730 Accounts Payable	REDFLEX TRAFFIC SYSTEMS, INC.		17,400.00
	Invoice	Date	Description		Amount
	INV0055172	05/31/2023	REDLIGHT CAMERA MONITORING MAY 2023		17,400.00
Check	06/22/2023	8731 Accounts Payable	RIGHT-HAND CYBER SECURITY, INC		9,985.00
	Invoice	Date	Description		Amount
	INV-CON001	05/30/2023	RIGHT-HAND CYBER SECURITY MANAGED SERVICE		9,985.00
Check	06/22/2023	8732 Accounts Payable	ROADSAFE TRAFFIC SYSTEMS, INC.		2,586.01
	Invoice	Date	Description		Amount
	174653	05/23/2023	SAFETY GEAR		2,586.01
Check	06/22/2023	8733 Accounts Payable	SMITH & SONS ELECTRIC, INC.		226.48
	Invoice	Date	Description		Amount
	23024-1	04/04/2023	PD REPLACE GFCI		226.48
Check	06/22/2023	8734 Accounts Payable	CENTERVILLE LOCKSMITH		44.91
	Invoice	Date	Description		Amount
	333755	06/14/2023	SHIRLY SISK KEYS		44.91
Check	06/22/2023	8735 Accounts Payable	THE ECOHERO SHOW LLC		7,500.00
	Invoice	Date	Description		Amount
	2344	05/31/2023	RECYCLING AND WASTE REDUCTION OUTREACH TO SCHOOLS 05/01-05/25/23		6,000.00
	2238	03/31/2023	RECYCLING AND WASTE REDUCTION OUTREACH TO SCHOOLS 03/01-03/28/23		1,500.00
Check	06/22/2023	8736 Accounts Payable	THE GOODYEAR TIRE & RUBBER COMPANY		409.42
	Invoice	Date	Description		Amount
	184-1098926	06/01/2023	TIRES-SAM TRAKER - 6/1/23		409.42
Check	06/22/2023	8737 Accounts Payable	TURBO DATA SYSTEMS, INC		744.00
	Invoice	Date	Description		Amount
	40322	05/31/2023	E-CITATION HARDWARE AND TRAFFIC PROCESSING SERVICES MAY '23		744.00
Check	06/22/2023	8738 Accounts Payable	VERIZON WIRELESS		3,930.55
	Invoice	Date	Description		Amount
	9935174029	05/18/2023	CELL SVC FOR MDC'S 04/19-05/18/23		3,930.55
Check	06/22/2023	8739 Accounts Payable	ROBERT VOGEL		600.00
	Invoice	Date	Description		Amount
	06202023	06/15/2023	MAGICIAN SHOW FOR CAMP NEWARK - 6/15/23		600.00
Check	06/22/2023	8740 Accounts Payable	WASHINGTON HOSPITAL		75.00
	Invoice	Date	Description		Amount
	0523-NPD-LB	06/02/2023	LAB TESTS MAY 2023		75.00
Check	06/22/2023	8741 Accounts Payable	WEX BANK		1,243.69
	Invoice	Date	Description		Amount
	89717206	06/06/2023	CHEVRON FUEL 06/06/23		1,243.69
Check	06/22/2023	8742 Accounts Payable	ZUMAR INDUSTRIES		3,869.77
	Invoice	Date	Description		Amount
	99674	05/31/2023	STREET SIGNS		3,869.77
Check	06/22/2023	8743 Accounts Payable	MORALES , MARIA GREDEL		1,000.00
	Invoice	Date	Description		Amount

	2023-00005550		06/20/2023	RETURNING SPECIAL EVENT PERMIT SECURITY DEPOSIT		1,000.00
Check	06/22/2023	8744	Accounts Payable	ST AMANT , TAYLOR		300.00
	Invoice		Date	Description		Amount
	679881		06/13/2023	BIRTHDAY PARTY RENTAL REFUND		300.00
Check	06/22/2023	8745	Accounts Payable	STRYER , ARTHUR		66.71
	Invoice		Date	Description		Amount
	061623UUT		06/16/2023	UTILITY USERS TAX REFUND		66.71
EFT	06/22/2023	613	Accounts Payable	PET BENEFIT SOLUTION	021000021 / 238821802	53.75
	Invoice		Date	Description		Amount
	127092		06/16/2023	TOTAL PET PLAN - JUNE COVERAGE		53.75

AP ZBA ACCOUNTS PAYABLE Totals: Transactions: 59 $536,859.79

Checks:	58	$536,806.04
EFTs:	1	$53.75

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/22/2023

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/22/2023	8746	Accounts Payable	JEFF MAPES		1,500.00

Invoice	Date	Description	Amount
TUITREIMBFY22-23	06/13/2023	EDUCATIONAL REIMBURSEMENT- JIU JITSU TRAINING	1,500.00

AP ZBA ACCOUNTS PAYABLE Totals:			Transactions: 1	$1,500.00
Checks:	1	$1,500.00		

STAFF REPORT

Item D. 2.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Approval of June 22, 2023, minutes

Attachments

Minutes

Minutes

Thursday, June 22, 2023
7:00 P.M.

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:00 p.m. Vice Mayor Collazo, Council Members Freitas, and Jorgens were present. Council Member Bucci was noted absent.

B. PRESENTATIONS

1. Introduction of employee

Mayor Hannon introduced Siobhan Henderson, Accounting Assistant I.

2. Alameda County Fire Department Presentation

Fire Chief McDonald gave the presentation (on file with City Clerk).

C. PUBLIC COMMENT

Milind Shyani stated that he and his wife recently moved to the city of Newark and noted the lack of trees on Newark Boulevard after Cedar Boulevard. He requested additional trees be planted.

Assistant City Manager Hovorka stated that at the last City Council meeting, the City Council approved a contract budget amendment with the intention to plant more trees around the City.

D. CONSENT CALENDAR

Council Member Freitas requested the removal of D.9.

Mayor Hannon requested the removal of D.5 and D.8.

Council Member Jorgens moved, Vice Mayor Collazo seconded, to approve Consent Calendar Items D.1 through D.4, D.6 through D.7 and D.10 through D.19, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 4 AYES, 1 ABSENT.

1. Approval of Audited Demands

2. Approval of June 8, 2023 minutes

3. Adopt a resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to fund a CivicSpark Fellow to assist with the development of an update to the City's Climate Action Plan
Resolution No. 11513

4. Adopt a resolution related to Newark Police Department wellness program to approve agreements with Public Safety Family Counseling Group and Sigma Tactical Wellness, to authorize sole-source exemptions for Sigma Tactical Wellness and Mindbase LLC, and to approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11514

5. Adopt a resolution to authorize the City Manager to submit a proposal on behalf of the City Council to the Board of State and Community Corrections for the Organized Retail Theft Prevention Grant Program
Removed from Consent Calendar for separate consideration.

6. Adopt a resolution accepting a grant of up to $40,000 through the California Automated Permit Processing Program for implementation of an automated solar permitting program (SolarAPP+) and approving an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year

2024
Resolution No. 11515

7. Adopt a resolution authorizing the City Manager to execute a three-year cooperation agreement for fiscal years 2024-2026 with Alameda County for participation in the Alameda County Urban County for the Community Development Block Grant (CDBG) Program
Resolution No. 11516
Contract No. 23040

8. Adopt a resolution authorizing the City Manager to execute a Contractual Equipment and Services Agreement with Owen Equipment for the purchase of a Vactor catch basin cleaner, authorization for outfitting by Classic Graphics and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Removed from Consent Calendar for separate consideration.

9. Approve the plans and specifications and adopt a resolution accepting the bid and awarding the contract for the Base Bid and Additive Alternate Bid No. 1 to VSS International, Inc. for FY 2022-2023 Rubberized Cape Seal and Slurry Seal Program, Project No. 1301 and amending the 2022-2024 Biennial Budget and Capital Improvement Plan; Exempt from CEQA review per CEQA Guidelines Section 153013
Removed from Consent Calendar for separate consideration.

10. Adopt a resolution approving the second amendment to the Contractual Services Agreement with Orion Security and amend the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11517
Contract No. 22041

11. Adopt a resolution authorizing the City Manager to enter into a Contractual Services Agreement with Cintas Corporation for uniform rental and laundry services
Resolution No. 11518
Contract No. 23041

12. Adopt a resolution authorizing the City Manager to execute the Fourth Amendment to the Contractual Services Agreement with 4Leaf Inc. to provide temporary professional planning services
Resolution No. 11519
Contract No. 21045

13. Adopt a resolution authorizing the City Manager to execute Contractual Services Agreements for on-call support services with 4Leaf, Inc., BPR Consulting Group, LLC., Bureau Veritas North America, Inc., CSG Consultants, Inc., and True North Compliance Services, Inc. for the Building Inspection Division and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11520
Contract No. 23042-23046

14. Adopt a resolution establishing the Fiscal Year 2024 Tax Appropriations Limit
Resolution No. 11521

15. Adopt a resolution approving an amendment to the Contractual Services Agreement with Gachina Landscape Management, Inc. to increase the contractual not-to-exceed amount for additional landscape maintenance services and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11522
Contract No. 21011

16. Adopt a resolution authorizing the City Attorney to execute a Certification and Mutual Indemnification Agreement with the County of Alameda for Fiscal Year 2024
Resolution No. 11523
Contract No. 23047

17. Adopt a resolution approving the City's Investment Policy
Resolution No. 11524

18. Adopt a resolution authorizing the continued investment of monies into the Local Agency Investment Fund (LAIF) and designating officers authorized to

sign on the account
Resolution No. 11525

19. Year-end Budget Review and approval of a resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2023
Resolution No. 11526

Items removed from the Consent Calendar

5. Adopt a resolution to authorize the City Manager to submit a proposal on behalf of the City Council to the Board of State and Community Corrections for the Organized Retail Theft Prevention Grant Program
Resolution No. 11527

Mayor Hannon highlighted that this grant proposal was specific to catalytic convertors. He thanked Captain Macias and the Police Department for applying for the grant.

No one requested to speak.

Council Member Freitas moved, Council Member Jorgens seconded to adopt the resolution authorizing the City Manager to submit a proposal on behalf of the City Council to the State of California Board Of State And Community Corrections for the Organized Retail Theft Prevention Program. The motion passed, 4 AYES, 1 ABSENT.

8. Adopt a resolution authorizing the City Manager to execute a Contractual Equipment and Services Agreement with Owen Equipment for the purchase of a Vactor catch basin cleaner, authorization for outfitting by Classic Graphics and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024
Resolution No. 11528
Contract No. 23048

Mayor Hannon stated this equipment was used to clean storm drains and the current equipment was over 20 years old. He thanked Maintenance staff for their efforts to acquire the new equipment.

No one requested to speak.

Vice Mayor Collazo moved, Mayor Hannon seconded to adopt a resolution authorizing the City Manager to execute a contractual equipment and services agreement with Owen Equipment for the purchase of a vactor catch basin cleaner, authorization for outfitting by Classic Graphics, and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024. The motion passed, 4 AYES, 1 ABSENT.

9. Approve the plans and specifications and adopt a resolution accepting the bid and awarding the contract for the Base Bid and Additive Alternate Bid No. 1 to VSS International, Inc. for FY 2022-2023 Rubberized Cape Seal and Slurry Seal Program, Project No. 1301 and amending the 2022-2024 Biennial Budget and Capital Improvement Plan; Exempt from CEQA review per CEQA Guidelines Section 153013
Resolution No. 11529
Contract No. 23049

Council Member Freitas stated that a specific location on Cherry Street was swept on a daily basis resulting in the diminishment of the seal. He asked if that location would be addressed with this project.

Public Works Director Fajeau stated that he was aware of the problematic location and that it was a stormwater compliance issue. He stated that staff would monitor and could increase enforcement.

No one requested to speak.

Council Member Freitas moved, Council Member Jorgens seconded, to the accept the bid and by resolution award the contract for the base bid and additive alternate bid no. 1 to VSS International, Inc. for the FY 2022-2023 Rubberized Cape Seal and Slurry Seal Program, Project No. 1301 and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan. The motion passed, 4 AYES, 1 ABSENT.

E. PUBLIC HEARINGS

1. Hearing (continued from June 8, 2023) to consider approval of DR2021-006, a Resolution approving Design Review and Vesting Tentative Map for an 8-unit for-sale condominium residential development comprised of (4) two-unit dwellings located at 36952 Mulberry Street (APNs 92-29-21 and 92-29-22)
Resolution No. 11530

Associate Planner Balatbat gave the staff report recommending approval. Presentation on file with City Clerk.

Mayor Hannon opened the public hearing at 8:01 p.m.
No one requested to speak.

Mayor Hannon closed the public hearing at 8:01 p.m.

Council Member Freitas moved, Vice Mayor Collazo seconded to adopt the resolution approving DR2021-006, a Design Review and Vesting Tentative Map for an 8-unit for-sale condominium residential development comprised of (4) two-unit dwellings located at 36952 Mulberry Street (APNs 92-29-21 and 92-29-22). The motion passed, 4 AYES, 1 ABSENT.

F. OTHER BUSINESS

1. Adopt resolutions for approval of Annual Engineer's Reports, intention to levy and collect assessments and setting a public hearing for July 13, 2023, for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 for Fiscal Year 2024 in accordance with the provisions of the Landscaping and Lighting Act of 1972
Resolution No. 11531 Reports
Resolution No. 11532 Public Hearing

Vice Mayor Collazo announced that she would recuse from participating in this item due to real property interests in Landscaping and Lighting District Nos. 10 and 11.

City Manager Benoun announced that he would recuse from this item due to a real property interest in Landscaping and Lighting District No. 11.

Vice Mayor Collazo and City Manager Benoun each exited the City Council Chambers.

Assistant City Manager Hovorka gave the staff report recommending approval.

No one requested to speak.

Council Member Jorgens moved, Council Member Freitas seconded to adopt the resolutions: 1) the Annual Engineer's Reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19, for Fiscal Year 2024 in accordance with the provisions of the Landscaping and Lighting Act of 1972; and 2). Declaring intention to levy and collect assessments for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 And 19, for Fiscal Year 2024 and setting the annual public hearing date for July 13, 2023 in accordance with the provisions of the Landscaping And Lighting Act Of 1972. The motion passed, 3 AYES, 1 RECUSED,1 ABSENT.

Vice Mayor Collazo and City Manager Benoun returned to the City Council Chambers.

2. Adopt a resolution for approval of the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2023-2024 Project List
Resolution No. 11533

Vice Mayor Collazo announced that she would recuse from participating in this item due to real property and business interests.

Assistant City Manager Hovorka gave the staff report recommending approval.

No one requested to speak.

Council Member Freitas moved, Council Member Jorgens seconded to adopt the resolution Approving the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2023-2024 project list. The motion passed, 3 AYES, 1 RECUSED, 1 ABSENT.

Vice Mayor Collazo returned to the City Council Chambers.

3. Waive full reading, conduct second reading by title only, and adopt an ordinance adding Chapter 8.44, "Sustainable Foodware", to the Newark Municipal Code
Ordinance No. 543

Vice Mayor Collazo announced that she would recuse from participating in this item due to economic conflict of interest related to a business.

Assistant City Manager Hovorka gave the staff report recommending approval.

No one requested to speak.

Council Member Jorgens moved, Council Member Freitas seconded to adopt the ordinance adding Chapter 8.44, “Sustainable Foodware”, to the Newark Municipal Code To Regulate The Use Of Disposable Foodware To Improve The Health And Safety Of The Newark Community And Environment. The motion passed, 3 AYES, 1 RECUSED, 1 ABSENT.

Vice Mayor Collazo returned to the City Council Chambers.

4. Adopt a resolution approving a fund balance and reserve policy
Resolution No. 11534

Finance Director Lee gave the staff report recommending approval. Presentation on file with the City Clerk.

No one requested to speak.

Vice Mayor Collazo moved, Council Member Freitas seconded to adopt the resolution approving the Fund Balance and Reserve Policy. The motion passed, 4 AYES, 1 ABSENT.

5. Waive full reading and, by title only, introduce ordinances repealing and replacing Chapter 3.04, “Purchasing System” of Title 3 “Revenue and Finance” of the Newark Municipal Code in its entirety and adding Chapter 3.05, “Informal Bid Procedures” to Title 3 “Revenue and Finance” of the Newark Municipal Code; adopt a resolution electing to become subject to the Uniform Public Construction Cost Accounting Act; and adopt a resolution

establishing expenditure authority
Ordinances (2) Introduced
Resolution No. 11535 UPCCAA
Resolution No. 11536 Expenditure Authority

Finance Director Lee and City Attorney Kokotaylo gave the presentation recommending approval. Presentation on file with the City Clerk.

No one requested to speak.

Vice Mayor Collazo moved, Council Member Freitas seconded to introduce the ordinances: 1) repealing and replacing Chapter 3.04, “Purchasing System” of Title 3 “Revenue and Finance” of the Newark Municipal Code in its entirety and 2) adding Chapter 3.05, to the Newark Municipal Code to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, Et Seq. of the Public Contract Code; and adopted the resolutions: 1)Electing to become subject to the Uniform Public Construction Cost Accounting Act; and 2) establishing expenditure authority. The motion passed, 4 AYES, 1 ABSENT.

G. CITY COUNCIL MATTERS

6. .

Council Member Jorgens stated that he attended the Groovin at the Grove concert. It was well organized.

Council Member Freitas wished everyone a happy and safe Fourth of July Holiday.

Vice Mayor Collazo stated there will be a mix of cultures at the next Groovin at the Grove concert. She invited everyone to participate in Ice Coffee with a Cop on June 27. She thanked McDonalds for donating the coffee. She encouraged support of the local nonprofits selling the fireworks. Shop Newark.

Mayor Hannon stated that the Arbor Day Foundation named Newark as a 2022 Tree City USA ®. He congratulated his wife on their 45th wedding anniversary.

City Manager Benoun stated that staff is prepared for the Fourth of July and he

thanked staff for their work that night to keep the community safe. Happy Birthday to Information Technology Director Ed Miranda.

H. CLOSED SESSION

1. Closed Session pursuant to Government Code Section 54957, Public Employee Performance Evaluation, Title: City Manager

2. Closed session for conference with Labor Negotiator pursuant to California Government Code Section 54957.6. Agency Designated Representative: Mayor Hannon, Unrepresented employee: City Manager Benoun

At 8:51 p.m. the City Council recessed to a closed session.

At 9:00 p.m. the City Council convened in closed session.

At 9:32 p.m. the City Council reconvened in open session with all Council Members present, with the exception of Council Member Bucci.

I. ADJOURNMENT

Mayor Hannon adjourned the meeting at 9:32 p.m.

STAFF REPORT

Item D. 3.

DATE 07/13/2023

TO Honorable Mayor and City Council Members

FROM Lenka Hovorka, Assistant City Manager

SUBJECT Adopt resolutions: (1) authorizing the deletion of one full-time equivalent Aquatic Activities Specialist and the addition of one full-time equivalent Aquatics Coordinator to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (2) amending Resolution No. 2505, Employee Classification Plan, to add the class specification of City Engineer; amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of City Engineer and assign salary range 20; authorizing the deletion of one full-time equivalent Assistant City Engineer and the addition of one full-time equivalent City Engineer to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5; (3) authorizing the addition of one full-time equivalent Senior Street Maintenance Worker to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (4) amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of Maintenance Supervisor and assign salary steps; authorizing the addition of one full-time equivalent Maintenance Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5; and (5) amending Resolution No. 2505, Employee Classification Plan, to add the class specification of Facilities Supervisor; amending the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of Facilities Supervisor and assign salary steps; authorizing the addition of one full-time equivalent Facilities Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approving an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5

SUMMARY AND RECOMMENDATION

The Human Resources Department is nearing completion of a citywide classification and compensation study and have received various requests for reclassification or addition of staff. The City Manager and Assistant City Manager have reviewed those study results and requests that have been completed to date.

As a result of that review, at this time, staff recommends that the City Council, by resolutions: (1) authorize the deletion of one full-time equivalent Aquatic Activities Specialist and the addition of one full-time equivalent Aquatics Coordinator to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (2) amend Resolution No. 2505, Employee Classification Plan, to add the class specification of City Engineer; amend the Compensation and Benefit Plan for the

Management, Supervisory, and Professional Employee Group to add the classification of City Engineer and assign salary range 20; authorize the deletion of one full-time equivalent Assistant City Engineer and the addition of one full-time equivalent City Engineer to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approve an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5; (3) authorize the addition of one full-time equivalent Senior Street Maintenance Worker to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; (4) amend the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of Maintenance Supervisor and assign salary steps; authorize the addition of one full-time equivalent Maintenance Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approve an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5; and (5) amend Resolution No. 2505, Employee Classification Plan, to add the class specification of Facilities Supervisor; amend the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group to add the classification of Facilities Supervisor and assign salary steps; authorize the addition of one full-time equivalent Facilities Supervisor to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024; and approve an amendment to the City's salary schedule in conformance with California Code of Regulations, Title 2, Section 570.5

BACKGROUND

Over one year ago, the City hired a former City of Newark Human Resources Director to complete a citywide Classification and Compensation Study (Study). While the Study has not yet been fully completed, some results have been released. Classification study results were analyzed by Human Resources Department staff, discussed with the appropriate bargaining units, and reviewed by employees and supervisors at all levels. Compensation information, which included a maximum total compensation salary comparison to the ten cities in the City's labor market and an internal relationship analysis, was reviewed by Human Resources Department staff to determine if changes to current compensation levels are warranted. Compensation changes are considered when the City's maximum total compensation salary is below the labor market average.

While the Study was underway, departments shared their requests to augment current staffing levels. While many of those requests are still pending, a number of requests were identified as more urgent priorities due to customer demands, to address a significant backlog of work, and to enhance the extent of organizational oversight at various levels in the City. Addressing these priorities creates potential promotional opportunities to retain talented staff as well as recruit potential skilled employees that will assist with staff retention. This much needed relief will support the success of staff that is challenged by the significant workload.

DISCUSSION/ANALYSIS

AQUATICS COORDINATOR
Before the COVID-19 pandemic, the City's Aquatics Program included two Aquatics Coordinators. As a cost savings measure during the pandemic, one Aquatics Coordinator became vacant and was eventually underfilled with a new classification, Aquatic Activities Specialist. This position was sufficient at the time, as participation in aquatics programming was low, and many programs were canceled due to the restrictions placed on pools during the pandemic. Less programming and lower participation allowed one Coordinator to complete the higher level duties of staffing and program coordination. Now that participation levels are growing and staffing has increased, programming can be expanded to meet customer demands. To accomplish this, staff recommends amending the budget to authorize an Aquatics Coordinator to complete and recognize the additional tasks and properly classify the position.

CITY ENGINEER
The current Assistant City Engineer (ACE) classification was reviewed as part of the citywide Classification and Compensation Study process. A labor market survey was conducted to compare the City's ACE job description to similar job descriptions. Every match found in our labor market was titled "City Engineer". After the matches were found, a compensation survey was conducted to compare the maximum total compensation salaries of the City's ACE and every labor market match.
The compensation survey results showed that the ACE position was below the market average. Based on the results of these studies, staff recommends that the current job description for ACE be retitled "City Engineer" and that the assigned salary range of 19 be increased to range 20.

SENIOR STREET MAINTENANCE WORKER, MAINTENANCE SUPERVISOR AND FACILITIES SUPERVISOR
Discussions between Human Resources and Public Works Departments' staffs began to identify gaps in staff capacity, other personnel resources, and ability to complete tasks. A review of the current and previous Maintenance Division organizational charts was conducted, which confirmed supervisory and management staff positions were reduced over the years gradually from five to two positions. While most City Departments have gradually added staff to return to pre-recession levels, the Maintenance Division has not.

Staff review has indicated that organizational efficiencies can be obtained with additional field supervision in the Streets Section and additional management can help ease a backlog of equipment purchases and completion of projects. To address these concerns, staff recommends reinstating the Senior Street Maintenance Worker and Maintenance Supervisor positions that once existed and creating a Facilities Supervisor position. Previous to the current structure, the Building Section was managed by a second Maintenance Supervisor. Rather than reinstate the second Maintenance Supervisor position, staff recommends creating a Facilities Supervisor classification to focus solely on maintaining, repairing, and coordinating projects for the City's buildings and other facilities.

FISCAL IMPACT

Aquatics Coordinator - there is no fiscal impact associated with this action. The cost of reclassifying the current Aquatic Activities Specialist to an Aquatics Coordinator is estimated at $41,000 per year. This amount is calculated based on the current maximum fully benefited salary. The Recreation & Community Services Department personnel budget has sufficient salary savings to cover this expense for Fiscal Year 2024.

City Engineer - there is no fiscal impact associated with this action, as the Assistant City Engineer's current salary falls within the recommended Range 20 assignment, and therefore does not require adjustment.

Senior Street Maintenance Worker - the maximum estimated cost of a fully benefited Senior Street Maintenance Worker for ten months of Fiscal Year 2024 is $135,000

Maintenance Supervisor and Facilities Maintenance Supervisor - the maximum estimated cost of each Supervisor position for ten months of Fiscal Year 2024 is $168,000 for a total of $336,000.

Unallocated general funds would be used to fund the additional $471,000 required for all three proposed Maintenance Division positions in Fiscal Year 2024. Future years' salaries would be proposed for City Council approval through the regular biennial budget process.

REVIEW AND APPROVAL

Prepared by - Lenka Hovorka, Assistant City Manager
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David Benoun, City Manager

Attachments

Resolution Senior Street Maintenance Worker

Resolution Maintenance Supervisor

Resolution Facilities Supervisor

Resolution City Engineer

Resolution - Aquatics Coordinator

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE ADDITION OF ONE FULL-TIME EQUIVALENT SENIOR STREET MAINTENANCE WORKER TO THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024

WHEREAS, the City has gradually replenished the staffing levels that were in place before the recession ending in June 2009 and augmented staff to meet customer demands; and

WHEREAS, the staffing level of the Maintenance Division of the Public Works Department has not been replenished and remains understaffed; and

WHEREAS, the City's street maintenance needs exceed the capacity of the current staffing level, causing deferral of street maintenance and projects that are important to preserve City assets and are necessary for the operation of City business; and

WHEREAS, the City seeks to avoid the interruption of City business due to unexpected downtime and costly emergency repairs; and

WHEREAS, the City determined the previously used Senior Street Maintenance Worker classification is the appropriate classification based on the essential duties and requirements of the position; and

WHEREAS, the Senior Street Maintenance Worker classification and salary steps are already appropriately included in the Memorandum of Understanding between the Newark Association of Miscellaneous Employees (NAME) and City of Newark; and

WHEREAS, the 2022-2024 Biennial Budget and Capital Improvement Plan was adopted by the City Council on June 23, 2022; and

WHEREAS, the City seeks to amend the 2022-2024 Biennial Budget and Capital Improvement Plan to add one full-time equivalent Senior Street Maintenance Worker.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to add one full-time equivalent Senior Street Maintenance Worker, and to fund the positions as follows:

TO:	140.60.064.642.5110	Street Repairs	$ 67,500
TO:	140.60.063.631.5110	Waste Management	$ 67,500
FR:	140.3000	Unallocated Fund Balance	$135,000

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE COMPENSATION AND BENEFIT PLAN FOR THE MANAGEMENT, SUPERVISORY, AND PROFESSIONAL EMPLOYEE GROUP TO ADD THE CLASSIFICATION OF MAINTENANCE SUPERVISOR AND ASSIGN SALARY STEPS; AUTHORIZING THE ADDITION OF ONE FULL-TIME EQUIVALENT MAINTENANCE SUPERVISOR TO THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024; AND APPROVING AN AMENDMENT TO THE CITY'S SALARY SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

WHEREAS, the City has gradually replenished the staffing levels that were in place before the recession ending in June 2009 and augmented staff to meet customer demands; and

WHEREAS, the staffing level of the Maintenance Division of the Public Works Department has not been replenished and remains understaffed; and

WHEREAS, the City's maintenance needs exceed the capacity of the current staffing level, causing deferral of fleet and street maintenance and projects that are important to preserve City assets and are necessary for the operation of City business; and

WHEREAS, the City seeks to avoid the interruption of City business due to unexpected downtime and costly emergency repairs; and

WHEREAS, the City determined the previously used Maintenance Supervisor classification is the appropriate classification based on the essential duties and requirements of the position; and

WHEREAS, appropriately assigned to the Management, Supervisory and Professional Employee Group and notified all employee bargaining groups of the assignment; and

WHEREAS, the 2022-2024 Biennial Budget and Capital Improvement Plan was adopted by the City Council on June 23, 2022; and

WHEREAS, the City seeks to amend the 2022-2024 Biennial Budget and Capital Improvement Plan to add one full-time equivalent Maintenance Supervisor; and

WHEREAS, the City used standard practices to determine the fully benefitted costs of a Maintenance Supervisor.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee

Group be amended to add the classification of Maintenance Supervisor with salary steps of Step 1 - $9,838.24; Step 2 - $10,330.15; Step 3 - $10,846.66; Step 4 - $11,388.99; Step 5 - $11,958.44 per month, effective August 1, 2023.

BE IT FURTHER RESOLVED that the City Council hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to add one full-time equivalent Maintenance Supervisor, and to fund the position as follows:

TO:	703.87.703.671.5110	Equipment Maintenance	$84,000
FR:	703.3000	Unallocated Fund Balance	$84,000
TO:	140.60.064.642.5110	Street Repairs	$42,000
TO:	140.60.063.631.5110	Waste Management	$42,000
FR:	140.3000	Unallocated Fund Balance	$84,000

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment to the City's Salary Schedule to reflect the classification of Maintenance Supervisor with salary steps of Step 1 - $9,838.24; Step 2 - $10,330.15; Step 3 - $10,846.66; Step 4 - $11,388.99; Step 5 - $11,958.44 per month.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 2505, EMPLOYEE CLASSIFICATION PLAN, TO ADD THE CLASS SPECIFICATION OF FACILITIES SUPERVISOR; AMENDING THE COMPENSATION AND BENEFIT PLAN FOR THE MANAGEMENT, SUPERVISORY, AND PROFESSIONAL EMPLOYEE GROUP TO ADD THE CLASSIFICATION OF FACILITIES SUPERVISOR AND ASSIGN SALARY STEPS; AUTHORIZING THE ADDITION OF ONE FULL-TIME EQUIVALENT FACILITIES SUPERVISOR TO THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024; AND APPROVING AN AMENDMENT TO THE CITY'S SALARY SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

WHEREAS, the City has gradually replenished the staffing levels that were in place before the recession ending in June 2009 and augmented staff to meet customer demands; and

WHEREAS, the staffing level of the Maintenance Division of the Public Works Department has not been replenished and remains understaffed; and

WHEREAS, the City's maintenance needs exceed the capacity of the current staffing level, causing deferral of building maintenance and projects that are important to preserve City facilities the public enjoys and are necessary for the operation of City business; and

WHEREAS, the City seeks to avoid the interruption of City business due to unexpected downtime and costly emergency repairs; and

WHEREAS, the City determined the Facilities Supervisor classification is the appropriate classification based on the essential duties and requirements of the position; and

WHEREAS, the City determined the Facilities Supervisor classification is appropriately assigned to the Management, Supervisory and Professional Employee Group and notified all employee bargaining groups of the assignment; and

WHEREAS, the 2022-2024 Biennial Budget and Capital Improvement Plan was adopted by the City Council on June 23, 2022; and

WHEREAS, the City seeks to amend the 2022-2024 Biennial Budget and Capital Improvement Plan to add one full-time equivalent Facilities Supervisor; and

WHEREAS, the City used standard practices to determine the fully benefitted costs of a Facilities Supervisor.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that Resolution No. 2505 is hereby amended to add the class specification of Facilities Supervisor.

BE IT FURTHER RESOLVED by the City Council that the Compensation and Benefit Plan for the Management, Supervisory, and Professional Employee Group be amended to add the classification of Facilities Supervisor with salary steps of Step 1 - $9,838.24; Step 2 - $10,330.15; Step 3 - $10,846.66; Step 4 - $11,388.99; Step 5 - $11,958.44 per month, effective August 1, 2023.

BE IT FURTHER RESOLVED that the City Council hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to add one full-time equivalent Facilities Supervisor, and to fund the position as follows:

TO:	704.87.704.672.5110	Civic Center/City Bldgs.	$134,400
TO:	704.87.704.673.5110	Silliman Center	$ 33,600
FR:	704.3000	Unallocated Fund Balance	$168,000

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment to the City's Salary Schedule to reflect the classification of Facilities Supervisor with salary steps of Step 1 - $9,838.24; Step 2 - $10,330.15; Step 3 - $10,846.66; Step 4 - $11,388.99; Step 5 - $11,958.44 per month.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 2505, EMPLOYEE CLASSIFICATION PLAN, TO ADD THE CLASS SPECIFICATION OF CITY ENGINEER; AMENDING THE COMPENSATION AND BENEFIT PLAN FOR THE MANAGEMENT, SUPERVISORY, AND PROFESSIONAL EMPLOYEE GROUP TO ADD THE CLASSIFICATION OF CITY ENGINEER AND ASSIGN SALARY RANGE 20; AUTHORIZING THE DELETION OF ONE FULL-TIME EQUIVALENT ASSISTANT CITY ENGINEER AND THE ADDITION OF ONE FULL-TIME EQUIVALENT CITY ENGINEER TO THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024; AND APPROVING AN AMENDMENT TO THE CITY'S SALARY SCHEDULE IN CONFORMANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

WHEREAS, the City conducted a classification and compensation study that included the Assistant City Engineer classification; and

WHEREAS, the study showed that the job duties of the City's Assistant City Engineer classification were aligned with the classification of City Engineer in the labor market; and

WHEREAS, the City strives to maintain a competitive labor market position and accurately classify its employees; and

WHEREAS, the Assistant City Engineer classification is included in the Management, Supervisory and Professional Employee Group; and

WHEREAS, the 2022-2024 Biennial Budget and Capital Improvement Plan was adopted by the City Council on June 23, 2022; and

WHEREAS, the City seeks to amend the 2022-2024 Biennial Budget and Capital Improvement Plan to delete one full-time equivalent Assistant City Engineer and add one full-time equivalent City Engineer; and

WHEREAS, changing the title of the classification from Assistant City Engineer to City Engineer does not impact salary of the incumbent.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that Resolution No. 2505, employee classification plan, is amended to add the class specification of City Engineer.

BE IT FURTHER RESOLVED by the City Council that the Compensation and Benefit

Plan for the Management, Supervisory, and Professional Employee Group be amended to add the classification of City Engineer and assign Salary Range 20, effective August 1, 2023.

BE IT FURTHER RESOLVED that the City Council hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to remove one full-time equivalent Assistant City Engineer and add one full-time equivalent City Engineer.

BE IT FURTHER RESOLVED that the City Council hereby approves an amendment to the City's Salary Schedule to reflect the classification of City Engineer with a salary range of $15,321.88 - $18,386.25 per month.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE DELETION OF ONE FULL-TIME EQUIVALENT AQUATIC ACTIVITIES SPECIALIST AND THE ADDITION OF ONE FULL-TIME EQUIVALENT AQUATICS COORDINATOR TO THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024

WHEREAS, the 2022-2024 Biennial Budget and Capital Improvement Plan was adopted by the City Council on June 23, 2022; and

WHEREAS, the City underfilled the position of Aquatics Coordinator with an Aquatic Activities Specialist as a cost-savings measure and in response to lower Aquatics program participation during the COVID-19 pandemic; and

WHEREAS, the Recreation & Community Services Department is now experiencing higher participation levels and an increased need of higher-level coordinator support; and

WHEREAS, the City reviewed the Aquatics Coordinator class specification and determined it accurately depicts the job duties needed; and

WHEREAS, the Aquatic Activities Specialist and Aquatics Coordinator are represented by the Newark Association of Miscellaneous Employees (NAME); and

WHEREAS, the City Manager or designee has met and conferred in good faith with the representatives of NAME related to the above matters; and

WHEREAS, the City seeks to amend the 2022-2024 Biennial Budget and Capital Improvement Plan to delete one full-time equivalent Aquatic Activities Specialist and add one full-time equivalent Aquatics Coordinator; and

WHEREAS, the City used standard practices to determine the fully benefitted costs of an Aquatics Coordinator and determined the net cost of the Aquatics Coordinator is within the department's Fiscal Year 2024 personnel budget.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark hereby authorizes an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to remove one full-time equivalent Aquatic Activities Specialist and add one full-time equivalent Aquatics Coordinator.

STAFF REPORT

Item D. 4.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Tonya Connolly, Maintenance Superintendent
SUBJECT	Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with LPC Services, Inc. for pest control services for City facilities

SUMMARY AND RECOMMENDATION

The City of Newark regularly utilizes outside firms to provide pest control services for various City facilities. The Maintenance Division of the Public Works Department prepared and released a Request for Proposals (RFP) for ongoing pest control services through Fiscal Year (FY) 2026, with options for two additional annual renewals. One response to the RFP was received, which was from LPC Services, Inc., and staff recommends the selection of this firm to provide these services.

Staff recommends that the City Council authorize the City Manager to execute a Contractual Services Agreement with LPC Services, Inc. for pest control services for City facilities beginning FY 2024.

BACKGROUND

The 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024 includes funding for ongoing pest control services for various City facilities including the Newark Civic Center, the Newark Community Center (including the Annex building), the Newark Senior Center, the Newark Service Center, the Silliman Activity and Family Aquatic Center, the Ash Street Park buildings, and all three fire stations. The presence of pests can pose significant health risks and cause damage to property. Pest control service providers have the expertise, experience, and resources to effectively manage and eradicate pests while adhering to industry best practices and safety standards. Effective pest control measures are necessary to mitigate the risks associated with pests and ensure the well-being and safety of employees, residents, and visitors to City facilities. Pest control service providers have access to specialized equipment, tools, and resources that may not be readily available and can handle pest control tasks using advanced technologies and environmentally-friendly treatments. Pest control service providers can tailor customized integrated management plans to the specific needs of our various facilities and focus on immediate pest elimination, preventative measures, long-term monitoring, and sustainable practices.

DISCUSSION/ANALYSIS

The City of Newark regularly utilizes outside firms to provide pest control services to City facilities and a new contract for these services is needed beginning FY 2024. The Maintenance Division of the Public Works Department prepared and released a competitive Request for Proposals (RFP) in accordance with the City's Purchasing Rules and Regulations. The RFP specified that selection would be made based upon the proposed cost for services, experience of staff and pest control technicians, proposed methodology, quality control program, proficiency with billing practices, financial stability of company, quality and completeness of proposals, and other factors.

Staff received just one bid proposal for pest control services for City facilities from LPC Services, Inc. for $46,000 annually, as specified. LPC Services, Inc. provided a comprehensive proposal and has successfully provided pest control services for the City of Newark for the past ten years. Based on staff's analysis, LPC Services, Inc. would provide the best overall value to the City for pest control services. Staff is therefore recommending the selection of LPC Services, Inc. to provide pest control services for City facilities for Fiscal Years 2024, 2025 and 2026.

The Contractual Services Agreement would begin July 1, 2023, and expire on June 30, 2026, with options for renewal for up to two (2) additional one (1) year terms upon mutual consent of the City and LPC Services, Inc. as authorized by the City Manager, subject to available funding levels to be approved by the City Council. Under the terms of the agreement, LPC Services, Inc. would provide the requested services in the amount not to exceed $138,000 total for Fiscal Years 2024, 2025, and 2026. Should the City and LPC Services, Inc. agree to an extension of the agreement, the not-to-exceed amounts for Fiscal Years 2027 and 2028 would be $51,000 and $56,000, respectively, for a total not-to-exceed amount of $245,000.

FISCAL IMPACT

There is no fiscal impact associated with this action, as the 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024 includes sufficient funding for pest control services for City facilities. Future years' funding would be included in future Biennial Budget and Capital Improvement Plans when presented to City Council for consideration and approval.

REVIEW AND APPROVAL

Prepared by - Tonya Connolly, Maintenance Superintendent
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

CSA Pest Control Services
LPC Resolution

CONTRACTUAL SERVICES AGREEMENT

LPC SERVICES, INC. (PEST CONTROL)

This Service Agreement (hereinafter "Agreement") is made and entered into this day of , 2023 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and **LPC SERVICES, INC.**, a CALIFORNIA CORPORATION ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested proposals to perform the services generally including: Pest control at city facilities including Civic Center, Community Center, Community Center Annex, Redeker Senior Center, Service Center, Ash Street facilities, Silliman, and fire stations.

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "B".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "C", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. CONSULTANT'S SERVICES. Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. TIME FOR PERFORMANCE. Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. COMPENSATION.

A. "Not to Exceed" Compensation. City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant's hourly or other rates set forth in Exhibit "B". The payments specified in Exhibit "B" shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum of One Hundred Thirty-Eight Thousand and No/100 Dollars ($138,000.00) combined for Fiscal Years 2024, 2025 and 2026 unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount. Pursuant to Section 18 of this Agreement, Services may be renewable by Task Order for up to two additional one-year periods. In this event, the total of compensation and costs payable hereunder shall not exceed an additional Fifty-One Thousand and No/100 Dollars ($51,000.00) for Fiscal Year 2027 and an additional Fifty-Six Thousand and No/100 Dollars ($56,000.00) for Fiscal Year 2028, for a combined total of compensation and costs payable for Fiscal Years 2024 through 2028 of Two Hundred Fourty-Five Thousand and No/100 Dollars (245,000.00).

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant's billing rates (set forth on Exhibit "B" hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit "B"; or, if no manner is specified in Exhibit "B", then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Service Center
37440 Filbert Street
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit "B", for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant's Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to

Consultant). If Consultant's failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant's payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. INFORMATION AND DOCUMENTATION.

A. Information from City. City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. Consultant's Accounting Records. Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. Ownership of Work Product. All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. CONFLICTS OF INTEREST PROHIBITED. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. NONDISCRIMINATION. Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. COMPLIANCE WITH LAW AND STANDARD OF CARE. Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of

skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. RESERVED.

13. RESERVED

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. <u>Minimum Limits of Insurance</u>.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability:	**$1,000,000** per occurrence or claim; $2,000,000 aggregate.

D. <u>Deductibles and Self-Insured Retentions</u>.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14 shall include a "wasting" policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Consultant's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant's insurance and shall not be contribute with it. Consultant's policy will not seek contribution from the City's insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and

address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. <u>INDEMNIFICATION/SAVE HARMLESS</u>. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

In the event that Consultant or any employee, agent, or subconsultant of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are

undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. LICENSES, PERMITS, ETC. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. TERM/TERMINATION.

A. The initial term of this contract shall be July 1, 2023 to June 30, 2026. If both the City and Consultant agree, this contract is renewable by Task Order for up to two (2) one (1) year periods, as authorized by the Public Works Director subject to available funding to be approved in advance by the City Council.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by **TONYA CONNOLLY** of the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

LPC SERVICES, INC.	**CITY OF NEWARK**
KATIE WATKINS	TONYA CONNOLLY
Consultant	**Administrator**
Address: LPC Services, Inc. Attn: Katie Watkins 3958 Valley Avenue, Suite D Pleasanton, CA 94566	City of Newark Attn: Tonya Connolly 37101 Newark Boulevard Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or

formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

By _____
David J. Benoun, City Manager

Date _____

LPC SERVICES, INC.
a California Corporation

By _____
Katie Watkins, Vice President

Date _____

Attest:

_____
Sheila Harrington, City Clerk

Date _____

Approved as to form:

_____
Kristopher J. Kokotaylo, City Attorney

Date _____

EXHIBIT A

SCOPE OF SERVICES

Pest Control Services				
	Per Month		**Per Year**	
Community Center	$	95	$	1,140
FS1 - rodent	$	110	$	1,320
FS1 - spray	$	165	$	1,980
FS2 - rodent	$	95	$	1,140
FS2 - spray	$	125	$	1,500
FS3 - rodent	$	95	$	1,140
FS3 - spray	$	145	$	1,740
Service Center - spray	$	185	$	2,220
Silliman - spray	$	550	$	6,600
Silliman - rodent	$	470	$	5,640
VB/Rec Ctr - spray	$	125	$	1,500
VB/Rec Ctr - rodent	$	135	$	1,620
Civic Center - rodent	$	534	$	6,408
City Hall	$	175	$	2,100
Polic Station	$	175	$	2,100
Library	$	175	$	2,100
Sub-Total	**$**	**3,354**	**$**	**40,248**
Spraying (inside) - 3x's per year				
	Occurance		**Per Year**	
Senior Center	$	325	$	975
Service Center	$	225	$	675
Silliman	$	425	$	1,275
VB/Rec Ctr	$	185	$	555
City Hall	$	195	$	585
Police Station	$	195	$	585
Library	$	195	$	585
Sub-Total	**$**	**1,745**	**$**	**5,235**
Grand Total	**$**	**5,099**	**$**	**45,483**

EXHIBIT B

PAYMENT

Contractor will submit weekly lists and a monthly invoice to the City no later than twenty-one days following each month end. Contractors invoice will indicate the quantity of product or item delivered at each location. The City will remit payment for services rendered no later than thirty (30) days from the date the invoice was received by the City. This will be the only form of payment.

EXHIBIT C

QUALIFICATIONS

LPC Services, Inc. is fully licensed and certified in Structural Pest Control by the California Structural Pest Control Board. LPC Services, Inc. has been providing commercial pest control services for the City of Newark for the past ten years.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACTUAL SERVICES AGREEMENT WITH LPC SERVICES, INC. IN AN AMOUNT NOT TO EXCEED $138,000 TOTAL FOR AN INITIAL TERM OF THREE (3) YEARS WITH AN OPTION TO EXTEND FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS FOR AN INCREASED TOTAL AMOUNT NOT TO EXCEED $245,000

WHEREAS, the City prepared and released Requests for Proposals (RFP) for pest control services for City facilities; and

WHEREAS, the City received one response to the RFP from LPC Services, Inc. that was evaluated by staff based on the proposed cost for services, experience of staff and pest control technicians, proposed methodology, quality control program, proficiency with billing practices, financial stability of company, quality and completeness of proposals, and other factors; and

WHEREAS, based on the evaluation, staff determined that LPC Services, Inc. was the most qualified firm to provide pest control services for City facilities.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to execute a Contractual Services Agreement with LPC Services, Inc. in a form approved by the City Attorney in an amount not to exceed $138,000 for pest control services for an initial term of three (3) years through Fiscal Year 2026.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to renew the aforementioned Contractual Services Agreement for up to two (2) additional one (1) year terms upon mutual consent of the City and LPC Services, Inc. under the terms of the agreement, with additional amounts not to exceed $51,000 and $56,000 each, respectively, for Fiscal Years 2027 and 2028, for a revised total amount not to exceed $245,000.

STAFF REPORT

Item D. 5.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Neal Hornbeck, Assistant Maintenance Superintendent
SUBJECT	Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Applied Landscape Materials, Inc., to install engineered wood fiber material to all City-owned playgrounds

SUMMARY AND RECOMMENDATION

The City of Newark regularly utilizes outside vendors for the installation of impact attenuation material at all City-owned playground facilities. An engineered wood fiber product is the material of choice for all playground fall zones and subsequent surrounding playground surfaces. To meet the required level of material needed to provide adequate fall protection from any of the City of Newark playground structures, periodic replenishment of this material is needed. A competitive bid was released on May 4, 2023. Based on staff's analysis of the four bid responses received, Applied Landscape Materials, Inc., was determined to be the responsible bidder representing the lowest total bid rate per unit cost per cubic yard.

Staff recommends that the City Council, by resolution, authorize the City Manager to execute a Contractual Services Agreement (CSA) with Applied Landscape Materials, Inc., in an amount not-to-exceed $50,000 per fiscal year, for the installation of engineered wood fiber material to any or all City-owned playground facilities, for an initial term of two (2) years, with an option to extend for three (3) additional one (1) year periods. The total recommended contractual not-to-exceed amount is $250,000.

BACKGROUND

The Maintenance Division of the Public Works Department is tasked with maintaining the impact attenuation material at all City-owned playground facilities. There are eleven (11) individual playground facilities within nine (9) City parks that utilize an engineered wood fiber product as an impact attenuation material. Citywide, it is estimated that approximately 1,200 cubic yards of playground surface material is currently needed to maintain safe and usable playground facilities. The estimated 1,200 cubic yards of engineered wood fiber is meant to replenish, not replace, the existing levels of playground surface material throughout all City-owned and maintained playground facilities.

DISCUSSION/ANALYSIS

Over the years, the City has previously utilized outside vendors for the installation of engineered wood fiber material. The Maintenance Division released a bid document in accordance with the City's Purchasing Rules and Regulations for the Supply and Installation of Engineered Wood Fiber Product to City-Owned Playground Surfaces. The Bid Document specified award would be made to the responsible bidder representing the lowest total bid rate per unit cost per cubic yard. Unit cost per cubic yard is defined as including all costs associated with the purchase, transportation, and installation of said engineered wood fiber to any or all playgrounds owned by the City of Newark. In response to the bid document, Maintenance Division staff received a total of four responses on or before May 4, 2023, from the following vendors with the proposed cost for installation (per cubic yard):

Applied Landscape Materials, Inc., $33.75 per cubic yard.

JetMulch, Inc., $34.90 per cubic yard.

Filice Enterprises, Inc., $56.70 per cubic yard.

Gachina Landscape Management, $175.00 per cubic yard.

Responses from each of the vendors were evaluated based on the award criteria listed in the bid document. Applied Landscape Materials, Inc., satisfied the stated award criteria and has been deemed the responsible bidder representing the lowest total bid rate per unit cost per cubic yard. Staff is therefore recommending award to Applied Landscape Materials, Inc. to provide installation services of engineered wood fiber material for an initial term of two (2) years, with the option to extend for three (3) additional one (1) year periods.

FISCAL IMPACT

There will be no fiscal impact on the 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024 as sufficient funding is budgeted for this work. Future years will be appropriated as part of the regular budget process.

REVIEW AND APPROVAL

Prepared by - Neal Hornbeck, Assistant Maintenance Superintendent
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution Applied Landscape Materials Inc.

Contractual Services Agreement

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH APPLIED LANDSCAPE MATERIALS, INC. IN AN AMOUNT NOT TO EXCEED $100,000 FOR AN INITIAL TERM OF TWO (2) YEARS, WITH AN OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS FOR AN INCREASED TOTAL AMOUNT NOT TO EXCEED $250,000

WHEREAS, the Public Works Department issued a bid request for the supply and installation of engineered wood fiber product to all playground facilities; and

WHEREAS, a total of four bids were received and evaluated by staff on the proposed unit cost per cubic yard of material installed; and

WHEREAS, based on staff's evaluation, Applied Landscape Materials, Inc. was determined to be the firm who will provide the best overall service to the City.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to negotiate and enter into a Contractual Services Agreement, in a form approved by the City Attorney, with Applied Landscape Materials, Inc. in an amount not to exceed $100,000 for an initial term of two (2) years through Fiscal Year 2025.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to renew the aforementioned Contractual Services Agreement for up to three (3) additional one (1) year terms upon mutual consent of the City of Newark and Applied Landscape Materials, Inc. subject to prior funding approval by the City Council, with additional amounts not to exceed $50,000 each fiscal year for Fiscal Years 2026, 2027 and 2028, for a potential total amount not to exceed $250,000.

CONTRACTUAL SERVICES AGREEMENT

CONSULTANTS

This Service Agreement (hereinafter "Agreement") is made and entered into this day of , 2023 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and APPLIED LANDSCAPE MATERIALS, INC., a CALIFORNIA CORPORATION ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested proposals to perform the services generally including: **The installation of engineered wood fiber product to any or all playground facilities.**

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "B".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "C", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

WHEREAS, Consultant has agreed to perform similar services for City during the period between July 13, 2023 and June 30, 2028 pursuant to the award of consecutive service agreements.

NOW, THEREFORE, the Parties hereto agree as follows:

1. CONSULTANT'S SERVICES. Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. TIME FOR PERFORMANCE. Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a

manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. COMPENSATION.

A. "Not to Exceed" Compensation. City shall compensate Consultant for all Services performed by Consultant, per annual term, hereunder in an amount based upon Consultant's rates set forth in Exhibit "B". The payments specified in Exhibit "B" shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum of One Hundred Thousand and No/100 Dollars ($100,000.00) combined for Fiscal Years 2024 and 2025, unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount. Pursuant to Section 18 of this Agreement, Services may be renewable by for up to three additional one-year periods. In this event, the total of compensation and costs payable hereunder shall not exceed an additional Fifty Thousand and No/100 Dollars ($50,000.00) per each fiscal year for Fiscal Years 2026, 2027 and 2028, for a combined total of compensation costs payable for Fiscal Years 2024 through 2028 of Two Hundred Fifty Thousand and No/100 Dollars ($250,000.00).

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant's billing rates (set forth on Exhibit "B" hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit "B"; or, if no manner is specified in Exhibit "B", then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit "B", for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant's Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant's failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant's payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. INFORMATION AND DOCUMENTATION.

A. Information from City. City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. Consultant's Accounting Records. Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. Ownership of Work Product. All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. CONFLICTS OF INTEREST PROHIBITED. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. NONDISCRIMINATION. Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. COMPLIANCE WITH LAW AND STANDARD OF CARE. Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. PUBLIC WORKS REQUIREMENTS. Because the services described in Exhibit A include "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," the services constitute a public works within the definition of Section 1720(a)(1) of the California Labor Code. As a result, Consultant is required to comply with the provisions of the California Labor Code applicable to public works, to the extent set forth in Exhibit D.

13. PUBLIC WORKS CONTRACTOR REGISTRATION. Consultant agrees, in accordance with Section 1771.1 of the California Labor Code, that Consultant or any subconsultant shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in Chapter 1 of Part 7 of Division 2 of the California Labor Code, unless currently registered and qualified to perform public work pursuant to California Labor Code section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded. No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to California Labor Code section 1725.5. Consultant agrees, in accordance with Section 1771.4 of the California Labor Code, that if the work under this Agreement qualifies as public work, it is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK

Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability:	**$1,000,000** per occurrence or claim; $2,000,000 aggregate.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14 shall include a "wasting" policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which

are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Consultant's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant's insurance and shall not be contribute with it. Consultant's policy will not seek contribution from the City's insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not

reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

In the event that Consultant or any employee, agent, or subconsultant of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. <u>LICENSES, PERMITS, ETC</u>. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. <u>TERM/TERMINATION</u>.

A. The term of this Agreement shall commence upon the date first hereinabove written and shall expire upon completion of performance of Services hereunder by Consultant. As allowed by the terms of this agreement, The City is requesting a minimum term of approximately two years, renewable for three (3) additional one (1) year periods, upon mutual consent of the City and Consultant. Approximately 60 days prior to the end of each agreement period, a meeting may

be held between the consultant(s) and City of Newark staff to conduct a performance review, revise the scope and/or language of the agreement, and submit the consultants' most current rate schedules. Extensions to the term of the agreement, as allowed, will be subject to review and approval of the Public Works Director, City Manager, and/or City Council.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by **SOREN FAJEAU** of the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

	Applied Landscape Materials, Inc.	**CITY OF NEWARK**
	Consultant	**Administrator**
Address:	Applied Landscape Materials, Inc. 4500 Pacific St., Ste O Rocklin, CA 95677	City of Newark Attn: Soren Fajeau 37101 Newark Boulevard Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,	**APPLIED LANDSCAPE MATERIALS**
a municipal corporation	a California corporation
By _____	By _____

City of Newark

Date _____

Consultant

Date _____

_____
Printed Name

Attest:

_____
City Clerk

Date _____

Approved as to form:

_____
City Attorney

Date _____

EXHIBIT A

SCOPE OF SERVICES

SCOPE OF SERVICES

- Supply and installation of an approved Engineered Wood Fiber (EWF) product designed to perform as an impact-attenuating material, specifically for playground Fall Zones. This material must be tested and approved to ANSI standards for the maximum fall height of each individual playground apparatus in each location it is applied. All work to be completed at each location and surrounding area is to be cleaned prior to leaving the site.

- Estimated annual usage for the EWF product is 400-600 cubic yards. Actual quantities to be provided during the term of this contract may differ from these estimates; the City reserves the right to increase or decrease the estimated quantities during the term of the contract.

The above list is not intended to be exclusive; other services may be sought as the need arises.

EXHIBIT B

PAYMENT

Unit price per cubic yard, installed, is $33.75 as proposed in the Rate Schedule provided by Applied Landscape Materials, Inc.

EXHIBIT C

QUALIFICATIONS

Applied Landscape Materials, Inc, has been providing blow-in mulch services to private and public entities since 2006. Their municipal client list includes: Cities of San Jose, Union City, Roseville, Richmond, Rocklin, Healdsburg, Petaluma, Elk Grove, plus many more. They also provide playground surface material to Elk Grove Unified School District, Rocklin Unified School District, Napa Unified School District, plus many more.

EXHIBIT C

PROVISIONS REQUIRED FOR PUBLIC WORKS CONTRACTS PURSUANT TO CALIFORNIA LABOR CODE SECTION 1720 ET SEQ.

HOURS OF WORK:

A. In accordance with California Labor Code Section 1810, 8 hours of labor in performance of the services described in Exhibit A shall constitute a legal day's work under this contract.

B. In accordance with California Labor Code Section 1811, the time of service of any worker employed in performance of the services described in Exhibit A is limited to 8 hours during any one calendar day, and 40 hours during any one calendar week, except in accordance with California Labor Code Section 1815, which provides that work in excess of 8 hours during any one calendar day and 40 hours during any one calendar week is permitted upon compensation for all hours worked in excess of 8 hours during any one calendar day and 40 hours during any one calendar week at not less than one-and-one-half times the basic rate of pay.

C. The Consultant and its subcontractors shall forfeit as a penalty to the City $25 for each worker employed in the performance of the services described in Exhibit A for each calendar day during which the worker is required or permitted to work more than 8 hours in any one calendar day, or more than 40 hours in any one calendar week, in violation of the provisions of California Labor Code Section 1810 and following.

WAGES:

A. In accordance with California Labor Code Section 1773.2, the City has determined the general prevailing wages in the locality in which the services described in Exhibit A are to be performed for each craft or type of work needed to be as published by the State of California Department of Industrial Relations, Division of Labor Statistics and Research, a copy of which is on file in the City Public Works Office and shall be made available on request. The Consultant and subcontractors engaged in the performance of the services described in Exhibit A shall pay no less than these rates to all persons engaged in performance of the services described in Exhibit A.

B. In accordance with California Labor Code Section 1775, the Consultant and any subcontractors engaged in performance of the services described in Exhibit A shall comply with California Labor Code Section 1775, which establishes a penalty for each worker engaged in the performance of the services described in Exhibit A that the Consultant or any subcontractor pays less than the specified prevailing wage. The amount of such penalty shall be determined by the Labor Commissioner and shall be based on consideration of the mistake, inadvertence, or neglect of the Consultant or subcontractor in failing to pay the correct rate of prevailing wages, or the previous record of the Consultant or subcontractor in meeting applicable prevailing wage

obligations, or the willful failure by the Consultant or subcontractor to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rate of prevailing wages is not excusable if the Consultant or subcontractor had knowledge of their obligations under the California Labor Code. The Consultant or subcontractor shall pay the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate. If a subcontractor worker engaged in performance of the services described in Exhibit A is not paid the general prevailing per diem wages by the subcontractor, the Consultant is not liable for any penalties therefore unless the Consultant had knowledge of that failure or unless the Consultant fails to comply with all of the following requirements:

1. The contract executed between the Consultant and the subcontractor for the performance of part of the services described in Exhibit A shall include a copy of the provisions of California Labor Code Sections 1771, 1775, 1776, 1777.5, 1813, and 1815.

2. The Consultant shall monitor payment of the specified general prevailing rate of per diem wages by the subcontractor by periodic review of the subcontractor's certified payroll records.

3. Upon becoming aware of a subcontractor's failure to pay the specified prevailing rate of wages, the Consultant shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for performance of the services described in Exhibit A.

4. Prior to making final payment to the subcontractor, the Consultant shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the specified general prevailing rate of per diem wages for employees engaged in the performance of the services described in Exhibit A and any amounts due pursuant to California Labor Code Section 1813.

C. In accordance with California Labor Code Section 1776, the Consultant and each subcontractor engaged in performance of the services described in Exhibit A shall keep accurate payroll records showing the name, address, social security number, work, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in performance of the services described in Exhibit A. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

1. The information contained in the payroll record is true and correct.

2. The employer has complied with the requirements of California Labor Code Sections 1771, 1811, and 1815 for any work performed by the employer's employees on the public works project.

The payroll records required pursuant to California Labor Code Section 1776 shall be certified and shall be submitted directly to the Labor Commission, and available for inspection by the Owner and its authorized representatives, the Division of Labor Standards Enforcement, the Division of Apprenticeship Standards of the Department of Industrial Relations and shall otherwise be available for inspection in accordance with California Labor Code Section 1776.

D. In accordance with California Labor Code Section 1777.5, the Consultant, on behalf of the Consultant and any subcontractors engaged in performance of the services described in Exhibit A, shall be responsible for ensuring compliance with California Labor Code Section 1777.5 governing employment and payment of apprentices on public works contracts.

E. In case it becomes necessary for the Consultant or any subcontractor engaged in performance of the services described in Exhibit A to employ for the services described in Exhibit A any person in a trade or occupation (except executive, supervisory, administrative, clerical, or other non-manual workers as such) for which no minimum wage rate has been determined by the Director of the Department of Industrial Relations, the Consultant or subcontractor shall pay the minimum rate of wages specified therein for the classification which most nearly corresponds to services described in Exhibit A to be performed by that person. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

STAFF REPORT

Item D. 6.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Art Interiano, Deputy Community Development Director
SUBJECT	Adopt a resolution authorizing the City Manager to execute an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant Program and authorize an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024.

SUMMARY AND RECOMMENDATION

The City of Newark participates in the Community Development Block Grant (CDBG) program as a member of the Alameda County Urban County. For Fiscal Year 2024, the City has received a CDBG allocation in the amount of $322,906.16. A portion of those funds, $51,884, are allocated to the Alameda County minor home repairs program, and $7,800 to CDBG General Administration costs. The remainder of the balance, $263,322.16, is recommended for jurisdictional improvements. The use of Jurisdictional Improvement funds was approved by City Council on April 27, 2023 to be used on a variety of parks projects, including repairing pathways, repairing sidewalks, installing new curb ramps, and upgrading existing curb ramps in Birch Grove and Mayhews Landing Park. The Community Development Advisory Committee (CDAC) met on April 5, 2023 and voted unanimously to recommend funding for these improvements.

Staff recommends that the City Council adopt a resolution authorizing the City Manager to execute an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant Program and authorize an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan to increase the Federal Grants and Awards revenue account by $271,022.16 for FY 2024.

BACKGROUND

The City of Newark receives CDBG funds through its participation in the Alameda County Urban County. These are federal funds provided through the United States Department of Housing and Urban Development (HUD) to jurisdictions with a population of 50,000 or less. In order to qualify for funds, Newark and the cities of Albany, Dublin, Emeryville and Piedmont, along with the unincorporated areas of Alameda County have formed an entity (the Urban County) that together, constitutes a population size large enough to qualify for funds. The Urban County receives an amount of money each year that is determined by Congress's allocation to the CDBG program and a federal formula for dividing the overall funding between qualifying communities. The total funds received by the Urban County are then allocated between

member jurisdictions using a formula that considers overall population, poverty levels, and similar factors. CDBG funds are distributed among various categories of uses: Jurisdiction Improvements, General Administration, and Minor Home Repairs.

Jurisdiction Improvements - HUD requires that the funds be used for projects that primarily benefit low and moderate-income households, senior citizens, or disabled citizens. The City must provide proof of this both when applying for and after completing a project. In the past, the city has preferred to use CDBG funds for capital improvement projects because capital Improvement projects provide infrastructure with long-term benefits to residents and Newark receives a relatively small amount of CDBG funds. Spending these funds on capital projects helps to maximize their benefit.

General Administration – As the name suggests, the funds are used for necessary administrative expenses.

Minor Home Repairs – This program funds minor home repairs such as minor plumbing, carpentry, and electrical repairs and can be used for railings, grab bars, toilets, water heaters, doors, and locks. The Alameda County Healthy Homes Department administers this program and assists low-income homeowners with grants and contractors.

DISCUSSION/ANALYSIS

Based on the City's anticipated total CDBG allocation and the maximum percentages allowed per activity, the City's allotment of CDBG funds for Fiscal Year 2024 in these three categories are as follows: General Administration ($7,800), Minor Home Repairs ($51,884) and Jurisdiction Improvement Projects ($263,222.16). The City received $112,864.16 more than anticipated for this fiscal year. To meet the deadlines for approval by the U.S. Department of Housing and Urban Development (HUD), the City Council must accept a recommendation from the Community Development Advisory Committee (CDAC) to allocate the anticipated Jurisdiction Improvement Funds. The CDAC met on April 5, 2023 to review the status of CDBG projects and to determine the recommended allocation of Jurisdiction Improvement funds for Fiscal Year 2024. The CDAC voted 7-0 (with two members absent) to recommend that the City Council allocate the Jurisdiction Improvement Project funds to the Citywide ADA Compliance Improvements. The scope of work could include ADA parking accessibility, pathway and sidewalk repairs, curb ramp installations and upgrades, and other exterior surface improvements. These improvements would provide accessibility benefits for the entire community. Specifically, the city will be looking to spend the FY2023/2024 funds on repairing pathways, repairing sidewalks, installing new curb ramps, and upgrading existing curb ramps in Birch Grove Park and Mayhews Landing Park. The Jurisdiction Improvement Project would address ADA compliance needs at City-owned parks, facilities, and parking lots as identified in the City's Disabled Access Transition Plan. These improvements would provide accessibility benefits for the entire community. City Council accepted the recommendations of the CDAC on April 27, 2023. If the grant is accepted by the City, then it is expected that the Alameda County Board of Supervisors will authorize approval of the CDBG FY23 Agreement in August of this year.

FISCAL IMPACT

Staff recommends that the City Council authorize an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for 2023-2024 to increase the Federal Grants and Awards account by $271,022.16. This is the result of the grant allocation of $322,906.16 after the deduction of $51,884.00, which would remain with Alameda County to administer the Minor Home Repair program.

REVIEW AND APPROVAL

Prepared by - Art Interiano, Deputy Community Development Director
Reviewed by - Steven Turner, Community Development Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

770 Resolution CDBG Grant Award

CDBG Annual Grant Agmt FY23

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ALAMEDA COUNTY FOR PARTICIPATION IN THE ALAMEDA COUNTY URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FISCAL YEAR 2023-2024

WHEREAS, the City of Newark is eligible for an entitlement of Community Development Block Grant funds (CDBG) based on its participation in the Alameda County Urban County; and

WHEREAS, the County has allocated $322,906.16 in CDBG funds to the City based on the City's participation in the Urban County; and

WHEREAS, the City anticipated an amount of $210,042 for the annual grant award and the final award amount is higher than expected by $112,864.16 and shall be added to funding for Jurisdictional Improvement projects as recommended by the CDAC; and

WHEREAS, the County retains $51,884 of the City's allocation providing for Minor Home Repair Program, which will be administered by Alameda County Healthy Homes Department; and

WHEREAS, the City will retain the remaining $271,022.16 funds to use towards jurisdictional improvements and administrative costs; and

WHEREAS, the activities of the City under the Agreement with the County shall be governed by the conditions of the Grant Agreement between the County and the United States Department of Housing and Urban Development; and

WHEREAS, the City's proposed projects are CDBG-eligible in accordance with HUD regulations and the conditions of the CDBG Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City Manager of the City of Newark is hereby authorized to execute an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for Fiscal Year 2024, said agreement on file in the Office of the City Clerk.

BE IT RESOLVED by the City Council of the City of Newark that the City Manager of the City of Newark is hereby authorized to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for Fiscal Year 2024, said agreement on file in the Office of the City Clerk.

BE IT RESOLVED that the City Council of the City of Newark hereby approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for the Fiscal Year 2024 as follows:

INCR: 214.90.092.920.4793	Federal Grants & Awards	$271,022.16
INCR: 214.3000	Unallocated Fund Balance	$271,022.16

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on July 13, 2023, by Council Member _____ who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AGREEMENT BY AND BETWEEN
CITY OF NEWARK
AND
THE COUNTY OF ALAMEDA

THIS AGREEMENT is made and entered into this 11th day of July 2023, by and between the County of Alameda (hereinafter referred to as "County"), and the CITY OF NEWARK, located in the County of Alameda, State of California, (hereafter referred to as "City").

WHEREAS, the County has entered into a Grant Agreement with the United States Department of Housing and Urban Development (HUD), for a Community Development Block Grant (CDBG) under the Housing and Community Act of 1974, said funds to be used for Community Development Block Grant Programs and its eligible activities; and

WHEREAS, the City is eligible for an entitlement of CDBG funds based on its participation in the Alameda County Urban County; and

WHEREAS, the County has allocated CDBG funds to the City based on the City's participation in the Urban County; and

WHEREAS, the activities of the City under this Agreement with the County shall be governed by the conditions of the Grant Agreement between the County and the United States Department of Housing and Urban Development; and

WHEREAS, the parties desire that the County retain that portion of the City's allocation providing for Minor Home Repair Program, which will be administered by Alameda County Healthy Homes Department; and

WHEREAS, the Parties have reviewed City's proposed projects and have determined that the projects are CDBG-eligible projects in accordance with HUD regulations and the conditions of the CDBG Grant Agreement;

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PROMISES HEREINAFTER MADE, COUNTY AND CITY DO MUTUALLY AGREE AS FOLLOWS:

I. STATEMENT OF WORK AND COMPENSATION

A. City shall perform or arrange for the performance of the work under this Agreement in the manner and time provided herein and in accordance with: the budget; the scope of work and any specifications and drawings; and all related documents and provisions attached hereto as Exhibit A and incorporated herein by reference.

B. The amount of fiscal year 2023 CDBG funds available to City to perform the work described in Exhibit A is three hundred twenty-two thousand, nine hundred, six dollars and 16 cents ($322,906.16). This includes $210,042 of FY23 CDBG funds allocated to the City pursuant to this agreement and $112,864.16 in anticipated program income. Of this amount, the County will retain fifty-one thousand, eight hundred and eighty-four dollars ($51,884) to reimburse the County for its services in providing minor home repair services set forth in Exhibit A. In the event that HUD reduces the Urban County CDBG allocation, the City's allocation will be reduced proportionately.

II. COMMENCEMENT AND COMPLETION REQUIREMENTS

A. This Agreement shall start on July 1, 2023, and be in effect until June 30, 2025, or until all fiscal year 20223Urban County CDBG funds allocated to City are disbursed to and expended by City, or for the duration of any regulatory agreement or contract executed in conjunction with a project financed with fiscal year 2023 CDBG funds, or when all of the contract terms have been completed, whichever shall first occur.

B. It shall be the responsibility of the City to coordinate and schedule the work to be performed so that commencement and completion will take place in accordance with the provisions of this Agreement. The County may extend the time for completion of the work to be performed under this Agreement in writing, if it determines that delay in the progress of work is not attributable to the negligence of the City and that such delay was due to causes beyond the control of the City, and if such extension will not cause the County to be out of compliance with CDBG rules and regulations for timely commitment and expenditure of funds.

C. Any time extension granted to the City to enable the City to complete the work shall not constitute a waiver of rights the County may have under this Agreement.

D. Should the City not complete the work by the scheduled date or by an extended date, granted by the County in writing, pursuant to previously stated conditions, the County shall be released from all conditions of this Agreement.

E. Upon completion of performance under this Agreement and a determination of final costs, City shall submit to the County a certificate of completion for construction projects and a requisition for final payment for service projects, unless otherwise provided in this Agreement.

F. As a part of this Agreement, City will provide the County with the Certificate(s) of Insurance as outlined in Exhibit B.

III. SUBCONTRACTS

A. Any subcontract funding under this Agreement shall be submitted to County for review and approval prior to its execution.

B. In the event subcontractor is a private non-profit or neighborhood-based non-profit organization, or a local development or small business investment corporation, contractor is required to comply with the procurement procedures of the Office of Management and Budget (OMB) at Title 2 of the Code of Federal Regulations, Part 200 (2 CFR Part 200) (incorporated herein by reference) for the procurement of supplies and services in connection with activities funded under this Agreement.

C. Any subcontract funded under this Agreement shall be subject to the terms and conditions of this Agreement. Contractor shall inform County in writing of any subcontracts entered into with these funds, the amount, the scope of work, any other information the County may from time to time require.

IV. BUDGET

A. Any requested modification to the Budget attached to this Agreement and incorporated as part of this Agreement, shall be reviewed and approved by the Alameda County Housing Director on behalf of the County. Any budget modifications require the prior written approval of Alameda County Housing Director on behalf of the County. Budget modifications shall not alter: 1) The basic scope of services (Exhibit A) required to be performed under this Agreement; 2) the time period for the services to be performed under this Agreement; and; 3) the total amount of the authorized budget of this Agreement (Exhibit A), subject to future amendments as approved by the Alameda County Housing Director. Any of the cost categories shown in the Agreement Budget, except administration, may be exceeded by ten percent of the indicated figure, provided that the total approved amount of allowable costs is not exceeded and stays under the 15% Urban County Public Services cap.

B. City's expenditure of FY23 funds will be monitored on a project-by-project basis, rather than by the Urban County as a whole. City projects that do not spend down funds in any single quarter must provide a written explanation to County as to why the project is stalled/delayed and when it is expected that the project will start to expend funds.

V. RECORDS AND REPORTS

A. All original documents prepared by City in connection with the work to be performed under this Agreement shall be the property of the County.

B. City's records shall be made available for review by the County prior to the release of funds. City shall be responsible for maintaining all records pertaining to this Agreement, including subcontracts and expenditures, and all other financial and property records in conformance with 2 CFR Part 200.

C. Records must be kept accurate and up-to-date. Failure of City to comply with this provision could result in termination of this Agreement or City's repayment of funds previously awarded under this Agreement.

VI. PROGRAM MONITORING AND EVALUATION

A. City shall be monitored and evaluated in terms of its effectiveness and timely compliance with the provisions of this Agreement, HUD regulations, and conditions of the Grant Agreement between the County and HUD, and the effective and efficient achievement of the Program Objectives.

B. City shall undertake continuous quantitative and qualitative evaluation of the scope of services as specified in this Agreement and shall make quarterly written reports to County.

1. The quarterly written reports shall be submitted in the format approved and distributed by the County.

2. The quarterly report shall be due on the fifteenth day of the month immediately following the report quarter, except for the end of the program year report which is due within thirty days.

C. The County shall have ultimate responsibility for project monitoring oversight and evaluation, to assist City in complying with the scope and contents of this Agreement, and to provide management information which will assist the County's policy and decision-making and managers.

D. The City shall follow audit requirements of the Single Audit Act and 2 CFR Part 200.

VII. AUDIT REPORT

A. In addition to the reporting requirements listed in Section VI (Program Reporting and Evaluation), the City shall commission an independent auditing firm to prepare and file with the City an annual audit report for each year during the term of this Agreement. The City's failure to submit the audit report may result in the termination of the Agreement.

B. The audit report is to be submitted to the County by March 30th of each year during the term of this Agreement. The audit report should state that an audit was made in accordance with the provisions of 2 CFR Part 200. The City will use the audit report to determine whether:

i. The financial statements of the City present fairly its financial position and the results of its operations in accordance with generally accepted accounting principles.

ii. The City has (i) an internal control structure to provide reasonable assurance that the City is managing Federal awards in compliance with applicable laws and regulations, and (ii) controls that ensure compliance with laws and regulations that could have material impact in the City's financial statements.

iii. The City has complied with laws and regulations for the CDBG Program that may have a direct and material effect on the City's financial statements.

iv. The City shall also submit any internal control monitoring (or audit) conducted during the term of this Agreement to the County. The City shall require Providers with which the City contracts in connection with this Agreement to meet the same audit requirements set forth in this Section VI (D).

VIII. PROGRAM INCOME

A. Program income shall be recorded as part of the financial transactions of the grant program and disbursed in accordance with 2 CFR Part 200.

B. Program income received by City shall be returned to County for future application to City projects.

C. Program income from Urban County program activities undertaken by or within City which thereafter terminates its participation in the Urban County shall continue to be program income of the County. County may transfer the program income to City, upon its termination of Urban County participation, provided that City has become an entitlement grantee and agrees to use the program income in its own CDBG entitlement program.

IX. UNIFORM ADMINISTRATIVE REQUIREMENTS

A. City shall comply with Uniform Administrative Requirements as described in Federal Regulations Section 570.502 as applicable to governmental entities.

B. City shall comply with Executive Order 13166 to improve access to services for persons with Limited English Proficiency (LEP) including developing a Language Access Plan.

X. RELIGIOUS ACTIVITY PROHIBITION

City may not engage in inherently religious activities, such as worship, religious instruction, or proselytizing, as a part of the program or services funded by this Agreement.

XI. REVERSION OF ASSETS

A. Upon the expiration of this Agreement, City shall transfer to County any CDBG funds on hand at time of expiration and any accounts receivable attributable to the use of CDBG funds.

B. Real property in excess of $25,000, obtained in whole or in part with CDBG funds must be used to meet one of the national objectives for a minimum of ten years after the expiration of this Agreement or disposed of in a manner that results in County being reimbursed at fair market value less value attributable to non-CDBG expenditures.

XII. OTHER PROGRAM REQUIREMENTS

A. City certifies that it will carry out each activity in compliance with all Federal laws and regulations described in 24 CFR, Part 570, Sub-part K (570.600-570.612) and related to a) Non-discrimination, b) Fair Housing, c) Labor Standards, d) Environmental Standards, e) National Flood Insurance Program, f) Relocation and Acquisition, g) Employment and Contracting Opportunities, h) Lead-based paint, i) Use of Debarred, Suspended or Ineligible Contractors or Sub-recipients, j) Uniform Administrative Requirements and Cost Principals, k) Conflict of Interest, and l) Displacement.

B. Activities and programs under this Agreement shall be governed by the policies and procedures of the Alameda County Urban County or as directed by the County as grantee in order to ensure that compliance with all applicable laws and regulations.

XIII. TERMINATION OF THIS AGREEMENT

County may terminate this Agreement in whole or in part immediately for cause, which shall include as example but not as a limitation:

A. Failure, for any reason, of City to fulfill in a timely and proper manner its obligations under this Agreement, including compliance with City, State and Federal laws and regulations and applicable directives;

B. Failure to meet the performance standards contained in other sections of this Agreement;

C. Improper use or reporting of funds provided under this Agreement; and

D. Suspension or termination by HUD of the grant to the County under which Agreement is made, or the portion thereof delegated by this Agreement.

E. Any and all notices, writings, correspondences, etc., as required by this Agreement shall be directed to the City and County as follows:

City	**County**
City Manager	Housing Director
City of Newark	Alameda County HCD

37101 Newark Blvd Newark CA, 94560	224 W. Winton Avenue, Room 108 Hayward, CA 94544

XIV. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, City shall hold harmless, defend and indemnify the County, its Board of Supervisors, officers, employees and agents (collectively "Indemnitees") from and against any and all claims, losses, damages, liabilities or expenses, including reasonable attorney fees, incurred in the defense thereof, for the death or injury to any person or persons (including employees of City or County) or damage of any property (including property of City or County) which arises out of or is in any way connected with performance of this agreement (collectively "Liabilities") except where such Liabilities are proximately caused solely by the negligence or willful misconduct of any Indemnitee.

[SIGNATURES TO FOLLOW ON THE NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this contract on the day first mentioned above.

CITY OF NEWARK

Approved as to form:

By: _____
City Attorney
Deputy County Counsel

Date:_____

By: _____
City Manager

Attest: _____
City Clerk

Date: _____

COUNTY OF ALAMEDA

Approved as to form: Donna R. Ziegler
County Counsel

By: DocuSigned by: Kathleen J. Hall
DA608277C0F24CB...
Kathleen J. Hall,

Date:_____

By: _____
President, Board of Supervisors

Date:_____

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

EXHIBIT A

03L – Sidewalks	
Improve ADA parking accessibility, including basketball court resurfacing at Mayhews Landing Park, and pathway repairs at Birch Grove Park	$155,000
14A Rehabilitation - Single Unit Residential	
Minor Home Repair Program that promotes the maintenance of homes for the benefit of low-income Alameda County residents. County will retain funds allocated by City for services to be performed by Alameda County Healthy Homes. Including $11,490.29 for project delivery costs.	$51,884
21A Administration	
Funds to be used in ADA Curb Cut program	$3,158
Anticipated Program Income – project TBD	**$112,864.16**
TOTAL - CITY OF NEWARK	**$322,906.16**

** **Based on an estimate of prior years' program income received; only actual program income received will be available to the City for its Revolving Loan Fund (Housing Rehabilitation Programs).***

EXHIBIT A1
ALAMEDA COUNTY HOUSING AND COMMUNITY DEVELOPMENT
AND
CITY OF NEWARK

CFDA number:
■□ CDBG 14.218

CFDA Title: Community Development Block Grants/Entitlement Funds

Name of Federal Agency: Housing and Community Development Department (HUD)

Subrecipient Unique Entity Identification: 021116418

Federal Award Date of award to HCD by HUD:

Federal Award Identification Number: B23-UC-06-0001

EXHIBIT C

COUNTY OF ALAMEDA MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the County, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following minimum insurance coverage, limits and endorsements. The County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. If the contractor maintains broader coverage and/or higher limits than the minimums shown below, the County requires and shall be entitled to the broader coverage and/or the higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

	TYPE OF INSURANCE COVERAGES	MINIMUM LIMITS
A	**Commercial General Liability** Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
B	**Commercial or Business Automobile Liability** All owned vehicles hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability when extended to cover your business is acceptable for individual contractors with no transportation or hauling related activities	$1,000,000 per occurrence (CSL) Any Auto or Hired and Non-Owned Autos Bodily Injury and Property Damage
C	**Workers' Compensation (WC) and Employers Liability (EL)** As required by State of California	WC: Statutory Limits EL: No less than $1,000,000 per accident for bodily injury or disease
D	**Endorsements and Conditions**:	

1. **ADDITIONAL INSURED:** County of Alameda, its Board of Supervisors, the individual members thereof, and all County officers, agents, employees, volunteers, and representatives are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 if a later edition is used). Auto policy shall contain or be endorsed to contain additional insured coverage for the County.
2. **DURATION OF COVERAGE:** All required insurance shall be maintained during the entire term of the Agreement. In addition, Insurance policies and coverage(s) written on a claims-made basis shall be maintained and evidence of insurance must be provided during the entire term of the Agreement and for at least five (5) years following the later of termination of the Agreement and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement. If coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.
3. **REDUCTION OR LIMIT OF OBLIGATION:** All insurance policies, including excess and umbrella insurance policies, shall be primary and non-contributory coverage at least as broad as ISO CG 20 10 04 13 as respects the County, its officers, officials, employees, or volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be excess of the Contractor' insurance and shall not contribute with it. Pursuant to the provisions of this Agreement insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties.
4. **INSURER FINANCIAL RATING:** Insurance shall be maintained through an insurer with an A.M. Best Rating of no less than A: VII or equivalent, shall be admitted to the State of California unless otherwise acceptable by Risk Management, and with deductible amounts acceptable to the County. Acceptance of Contractor's insurance by County shall not relieve or decrease the liability of Contractor hereunder. Self-insured retentions must be declared and approved. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor. The policy language shall provide or be endorsed to provide, that the self –insured retention may be satisfied by either the named insured or County.
5. **SUBCONTRACTORS:** Contractor shall include all subcontractors as an insured (covered party) under its policies or shall verify that the subcontractor, under its own policies and endorsements, has complied with the insurance requirements in this Agreement, including this Exhibit.
6. **JOINT VENTURES:** If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by one of the following methods:
   - Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured" (covered party), or at minimum named as an "Additional Insured" on the other's policies. Coverage shall be at least as broad as in the ISO Forms named above.
   - Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured".
7. **CANCELLATION OF INSURANCE:** Each insurance policy required above shall provide that coverage shall not be cancelled, except with notice of cancellation provided to the County in accordance with policy terms and conditions.
8. **CERTIFICATE OF INSURANCE**: Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of insurance and applicable insurance endorsements as set forth in the provisions of this Agreement and this Exhibit C, in forms satisfactory to County, evidencing that all required insurance coverage is in effect. However, failure to obtain the required documents prior to the work beginning shall not waive the Contactor's obligation to provide them. The County reserves the right to require the Contractor to provide complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

STAFF REPORT

Item D. 7.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Kristopher Kokotaylo, City Attorney
SUBJECT	Waive full reading, conduct second reading by title only, and adopt an ordinance repealing and replacing Chapter 3.04, “Purchasing System” of Title 3 “Revenue and Finance” of the Newark Municipal Code in its entirety

At its June 22, 2023, meeting, the City Council introduced an ordinance repealing and replacing Chapter 3.04, "Purchasing System" of Title 3, "Revenue and Finance" of the Newark Municipal Code. The proposed ordinance will result in a complete overhaul of Chapter 3.04 to add clarity and resolve ambiguities regarding the City’s procurement requirements and generally increase the thresholds under which more formal procurement procedures are necessary. The City Council is required to conduct a second reading of the ordinance for its adoption. The ordinance will take effect 30 days after the second reading.

Attachments

Purchasing Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK REPEALING AND REPLACING CHAPTER 3.04 "PURCHASING SYSTEM" OF TITLE 3 "REVENUE AND FINANCE" OF THE CITY OF NEWARK MUNICIPAL CODE IN ITS ENTIRETY

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances and regulations not in conflict with general laws; and

WHEREAS, Section 54202 *et. seq*. of the Government Code requires the City to adopt policies and procedures, including bidding regulations, governing the purchase by the City of supplies and equipment of all departments, divisions or services of the city government; and

WHEREAS, Chapter 3.04 of the City of Newark Municipal Code ("NMC") sets forth the authority and procedures governing the purchase by the City of supplies and equipment of all departments, divisions or services of the city government; and

WHEREAS, in 1977, the City Council adopted Ordinance No. 142, which established a comprehensive purchasing system for the City by adding Chapter 3.04 to the NMC; and

WHEREAS, the City Council, on the recommendation of the City Manager and the City Attorney, desires to repeal and replace Chapter 3.04 to update and revise the purchasing rules and procedures governing the purchase of materials, supplies, services and equipment for the City; and

WHEREAS, the amendments to the Municipal Code propose to repeal and replace Chapter 3.04 "Purchasing System" of Title 3 "Revenue and Finance" of the NMC in its entirety, as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. CEQA. Approval of the amendments is exempt from environmental review in accordance with California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendment will have a significant effect on the environment.

SECTION 3. Municipal Code Amendment. The City Council hereby approves the amendments to the NMC, more particularly, repealing Chapter 3.04 "Purchasing System" of Title 3 "Revenue and Finance" of the City of Newark Municipal Code in its entirety, and replacing it with the text shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

EXHIBIT A

Chapter 3.04

PURCHASING SYSTEM

3.04.010 Adoption.

In order to establish procedures for the purchase of materials, supplies, software subscriptions, services, and equipment, to secure for the City materials, supplies, services, and equipment at the lowest possible cost commensurate with the level of quality required, to exercise financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is adopted.

3.04.020 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "Consultant or professional services" means the services rendered by architects, attorneys, engineers, doctors, financial consultants, planning or environmental consultants, investment advisors, bank or trustee officers, and other professional or specialized consultants.

B. "Contract" means any agreement to do or not do a certain thing. For the purposes of this chapter, "contract" and "agreement" are synonymous. The term "contract" includes, but is not limited to, a purchase order; a contract for services; an addendum or change order, which means a change or addendum to an executed contract; a letter of agreement; and a memorandum of understanding.

C. "Emergency" means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

D. "General services" means and includes any work performed or services rendered by an independent contractor, with or without the furnishing of materials, including, but not limited to, the following:

1. Maintenance or nonstructural repair of city buildings, structures or improvements which does not require engineering plans, specifications or design, including, but not limited to, unscheduled replacement of broken windowpanes, fire extinguisher maintenance, minor roof repairs, plumbing, elevator maintenance, custodial services and pest control, etc.;

2. Repair, modification and maintenance of city equipment and software;

3. Cleaning, analysis, testing, moving, removal or disposal (other than by sale) of city supplies and equipment;

4. Replanting, care or maintenance of public grounds, including, but not limited to, maintenance of trees, shrubbery, flowers, and lawns;

5. Providing other miscellaneous services to facilitate city operations;

6. Performing repair, demolition or other work required to abate nuisances under this code;

7. Licensing software services;

8. Leasing or rental of equipment (personal property) for use by the City;

9. Maintenance of equipment owned or leased by the City.

"General services" does not include consultant or professional services, or work associated with a public project.

E. "Goods of a technical nature" means hardware, software, or communications equipment, or any item that is substantially similar to the foregoing as determined by the Purchasing Agent.

F. "Materials, Supplies and equipment" means and includes tangible goods, supplies, equipment, vehicles, printing, materials, and furniture and furnishings purchased on behalf of the City.

G. "Public project" shall have the meaning given that term by the Uniform Public Construction Cost Account Act and referenced in Chapter 3.05.

3.04.030 Purchasing Agent designated.

The City Manager is designated as ex officio Purchasing Agent. The Purchasing Agent may delegate all or a portion of the contracting or purchasing duties to any city staff member. The Purchasing Agent shall have the authority to:

A. Contract for or procure consultant or professional services, general services, supplies and equipment required by the City, in accordance with this chapter and as may be established by administrative procedures by the Purchasing Agent;

B. Negotiate and recommend execution of contracts for the purchase of consultant or professional services, general services, supplies and equipment;

C. Act to procure for the City the necessary quality in consultant or professional services, general services, supplies and equipment at the lowest cost to the City;

D. Prepare and recommend to the City Council revisions and amendments to this chapter;

E. Establish and maintain such forms and administrative procedures as are reasonably necessary to the operation of this chapter;

F. Supervise the inspection of all consultant or professional services, general services, supplies and equipment purchased to ensure conformance with specifications;

G. Pursuant to Chapter 2.38 of the Newark Municipal Code, arrange the sale or disposal of all supplies and equipment which cannot be used by the City, or which have become unsuitable for city use;

H. Maintain a bidder's list and other records necessary for the efficient acquisition of consultant or professional services, general services, and supplies and equipment;

I. Join with other governmental agencies in joint purchasing endeavors where the purchasing procedures conform to the provisions of this chapter and state law.

3.04.040 Purchasing award—Factors to be considered for responsiveness and responsibility.

The following factors shall be considered in determining the responsiveness of potential contracts and purchases and the responsibility of vendors and bidders in accordance with applicable law:

A. The amount of the contract or the purchase price;

B. The ability, capacity and skill of the bidder or vendor to perform the contract or provide the service required;

C. The ability of the bidder or vendor to perform the contract or provide the service promptly, or within the time specified, without delay or interference;

D. The reputation and experience of the bidder or vendor;

E. The previous experience of the City with the bidder or vendor;

F. The previous and existing compliance by the bidder or vendor with applicable laws and ordinances;

G. The sufficiency of the bidder's or vendor's financial resources and ability to perform the contract or provide the service;

H. The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

I. The ability of the bidder or vendor to provide future maintenance and service for the subject of the contract or purchase;

J. The number and scope of conditions attached to the contract or purchase;

K. The purchase of supplies, whenever feasible, containing the highest amount of postconsumer and recovered materials practicable. In all cases, these products must meet reasonable performance standards, and be readily available at a competitive price. In addition, all equipment bought, leased or rented shall, wherever feasible, be compatible with the use of other recycled products purchased by the City;

L. In the event that two (2) or more potential contracts or bids are received from responsible bidders or vendors for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor, or the City may accept the lowest bid made by negotiation with the tie bidders and the Purchasing Agent.

3.04.050 Contracts and purchases of general services, supplies and equipment - Less than five thousand dollars ($5,000).

For purchases of general services or supplies and equipment of less than five thousand dollars ($5,000), informal quotations should be obtained. Comparative pricing is expected to secure the lowest price.

3.04.060 Contracts and purchases of general services, supplies, and equipment—Greater than or equal to five thousand dollars ($5,000) and less than fifty thousand dollars ($50,000).

A. Purchases of general services, supplies and equipment greater than or equal to five thousand dollars ($5,000) and less than fifty thousand dollars ($50,000) shall be based on at least three (3) quotations unless the Purchasing Agent determines that it is not possible to obtain three (3) quotations based on existing circumstances. The quotations shall be in writing, which writings may include electronic mail transmissions. Quotations with the required documentation shall be submitted to the Finance Department for approval by the Purchasing Agent. The purchase of any general services, supplies and equipment greater than or equal to five thousand dollars ($5,000) and less than fifty thousand dollars ($50,000) shall be consistent with the factors stated in Section 3.04.040.

B. At the discretion of the Purchasing Agent, the competitive bidding procedure set forth in Section 3.04.070 may be used for any acquisition of general services, supplies and equipment, regardless of the value.

3.04.070 Contracts and purchases of general services, supplies, and equipment— Greater than or equal to fifty thousand dollars ($50,000).

Purchases of general services and supplies and equipment with a cost greater than or equal to fifty thousand dollars ($50,000) shall comply with the competitive bidding procedure set forth in this section, except as provided in Section 3.04.080.

A. Notices inviting bids shall include a general description of the services and/or articles to be purchased or sold, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether a bid deposit or bond and a faithful performance bond will be required.

B. Notices inviting bids shall be posted in at least one (1) public place in the City and posted on the City’s website at least fourteen (14) calendar days before the date of opening the bids.

C. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder’s list and may advertise the notice inviting bids in applicable publications readily accessible to the public.

D. When deemed necessary by the Purchasing Agent, any bidder may be required to submit a bid deposit or bond in an amount determined by the Purchasing Agent. A successful bidder (and his surety, if a bond is furnished) shall be liable for any damages upon the bidder’s failure to enter into a contract with the City or upon the bidder’s failure to perform in accordance with the tenor of their bid.

E. When deemed necessary by the Purchasing Agent or City Council, any person or entity entering into a contract with the City may be required to furnish a faithful performance deposit or bond in an amount determined by the Purchasing Agent or City Council.

F. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.

G. At its discretion, the City may reject all bids presented and re-advertise for bids.

H. Contracts shall be awarded by the City to the lowest responsive, responsible bidder, except as otherwise provided herein.

I. If two (2) or more bids received from responsible bidders are for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor.

3.04.080 Exceptions.

A. Contracts or purchases involving the acquisition of consultant or professional services are exempt from the provisions of this chapter; however, the procurement of such services shall be subject to the following:

1. With respect to contracts for or procurement of professional services from private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms, the Purchasing Agent shall establish administrative procedures to assure that such services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices in compliance with Government Code Section 4526.
2. The Purchasing Agent may utilize a request for quotation or request for proposal to ensure the services are matched with the needs of the City.

B. Any request for an exception under this subsection shall identify the nature of the contract or purchase, amount of the contract or purchase, and the reasons why competitive bidding is not feasible and shall be subject to Purchasing Agent approval. The provisions of this chapter approval shall not apply to the following:

1. Where the City's requirements can be met solely by a single patented article or process or provider;
2. Situations where no bids have been received following bid announcements conducted pursuant to the provisions of this chapter;
3. When an emergency requires that an order be placed without complying with this chapter;
4. When a contract or purchase involves goods of a technical nature, where it would be difficult for a vendor to bid on a standard set of specifications, and the Purchasing Agent undertakes a thorough review of known products and a comparison of features which would most closely meet the City's needs at the lowest cost;
5. Public projects, pursuant to Chapter 3.05;
6. When another public agency has administered a competitive bidding process substantially similar to the City's process as determined by the Purchasing Agent and has a current valid agreement for the

same or substantially similar consultant or professional services, general services, supplies or equipment;

7. When goods or services are available through cooperative purchasing programs or consortiums, provided the City's Purchasing Agent approves of such participation or if the underlying purchase was made using quotation or bid procedure at least as restrictive as outlined in this chapter;
8. When a purchase of goods and/or services involves the expenditure of federal or state funds, the procurement shall be conducted in accordance with mandatory applicable federal or state laws or regulations. Such laws or regulations may be incorporated in administrative policies, and periodically updated, as required.
9. When formal bids would work an incongruity and would be unavailing in affecting the final results and formal bids would not produce any advantage to the City.

3.04.090 Splitting orders prohibited.

The purchasing dollar limits set forth in this chapter are determined on a per order basis. It is unlawful to split or separate into smaller orders the contract or purchase of general services, supplies and equipment for the purpose of evading the competitive bidding provisions of this chapter.

3.04.100 Purchase orders.

Purchases greater than or equal to five thousand dollars ($5,000) shall be documented by purchase orders prepared by the Purchasing Agent in accordance with adopted administrative policies.

3.04.110 Availability of sufficient funds.

No purchase shall be transacted until it has been ascertained that there is, to the credit of the department of the City for whose benefit such purchase is to be made, a sufficient appropriated balance in excess of all unpaid obligations to defray the amount of such purchase.

3.04.120 Inspection and review.

The Purchasing Agent shall require the inspection of supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications and requirements set forth in the purchase order or contract.

3.04.130 Public projects.

Public projects as defined by the Uniform Public Construction Cost Accounting Act (Section 22000 et seq. of the California Public Contract Code) shall follow the purchasing procedures as set forth in Section 22032 et seq. of the Public Contract Code.

STAFF REPORT

Item D. 8.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Kristopher Kokotaylo, City Attorney
SUBJECT	Waive full reading, conduct second reading by title only, and adopt an ordinance adding Chapter 3.05, “Informal Bid Procedures” to Title 3 “Revenue and Finance” of the Newark Municipal Code

At its June 22, 2023, meeting, the City Council introduced an ordinance adding Chapter 3.05, "Informal Bid Procedures" to Title 3, "Revenue and Finance" of the Newark Municipal Code. The proposed ordinance will establish informal bidding procedures consistent with the requirements of the Uniform Public Construction Cost Accounting Act for specified public projects that are $200,000 or less. The City Council is required to conduct a second reading of the ordinance for its adoption. The ordinance will take effect 30 days after the second reading.

Attachments

Construction Cost Accounting Act Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK ADDING CHAPTER 3.05 TO THE NEWARK MUNICIPAL CODE TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)

WHEREAS, the City of Newark is subject to the provisions of the California Public Contract Code governing how and when contracts for public projects are to be advertised, bid and awarded; and

WHEREAS, the Public Contract Code generally requires that public projects with a value of $5,000 or more must be publically bid; and

WHEREAS, the public bidding process requires the City to comply with complex procedures and process; and

WHEREAS, the public bidding process is time consuming and for small projects can impose requirements that are out of proportion to the value of the work being contracted; and

WHEREAS, the Uniform Public Construction Cost Accounting Act, Public Contract Code section 22000 *et seq.* (the "Act"), authorizes the Uniform Construction Cost Accounting Commission (the "Commission") which has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of, or in the contracting for, construction of public projects; and

WHEREAS, the Act allows public agencies that elect to follow these uniform public construction cost accounting procedures to use alternative methods for the bidding of public projects; and

WHEREAS, these alternative procedures, among other things, would allow the City to use informal procedures to contract for certain public projects with a value greater than $5,000; and

WHEREAS, the City Council desires to elect to become subject to the Uniform Public Construction Cost Accounting Act.

THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

Section 1: Municipal Code Amendment

Chapter 3.05 is hereby added to the Municipal Code of the City of Newark to provide as follows:

"CHAPTER 3.05 – INFORMAL BID PROCEDURES

Section 3.05.010 - Informal Bid Procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act ("ACT") and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Section 3.05.020 - Contractors List.

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

Section 3.05.030 - Notice Inviting Informal Bids.

Where a public project is to be performed which is subject to the provisions of this Chapter, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 3.05.020, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the Director of Public Works, provided however:

A. If there is no list of qualified contractors maintained by the City for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

B. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting bids may be sent exclusively to such contractor or contractors.

Section 3.05.040 - Award of Contracts.

The City Manager is authorized to award informal contracts pursuant to this Section."

Section 2: Publication and Effective Date. This Ordinance shall take effect thirty (30) days from the date of its adoption. Before expiration of fifteen (15) days after its adoption, this Ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

STAFF REPORT

Item D. 9.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Lenka Hovorka, Assistant City Manager
SUBJECT	Adopt a resolution to approve an amendment to Contractual Services Agreement with Patrick Ibarra dba The Mejorando Group to complete employee training services and approve a budget amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024.

SUMMARY AND RECOMMENDATION

The City executed a contractural services agreement for employee training services with Patrick Ibarra dba The Mejorando Group. As a result of the success of the employees training services, the City requested additional services which require City Council purchasing authority. Staff recommends that the City Council, by resolution, approve an amendment to the contractural services agreement and approve a budget amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024.

BACKGROUND

The City undertook a significant effort to increase and improve professional development training to recruit and retain employees. An integral part of the training program is Leadership Academy programs for new/emerging leaders and intermediate supervisors. These academies cover topics such as facilitating a service culture, building great work teams, leading change, delegation, creative problem solving, managing employee performance and other effective leadership skills. The process involves training a cohort of up to 16 employees for seven half-day sessions. Upon completion of each academy, a graduation ceremony is held to recognize the employees' achievements. The first offering of both academies was a huge success. Attendees from the first round of academies highly recommended the training to their coworkers, creating a demand for a second offering of academies, as well as half-day training sessions open to all employees. The second academy offerings and four half-day trainings were completed in June. Unfortunately, during the recent staff transition in the Human Resources Department, an oversight occurred.Though services have been rendered, staff did not request approval of a contract amendment in advance. Staff is now requesting a contract amendment in order to pay Mr. Ibarra for those services completed in June, and allow for additional half-day trainings during Fiscal Year 2024.

DISCUSSION/ANALYSIS

Offering a second round of academies and additional training from The Mejorando Group maintains a consistent message to employees about the importance of leadership. The additional training will also allow the City to fulfill its training goals in the employee engagement plan. The ability for a single trainer to reach a significant number of employees has a profound impact on the workforce. Hearing the same leadership values and the ability to work together in small group sessions helps to create a cohesive City team. Staff are engaged in the learning and return from training motivated to perform, ideate, and innovate. Spreading the engagement and enthusiasm Mr. Ibarra instills in training participants is proving to be a great benefit to fostering effective and productive work teams.

FISCAL IMPACT

The additional services costing $52,000 will require a budget amendment for Fiscal Year 2024 to be paid from the Human Resources Department budget for organizational development.

REVIEW AND APPROVAL

Prepared by - Lenka Hovorka, Assistant City Manager
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

779 Resolution - The Mejorando Group

CSA Amendment - The Mejorando Group

The Mejorando Group Contractual Services Agreement

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AN AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT WITH PATRICK IBARRA DBA THE MEJORANDO GROUP AND AUTHORIZING AMENDMENT OF THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024

WHEREAS, the City entered into Contract No. C21058 with Patrick Ibarra dba The Mejorando Group on November 23, 2021 (the "Agreement"); and

WHEREAS, Ibarra provided exceptional employee leadership training services; and

WHEREAS, employees are interested in additional training; and

WHEREAS, the community and the City benefit from a trained workforce; and

WHEREAS, Section 27, Modification, of the Agreement allows the Parties to amend the Agreement provided that the amendment is in writing signed by the Parties; and

WHEREAS, an amendment in the amount of $52,000 will provide for two leadership academies and additional full and/or half-day trainings.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves an amendment to the Contractual Services Agreement with Patrick Ibarra dba The Mejorando Group to increase the not to exceed amount of the Agreement by $52,000 for a total amount not to exceed $102,000.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to execute the amendment, attached hereto, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager is authorized to take any actions necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Newark hereby approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan to add an appropriation of $52,000 from unallocated Funds to the Human Resources Department organizational development budget for Fiscal Year 2024 as follows:

TO:	110.22.022.200.6455	Consultant Services	$52,000
FR:	110.3000	Unappropriated Fund Balance	$52,000

FIRST AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT BETWEEN THE CITY OF NEWARK AND PATRICK IBARRA DBA THE MEJORANDO GROUP FOR EMPLOYEE TRAINING SERVICES

This First Amendment to the Contractual Services Agreement between the City of Newark, a municipal corporation, ("City") and Patrick Ibarra dba The Mejorando Group, ("Consultant"), (together referred to as the "Parties") as of July 13, 2023.

RECITALS

WHEREAS, the Parties executed Contractual Services Agreement No. C21058 (the "Agreement") to perform the services generally including: training and leadership team facilitation services; and

WHEREAS, Section 27, Modification, of the Agreement allows the Parties to amend the Agreement provided that the amendment is in writing signed by the Parties; and

WHEREAS, the Parties desire to extend and amend the Agreement; and

WHEREAS, the Parties desire to amend Exhibit A to add additional training courses offered by Consultant; and

WHEREAS, the Agreement provides a not to exceed compensation of $50,000.00; and

WHEREAS, the total cost of the additional services are not to exceed $52,000.00.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Section 3. "Not to Exceed" Compensation, of the Agreement is amended to increase the combined total of compensation and costs payable under the Agreement by $52,000.00 from $50,000.00 to $102,000.00).

2. Exhibit A, Services is amended to add additional training courses available by Consultant and as requested by the City.

3. With the exception of the foregoing, all other terms and conditions in the Agreement, as amended, remain in force and effect.

CITY OF NEWARK

_____
David J. Benoun

City Manager

Dated: _____

PATRICK IBARRA DBA
THE MEJORANDO GROUP

_____
Patrick Ibarra

Dated: _____

Attest:

_____

Sheila Harrington
City Clerk

Approved as to Form:

_____

Kristopher J. Kokotaylo
City Attorney

C 21058

CONTRACTUAL SERVICES AGREEMENT

CONSULTANTS

This Service Agreement (hereinafter "Agreement") is made and entered into this 23rd day of NOVEMBER 2021 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and PATRICK IBARRA DBA THE MEJORANDO GROUP, a sole proprietorship ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested a proposal to perform the services generally including: Training and Executive Leadership Team Facilitation Services.

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "B".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "C", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. **CONSULTANT'S SERVICES.** Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. **TIME FOR PERFORMANCE.** Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. **COMPENSATION.**

A. "Not to Exceed" Compensation. City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant's hourly or other rates set forth in Exhibit "B". The payments specified in Exhibit "B" shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum of Fifty thousand and No/100 Dollars ($50,000.00) unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount.

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, rates, and reimbursable expenses), based upon Consultant's billing rates (set forth on Exhibit "B" hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit "B"; or, if no manner is specified in Exhibit "B", then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit "B", for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant's Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant's failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant's payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such

other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. **INDEPENDENT CONSULTANT.** At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. **PERSONNEL.** Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. **FACILITIES AND EQUIPMENT.** Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. **INFORMATION AND DOCUMENTATION.**

A. **Information from City.** City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes

additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. **Consultant's Accounting Records.** Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. **Ownership of Work Product.** All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. **CONFLICTS OF INTEREST PROHIBITED.** Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. **NONDISCRIMINATION.** Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. **COMPLIANCE WITH LAW AND STANDARD OF CARE.** Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. **RESERVED.**

13. **RESERVED.**

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability:	**$1,000,000** per occurrence or claim; $2,000,000 aggregate.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14 shall include a "wasting" policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Consultant's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant's insurance and shall not be contribute with it. Consultant's policy will not seek contribution from the City's insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and

costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

In the event that Consultant or any employee, agent, or subconsultant of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. LICENSES, PERMITS, ETC. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. TERM/TERMINATION.

A. The term of this Agreement shall commence upon the date first hereinabove written and shall expire upon completion of performance of Services hereunder by Consultant.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by **LENKA HOVORKA** of the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

THE MEJORANDO GROUP	**CITY OF NEWARK**
PATRICK IBARRA	LENKA HOVORKA
Consultant	**Administrator**
Address: The Mejorando Group Attn: Patrick Ibarra 7409 North 84th Avenue Glendale, AZ 85305	City of Newark Attn: Lenka Hovorka 37101 Newark Boulevard Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

By _____
City of Newark

Date 11-23-21

PATRICK IBARRA DBA
THE MEJORANDO GROUP,
a sole proprietorship

By _____
Consultant

Date 11/22/21

Patrick Ibarra
Printed Name

Attest:

_____
City Clerk

Date 11/23/2021

Approved as to form:

_____
City Attorney

Date 11/22/21

EXHIBIT A

SCOPE OF SERVICES

Proposed Training Services Program:

The size of the City's workforce is sufficient to create an in-house Learning/Training Program, with a primary focus on supervisory, management and leadership skills.

The Learning/Training Program would encompass two (2) levels to categorize, in broad terms, the experiences, exposure, behaviors and awareness of City employees. These two levels/tiers are: 1) Emerging/Beginning Leaders and 2) Intermediate Managers.

All our training/learning workshops are 3 ½ hours in length, which tends to work well with the demands placed on employees, allowing them the balance of the day to attend to job/role-related matters.

Emerging/Beginning Supervisors: This is for those employees who either are on the cusp of becoming a supervisor or who have served in that role less than three years. It will include a cohort group of no more than twenty employees who will attend workshops periodically, such as every other week or once a month, on the following topics:

Sample Program for Emerging/Beginning Leaders

1) Art of Delegation
2) Building Great Work Teams
3) Every Employee is a Chief Experience Officer (CEO)
4) Managing Employee Performance
5) Positive Motivation = Positive Performance
6) The "Newark Way:" Hiring and Promoting for Fit
7) Transitions: You've Been Promoted

Intermediate Managers: These workshops are focused on those employees who have served in a supervisory/management role more than three years. It will include a cohort group of no more than twenty employees who will attend ½ day workshops every other week or once a month, on the following topics:

Sample Program for Intermediate Leaders – Mid Managers

1) Building Great Work Teams
2) Creative Problem Solving
3) Facilitating a Service Culture
4) Managing Employee Performance
5) Modern Workforce: 2021 and Beyond!
6) Transitions: You've Been Promoted
7) We've Always Done It That Way Is Over: What's Next?

The sample program can of course, be modified to best meet the city's needs.

Proposed Executive Leadership Team Facilitation Services:

We refer to off-site meetings we design and facilitate as an **Advance** as opposed to a Retreat; the commonly referred term applied to these types of meetings. Our work is aimed at helping groups perform better while satisfying individual needs at the same time.

Our role is an essential element to a successful process and achieving desired outcomes. These key skill sets reflect our philosophy and approach:

- ✓ Effective facilitation skills and meeting management
- ✓ Extensive knowledge of local government
- ✓ In-depth expertise in providing a range of change and organizational effectiveness strategies and tactics
- ✓ Add value during the discussion and throughout the process
- ✓ Fair, objective, and impartial to all participants
- ✓ Stimulate and encourage discussion and creative ideas
- ✓ Treat everyone equally and with respect

Selection of an experienced facilitator is key as they ensure all points of view are aired and considered. Patrick Ibarra will utilize thought-provoking and relevant exercises to actively engage the group, use consensus decision-making techniques, guide group discussions to stay on track, manage conflict using a collaborative approach, and create an environment where members enjoy a positive, growing experience while they work to attain group goals. He possesses a certification in Facilitation by Development Dimensions International, one of the leaders in the marketplace.

The **Scope of Services** includes the following:

1. **Meet (by telephone) with the City Manager and department directors** to obtain their perspectives about a variety of issues that will/may serve as the focus of the Advance meeting. Conferring with key stakeholders prior to the actual Advance meeting can be quite beneficial in generating positive support for the meeting, as well as to better determine which issues should be addressed at the meeting. Based on this discussion, a tentative agenda for the meeting will be prepared and reviewed for final adoption.

2. Design and facilitate one full-day Advance workshop with the Executive Leadership Team. The framework recommended for activities at the Advance session is the "Six Realms of Leadership" members of the executive leadership team operate in: 1) Self-awareness; 2) to the City Manager; 3) to colleagues; 4) to one's staff members (**including a specific emphasis on the Training Program to be launched in 2022**); 5) to Mayor and Councilmembers and other elected officials; and 6) to the community.

At this time, while the actual agenda for the meeting has not been drafted, the following is a **general outline** as used in similar situations.

• "Leadership during Uncertain Times" - View brief clip from documentary film "Lewis and Clark: The Corps of Discovery" to explore a version of leadership and applicability to the City of Newark. (The arts, and this clip in particular, are

effective at challenging people's assumptions and illuminating their perspective about their role in challenging and unpredictable environments).

• "Change as a Process, not an Event" - Examine the various trends impacting the role of government, the city in general, and the departments in particular, and discuss ways to translate the headwinds of change into a tailwind. (Always beneficial to begin these sessions with a look into the crystal ball).

• "Public Servants – Past, Present and Future" - The scrutiny applied by members of the general public and elected officials to those who chose a career in public service continues to intensify. The group will explore the ecosystem in which public service is evolving and identify what needs to be preserved (the 'roots') and what needs to be changed (the 'anchors' weighing down progress). (A relevant subject to explore as the role of government is magnified.)

• "Ingredients for a Successful Service Organization (SSO) and How Are We Doing?" - In this exercise, the seven ingredients which comprise a public-sector SSO will be shared, and a discussion will ensue about how well the organization is performing against those criteria. (Designed to get participants to do some deep thinking about the organization's current level of performance and potential for improvement).

• "Profile of a successful CEO (Chief Example Officer)" - Identify and discuss the competencies which are essential to a member of the Executive Leadership Team achieving success and how they can be utilized to groom potential successors. (Raises self-awareness about one's strengths and areas for improvement)

• "Leadership: Horizontal and Vertical" - Discussion about the everexpanding requirements of those attending about their respective roles delivering department services (vertical) along with partnering with peers in other departments and as a member of the Executive Leadership Team (horizontal). (Purpose is to expand the aperture of members about their role on the ELT).

• "The Leadership Equation" - An examination of the three components which comprise the Leadership Equation: Believability, Credibility, and Trust. (Reminds people that trust is the currency in every healthy relationship and in the workplace, cultivating trusting partnerships is mission-critical).

• "Purpose Check" - In this activity each participant writes the team's (i.e., Executive Leadership Team) purpose on a small Post it Note and post what they have written on the flip chart paper along the wall. Purpose statements should be no more than one sentence. When everyone has posted a purpose statement, participants visit the wall and review those statements on the wall and write down what they believe are the common themes. (Serves to clarify expectations among group members about the intent and function of the ELT. These will be their

words, not mine or yours. Will provide a set of principles to reference going forward).

• "The Newark Way and Six Ways Organizational Culture affects Employee Motivation" - Participants discuss the three motives which increase employee performance and the three which reduce it and explore how these apply to the City's workplace culture. (Excellent device to examine the anatomy of the various cultures and sub-cultures present in the workplace and explore methods leaders as catalysts can utilize in adapting the culture to shifting times).

• "Future Ready" - Based on the articles - "Organizing for the Future" by McKinsey and Company" and mine "Innovating Your Future" – participants will respond to the question – "Is Newark changing as fast as the world around us? Participants will consider what modifications are needed to refresh the city's "recipe for success." (Superb thought-provoking activity to translate the forces for change into a tailwind.)

Patrick will facilitate the meeting by utilizing an approach that encourages the full participation of attendees, creates a relaxed and productive meeting environment, and keeps the group on-track with accomplishing agreed upon objectives.

The outcome of the Advance meeting is for members to create a consensus on the future challenges confronting the organization and the role the ELT plays in responding to current and potential challenges/issues. Moreover, there will be tools and techniques members can use to operationalize the take-aways from the various exercises into their daily work, staff meetings and overall, strengthen the importance of performance within the workplace culture.

EXHIBIT B

PAYMENT

Training Services Fee Schedule:

The fee to design and present training/learning workshops is $4,200 for full-day and $2,900 for half-day. The intent would be to be onsite and present two ½ day workshops – one in morning and a second in the afternoon, to two different groups. The total for each full day of training is $4,200. The total Fee to present seven training workshops for two groups is $29,400. Assuming there is a total of forty employees participating in the training program the fee per employee is $735 to attend seven training workshops. Travel reimbursement is in addition to the fee.

Executive Leadership Team Facilitation Services Fee Schedule:

The fee to provide services and a half-day in-person Advance session with Executive Leadership Team is $3,500 plus reimbursement for travel related expenses.

EXHIBIT C

QUALIFICATIONS

Training Services:

Founded in 2002, the Mejorando Group, a Hispanic-owned Minority Business Enterprise (MBE) is a consulting practice focused on improving the performance and effectiveness of public sector organizations. Offering consultation, facilitation, and training the Mejorando Group values building and sustaining customer relationships by helping align your most important resource – your people – so that your organization moves faster and more effectively toward accomplishing your goal of high-quality public service. **We take our name from the Spanish word, Mejorando, which translated means "Getting Better All The Time." This reflects our commitment to our approach with clients who are seeking new ways to improve constantly.**

We feature a proven record of partnering with organizations through the myriad of issues influencing individual performance, group/team interactions, and overall organizational effectiveness. Our "hands-on" approach and ability to collaborate with all levels, from field personnel to executive management, enable us to integrate strategy, structure, process, quality, and culture to the desired end: optimal performance.

The Mejorando Group is a sole proprietor business structure, augmented with a solid group of professionals that have served as executives and managers in organizations from both the public and private sector, and together have several years of experience working in all aspects of local government management. As a result, we bring you extensive experience, breadth of expertise, strong people management skills, seasoned judgment and a valuable perspective that provides for an immediate connection with your organization's employees.

Our full range of services includes the following:

- Leadership and Management Development Programs and Services:
    - Succession Planning Programs - We are one of the country's leading experts in effectively addressing the impacts from the changing workforce and designing succession planning programs. Mr. Ibarra is frequent speaker on this topic at national conferences and has published several articles, as well. We design and implement all aspects of a robust Succession Planning Program which focuses on establishing job-level Competencies and recommending targeted improvements to Recruitment, Selection, Leadership Development, Training, and Promotional processes – in which all are synchronized towards equipping an agency's workforce with the skills and capabilities to maintain high-quality service delivery and effective local government.
    - Training/Learning - Design and Delivery - We develop training/learning strategies, design and deliver a range of skills-based training workshops for employees at all levels. Our "instructor-led, participant centered" approach to training limits lecture and focuses on using a variety of instructional methods

(e.g., discussions, video-clips, case studies, small group exercises, handouts to complete, skill-practices, and group discussions) to maximize the use of Adult Learning. Our goal is for participants to master the knowledge, skills and behaviors emphasized in the training program and apply them to their day-to-day activities.

- Coaching – We provide performance coaching services to middle and senior level managers and seasoned executives designed to improve individual performance and organizational effectiveness. We are certified in Performance Assessment (i.e., 360-degree feedback processes) from the Center for Creative Leadership.
- Knowledge Transfer – We provide leading edge practices enabling organizations to effectively transfer high value tacit knowledge essential for business continuity. Knowledge Transfer is a rapidly growing occurrence within forward-thinking organizations concerned about the mitigating the impacts of the departure of seasoned employees.

- Facilitation - Our approach to facilitation, from team building to strategic planning, enables a group to focus on future business conditions and generate progressive strategies and innovative tactics to effectively anticipate and respond to those often-changing circumstances. This results in a proactive and dynamic approach to sustaining a high-quality, highperformance organization. We are certified in Facilitation Skills from Development Dimensions International (DDI).

- Organizational Effectiveness and Process Improvement - We review and analyze various functional areas within an organization to help discover more effective ways to manage and perform management and organizational activities. The Mejorando Group helps organizations succeed in their efforts to excel by utilizing a results-oriented approach that assesses the current effectiveness of human capital, business strategies, structures, programs, work processes, and measurement systems. Strategies and tactics are provided to disrupt the status quo, and breakthrough practical solutions are implemented to align the organization's people and work processes toward high performance.

- Change Management - Managing change is the most important aspect of any effort to improve employee performance and organizational effectiveness. We view change management as a process and help to guide implementation of change initiatives by utilizing and engendering in others the methods, tools, and expertise which focus on both the human and organizational aspects of the change. We provide a series of sequenced actions that will effectively disrupt the status quo and implement sustainable change.

Executive Leadership Team Facilitation Services:

Founded in 2002, the Mejorando Group, a Hispanic owned and Certified MinorityBusiness Enterprise (MBE), is a consulting practice focused on improving the management and operation of government organizations. Offering consultation, facilitation, and training the Mejorando Group values building and sustaining customer relationships by helping align your most important resource – your people – so that your organization moves faster and more successfully toward accomplishing your goal of high-quality public service. **We take our name from the Spanish word, Mejorando, which translated means "Getting Better All The Time." This**

reflects our commitment to our approach with clients who are seeking new ways to improve constantly.

Against a backdrop of changing mission requirements, shifting workforce demographics and increased public expectations of what the government can deliver, local governments are striving to attain the next level of performance – incorporating mission changes while they implement new technologies, equip an emerging workforce, adapt operating practices, and maintain stable budgets and respond to fluctuating budgets. These multiple challenges are having a profound effect on the resources public sector agencies require, creating a need for organizations to adjust the size and mix of their workforce, leverage alternate workforce resources, and strengthen workforce capabilities.

We feature a proven record of partnering with organizations through the myriad of issues influencing individual performance, group/team interactions, and overall organizational effectiveness. Our "hands-on" approach and ability to collaborate with all levels, from field personnel to executive management, enable us to integrate strategy, structure, process, quality, and culture to the desired end: optimal performance.

The Mejorando Group is comprised of professionals that have served as executives and managers in organizations from both the public and private sector, and together have several years of experience working in all aspects of local government management. As a result, we bring you extensive experience, breadth of expertise, strong people management skills, seasoned judgment and a valuable perspective that provides for an immediate connection with your organization's employees.

Our full range of services includes the following:

- **Group Facilitation** – Our approach to facilitation, from group development to strategic planning, enables a group to focus on future conditions and generate progressive strategies and innovative tactics to effectively anticipate and respond to those often-changing circumstances. This results in a proactive and dynamic approach to sustaining a high-quality, high-performance organization. We are certified in Facilitation Skills from Development Dimensions International (DDI).
- **Talent Management Programs and Services:**
    - **Succession Planning Programs** – We are one of the country's leading experts in effectively addressing the impacts from the changing workforce and designing succession planning programs. We design and implement all aspects of a robust Succession Planning Program which focuses on establishing job-level Competencies and recommending targeted improvements to Recruitment, Selection, Leadership Development, Workforce Learning/Training, and Promotional processes – in which all are synchronized towards equipping an agency's workforce with the skills and capabilities to maintain high-quality service delivery and effective local government.
    - **Learning/Training – Design and Delivery** - We develop learning/training strategies, design workshops, deliver and evaluate

training, and provide coaching to executives and managers. Our "instructor-led, participant centered" approach to training limits lecture and focuses on using a variety of instructional methods (e.g., discussions, video-clips, case studies, small group exercises, handouts to complete, skill-practices, and group discussions) to maximize the use of Adult Learning. Our goal is for participants to master the knowledge, skills and behaviors emphasized in the training program and apply them to their day-to-day activities. We feature over forty (40) competency-based training workshops for workforce members from all areas of your organization, front-line to executives. o Leadership and Management Academy(ies) – We design and implement Leadership and Management Academies including assisting with candidate selection processes, curriculum development, training delivery including an on-line/web-based component, and facilitation of action learning teams.

- **Coaching** – We provide coaching services to middle and senior level managers and seasoned executives designed to improve individual performance and organizational effectiveness. We are certified in Performance Assessment (i.e., 360-degree feedback processes) from the Center for Creative Leadership.
- **Mentoring Programs** – We design and implement award-winning Mentoring Programs that reflect an organization's culture and match leaders as mentors with those employees interested in accelerating their performance and career trajectory.
- **Knowledge Transfer** – We provide leading edge practices enabling organizations to effectively transfer high value tacit knowledge essential for business continuity. Knowledge Transfer is a rapidly growing occurrence within forward-thinking organizations concerned about the mitigating the impacts of the departure of seasoned employees.
- **Organizational Analysis and Process Improvement** – We review and analyze various functional areas within an organization or agency to help discover more effective ways to manage and perform management and organizational activities. The Mejorando Group helps organizations succeed in their efforts to excel by utilizing a results-oriented approach that assesses the current effectiveness of existing strategies, structures, programs, work processes, and measurement systems. Strategies and tactics are provided to disrupt the status quo, and breakthrough practical solutions are implemented to align the organization's people and work processes toward high performance.
- **Change Management** - Managing change is the most important aspect of any effort to improve employee performance and organizational effectiveness. We view change management as a process and help to guide implementation of change initiatives by utilizing and engendering in others the methods, tools, and expertise which focus on both the human and organizational aspects of the change. We provide a series of sequenced actions that will effectively disrupt the status quo and implement sustainable change.

Ours is a virtual consulting firm in which we blend our expertise and experience with that of other boutique-type firms to benefit our clients. This arrangement generates multiple dividends, including the application of extensive subject-matter experts and seasoned organizational development practitioners combined with the vast experience and expertise of former local government executives. Together, we help to effectively disrupt the status quo and bring leading-edge solutions to improve employee performance and organizational effectiveness.

Beyond our website which provides general information on our firm, services we provide, list of clients, and resources such as articles we have authored, we are extremely active in social media, providing relevant and timely content to those persons who are vigilant about "getting better all the time." Finally, each quarter we author an e-newsletter, "Moving Forward" distributed to over 4,000 public sector professionals providing a path forward through the turbulent times impacting government.

Profile/Resume:

PATRICK IBARRA
CO-FOUNDER AND PARTNER, THE MEJORANDO GROUP

As co-founder and partner, Patrick Ibarra is responsible for Talent Management (i.e., Workforce and Succession Planning), Strategic Planning Processes and Facilitation and Organizational Effectiveness services. As a Consultant and Manager in both public and private sector organizations, **including as a city manager** and human resource director, Mr. Ibarra brings organizations over 35 years of experience and a shared understanding of the particular demands and constraints placed on organizations and their employees.

Patrick has designed and facilitated hundreds of customized organization development efforts specifically for local governments designed to transition and sometimes transform from the prevailing to the preferred culture. He has extensive depth and breadth of subject matter expertise in the many facets of organization development assessment tools (interviews, focus groups, surveys, 360-degree feedback instruments, etc.) and intervention strategies (culture change, strategic planning and execution, teambuilding/group development, etc.).

A Speaker, Author and Conference Presenter, Mr. Ibarra also serves on the adjunct faculty staff at Arizona State University. He teaches courses on organizational change.

Employment History

- The Mejorando Group Consulting Practice, Co-Founder and Partner
- City of Port Angeles, Washington City Manager
- City of Mason, Ohio Assistant City Manager/Human Resource Director
- City of Emporia, Kansas, Management Assistant, Office of the City Manager
- City of Phoenix, Arizona, Management Assistant, Public Works Department

Education

- Master of Human Resources and Organization Development, University of San Francisco

- Master of Public Administration, Arizona State University
- • Bachelor of Science degree, Political Science, Central Missouri State University
- Graduate of the University of Virginia Senior Executive Institute for Public Service
- Certified to administer Assessment and Performance Support tools, Center for Creative Leadership
- Certified Facilitator, Development Dimensions International

Publications

- "A Healthy Workplace Culture is the "Secret Sauce" for Success, Part 2" – September 2021 issue of Public Management by ICMA
- "A Healthy Workplace Culture is the "Secret Sauce" for Success, Part 1" – August 2021 issue of Public Management by ICMA
- "Don't Get Ready, Get Started – Your Innovation Fitness Plan" April 2021 issue of Public Management by ICMA
- "We've Always Done It That Way Is Over: Part Four – Innovating Your Future" – December 2020 issue of Public Management by ICMA
- "We've Always Done It That Way Is Over: Part Three – Reimagining Your Community" August 2020 issue of Public Management by ICMA
- "We've Always Done It That Way Is Over: Part Two - Building a Talent Centric Workforce" May 2020 issue of Public Management by ICMA
- "We've Always Done It That Way Is Over: Part One - What's Next; Leading Change is a Process, not an Event" February 2020 issue of Public Management by ICMA
- "Every Employee is a Chief Experience Officer" November 2019 issue of Public Management by ICMA
- "How to Create a Performance-Driven Workforce" July 2019 issue of Public Management by ICMA
- "Drivers of High Performance - Pay Attention to Your Rock Stars" April 2019 issue of Public Management by ICMA
- "Must Reads for Leaders – Part 2" December 2018 issue of Public Management by ICMA
- "Must Reads for Leaders - Part 1" September 2018 issue of Public Management by ICMA
- "Team Builders: New Approaches to Creating the Next Government Workforce" July/August 2018 edition of City Voice published by the Association of Washington Cities
- "Quality Government" June 2018 issue of Public Management by ICMA
- "The Recipe for Success" March 2018 issue of Public Management by ICMA
- "The Future of Leadership Has Arrived" February 2018 issue of Texas City and City published by the Texas Municipal League
- "Crafting a Healthy Workplace Culture" November 2017 issue of Public Management published by ICMA
- "The Changing Workplace" June 2017 issue of Public Management published by ICMA
- "Curating a Healthy Workplace Culture" June 13, 2017 issue of Governing.com
- "Make CLEAR Your Path?" March 2017 issue of Public Management published by ICMA

- "17 Local Government Predictions for a Successful 2017" published by ICMA
- "Building a 21st Century Workforce" December 2016 issue of CSMFO Magazine published by the California Society of Municipal Finance Officers
- "Cultivating Creative Leadership" December 2016 issue of Public management published by ICMA
- "Six Ways to Engineer Public-Employee Engagement" November 29, 2016 issue of Governing.com
- "Mission Critical Mentoring" September 2016 issue of Public Management published by ICMA
- ♣ "Building Governments Employer Value" August 16, 2016 Issue of Governing.com
- "How Fit are you to Advance?" June 2016 issue of Public Management published by ICMA
- "Getting More Value out of the Government HR Department" May 11, 2016 issue of Governing.com
- "Talent Management" March 2016 issue of Public Management published by ICMA
- "Why Government Needs to Ramp Up Succession Planning" February 10, 2016 issue of Governing.com
- "Next Generation Professionals: An Inside Look at What Matters to Them" August 2015 issue of Public Management published by ICMA
- "The Role of the Customer Experience in the Value of Government" July 21, 2015 issue of Governing.com
- "Career Management in the 21st Century" Texas City and City February 2015 issue
- "Retaining A+ Performers in the Finance Department" February 2015 issue of Government Finance Review published by the Government Finance Officers Association
- "What Government can learn from the Culture of Apple" January 20, 2015 issues of Governing.com
- "How Governments Can Hold onto Their Top Performers" October 1, 2014 issue of Governing.com
- "The Future of Government: Me and My Career" March/April 2014 issue of California Special Districts Association Magazine

Conference Presentations – 2021

- **California Municipal Treasurers' Association**
- **California State Association of County Auditors**
- Illinois Public Employer Labor Relations Association
- International City/County Management Association Conference (ICMA)
- IPMA-HR, Virginia chapter
- Minnesota City/County Management Association
- Utah Risk Management Agency

STAFF REPORT

Item D. 10.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Salvador Sandoval, Lieutenant
SUBJECT	Adopt a Resolution authorizing the City Manager to execute an agreement with All City Management Services, Inc. to provide Crossing Guard Services for the Newark Unified School District and amend the 2022-2024 Biennial Budget and Capital Improvement Plan.

SUMMARY AND RECOMMENDATION

The purpose of this report is to facilitate a service agreement with a crossing guard service provider for the City and the Newark Unified School District (NUSD). Staff recommends that the City enter into a one-year agreement with All Cities Management Services (ACMS).

ACMS would be responsible for providing complete day-to-day crossing guard services for 180 school days. Police Department staff issued a public Request for Proposals (RFP) and determined ACMS to be the most qualified.

Staff recommends that the City Council approve a resolution authorizing the City Manager to execute a contractual services agreement (CSA) with ACMS not-to-exceed $152,101 to provide crossing guard services for NUSD schools for the 2023-2024 school year.

Staff further recommends that the City Council authorize a budget amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year (FY) 2024 by appropriating an additional $10,101 for crossing guard services.

BACKGROUND

The City of Newark has maintained an agreement with ACMS to provide for school crossing guard services at NUSD schools since August 2011. On August 25, 2021, the City approved an agreement for the extension of the school crossing guard service through June 30, 2022. The NUSD 2022-2023 school year agreement with ACMS commenced on July 1, 2022, and will end on June 30, 2023. On March 29, 2023, ACMS notified the City of Newark of an increase in the billing rate for the 2023-2024 school year. The increase prompted a public Request for Proposals (RFP) to explore any other service providers in the area. The attached updated agreement with ACMS for the 2023-2024 school year would commence on August 9, 2023, and end on June 30, 2024.

DISCUSSION/ANALYSIS

According to ACMS, because of the post-COVID-19 pandemic, high staff turnover and challenges with retention caused ACMS to transition its recruitment for employees from an older and stable workforce to a younger mobile workforce. The younger generation of employees are more sensitive to cost-of-living increases and are seeking higher wages and more hours. Employees often accepted a position with ACMS and worked from days to months before abruptly leaving for higher paying jobs. The retention challenge has contributed to the need for them to increase the billing rates to their customers.

This year, ACMS crossing guard hourly rate of $32.08 will increase by 8% to $34.49 for the 2023-2024 school year. The projected and "not to exceed" amount" listed in the service agreement to provide school crossing guard services this school year is $152,101, payable bi-weekly based on a rate of $34.39 per hour, per crossing guard, with an option to extend beyond the end of the term at an amount mutually agreed upon by the City of Newark and ACMS. This is an increase of $10,628 from the 2022-2023 agreement that had a "not to exceed" amount of $141,473. There is a total of eight crossing guards located at seven NUSD schools. Newark Junior High School (NJHS) has two crossing guards. The second NJHS crossing guard also serves as a reserve crossing guard to backfill any other school where there is an unexpected absence or scheduled vacancy.

The following NUSD schools receive crossing guard services:

1. Birch Grove Primary Elementary School
2. Birch Grove Intermediate Elementary School
3. Coyote Hills Elementary School
4. Kennedy Elementary School
5. Lincoln Elementary School
6. Schilling Elementary School
7. Newark Junior High School

FISCAL IMPACT

An adopted budget of $142,000 in the general contractual services category was appropriated to the Police Department's School Crossing Guard Program for both FY 2023 and FY 2024 for the purpose of providing crossing guard services to the NUSD. Increasing the CSA not-to-exceed amount to $152,101 will require increasing the budget by $10,101.

Staff recommends that the City Council authorize a budget amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024 as follows:

TO:	110.30.030.301.6221	Crossing Guard Services	$10,101
FR:	110.3000	Unappropriated Fund Balance	$10,101

REVIEW AND APPROVAL

Prepared by - Salvador Sandoval, Police Lieutenant
Reviewed by - Gina Anderson, Police Chief
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution Crossing Guard
ACMS Contract
766_Resolution_Crossing_Guard

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACTUAL SERVICE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR SCHOOL CROSSING GUARDS AND AMEND THE 2022-2024 BIENNIAL BUDGET

WHEREAS, the City of Newark has maintained an agreement with All City Management Services, Inc. (ACMS) to provide crossing guard services for Newark Unified School District schools (NUSD) since August 2011; All City Management Services has assumed the day-to-day operations of crossing guard services at the city's junior high and elementary school locations. Their service ensures our children and families safely cross the street at designated intersections during the high traffic times before and after school; and

WHEREAS, funding in the amount of $142,000 has been allocated to the Newark Police Department to provide crossing guard services to the Newark Unified School District and the cost of the service has increased this year by 8%. The total cost forecasted to be approximately $152,101 for the remaining FY2022-2024. A budget amendment would be required for this contractual service agreement with All City Management Services to increase it by $10,101 – not to exceed amount of $152,101 per fiscal year; and

WHEREAS, staff issued a Request for Proposal (RFP) for crossing guard services bids; and

WHEREAS, the City received four (1) responsive submittal to the RFP; and

WHEREAS, based on staff's evaluation, All City Management Services, Inc. was determined to be the most qualified firm for the program; and

WHEREAS, All City Management, Inc's. costs associated with the service are not-to-exceed $152,101; and

WHEREAS, staff recommends amending the 2022-2024 Biennial Budget appropriating an additional $10,101 from the Unappropriated Fund (3000) to the Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the foregoing recitals are true and correct and hereby incorporated as though fully set forth herein.

BE IT FURTHER RESOLVED the City Council approves and authorizes the City Manager to execute an agreement with All City Management Services, Inc., in an amount not to exceed $152,101 per fiscal year and in a form approved by the City Attorney and amend the 2022-2024 Biennial Budget to increase by $10,101 for fiscal years 2023 and 2024 as follows:

TO: 110.30.030.301.6221	Crossing Guard Services	$10,101
FR: 110.3000	Unappropriated Fund Balance	$10,101

BE IT FURTHER RESOLVED that the City Manager is authorized to take all actions necessary to effectuate the intent of this resolution.

AGREEMENT FOR CROSSING GUARD SERVICES

This AGREEMENT FOR CROSSING GUARD SERVICES (the "Agreement") is dated May__, 2023 and is between the CITY OF NEWARK (hereinafter called the "City"), and ALL CITY MANAGEMENT SERVICES, INC., a California corporation (hereinafter called the "Contractor").

WITNESSETH

The parties hereto have mutually covenanted and agreed as follows:

1. This Agreement is for a period which commences on or around August 10, 2023 and ends on June 30, 2024 and for such term thereafter as the parties may agree upon by written amendment to this contract. Service shall begin on a best availability basis until such a time as Contractor has hired, trained and deployed Crossing Guards to all sites requested by the City. Contractor shall update City weekly as to personnel ready to deploy. City agrees to provide site locations for Contractor to then assign and deploy Crossing Guards. Contractor shall assume liability for only those sites agreed to by both Contractor and the City by written amendment stating effective date of assignment.

2. The Contractor will provide personnel equipped and trained in appropriate procedures for crossing pedestrians in marked crosswalks. Such personnel shall be herein referred to as a "Crossing Guard". The Contractor is an independent contractor and the Crossing Guards to be furnished by it shall at all times be its employees and not those of the City.

3. The City's representative in dealing with the Contractor shall be designated by the City of Newark.

4. The City shall determine the locations where Crossing Guards shall be furnished by the Contractor. The Contractor shall provide at each designated location personnel properly trained as herein specified for the performance of duties as a Crossing Guard. The Contractor shall provide supervisory personnel to see that Crossing Guard activities are taking place at the required places and times, and in accordance with the terms of this Agreement.

5. The Contractor shall maintain adequate reserve personnel to be able to furnish alternate Crossing Guards in the event that any person fails to report for work at the assigned time and location and agrees to provide immediate replacement.

6. In the performance of its duties the Contractor and all employees of the Contractor shall conduct themselves in accordance with the conditions of this Agreement and all applicable laws and codes of the State of California and the City of Newark.

7. Persons provided by the Contractor as Crossing Guards shall be trained in the laws and codes of the State of California and the City of Newark in which the Services (as defined below) are to be performed pertaining to general pedestrian safety in school crossing areas.

8. Crossing Guard Services (the "Services") shall be provided by the Contractor at the designated locations on all days in which school is in session in the area under City's jurisdiction. The

Contractor also agrees to maintain communication with the designated schools to maintain proper scheduling.

9. The Contractor shall provide all Crossing Guards with apparel by which they are readily visible and easily recognized as Crossing Guards. Such apparel shall be uniform for all persons performing the duties of Crossing Guards and shall be worn at all times while performing said duties. This apparel must be appropriate for weather conditions. The Contractor shall also provide all Crossing Guards with hand-held Stop signs and any other safety equipment which may be necessary.

10. **INSURANCE.** Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, subcontractors, or employees.

A. Verification of Coverage.

Contractor shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Contractor shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01 covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if Contractor has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Contractor shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Contractor shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Contractor changes insurance carriers Contractor shall purchase "tail" coverage or otherwise provide for continuous coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Contractor changes to a new carrier.

F. Wasting Policies.

No policy required by this Section 10 shall include a "wasting" policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Contractor fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Contractor's breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Contractor to stop work under this Agreement or withhold any payment that becomes due to Contractor hereunder, or both stop work and withhold any payment, until Contractor demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Contractor shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Contractor; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Contractor's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Contractor's insurance and shall not be contribute with it. Contractor's policy will not seek contribution from the City's insurance or self insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subcontractors. Contractor shall include all subcontractors as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Contractor for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this Section 10 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

11. **REPORTING DAMAGES.** If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Contractor shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Contractor shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 18, hereinbelow) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Contractor's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

12. **INDEMNIFICATION/SAVE HARMLESS.** To the fullest extent permitted by law, the Contractor shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Contractor's performance of Services, or any negligent or wrongful act or omission of Contractor or Contractor's officers, employees, agents, or subcontractors. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. If it is finally adjudicated that liability was caused by the comparative negligence or willful misconduct of an indemnified party, Contractor's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

The duty to defend is a separate and distinct obligation from Contractor's duty to indemnify. Contractor shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City (such approval not to be unreasonably withheld or conditioned) immediately upon tender to Contractor of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative negligence or willful misconduct by an indemnified party does not relieve the Contractor from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Contractor asserts that liability is caused in whole or in part

by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole negligence or sole willful misconduct of an indemnified party, Contractor may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs arising from the representation of such independent defense counsel.

The review, acceptance or approval of Contractor's work or work product by any indemnified party shall not affect, relieve or reduce Contractor's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Contractor/Subcontractor's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

13. Either party shall have the right to terminate this Agreement by giving sixty (60) days written notice to the other party.

14. The Contractor shall not have the right to assign this Agreement to any other person or entity except with the prior written consent of the City.

15. The City agrees to pay the Contractor for the Services rendered pursuant to this Agreement the sum of Thirty-four Dollars and Forty-nine Cents **($34.49)** per hour, per Crossing Guard during the term. Based on a minimum of eight (8) sites and upon a projected (4,410) hours of service the cost shall not exceed One Hundred Fifty-two Thousand, One Hundred and One Dollars ($152,101.00) per year, unless Contractor fails to perform service.

16. Payment is due within thirty (30) days of receipt of Contractor's properly prepared invoice.

17. Contractor may request a price increase during the term as a result of any legally-mandated increases in wages or benefits imposed in the state or municipality in which the Services are to be performed and to which Contractor's employees would be subject. Contractor shall provide City with 60 days-notice of its request to increase pricing. City agrees to review and respond to said notice within 30 days of receipt. In no event shall the "not to exceed" amount of this Agreement exceed One Hundred Fifty-two Thousand, One Hundred and One Dollars ($152,101.00) per year unless amended pursuant to the terms of this Agreement.

18. The City shall have an option to renew this Agreement. In the event this Agreement is extended beyond the end of the term set forth above, the compensation and terms for the Services shall be established by mutual consent of both parties.

19. This Agreement constitutes the complete and exclusive statement of the agreement among the parties with respect to the subject matter hereof and supersedes all prior written or oral statements among the parties, including any prior statements, warranties, or representations. This Agreement is binding upon and will inure to the benefit of the parties hereto and their respective heirs, administrators, executors, successors, and assigns. Each party hereto agrees that this Agreement will be governed by the law of the state in which the Services are to be performed, without regard to its conflicts of law provisions. Any amendments, modifications, or alterations to this Agreement must be in writing and

signed by all parties. There will be no presumption against any party on the ground that such party was responsible for preparing this Agreement or any part of it. Each provision of this Agreement is severable from the other provisions. If any provision of this Agreement is declared invalid or contrary to existing law, the inoperability of that provision will have no effect on the remaining provisions of the Agreement which will continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year written below.

CITY	**CONTRACTOR**
City of Newark	**All City Management Services, Inc.**
By_____	By_____
Signature	D. Farwell, Corporate Secretary
_____	
Print Name and Title	
Date_____	Date_____

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACTUAL SERVICE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR SCHOOL CROSSING GUARDS AND AMEND THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN.

WHEREAS, the City of Newark has maintained an agreement with All City Management Services, Inc. (ACMS) to provide crossing guard services for Newark Unified School District schools (NUSD) since August 2011;

WHEREAS, All City Management Services has assumed the day-to-day operations of crossing guard services at the city's junior high and elementary school locations. Their service ensures our children and families safely cross the street at designated intersections during the high traffic times before and after school; and

WHEREAS, staff issued a Request for Proposal (RFP) for crossing guard services bids; and

WHEREAS, the City received four (1) responsive submittals to the RFP; and

WHEREAS, based on staff's evaluation, All City Management Services, Inc. was determined to be the most qualified firm for the program; and

WHEREAS, funding in the amount of $142,000 was previously appropriated to the general contractual services category for the Newark Police Department to provide crossing guard services to the Newark Unified School District and the cost of the service has increased this year by 8%. The total cost is estimated to be approximately $152,101 for Fiscal Year 2024; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the foregoing recitals are true and correct and hereby incorporated as though fully set forth herein.

BE IT FURTHER RESOLVED the City Council authorize the City Manager to execute an agreement with All City Management Services, Inc., in an amount not to exceed $152,101 per fiscal year and in a form approved by the City Attorney

BE IT FURTHER RESOLVED the City Council authorize a budget amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024 as follows:

TO:	110.30.030.301.6221	Crossing Guard General Contractual Services	$10,101
FR:	110.3000	Unappropriated Fund Balance	$10,101

BE IT FURTHER RESOLVED that the City Manager is authorized to take all actions necessary to effectuate the intent of this resolution.

STAFF REPORT

Item E. 1.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Soren Fajeau, Public Works Director
SUBJECT	Hearing to consider adopting a resolution to confirm the diagram and assessments and to levy and collect assessments in conjunction with Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19

SUMMARY AND RECOMMENDATION

The City of Newark previously completed all necessary proceedings to establish Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 (collectively “Districts”) in order to fund ongoing landscaping and lighting maintenance and improvements at various locations in the City in accordance with the provisions of the Landscaping and Lighting Act of 1972. On April 27, 2023, the City Council initiated proceedings for the levy and collection of annual assessments for each established District and directed staff to prepare and file annual Engineer’s Reports detailing such assessments for the City Council’s consideration. On June 22, 2023, the City Council approved the annual Engineer’s Reports and set July 13, 2023, as the date for the required public hearing to consider the annual levy of assessment for each District.

This agenda item represents the last of the required annual actions by the City Council to levy and collect District assessments in Fiscal Year (FY) 2024. City Council shall conduct a public hearing, and at the conclusion of the public hearing, if a majority protest does not exist for any Districts, staff recommends the City Council adopt a resolution confirming the diagrams and assessments, and the levying and collection of assessments for the Districts.

BACKGROUND

The City Council previously established the Districts to provide for the annual operation and maintenance of certain landscaping and lighting improvements benefiting property within the Districts as summarized below.

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median streetlights along this portion of Central Avenue. The total assessment for this district, as stated in the approved Engineer’s Report is approximately $41,550 for FY 2024.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers – Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers. The total assessment for this district, as stated in the approved Engineer's Report is approximately $26,680 for FY 2024.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to the railroad tracks west of Cherry Street and maintenance of median islands and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the interior loop streets within the boundaries of Stevenson Point Technology Park, the maintenance of landscaping across from the Newark Unified School District property on Cherry Street, and the street lighting maintenance, trash capture device maintenance, and neighborhood park maintenance related to Benefit Zone No. 2 (Sanctuary). The total assessment for this district, as stated in the approved Engineer's Report is approximately $111,990 for FY 2024.

Landscaping and Lighting District No. 6: Cedar Boulevard and Duffel Redevelopment Area No. 2 – Authorized to provide for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard, plus the Stevenson Station Shopping Center. The district is inactive at this time because all the improvements are privately maintained to City standards. Should the improvements not be maintained to City standards, the district may be activated, so funding is available for the City to maintain the improvements. All property owners in this district will receive a "zero" assessment for FY 2024.

Landscaping and Lighting District No. 7: Newark Boulevard and Rosemont Square Shopping Center – Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center. The total assessment for this district, as stated in the approved Engineer's Report is approximately $25,590 for FY 2024.

Landscaping and Lighting District No. 10: Various locations throughout the City – Authorized to provide for the maintenance of street lighting, landscaping and landscape irrigation systems within public right-of-way and easement areas located throughout the City. A benefit zone has been established for each maintenance area. All benefit zones are inactive at this time because the improvements are privately maintained to City standards. Should the improvements not be maintained to City standards, the applicable benefit zone may be activated, so funding is available for the City to maintain the improvements. Since this district is for properties responsible for their own maintenance, all property owners within all benefit zones of this district will receive a

“zero” assessment for FY 2024.

Landscaping and Lighting District No. 11: Edgewater Drive - Provides for the maintenance of landscaped medians on Edgewater Drive. The total assessment for this district, as stated in the approved Engineer’s Report is approximately $28,175 for FY 2024.

Landscaping and Lighting District No. 13: Citation Homes and Bren developments on Thornton Avenue – Authorized to provide for maintenance of the landscaping and irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. The district is inactive at this time because all other improvements are privately maintained to City standards. Should the improvements not be maintained to City standards, the district may be activated, so funding is available for the City to maintain the improvements. Since this district performs its own maintenance of frontage landscaping, all property owners in this district will receive a “zero” assessment for FY 2024.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court. The total assessment for this district, as stated in the approved Engineer’s Report is approximately $5,050 for FY 2024.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 – Provides for the maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671, along with the landscaping, irrigation system, recreation facilities associated with the mini-park common area and any related appurtenant improvements. The total assessment for this district, as stated in the approved Engineer’s Report is approximately $19,900 for FY 2024.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 – Provides for the maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004. The total assessment for this district, as stated in the approved Engineer’s Report is approximately $6,235 for FY 2024.

Landscaping and Lighting District No. 18: Cedar Boulevard along the frontage of Tract 8130 – Provides for the maintenance of landscaping and the landscape irrigation system within the Cedar Boulevard median area along the frontage of Tract 8130 between Central Avenue and Smith Avenue. The total assessment for this district, as stated in the approved Engineer’s Report is approximately $10,980 for FY 2024.

Landscaping and Lighting District No. 19: Willow Street and Enterprise Drive in the Bayside Newark Transit Oriented Development – Provides for the maintenance of landscaping and the landscape irrigation system within the Willow Street and Enterprise Drive medians and traffic circles, maintenance of public street lighting systems, and maintenance of other improvements related to each benefit zone

associated with the Bayside Newark Transit Oriented Development. The total assessment for this district, as stated in the approved Engineer's Report is approximately $116,315 for FY 2024.

DISCUSSION/ANALYSIS

There are no new improvements or substantial changes to existing improvements associated with the Districts for FY 2024. City staff is recommending FY 2024 assessments for the Districts be levied in alignment with recent years at or below the respective authorized maximum rates to pay for the operation and maintenance of landscaping and lighting improvements.

For Landscaping and Lighting District Nos. 1, 2, 4 (Benefit Zone 1), 7, 11, 15, 16, 17, and 18, the authorized maximum assessment rates are recommended to be levied for Fiscal Year 2024. For Landscaping and Lighting District Nos. 6, 10, and 13, no assessments are proposed to be levied for Fiscal Year 2024. For Landscaping and Lighting District Nos. 4 (Benefit Zone No. 2) and 19 (All Benefit Zones), assessment rates below the authorized maximum are proposed to be levied for FY 2024. The assessment amount for each parcel number is located on the final page of the attached Engineer's Reports for each Landscaping and Lighting District.

FISCAL IMPACT

An amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for FY 2024 is necessary to establish the budget and authorize the allocation of all necessary expenditures as identified in the approved annual Engineer's Reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19.

REVIEW AND APPROVAL

Prepared by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution
Final Engineer's Report L&L1
Final Engineer's Report L&L2
Final Engineer's Report L&L4
Final Engineer's Report L&L6
Final Engineer's Report L&L7
Final Engineer's Report L&L10
Final Engineer's Report L&L11
Final Engineer's Report L&L13
Final Engineer's Report L&L15
Final Engineer's Report L&L16

Final Engineer's Report L&L17
Final Engineer's Report L&L18
Final Engineer's Report L&L19

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK CONFIRMING DIAGRAMS AND ASSESSMENTS AND LEVYING AND COLLECTION OF ASSESSMENTS FOR LANDSCAPING AND LIGHTING DISTRICT NOS. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 AND 19, FOR FISCAL YEAR 2024

WHEREAS, the City Council of the City of Newark (the "City") previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)(the "Act") to establish the City's Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 (the "Districts"); and

WHEREAS, the City has, by previous Resolution No. 11532, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Districts, and notice thereof was duly given in accordance with Section 22626 of the Act for the Districts; and

WHEREAS, at the time and place specified in Resolution No.11532, a Public Hearing has been held where all objections to the assessments were considered, and the Public Hearing concluded for each District; and

The City Council of the City of Newark resolves:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council, with Resolution No. 11499, directed the City Engineer, Engineer of Work for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11 13, 15, 16, 17, 18 and 19, to prepare and file annual reports for Fiscal Year 2024.

2. The Engineer of Work filed the annual reports on June 22, 2023, and the City Council adopted its resolution of intention, Resolution No. 11532 to levy and collect assessments within the Districts for Fiscal Year 2024 and set a public hearing to be held on July 13, 2023, at 7 p.m. or as soon thereafter as the matter may be heard, in the meeting place of the City Council located in the City Administration Building, 37101 Newark Boulevard, Newark, California. Notice of the hearing was given in the time and manner required by law.

3. At the public hearing, the City Council afforded every interested person an opportunity to make a protest to the annual reports and as to the question of the levy and collection of assessments, either in writing or orally, and the City Council has considered each protest.

4. The City Council hereby approves the annual reports and confirms the diagrams and assessments as set forth in the approved annual reports of the Engineer of Work, and hereby levies the assessments set forth therein for Fiscal Year 2024.

5. The City Council hereby amends the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 for the funding of levied assessments and the allocation of all necessary expenditures in the approved annual reports of the Engineer of Work for all budgeted line items as identified therein.

NEWARK
california

Landscaping and Lighting District No. 1

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 1
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 1 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of median-island and buffer landscaping and median-island streetlight improvements benefiting parcels within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties both fronting and adjacent to Central Avenue and between Filbert Street to the east and Willow Street to the west. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Compliance with the California Constitution

Assessments are levied annually within the District pursuant to the 1972 Act. All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are compliant with the provisions of the California Constitution Article XIIID ("Article XIIID"), which was enacted with the passage of Proposition 218 in November 1996. Pursuant to Article XIIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIIID Section 4. Specifically, Article XIIID Section 5(b) exempted:

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

The City determined that the annual assessments originally established for the District were established by a petition signed by the persons owning all the parcels subject to the assessment at the time the assessment was originally proposed. As such, pursuant to Article XIIID Section 5(b), the pre–existing assessment amount has been exempted from the procedural requirements of Article XIIID Section 4 since the amount of the assessment has not increased since the passage of Proposition 218.

Any future increase in the assessment rate or substantial changes in the services provided would require that the District be brought into compliance with all the requirements of Article XIIID and would require the approval of the property owners subject to the assessment based upon a mailed ballot which would be sent to each property owner.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 1 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: DESCRIPTION OF ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

> The maintenance and operation of median-island and buffer landscaping and the landscape irrigation system and median-island lighting located on Central Avenue between Filbert Street and Willow Street. Costs shall include all maintenance and operation costs including normal upkeep, operating expenses, management expenses, replanting costs, and power costs.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 1 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$41,547
Non-Assessment Revenues	$0
Total Projected Revenues	**$41,547**
Projected Expenses	
Contract Services	($18,082)
Utilities	($4,535)
Administration and Incidentals	($19,869)
County Collection Fees	($706)
Unforeseen Maintenance and Repairs[1]	($2,160)
Total Projected Expenses	**($45,351)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$184,969
Reserve Fund Collection Increase/(Decrease)	($3,804)
Ending Fund Balance - June 30, 2024	$181,165
Recommended Operating Reserves	$22,676
Available Operating Reserves	$22,676
Available Capital Reserves[2]	$158,490

[1]Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[2]Includes $126,850 for future Plant Replacement and $8,000 for future Streetlight Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

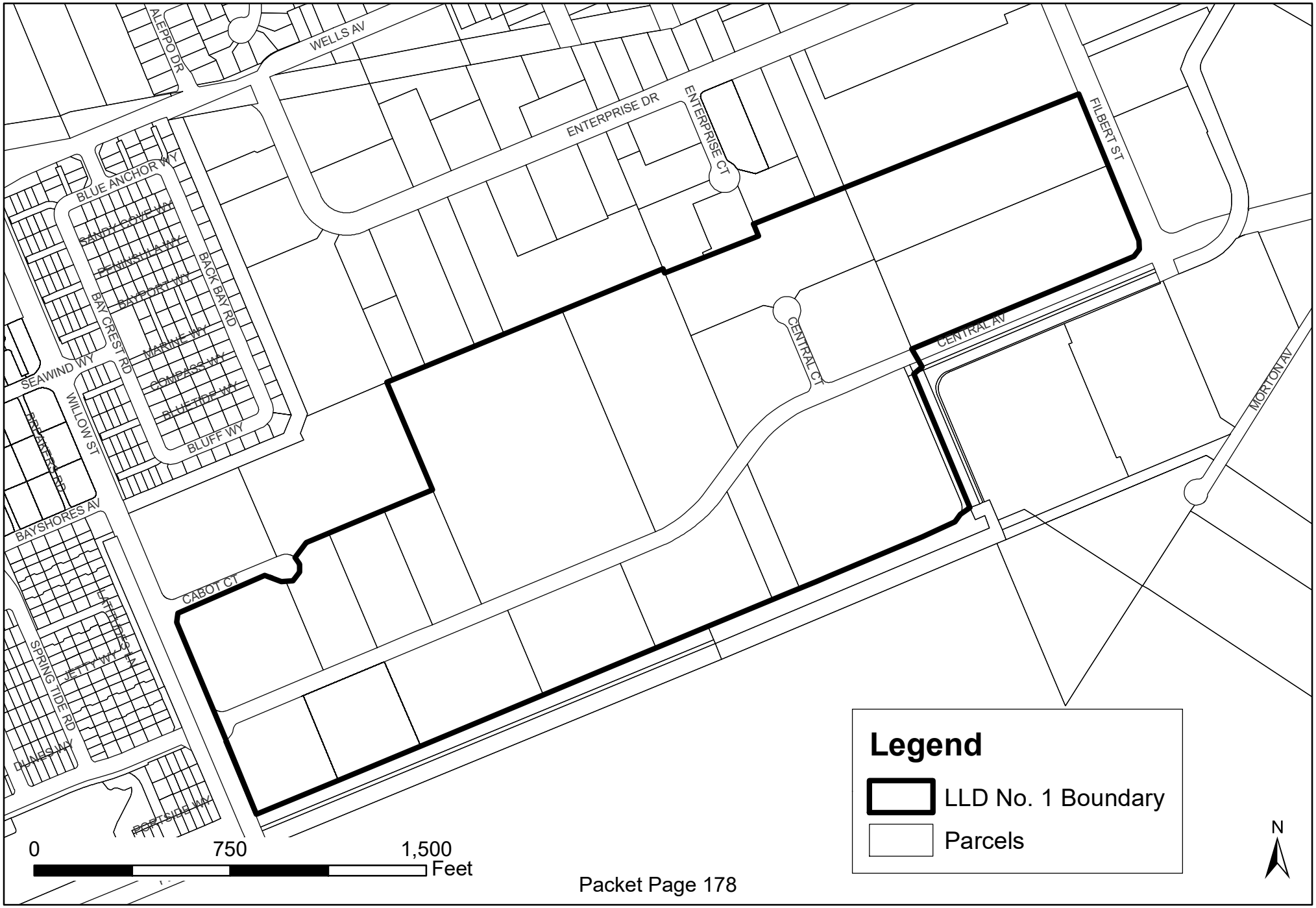
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 1
(CENTRAL AVENUE)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was established.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and

services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements can be summarized as follows:

- Improved aesthetics:
    - Well-maintained and attractive landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
    - Well-lit medians contribute to property visibility, especially during nighttime, benefiting businesses or properties seeking attention and attracting customers. It also adds to the visual appeal, attractiveness, and inviting nature of the area.
- Increased property values:
    - Attractive and well-maintained landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
    - Well-maintained and well-lit medians can have a positive impact on property values in the surrounding area. Adequate lighting is seen as a desirable feature, making properties more appealing to potential buyers or tenants.
- Safety:
    - Median and buffer landscaping helps calm traffic and reduce speeds, creating a safer environment for people traveling to and from properties within the District. It also acts as a physical buffer between roadways and properties within the District.
    - Well-lit medians contribute to improved safety for both motorists and pedestrians traveling to and from properties within the District. Adequate lighting enhances visibility, reducing the risk of accidents and improving overall traffic safety. It also facilitates easier access to adjacent properties.
- Noise reduction:
    - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
    - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in the District, specifically increase the utility of the property within the District. For example, the assessments provide funding to maintain the landscaping and lighting that improves safety and access to the property and provides visual and environmental benefits to the properties within the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. The City and Engineer of Work at the time of District formation determined that each property's linear foot of frontage along Willow Avenue receives a similar benefit from the improvements. Therefore, it was determined that the most appropriate method of apportioning costs was to assess properties based on a front footage basis for all parcels fronting Central Avenue between Filbert Street and Willow Street. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the City proposes to collect the maximum assessment revenue from the assessable parcels located in the District, which amounts to $6.01 per linear foot of frontage to be levied. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City

Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $41,547.08.

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 1
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092 -0116-035-03	$2,091.48
092 -0116-048-00	$4,303.16
092 -0116-049-00	$2,758.58
092 -0116-050-00	$1,364.26
092 -0116-055-00	$3,071.10
092 -0116-056-00	$2,776.62
092 -0116-057-00	$3,029.04
092 -0116-064-00	$1,358.26
092 -0116-065-00	$1,238.06
092 -0116-066-00	$2,686.46
092 -0116-068-00	$168.28
092 -0116-069-00	$168.28
092 -0116-070-00	$168.28
092 -0116-071-00	$168.28
092 -0116-072-00	$168.28
092 -0116-073-00	$168.28
092 -0116-074-00	$168.28
092 -0116-075-00	$168.28
092 -0116-076-00	$168.28
092 -0116-077-00	$168.28
092 -0116-078-00	$168.28
092 -0116-079-00	$168.28
092 -0251-012-00	$2,079.46
092 -0251-014-00	$2,019.36
092 -0252-011-00	$4,387.30
092 -0252-012-00	$727.20
092 -0252-015-00	$5,637.38
Total Parcels:	27
Total Assessment:	$41,547.08

NEWARK
california

Landscaping and Lighting District No. 2

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 2
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 2 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of landscaping improvements within the public right-of-way within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties west of Jarvis Avenue, north of the railroad tracks, east of California State Route 84, and south of the City owned parcel at the corner of Jarvis Avenue and Cardiff Street. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Compliance with the California Constitution

Assessments are levied annually within the District pursuant to the 1972 Act. All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are compliant with the provisions of the California Constitution Article XIIID ("Article XIIID"), which was enacted with the passage of Proposition 218 in November 1996. Pursuant to Article XIIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIIID Section 4. Specifically, Article XIIID Section 5(a) exempted:

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

The City determined that the annual assessments originally established for the District were for the maintenance and operation of landscape and medians within the public street rights-of-way. As such, pursuant to Article XIIID Section 5(a), the pre–existing assessment amount has been exempted from the procedural requirements of Article XIIID Section 4 since the amount of the assessment has not increased since the passage of Proposition 218.

Any future increase in the assessment rate or substantial changes in the services provided would require that the District be brought into compliance with all the requirements of Article XIIID and would require the approval of the property owners subject to the assessment based upon a mailed ballot which would be sent to each property owner.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 2 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
  - The installation or planting of landscaping.
  - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
  - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
  - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
  - The installation of park or recreational improvements, including, but not limited to all the following:
    - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
    - Lights, playground equipment, play courts, and public restrooms.
  - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
  - The acquisition of land for park, recreational, or open space purposes.
  - The acquisition of any existing improvement otherwise authorized herein.
  - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

The maintenance of Jarvis Avenue median-island and buffer landscaping and landscape irrigation system, and lighting adjacent to and within the boundaries of Tract 5232 and the Dumbarton Industrial Park. Costs shall include all maintenance and operation costs including normal upkeep, operating expenses, management expenses, replanting costs, and power costs.

The maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas adjacent to the public right-of-way on Dumbarton Court, Jarvis Avenue and Newark Boulevard, and the 10-foot wide landscape easement in lots 6 and 7 of Tract 5232 adjoining the property within Parcel Map 5618.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the Districts can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 2 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$26,678
Non-Assessment Revenues	$0
Total Projected Revenues	**$26,678**
Projected Expenses	
Contract Services	($5,733)
Utilities	($3,797)
Administration and Incidentals	($12,986)
County Collection Fees	($454)
Unforeseen Maintenance and Repairs[1]	($1,148)
Total Projected Expenses	**($24,118)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$169,971
Reserve Fund Collection Increase/(Decrease)	$2,560
Ending Fund Balance - June 30, 2024	$172,531
Recommended Operating Reserves	$12,059
Available Operating Reserves	$12,059
Available Capital Reserves[2]	$160,471

[1] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[2] Includes $97,000 for future Plant Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures that are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

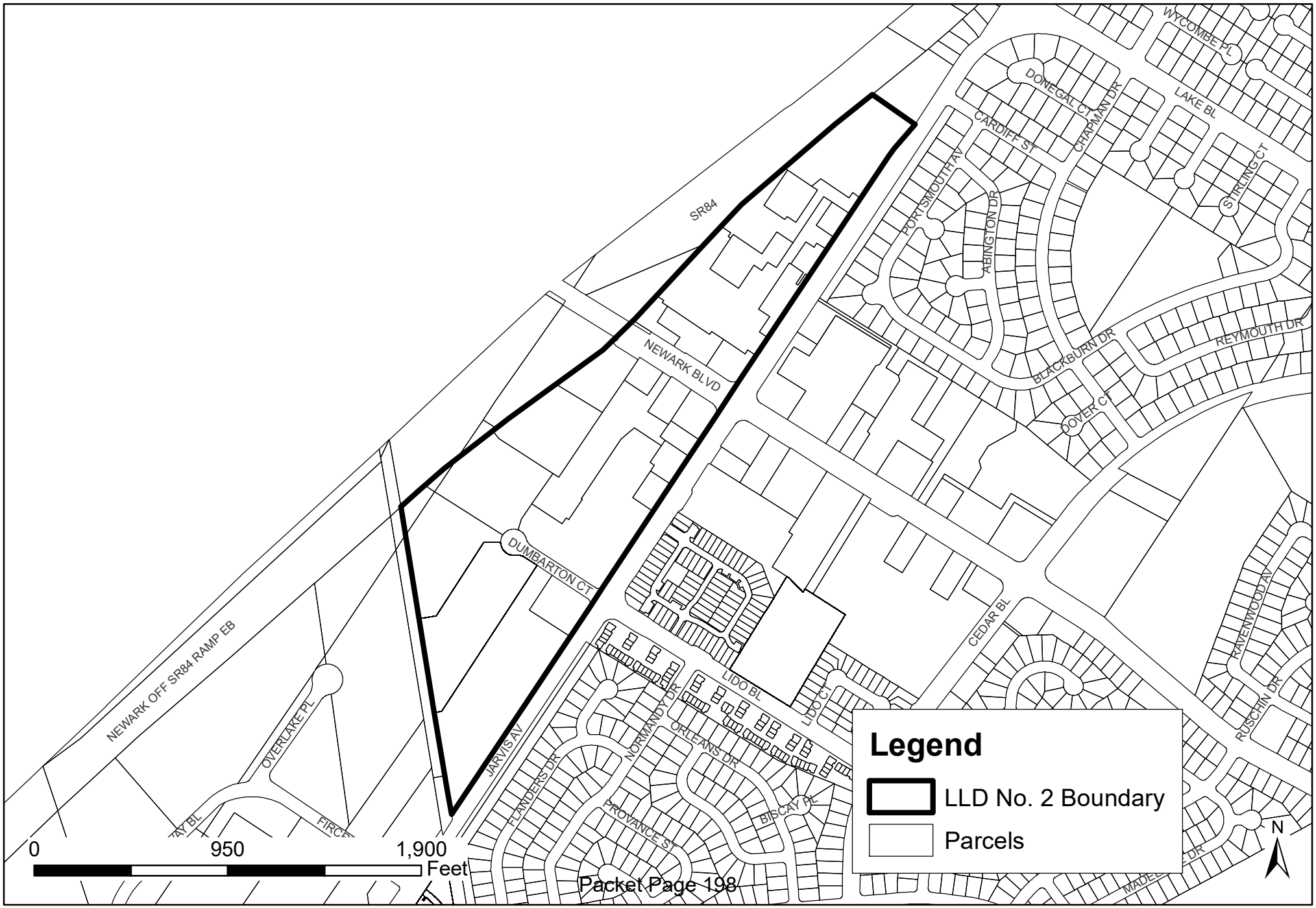
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 2
(NEWARK BOULEVARD AT JARVIS AVENUE)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was established.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements can be summarized as follows:

- Improved aesthetics:
    - Well-maintained and attractive landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
- Increased property values:
    - Attractive and well-maintained landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
- Safety:
    - Median landscaping helps calm traffic and reduce speeds, creating a safer environment for people traveling to and from properties within the District. It also acts as a physical buffer between roadways and properties within the District.
- Noise reduction:
    - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
    - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in the District, specifically increase the utility of the property within the District. For example, the assessments provide funding to maintain the landscaping that improves safety and access to the property and provides visual and environmental benefits to the properties within the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer of Work at the time of District formation determined the project costs related to Jarvis Avenue west of Dumbarton Court and for Dumbarton Court, including a proportionate share of the incidental expenses will be spread on the basis of area to lots which front Jarvis Avenue and Dumbarton Court. Project costs related to improvements on Jarvis Avenue east of Dumbarton Court and on Newark Boulevard, including a proportionate share of incidental expenses will be spread to properties fronting this segment of Jarvis Avenue and Newark Boulevard on the basis of area, but after buildings are constructed, these costs are to be spread on the basis of building square footage, with costs allocated to undeveloped property based on the maximum building size permitted on the parcel. This methodology distributes assessments in proportion to the estimated special benefit conferred to property and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the maximum allowable assessment for each assessable parcel within the District is needed to cover the annual costs. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $26,678.00.

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 2
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-2596-001-00	$134.00
092A-2596-002-00	$44.00
092A-2596-003-00	$77.00
092A-2596-004-00	$797.00
092A-2596-005-00	$74.00
092A-2596-006-00	$83.00
092A-2596-007-00	$66.00
092A-2596-008-00	$202.00
092A-2596-009-00	$796.00
092A-2596-010-00	$377.00
092A-2596-011-00	$161.00
537 -0521-014-00	$1,643.00
537 -0521-015-00	$198.00
537 -0521-023-02	$25.00
537 -0521-024-02	$55.00
537 -0521-025-00	$99.00
537 -0521-026-00	$38.00
537 -0521-027-00	$73.00
537 -0521-028-00	$78.00
537 -0521-036-00	$631.00
537 -0521-037-00	$820.00
537 -0521-038-00	$14,308.00
537 -0521-039-00	$2,306.00
537 -0521-045-00	$743.00
537 -0521-046-00	$57.00
537 -0521-047-00	$304.00
537 -0521-048-00	$195.00
537 -0855-001-00	$114.70
537 -0855-002-00	$114.70
537 -0855-003-00	$114.70
537 -0855-004-00	$114.70
537 -0855-005-00	$114.70
537 -0855-006-00	$114.70
537 -0855-007-00	$114.70
537 -0855-008-00	$114.70
537 -0855-009-00	$114.70
537 -0855-010-00	$114.70
537 -0855-011-00	$114.70
537 -0855-012-00	$114.70
537 -0855-013-00	$114.70
537 -0855-014-00	$114.70
537 -0855-015-00	$114.70
537 -0855-016-00	$114.70
537 -0855-017-00	$114.70
537 -0855-018-00	$114.70
537 -0855-019-00	$114.70
537 -0855-020-00	$114.70
Total Parcels:	47
Total Assessment:	$26,678.00

NEWARK
california

Landscaping and Lighting District No. 4

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 4
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 4 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of median-island and buffer landscape, streetlight, and park improvements benefiting parcels within the boundaries of the District. Since formation, an additional zone of benefit was created on September 14, 2017.

Following annexation of the zone of benefit referenced above, the District consists of the following two (2) zones of benefit:

- Zone 1 (New Technology Park and Stevenson Point Techpark)
  The area includes office, commercial, and institutional establishments in the City known as the New Technology Park and the Stevenson Point Techpark.

- Zone 2 (Sanctuary)
  The Sanctuary development includes Tract 8270 and is comprised of 386 single family homes and private roads.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed and the additional zone of benefit was established.

The District generally consists of those properties south of Cherry Street, west of Stevenson Boulevard, north of the railroad tracks and east of Mowry Avenue. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District and each zone of benefit is provided in Part C of this Report.

Impacts of Proposition 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessments were anticipated in the assessment formula (e.g., CPI increase or assessment cap) then the assessment would comply with the intent and provisions of Proposition 218.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District and each benefit zone, (2) a cost estimate for the District and each benefit zone, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District and each benefit zone.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 4 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

- The Landscape Improvements include, but are not limited to landscaping, planting, turf, trees, irrigation systems, and fixtures in parks, public street and sidewalk rights-of-way, including medians, traffic circles, parkways and other easements dedicated to the City within, and adjacent to, the zones.
- Street Lighting Improvements include, but are not limited to poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public street and sidewalk rights-of-way and other easements dedicated to the City within, and adjacent to, the zones.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of these diagrams is on file with the City's Public Works Department.

A more detailed description of the facilities which either have or will be constructed, operated, maintained, and serviced within each of the District benefit zones follows.

Zone 1 (New Technology Park and Stevenson Point Techpark)

Landscape Improvements

The Landscape Improvements include streetscapes and medians, specifically:

- The maintenance of Stevenson Boulevard median-island landscaping from the Nimitz Freeway to Cherry Street.
- The Maintenance of median-island and up to 50-feet of green belt landscaping and street lighting adjacent to Cherry street and the interior loop street within the boundaries of New Technology Park.
- The maintenance of landscaping across the Newark Unified School District parcel on Cherry Street.

Zone 2 (Sanctuary)

Park and Landscape Improvements

Zone 2 is responsible for maintaining the existing District improvements identified previously in Zone 1, as well as additional maintenance and servicing of a neighborhood park and trash capture devices as listed below. Park maintenance includes turf, trees, and irrigation.

- Neighborhood Park located north of Dragonfly Street, between Sea Turtle and Brush Rabbit.
- 6 trash capture devices on Cherry Street.
- 2 trash capture devices on Stevenson Boulevard.
- 3 trash capture devices on Tom Cod Street.

All other improvements associated with Zone 2 including landscaping, sidewalk rights-of-way, medians, parkways, and other easements dedicated to the City will be maintained by a Homeowner's Association and will not be assessed to parcels within the District.

Street Lighting Improvements

The Street Lighting Improvements include fifty-one (51) streetlights located throughout Tract 8270 located along streets within the zone.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 4
Fiscal Year 2023-24 Cost Estimate

	Zone 1	Zone 2	Total Amount
Projected Revenues			
Assessment Revenue	$37,082	$74,907	$111,989
Non-Assessment Revenues[1]	$497	$5,916	$6,413
Total Projected Revenues	**$37,579**	**$80,823**	**$118,401**
Projected Expenses			
Contract Services	($9,887)	($19,973)	($29,860)
Utilities	($4,694)	($9,481)	($14,175)
Administration and Incidentals	($5,727)	($11,570)	($17,297)
County Collection Fees	($630)	($1,273)	($1,904)
Landscape Replacement	$0	$0	$0
Total Projected Expenses	**($21,985)**	**($44,412)**	**($66,397)**
Projected Fund Balance			
Beginning Fund Balance - July 1, 2023	$297,286	$480,427	$777,713
Reserve Fund Collection Increase/(Decrease)	$15,593	$36,411	$52,004
Ending Fund Balance - June 30, 2024	$312,879	$516,838	$829,717
Recommended Operating Reserves	$10,993	$22,206	$33,199
Available Operating Reserves	$10,993	$22,206	$33,199
Available Capital Reserves[3]	$301,886	$494,632	$796,518

[1] Non-Assessment Revenues equate to the City contribution in the amount of $1,551 for General Benefits and $4,912 for Special Benefits conferred to property not in the District.

[2] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[3] Includes $156,000 for future Plant Replacement and $5,000 for future Streetlight Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

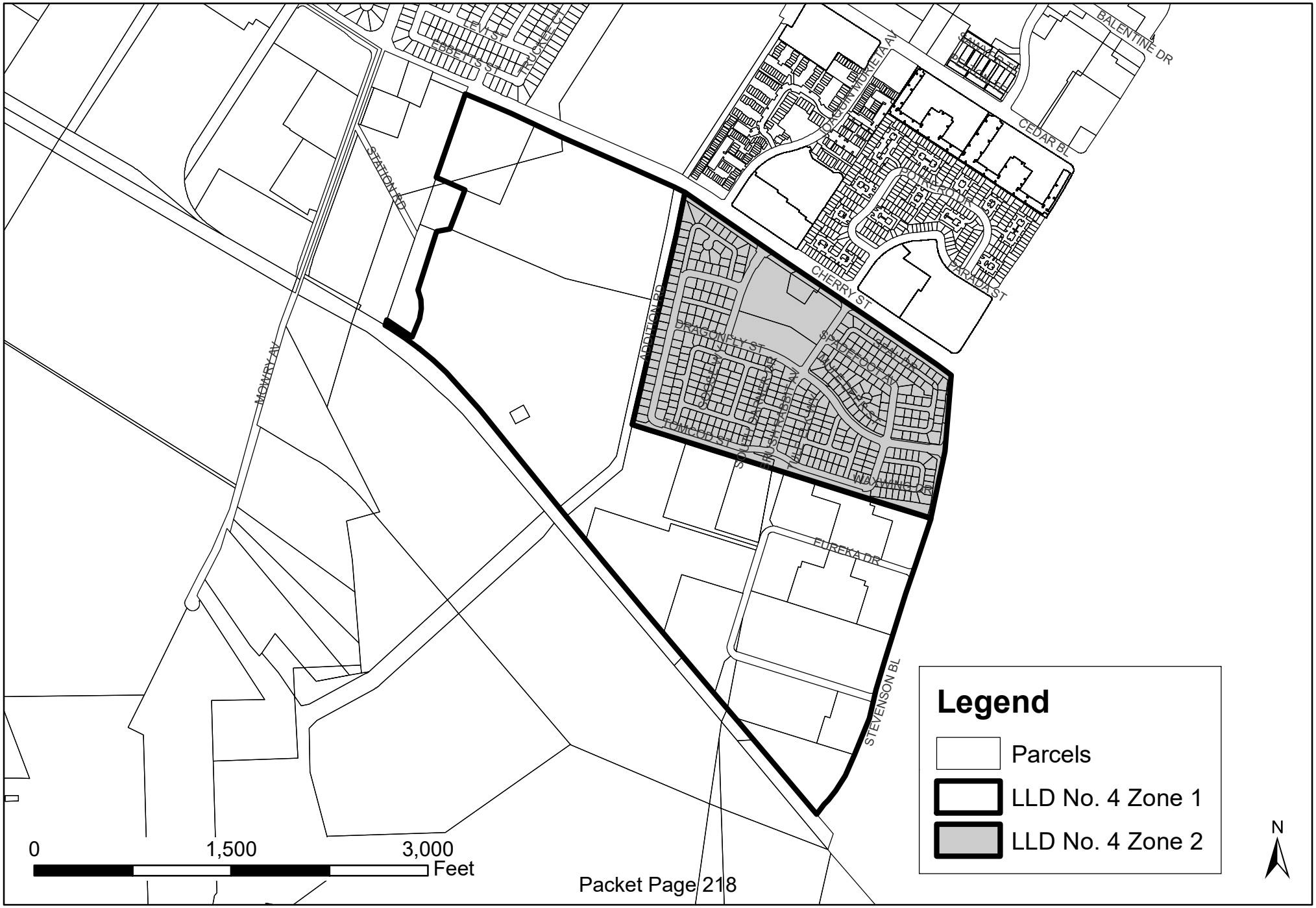
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District and each zone of benefit are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 4 ZONE 1 AND 2 (NEW TECHNOLOGY PARK AND STEVENSON POINT TECHPARK) ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of streetlights, landscaping, parks, trails, open space, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore needs to reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, Article XIIID, of the California Constitution limits the amount of any assessment to the proportional "special benefit" conferred on the property. Article XIIID provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. There is no widely accepted or statutory formula for determining general and special benefit. However, the constitution states that a special benefit is different from a general benefit in that it is "particular and distinct" and "over and above" general benefits received by other properties.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Article XIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public

easements and rights-of-ways, public greenbelts and public parkways, utility easements, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial, and institutional activities.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. In order for the City to separate out the general and special benefits for each improvement type, an analysis of each improvement was conducted. The analysis reviewed the purpose and users of each improvement, and then identified the properties that may benefit from the improvement both within and outside the City and within and outside each zone of benefit, and then allocated the costs to maintain, service, and replace each improvement type to each identified property.

Because general benefits are not assessable, any costs associated with general benefits or special benefits assigned to properties within and outside the City and not in a District zone of benefit are to be paid for by the City. Only the costs associated with the special benefits conferred on property within each zone of benefit from the authorized improvements are assessable, and therefore assessed herein. A full analysis showing the quantification and separation of special and general benefits performed by the City and Assessment Engineer at the time of the establishment of Benefit Zone 2 (Sanctuary) can be found in the Engineer's Report prepared at the time of establishing Zone 2 (Sanctuary). A summary of the analysis by improvement type funded by District assessments is described below.

Special Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District and the subsequent zone of benefit was established.

The District consists of all Assessor Parcels within the boundaries of a zone of benefit. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services within each zone of benefit to the properties within the boundaries of the District's zones of benefit. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In determining the proportionate special benefit derived by each identified parcel, the proximity of the parcel to the public improvements detailed in Part A above, and the capital, maintenance, and operating costs of said public improvements, was considered and analyzed. Due to the close proximity of the parcels to the improvements detailed in Part A above, it has been demonstrated and determined that the parcels are uniquely benefited by, and receive a direct advantage from, and are conferred a particular and distinct special benefit over and above general benefits by said public improvements in a way that is

particular and distinct from its effect on other parcels, and that real property in general and the public at large do not share.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by each zone of benefit within the District. These special benefits are not dependent on any one property owner's use of each zone of benefit's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements are summarized as follows.

Special Benefit from Landscape Maintenance

All parcels within the District, specifically, Zone 1 (New Technology Park and Stevenson Point Techpark) and Zone 2 (Sanctuary), receive special benefit from Landscape Maintenance. Trees, landscaping, hardscapes, ornamental structures, and appurtenant facilities, if well maintained, confer a particular and distinct special benefit upon real property within the zones of benefit by providing beautification, shade and positive enhancement of the community character, attractiveness, and desirability of the surroundings. In addition, all the aforementioned contributes to a specific increase in property desirability and a specific enhancement of the property value of each parcel within each zone of benefit within the District.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

> " ... there is no lack of opinion, based on general principles and experience and common sense, that parkways do in fact add value to property, even though the amount cannot be determined exactly .... Indeed, in most cases where public money has been spent on parkways the assumption has been made that the proposed parkway will show a provable financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City, ... "

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping alongside the roadway.

Special Benefit from Street Lighting Maintenance

All parcels within Zone 2 of the District receive special benefit from Street Lighting Maintenance. The special benefit from street lighting can be measured by increased safety to people and property, as well as the increased availability of lighting. The safety to people results in a special benefit to residential parcels because street lighting improves traffic safety during ingress and egress to the property and creates a deterrent to crime on the property. The safety to property results in a special benefit to both residential and vacant and undeveloped parcels because street lighting operation, maintenance and servicing

provides for the protection of buildings and personal property against crimes such as theft and vandalism.

Special Benefit from Park Maintenance

All parcels within Zone 2 (Sanctuary) receive special benefit from Park Maintenance. The overall quality of life and desirability of an area is enhanced, when public parks and recreational facilities are in place, improved, operable, safe, clean, and properly maintained. Conversely, property desirability decreases when park and recreational facilities are unsafe or destroyed by the elements or vandalism.

Property desirability in an area also increases when there is an increase in the number of parks, recreation centers and sports facilities. These park and recreational facilities enable property owners to participate in sporting events, leisure activities, picnics, organized social events, and other miscellaneous activities.

Studies in several communities, including counties and cities throughout the United States, have indicated that recreation areas and facilities, if well maintained and wisely administered, have caused a marked increase in the property values of parcels in the community. Consequently, such recreation and park facilities have proved a potent factor in maintaining a sound economic condition and a high standard of livability in the community. These studies confirm the opinion, long held by planning authorities, as to the economic value of parks and recreational facilities in a community.

> *"The recreation value is realized as a rise in the value of land and other property in or near the recreation area, and is of both private interest to the landowner and others, holding an economic stake in the area, and of public interest to the taxpayers, who have a stake ...." (National Recreation and Park Association, June 1985)*

> *"Recreation and park amenities are central components in establishing the quality of life in a community. ... [Businesses'] main resource is their employees for whom quality of life is an important issue… The availability and attractiveness of local parks and programs influences some companies' relocation decisions. ... the presence of a park encourages real estate development around it.... ". (California Parks & Recreation, Winter 1997)*

The benefit of parks and other recreational facilities to residential and the surrounding commercial/industrial properties in Zone 1 (New Technology Park and Stevenson Point TechPark) is supported and has been summarized by several studies. The United States Department of the Interior, National Park Service, in a publication of June 1984, concluded the following:

- Parks and recreation stimulate business and generate tax revenues
- Parks and recreation help conserve land, energy, and resources
- An investment in parks and recreation helps reduce pollution and noise, makes communities more livable, and increases property values

- Public recreation benefits all employers by providing continuing opportunities to maintain a level of fitness throughout one's working life, and through helping individuals cope with the stress of a fast-paced and demanding life

Proper maintenance and operation of the parks within the City benefits those properties within the service areas of the parks by providing environmental quality and recreational enhancement.

Special Benefit to Parcels Outside of the District

There are parcels outside Zone 2 (Sanctuary) that receive special benefit from some of the improvements (e.g., parks, etc.). Based on the analysis performed at the time of the establishment of Zone 2 (Sanctuary), it was determined that 11.06% of the annual costs from the improvements associated with Zone 2 (Sanctuary) are attributable to special benefits to parcels outside of Zone 2 (Sanctuary).

The share of cost attributable to special benefits conferred to parcels outside of Zone 2 (Sanctuary) cannot be assessed to properties within the specific zone, but are required to be paid by some other source, such as the City's General Fund.

General Benefit

In the context of assessments, a general benefit is a benefit enjoyed by the community, or the public at large rather than a special benefit that is specifically conferred to individual properties. The Assessment Engineer at the time of establishing Zone 2 (Sanctuary) performed an analysis and determined there are general benefits conferred from the District improvements to the public at large. Based on this analysis performed by the Assessment Engineer, 2.26% of annual costs associated with the District and related improvements are attributable to general benefits received by the public at large.

The share of costs attributable to the general benefits of each zone of benefit cannot be assessed to properties within each specific zone, but are required to be paid by some other source, such as the City's General Fund.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Since the assessment will be levied against parcels of property as shown on the tax roll, the final charges must be assigned by Assessor's Parcel Number. If assessments were to be spread just by parcel, not considering land use or parcel size, a single family parcel would be paying the same as a 50 unit apartment parcel or a large commercial establishment and this would not be equitable.

Therefore, the City and Engineer of Work at the time of formation of Zone 1 (New Technology Park and Stevenson Point Techpark) determined that the most appropriate method of apportioning costs was to segregate the costs associated with New Technology Park from the Stevenson Point Techpark and then spread the specific costs on an acreage basis to the parcels adjacent and in proximity to the improvements.

Furthermore, the City and Engineer at the time of establishing Zone 2 (Sanctuary) determined the most appropriate method of apportioning costs was to spread all Zone 2 (Sanctuary) specific costs equally to all single-family residential homes.

Publicly owned properties within the District must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the improvements. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts, public parkways, public property designated open space, and any portion of public property that is not used for business purposes similar to private residential, commercial, industrial, and institutional activities. Also exempted from the assessments are private streets, utility easements, Homeowner's Association common areas (except club houses, community centers, parking lots, etc.) and any other parcels that do not receive a special and direct benefit from the improvements.

Parcels within each zone may be assessed once it is anticipated that improvements will need to be maintained or reserve funds will need to be collected for the ensuing fiscal year(s).

The table below summarizes both the maximum and applied assessment rates for each zone for Fiscal Year 2023-24.

LLD No. 4 Benefit Zone	Maximum Assessment Rate	Applied Assessment Rate
Zone 1 - New Technology Park	$192.50	$192.50
Zone 1 - Stevenson Point Techpark	$130.00	$130.00
Zone 2 - Sanctuary	$228.05	$194.06

Maximum Assessment Rate Increases

The maximum assessment rates for Zone 1 (New Technology Park and Stevenson Point Techpark) may not be increased annually without property owner approval through a successful Proposition 218 proceeding. However, the maximum annual assessment rate for Zone 2 (Sanctuary) may be adjusted annually by the greater of the annual increase in the Bureau of Labor Statistics, Consumer Price Index for the month of February, All Urban Consumers for the San Francisco/Oakland/San Jose area, or 3%.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $111,988.92**.**

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 4
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
901 -0185-033-00	1	$4,337.62
901 -0185-039-00	1	$259.28
901 -0185-040-00	1	$1,298.70
901 -0185-041-00	1	$1,869.20
901 -0185-042-00	1	$2,819.94
901 -0185-043-00	1	$2,316.52
901 -0110-068-00	1A	$1,341.72
901 -0110-069-00	1A	$342.46
901 -0185-013-08	1A	$15,425.02
901 -0185-014-00	1A	$270.66
901 -0185-044-00	1B	$758.54
901 -0185-049-00	1B	$1,589.24
901 -0185-051-00	1B	$476.70
901 -0185-052-00	1B	$631.80
901 -0185-053-00	1B	$491.40
901 -0185-054-00	1B	$510.38
901 -0185-055-00	1B	$523.38
901 -0185-056-00	1B	$374.26
901 -0185-057-00	1B	$102.82
901 -0185-059-03	1B	$966.42
901 -0185-060-01	1B	$375.70
901 -0200-028-00	2	$194.06
901 -0200-029-00	2	$194.06
901 -0200-030-00	2	$194.06
901 -0200-031-00	2	$194.06
901 -0200-032-00	2	$194.06
901 -0200-033-00	2	$194.06
901 -0200-034-00	2	$194.06
901 -0200-035-00	2	$194.06
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901 -0201-040-00	2	$194.06
901 -0201-041-00	2	$194.06
901 -0201-042-00	2	$194.06

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 4
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
901 -0201-043-00	2	$194.06
901 -0201-044-00	2	$194.06
901 -0201-045-00	2	$194.06
901 -0201-046-00	2	$194.06
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901 -0203-005-00	2	$194.06
901 -0203-006-00	2	$194.06

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 4
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
901 -0203-007-00	2	$194.06
901 -0203-008-00	2	$194.06
901 -0203-009-00	2	$194.06
901 -0203-010-00	2	$194.06
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901 -0203-096-00	2	$194.06
901 -0203-097-00	2	$194.06
901 -0203-098-00	2	$194.06
901 -0203-099-00	2	$194.06
901 -0203-100-00	2	$194.06
901 -0203-101-00	2	$194.06
Total Parcels:		407
Total Assessment:		$111,988.92

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 4
ASSESSMENT ROLL
Fiscal Year 2023-24

SUMMARY

Zone	Parcel	Assessment
Zone No. 1	21	$ 37,081.76
Zone No. 2	386	$ 74,907.16
Total	407	$ 111,988.92

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Landscaping and Lighting District No. 6

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 6
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") may levy and collect special assessments on parcels within the City of Newark Landscaping and Lighting District No. 6 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of streetlights and landscaping improvements within the public right-of-way benefiting parcels within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties north of Cedar Boulevard, east of Balentine Drive, south of Interstate 880, and west of Stevenson Boulevard. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Compliance with the California Constitution

Assessments are levied annually within the District pursuant to the 1972 Act. All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are compliant with the provisions of the California Constitution Article XIIID ("Article XIIID"), which was enacted with the passage of Proposition 218 in November 1996. Pursuant to Article XIIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIIID Section 4. Specifically, Article XIIID Section 5(b) exempted:

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

The City determined that the annual assessments originally established for the District were established by a petition signed by the persons owning all the parcels subject to the assessment at the time the assessment was originally proposed. As such, pursuant to Article XIIID Section 5(b), the pre–existing assessment amount has been exempted from the procedural requirements of Article XIIID Section 4 since the amount of the assessment has not increased since the passage of Proposition 218.

Any future increase in the assessment rate or substantial changes in the services provided would require that the District be brought into compliance with all the requirements of Article XIIID and would require the approval of the property owners subject to the assessment based upon a mailed ballot which would be sent to each property owner.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 6 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced are generally described as follows:

The maintenance of street lighting and median and buffer landscaping within the public right-of-way and the landscape irrigation system within the easement areas along Cedar Boulevard, Balentine Drive, John Muir Drive and Mowry School Road, as well as the Stevenson Boulevard frontages of properties within the District. In addition, the District funds the art element at the corner of Stevenson Boulevard and Balentine Drive. Costs shall include all maintenance and operation costs including normal upkeep, operating expenses, management expenses, and replacement and replanting costs.

The maintenance of medians on Stevenson Boulevard is funded by the assessments from another City assessment district (Landscaping and Lighting District No. 4). In addition, all frontage maintenance is performed by the property owners, excluding those areas noted above along Stevenson Boulevard.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the Districts can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 6 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$0
Non-Assessment Revenues	$0
Total Projected Revenues	**$0**
Projected Expenses	
Contract Services	$0
Utilities	$0
Administration and Incidentals	$0
County Collection Fees	$0
Unforeseen Maintenance and Repairs[1]	$0
Total Projected Expenses	**$0**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	($48,426)
Reserve Fund Collection Increase/(Decrease)	$0
Ending Fund Balance - June 30, 2024	($48,426)
Recommended Operating Reserves	$0
Available Operating Reserves	($48,426)
Available Capital Reserves	$0

[1] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures that are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

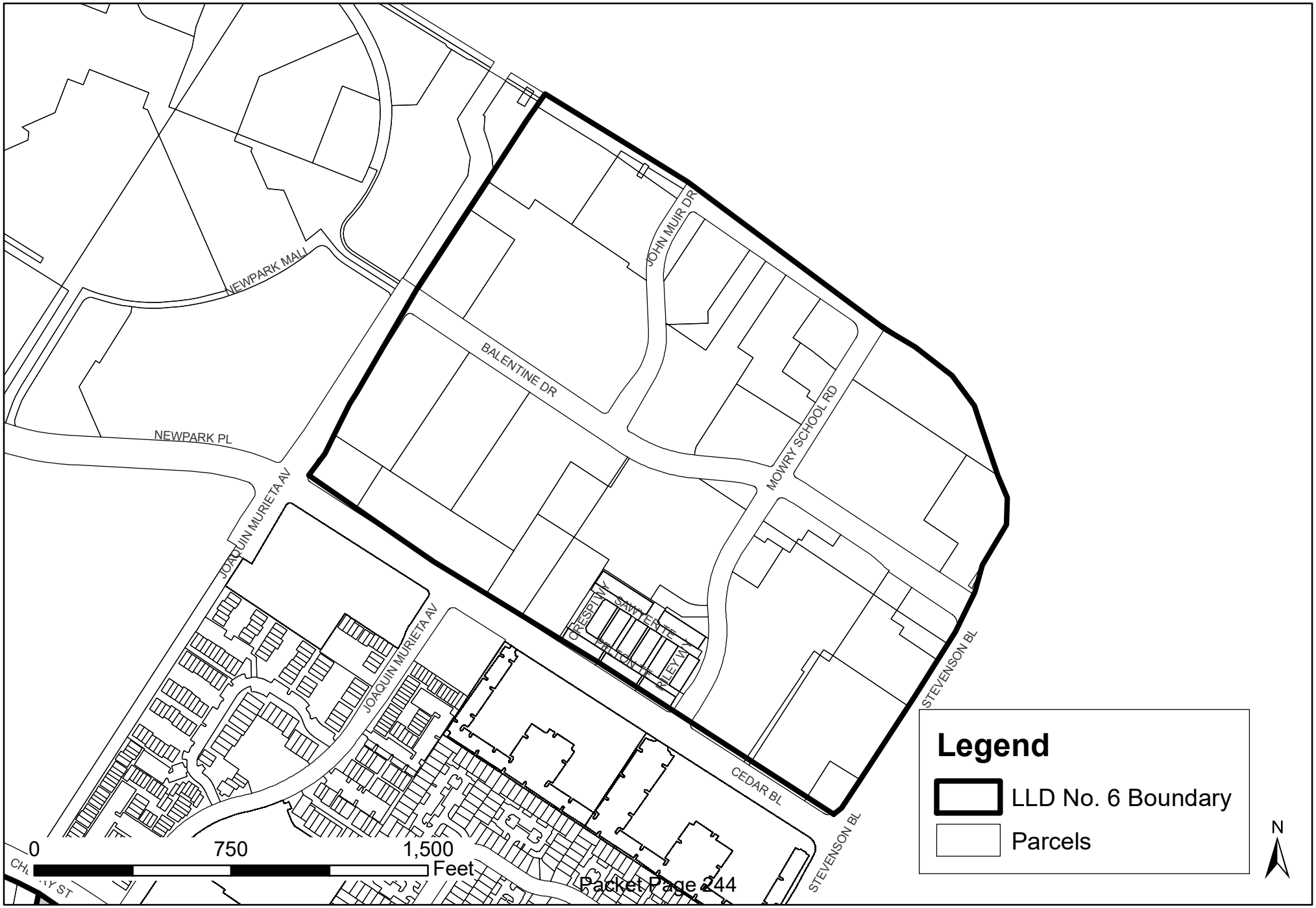
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 6
(CEDAR BLVD., BALENTINE DRIVE, MOWRY SCHOOL ROAD)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was established.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of the District. The apportioning of special benefit is a two-step process: the

first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements can be summarized as follows:

- Improved aesthetics:
    - Well-maintained and attractive landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
    - Well-lit areas contribute to property visibility, especially during nighttime, benefiting businesses or properties seeking attention and attracting customers. It also adds to the visual appeal, attractiveness, and inviting nature of the area.
- Increased property values:
    - Attractive and well-maintained landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
    - Well-maintained and well-lit areas can have a positive impact on property values in the surrounding area. Adequate lighting is seen as a desirable feature, making properties more appealing to potential buyers or tenants.
- Safety:
    - Landscaping helps calm traffic and reduce speeds, creating a safer environment for people traveling to and from properties within the District. It also acts as a physical buffer between roadways and properties within the District.
    - Well-lit areas contribute to improved safety for both motorists and pedestrians traveling to and from properties within the District. Adequate lighting enhances visibility, reducing the risk of accidents and improving overall traffic safety. It also facilitates easier access to adjacent properties.
- Noise reduction:
    - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
    - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in the District, specifically increase the utility of the property within the District. For example, the assessments provide funding to maintain the landscaping and lighting that improves safety and access to the property and provides visual and environmental benefits to the properties within the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer of Work at the time of District formation determined the costs of maintaining medians on Cedar Boulevard was to be spread to each property fronting Cedar Boulevard on a front footage basis. All other District costs are spread on an acreage basis to all parcels within the District. This methodology distributes assessments in proportion to the estimated special benefit conferred to property and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

However, the City is not proposing to levy any assessments on property within the District in Fiscal Year 2023-24. Should costs arise that require the need to levy an assessment in the future, the costs of maintaining the medians on Cedar Boulevard would be apportioned to assessable property within the District on a front footage basis to all property with frontage along Willow Avenue, and all other costs would be apportioned to assessable property on an acreage basis.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of

any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

The City is not proposing to levy any assessments on property within the District for Fiscal Year 2023-24. Therefore, the total proposed assessment for Fiscal Year 2023-24 is $0.00.

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Landscaping and Lighting District No. 7

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 7
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 7 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of streetlights and landscaping improvements within the public right-of-way benefiting parcels within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties along and adjacent to Newark Boulevard between Jarvis Avenue and Cedar Boulevard. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Compliance with the California Constitution

Assessments are levied annually within the District pursuant to the 1972 Act. All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are compliant with the provisions of the California Constitution Article XIIID ("Article XIIID"), which was enacted with the passage of Proposition 218 in November 1996. Pursuant to Article XIIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIIID Section 4. Specifically, Article XIIID Section 5(a) exempted:

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

The City determined that the annual assessments originally established for the District were for the maintenance and operation of landscape and medians within the public street rights-of-way. As such, pursuant to Article XIIID Section 5(a), the pre–existing assessment amount has been exempted from the procedural requirements of Article XIIID Section 4 since the amount of the assessment has not increased since the passage of Proposition 218.

Any future increase in the assessment rate or substantial changes in the services provided would require that the District be brought into compliance with all the requirements of Article XIIID and would require the approval of the property owners subject to the assessment based upon a mailed ballot which would be sent to each property owner.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 7 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

> The maintenance of buffer landscaping and the irrigation system within the public right-of-way and easement areas along Jarvis Avenue, Newark Boulevard, and the Cedar Boulevard frontages of the Rosemont Shopping Center.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the Districts can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 7 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$25,592
Non-Assessment Revenues	$0
Total Projected Revenues	**$25,592**
Projected Expenses	
Contract Services	($6,751)
Utilities	($12,521)
Administration and Incidentals	($4,693)
County Collection Fees	($435)
Unforeseen Maintenance and Repairs	$0
Total Projected Expenses	**($24,400)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	($3,875)
Reserve Fund Collection Increase/(Decrease)	$1,192
Ending Fund Balance - June 30, 2024	($2,683)
Recommended Operating Reserves	$12,200
Available Operating Reserves	($2,683)
Available Capital Reserves[1]	$0

[1] $1,100 will be needed for future Plant Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures that are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 7
(NEWARK BOULEVARD AT JARVIS AVENUE)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance, and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was established.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and

services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements can be summarized as follows:

- Improved aesthetics:
  - Well-maintained and attractive landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
- Increased property values:
  - Attractive and well-maintained landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
- Safety:
  - Landscaping helps calm traffic and reduce speeds, creating a safer environment for people traveling to and from properties within the District. It also acts as a physical buffer between roadways and properties within the District.
- Noise reduction:
  - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
  - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in the District, specifically increase the utility of the property within the District. For example, the assessments provide funding to maintain the landscaping that improves safety and access to the property and provides visual and environmental benefits to the properties within the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer at the time of formation determined the costs of maintaining landscaping was to be spread proportionately based on each property’s gross square footage of the buildings, or on a building square footage basis. Costs will be apportioned to any undeveloped or vacant parcels based on the maximum building size

permitted by the City on the parcel. This methodology distributes assessments in proportion to the estimated special benefit conferred to property and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the City proposes to collect the maximum assessment revenue from the assessable parcels located in the District, which amounts to $0.187 per building square foot to be levied. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $25,591.66.

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 7
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0720-007-00	$7,192.02
092A-0720-009-00	$4,527.64
092A-0720-010-00	$673.94
092A-0720-012-00	$1,069.64
092A-0720-013-00	$1,825.12
092A-0720-014-00	$1,870.00
092A-0720-018-00	$943.22
092A-0720-019-00	$2,315.80
092A-0720-020-00	$391.02
092A-0720-021-00	$391.02
092A-0720-024-00	$1,400.26
092A-0720-025-00	$1,647.46
092A-0720-026-00	$1,344.52
Total Parcels:	13
Total Assessment:	$25,591.66

NEWARK
california

Landscaping and Lighting District No. 10

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 10
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") may levy and collect special assessments on parcels within the City of Newark Landscaping and Lighting District No. 10 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of median-island and buffer landscaping and streetlight improvements within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties within multiple developments located at various locations throughout the City. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Impacts of Proposition 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessments were anticipated in the assessment formula (e.g., CPI increase or assessment cap) then the assessment would comply with the intent and provisions of Proposition 218.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District and each benefit zone, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District and each benefit zone.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 10 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
  - The installation or planting of landscaping.
  - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
  - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
  - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
  - The installation of park or recreational improvements, including, but not limited to all the following:
    - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
    - Lights, playground equipment, play courts, and public restrooms.
  - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
  - The acquisition of land for park, recreational, or open space purposes.
  - The acquisition of any existing improvement otherwise authorized herein.
  - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

> The maintenance and operation of median-island and buffer landscaping and the landscape irrigation system and streetlights located within the zones of benefit in the District. Costs shall include all maintenance and operation costs including normal upkeep, operating expenses, management expenses, replanting costs, and power costs.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

A more detailed description of the facilities which either have or will be constructed, operated, maintained, and serviced within each of the benefit zones follows.

- 10a. The maintenance of Jarvis Avenue and Lido Boulevard median-island and street landscaping, and lighting adjacent to the boundaries of Tract 5318, Lexington Square.

- 10b. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on the north side of Central Avenue between the Nimitz Freeway and Timber Street.

- 10c. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on Morton Avenue for Geomax.

- 10d. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on Enterprise Court and Enterprise Drive for Parcel 1 of Tentative Parcel Map 5109.

- 10e. Maintenance of landscaping and the landscape irrigation system adjacent to Cedar Boulevard south of Mowry Avenue for Jiffy Lube.

- 10f. Maintenance of landscaping and the landscape irrigation system for the apartment complex at the intersection of Rich Avenue and Magnolia Street.

- 10g. Maintenance of landscaping and the landscape irrigation system within easement areas on Smith Avenue and Cedar Boulevard for the Cedar Boulevard Neighborhood Church.

- 10h. Maintenance of landscaping and the landscape irrigation system within easement areas for the parcel adjacent to Eucalyptus Grove Park.

- 10i. Maintenance of landscaping and the landscape irrigation system within easement areas and the public right-of-way on Cherry Street for Thoro Systems.

- 10j. Maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas for the King & Lyons development at Thornton Avenue and Willow Street.

- 10k. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue for Bay Mirror.

- 10l. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on Cedar Boulevard near Moores Avenue for Empire Tractor.

- 10m. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Mowry Avenue for the property at the northeast corner of Mowry Avenue and Cedar Boulevard.

- 10n. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way and easement areas adjacent to the public right-of-way on Cedar Boulevard and Balentine Drive for TJ Maxx.

- 10o. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way and the easement areas adjacent to the public right-of-way on Newark Boulevard and Cedar Boulevard for Lido Faire Shopping Center.

- 10p. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way on Sycamore Street for B.K. Mills.

- 10q. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street for the Moose Lodge.

- 10r. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue at the Southern Pacific Railroad right-of-way for Leslie Salt Company.

- 10s. The maintenance of landscaping and the landscape irrigation system within landscape easement areas on Cedar Boulevard at Central Avenue for Parcel 1 of Parcel Map 4073.

- 10t. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard north of Lake Boulevard for Lot 5 of Tract 5361.

- 10u. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street south of Graham Avenue for Parcel 1 of Parcel Map 6178.

- 10v. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Smith Avenue west of Cherry Street for Parcel 4 of Parcel Map 1427.

- 10w. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard and Mowry Avenue for Parcels 1, 2, 3, and 6 of Parcel Map 3028.

- 10x. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on the cul-de-sac of Enterprise Court at 37569 Enterprise Court.

- 10y. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street and Graham Avenue at 37088 Magnolia Street (formerly 6963 Graham Avenue).

- 10z. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on the Thornton Avenue and Locust Street frontage of 37010 Locust Street.

- 10aa. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Enterprise Drive and Hickory Street at 8610 Enterprise Drive.

- 10ac. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue and Sycamore Street at 7275 Thornton Avenue.

- 10ad. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue at 6152 Thornton Avenue.

- 10ae. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard south of Mowry Avenue.

- 10af. The maintenance of landscaping, the landscape irrigation system, and the concrete block wall within the public right-of-way and adjacent easement areas on Mowry Avenue and Cedar Boulevard for the shopping center that includes 5789 Mowry Avenue.

- 10ag. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Hickory Street at 37137 Hickory Street.

- 10ah. The maintenance of median-island landscaping and lighting, and street frontage landscaping up to 30 feet in width along all streets within the boundaries of Bridgeway Technology Park on Fircrest Street.

- 10ai. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way along Dairy Avenue, Newark Boulevard, and Thornton Avenue for the Foxwood condominium project.

- 10aj. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way on Magnolia Street, Graham Avenue, and Sycamore Street for the Summerhill Apartments.

- 10ak. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way on Cherry Street and Dairy Avenue for the Summerhill Apartments.

- 10al. Maintenance of landscaping, landscape irrigation and lighting within the entire street right-of-way of Potrero Avenue; the easterly portion of Cherry Street, Buena Vista Drive and Parada Street contiguous to Tract 5869; and the easterly portion of Parada Street contiguous to Tract 5810; and the northerly portion of Stevenson Boulevard contiguous to Tract 5810, excluding the median islands within Cherry Street and Stevenson Boulevard.

- 10am. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on Smith Avenue for the Oatey Company.

- 10an. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue at Cedar Boulevard for Newark Square shopping center.

- 10ao. The maintenance and/or construction of landscaping and the irrigation system within the public right-of-way and adjacent easement areas on the Mowry School Road frontage of the property to the rear of Fremont Ford.

- 10ap. The construction and maintenance of landscaping and an irrigation system within the public right-of-way and adjacent easement areas on Morton Avenue for Morton Salt.

- 10aq. Construction and maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on the Cedar Boulevard frontage of the shopping center on the northwest corner of Newark Boulevard and Cedar Boulevard.

- 10ar. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue and on Clark Avenue for Matheson Gas.

- 10as. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Smith Avenue at 6565 Smith Avenue.

- 10at. The construction and/or maintenance of the Art in Public Places Element required in accordance with Newark City Council Resolution No. 5682 within the public right-of-way and/or adjacent easement areas on Parcels 1 and 2 of Tract 5343.

- 10au. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Newark Boulevard at 35193 Newark Boulevard.

- 10av. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard at 37300 Cedar Boulevard.

- 10aw. The maintenance and/or construction of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Fircrest Street at Assessor's Parcel No. 537-460-12-3.

- 10ax. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Enterprise Drive and Willow Street at 8400 Enterprise Drive.

- 10ay. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Mowry Avenue and Cherry Street.

- 10az. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Balentine Drive at Parcel 1 of Parcel Map 6692.

- 10ba. The maintenance and/or construction of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cherry Street north of Thornton Avenue.

- 10bb. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Jarvis Avenue and Newark Boulevard.

- 10bc. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cherry Street south of Robertson Avenue.

- 10bd. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Filbert Street and Central Avenue.

- 10be. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage on Balentine Drive.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 10 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues[1]	
Assessment Revenue	$0
Non-Assessment Revenues	$0
Total Projected Revenues	**$0**
Projected Expenses[1]	
Contract Services	$0
Utilities	$0
Administration and Incidentals	$0
County Collection Fees	$0
Unforeseen Maintenance and Repairs	$0
Total Projected Expenses	**$0**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$0
Reserve Fund Collection Increase/(Decrease)	$0
Ending Fund Balance - June 30, 2024	$0
Recommended Operating Reserves	$0
Available Operating Reserves	$0
Available Capital Reserves	$0

[1] There are no proposed expenses for the District or any of the zones because all the maintenance is being performed by the property owners within each zone of benefit. For this reason, there will be no assessments levied in Fiscal Year 2023-24.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures that are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

PART C

ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. The Diagram is on file in the Public Works Department of the City. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Article XIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways, utility easements, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial, and institutional activities.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. In order for the City to separate out the general and special benefits for each improvement type, an analysis of

each improvement was conducted. The analysis reviewed the purpose and users of each improvement, and then identified the properties that may benefit from the improvement both within and outside the City and within and outside each zone of benefit, and then allocated the costs to maintain, service, and replace each improvement type to each identified property.

Because general benefits are not assessable, any costs associated with general benefits or special benefits assigned to properties within and outside the City and not in a District zone of benefit are to be paid for by the City. Only the costs associated with the special benefits conferred on property within each zone of benefit from the authorized improvements are assessable, and therefore assessed herein.

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District and each benefit zone was established.

In reviewing each of the District's zone improvements, the proximity of those improvements to both properties within the District's zones and those outside the District's zones, as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely the result of developing properties within the District's benefit zones and the ongoing maintenance and operation of these improvements will directly affect the properties within the District. Although the improvements include public areas, easements, rights-of-way, and other amenities available or visible to the public at large, the construction and installation of these improvements were only necessary for the development of properties within the District's benefit zones and were not required, nor necessarily desired by any properties or developments outside each benefit zone's boundary and any public access or use of the improvements by others is incidental. Therefore, it has been determined that the improvements and the ongoing maintenance, servicing and operation of those improvements provide no measurable general benefit to properties outside the District's benefit zones or to the public at large, but clearly provide distinct and special benefits to properties within the District.

The District consists of all Assessor Parcels within the boundaries of the benefit zones within the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of each benefit zone within the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District and associated benefit zones. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such landscape and lighting improvements. The identified special benefits conferred to property from the improvements can be summarized as follows:

- Improved aesthetics:
  - Well-maintained and attractive landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
  - Well-lit areas contribute to property visibility, especially during nighttime, benefiting businesses or properties seeking attention and attracting customers. It also adds to the visual appeal, attractiveness, and inviting nature of the area.
- Increased property values:
  - Attractive and well-maintained landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
  - Well-maintained and well-lit areas can have a positive impact on property values in the surrounding area. Adequate lighting is seen as a desirable feature, making properties more appealing to potential buyers or tenants.
- Safety:
  - Landscaping helps calm traffic and reduce speeds, creating a safer environment for people traveling to and from properties within the District. It also acts as a physical buffer between roadways and properties within the District.
  - Well-lit areas contribute to improved safety for both motorists and pedestrians traveling to and from properties within the District. Adequate lighting enhances visibility, reducing the risk of accidents and improving overall traffic safety. It also facilitates easier access to adjacent properties.
- Noise reduction:
  - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
  - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in each of the zones of benefit within the District, specifically increase the utility of the property within each of the zones in the District. For example, the assessments provide funding to maintain the landscaping and lighting that improves safety and access to the property and provides visual and environmental benefits to the properties within each zone of the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of

the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer at the time of formation determined that each zone of benefits costs should be spread on the basis of frontage to each property in each zone that front the work and areas to be serviced and maintained. Therefore, it was determined that the most appropriate method of apportioning costs was to assess properties based on a front footage basis. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

However, the City is not proposing to levy any assessments on property within the District or any of the zones of benefit in Fiscal Year 2023-24. Should costs arise that require the need to levy an assessment in the future, the costs of maintaining each zone's improvements would be apportioned to assessable property within the zone on a front footage basis to all property fronting the work and areas to be service and maintained.

Should an assessment be levied in the future, publicly owned properties within the District must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the improvements. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts, public parkways, public property designated open space, and any portion of public property that is not used for business purposes similar to private residential, commercial, industrial, and institutional activities. Also exempted from the assessments are private streets, utility easements, Homeowner's Association common areas (except club houses, community centers, parking lots, etc.) and any other parcels that do not receive a special and direct benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

The City is not proposing to levy any assessments on property within the District for Fiscal Year 2023-24. Therefore, the total proposed assessment for Fiscal Year 2023-24 is $0.00.

NEWARK
california

Landscaping and Lighting District No. 11

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 11
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 11 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of median-landscape improvements within and adjacent to the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties south of Interstate 880, west of Elmwood Avenue and Blackwood Drive, north of Cedar Boulevard and those properties along and north of Lake Boulevard, and east of State Route 84. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Compliance with the California Constitution

Assessments are levied annually within the District pursuant to the 1972 Act. All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are compliant with the provisions of the California Constitution Article XIIID ("Article XIIID"), which was enacted with the passage of Proposition 218 in November 1996. Pursuant to Article XIIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIIID Section 4. Specifically, Article XIIID Section 5(a) exempted:

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

The City determined the annual assessments originally established for the District were for the maintenance and operation of landscape and medians within the public street rights-of-way. As such, pursuant to Article XIIID Section 5(a), the pre–existing assessment amount has been exempted from the procedural requirements of Article XIIID Section 4 since the amount of the assessment has not increased since the passage of Proposition 218.

Any future increase in the assessment rate or substantial changes in the services provided would require that the District be brought into compliance with all the requirements of Article XIIID and would require the approval of the property owners subject to the assessment based upon a mailed ballot which would be sent to each property owner.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 11 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
  - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
  - The costs of printing, advertising, and giving of published, posted, and mailed notices.
  - Compensation payable to the county for collection of assessments.
  - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
  - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
  - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
  - Any expenses incidental to the issuance of bonds or notes.
  - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
  - Repair, removal or replacement of all or any part of any improvement.
  - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
  - The removal of trimmings, rubbish, debris, and other solid waste.
  - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
  - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
  - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

> The maintenance and operation of medians on Edgewater Drive, Lake Boulevard, and Parkshore Drive. Costs include all maintenance and operational costs including normal upkeep, operating expenses, management expenses, replacement, and replanting costs.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the Districts can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 11 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$28,175
Non-Assessment Revenues	$0
Total Projected Revenues	**$28,175**
Projected Expenses	
Contract Services	($18,002)
Utilities	($473)
Administration and Incidentals	($8,903)
County Collection Fees	($479)
Unforeseen Maintenance and Repairs[1]	($1,393)
Total Projected Expenses	**($29,249)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$80,511
Reserve Fund Collection Increase/(Decrease)	($1,074)
Ending Fund Balance - June 30, 2024	$79,437
Recommended Operating Reserves	$13,928
Available Operating Reserves	$13,928
Available Capital Reserves[2]	$65,509

[1] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[2] Includes $51,850 for future Plant Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

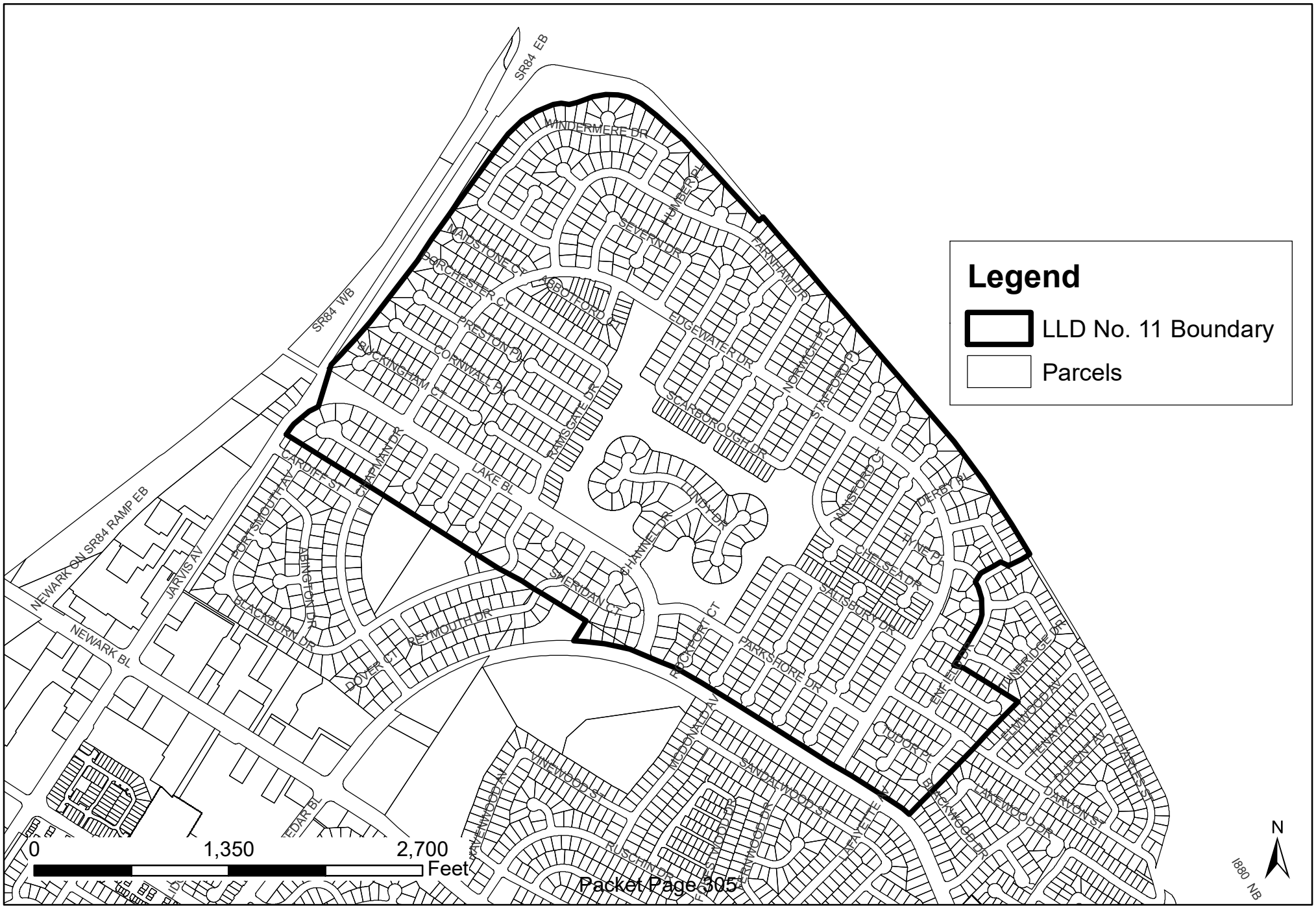
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 11
(EDGEWATER DRIVE/LAKE AREA)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was established.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of the District. The apportioning of special benefit is a two-step process:

the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the median landscape improvements can be summarized as follows:

- Improved aesthetics:
    - Well-maintained and attractive median landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
- Increased property values:
    - Attractive and well-maintained median landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
- Safety:
    - Median landscaping helps calm traffic and reduce speeds, creating a safer environment for people traveling to and from properties in the District. It also acts as a physical buffer between roadways and properties within the District.
- Noise reduction:
    - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
    - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in the District, specifically increase the utility of the property within the District. For example, the assessments provide funding to maintain the median landscaping that improves safety and provides visual and environmental benefits to the properties within the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer of Work at the time of formation determined that each parcel within the boundaries of the District receives a similar benefit from the improvements. Therefore, the most appropriate method of apportioning costs was

determined to be spreading all District costs equally to each parcel in the District. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the City proposes to collect the maximum assessment revenue from the assessable parcels located in the District, which amounts to $25.00 per parcel to be levied. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $28,175.00.

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0712-002-00	$25.00
092A-0712-003-00	$25.00
092A-0712-004-00	$25.00
092A-0712-005-00	$25.00
092A-0712-006-00	$25.00
092A-0712-007-00	$25.00
092A-0712-008-00	$25.00
092A-0712-009-00	$25.00
092A-0712-010-00	$25.00
092A-0712-011-00	$25.00
092A-0712-012-00	$25.00
092A-0712-013-00	$25.00
092A-0712-014-00	$25.00
092A-0712-015-00	$25.00
092A-0712-016-00	$25.00
092A-0712-017-00	$25.00
092A-0712-018-00	$25.00
092A-0712-019-00	$25.00
092A-0712-020-00	$25.00
092A-0712-021-00	$25.00
092A-0712-022-00	$25.00
092A-0712-023-00	$25.00
092A-0712-024-00	$25.00
092A-0712-025-00	$25.00
092A-0712-026-00	$25.00
092A-0712-027-00	$25.00
092A-0712-028-00	$25.00
092A-0712-029-00	$25.00
092A-0712-030-00	$25.00
092A-0712-031-00	$25.00
092A-0712-032-00	$25.00
092A-0712-033-00	$25.00
092A-0712-034-00	$25.00
092A-0712-035-00	$25.00
092A-0712-036-00	$25.00
092A-0712-037-00	$25.00
092A-0712-038-00	$25.00
092A-0712-039-00	$25.00
092A-0712-040-00	$25.00
092A-0712-041-00	$25.00
092A-0712-042-00	$25.00
092A-0712-043-00	$25.00
092A-0712-044-00	$25.00
092A-0712-045-00	$25.00
092A-0712-046-00	$25.00
092A-0712-047-00	$25.00
092A-0712-048-00	$25.00
092A-0712-049-00	$25.00
092A-0712-050-00	$25.00
092A-0712-051-00	$25.00
092A-0712-052-00	$25.00
092A-0712-053-00	$25.00
092A-0712-054-00	$25.00
092A-0712-055-00	$25.00
092A-0712-056-00	$25.00
092A-0712-057-00	$25.00
092A-0712-058-00	$25.00
092A-0712-059-00	$25.00
092A-0712-060-00	$25.00
092A-0712-061-00	$25.00
092A-0712-062-00	$25.00
092A-0712-063-00	$25.00
092A-0712-064-00	$25.00
092A-0712-065-00	$25.00
092A-0712-066-00	$25.00
092A-0712-067-00	$25.00
092A-0712-068-00	$25.00
092A-0712-069-00	$25.00
092A-0712-070-00	$25.00
092A-0712-071-00	$25.00
092A-0712-072-00	$25.00
092A-0712-073-00	$25.00
092A-0712-074-00	$25.00
092A-0712-075-00	$25.00
092A-0712-076-00	$25.00
092A-0712-077-00	$25.00
092A-0712-078-00	$25.00
092A-0712-079-00	$25.00
092A-0713-001-00	$25.00
092A-0713-002-00	$25.00
092A-0713-003-00	$25.00
092A-0713-004-00	$25.00
092A-0713-005-00	$25.00
092A-0713-006-00	$25.00
092A-0713-007-00	$25.00
092A-0713-008-00	$25.00
092A-0713-009-00	$25.00
092A-0713-010-00	$25.00
092A-0713-011-00	$25.00
092A-0713-012-00	$25.00
092A-0713-013-00	$25.00
092A-0713-014-00	$25.00
092A-0713-015-00	$25.00
092A-0713-016-00	$25.00
092A-0713-017-00	$25.00
092A-0713-018-00	$25.00
092A-0713-019-00	$25.00
092A-0713-020-00	$25.00
092A-0713-021-00	$25.00
092A-0713-022-00	$25.00
092A-0713-023-00	$25.00
092A-0713-024-00	$25.00
092A-0713-025-00	$25.00
092A-0713-026-00	$25.00
092A-0713-027-00	$25.00
092A-0713-028-00	$25.00
092A-0713-029-00	$25.00
092A-0713-030-00	$25.00
092A-0713-031-00	$25.00
092A-0713-032-00	$25.00
092A-0713-033-00	$25.00
092A-0713-034-00	$25.00
092A-0713-035-00	$25.00
092A-0713-036-00	$25.00
092A-0713-037-00	$25.00
092A-0713-038-00	$25.00
092A-0713-039-00	$25.00
092A-0713-040-00	$25.00
092A-0713-041-00	$25.00
092A-0713-042-00	$25.00
092A-0713-043-00	$25.00
092A-0713-044-00	$25.00
092A-0713-045-00	$25.00
092A-0713-046-00	$25.00
092A-0713-047-00	$25.00
092A-0713-048-00	$25.00
092A-0713-049-00	$25.00
092A-0713-050-00	$25.00
092A-0713-051-00	$25.00
092A-0713-052-00	$25.00
092A-0713-053-00	$25.00
092A-0715-001-00	$25.00
092A-0715-002-00	$25.00
092A-0715-003-00	$25.00
092A-0715-004-00	$25.00
092A-0715-005-00	$25.00
092A-0715-006-00	$25.00
092A-0715-007-00	$25.00
092A-0715-008-00	$25.00
092A-0715-009-00	$25.00
092A-0715-010-00	$25.00
092A-0715-011-00	$25.00
092A-0715-012-00	$25.00
092A-0715-013-00	$25.00
092A-0715-014-00	$25.00
092A-0715-015-00	$25.00
092A-0715-016-00	$25.00
092A-0715-017-01	$25.00
092A-0715-018-02	$25.00
092A-0715-019-00	$25.00
092A-0715-020-00	$25.00
092A-0715-021-00	$25.00
092A-0715-022-00	$25.00
092A-0715-023-00	$25.00
092A-0715-024-00	$25.00
092A-0715-025-00	$25.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0715-026-00	$25.00
092A-0715-027-00	$25.00
092A-0715-028-00	$25.00
092A-0715-029-00	$25.00
092A-0715-030-00	$25.00
092A-0715-031-00	$25.00
092A-0715-032-00	$25.00
092A-0715-033-00	$25.00
092A-0715-034-00	$25.00
092A-0715-035-00	$25.00
092A-0715-036-00	$25.00
092A-0715-037-00	$25.00
092A-0715-038-00	$25.00
092A-0715-040-00	$25.00
092A-0715-041-00	$25.00
092A-0715-042-00	$25.00
092A-0715-043-00	$25.00
092A-0715-044-00	$25.00
092A-0715-045-00	$25.00
092A-0715-046-00	$25.00
092A-0715-047-00	$25.00
092A-0715-048-00	$25.00
092A-0715-049-00	$25.00
092A-0715-050-00	$25.00
092A-0715-051-00	$25.00
092A-0715-052-00	$25.00
092A-0715-053-00	$25.00
092A-0715-054-00	$25.00
092A-0715-055-00	$25.00
092A-0715-056-00	$25.00
092A-0715-057-00	$25.00
092A-0715-058-00	$25.00
092A-0715-059-00	$25.00
092A-0715-060-00	$25.00
092A-0715-061-00	$25.00
092A-0715-062-00	$25.00
092A-0715-063-00	$25.00
092A-0715-065-00	$25.00
092A-0715-066-00	$25.00
092A-0715-067-00	$25.00
092A-0715-068-00	$25.00
092A-0715-069-00	$25.00
092A-0715-070-00	$25.00
092A-0715-071-00	$25.00
092A-0715-072-00	$25.00
092A-0715-073-00	$25.00
092A-0715-074-00	$25.00
092A-0715-075-00	$25.00
092A-0715-076-00	$25.00
092A-0715-077-00	$25.00
092A-0715-078-00	$25.00
092A-0715-079-00	$25.00
092A-0715-080-00	$25.00
092A-0715-081-00	$25.00
092A-0715-082-00	$25.00
092A-0715-083-00	$25.00
092A-0715-084-00	$25.00
092A-0715-085-00	$25.00
092A-0715-086-00	$25.00
092A-0715-087-00	$25.00
092A-0715-088-00	$25.00
092A-0715-089-00	$25.00
092A-0715-090-00	$25.00
092A-0715-091-00	$25.00
092A-0715-092-00	$25.00
092A-0715-093-00	$25.00
092A-0715-094-00	$25.00
092A-0715-095-00	$25.00
092A-0715-096-00	$25.00
092A-0715-097-00	$25.00
092A-0715-098-00	$25.00
092A-0715-099-00	$25.00
092A-0715-100-00	$25.00
092A-0715-101-00	$25.00
092A-0715-102-00	$25.00
092A-0715-103-00	$25.00
092A-0715-104-00	$25.00
092A-0715-105-00	$25.00
092A-0715-106-00	$25.00
092A-0715-107-00	$25.00
092A-0715-108-00	$25.00
092A-0716-001-00	$25.00
092A-0716-002-00	$25.00
092A-0716-003-00	$25.00
092A-0716-004-00	$25.00
092A-0716-005-00	$25.00
092A-0716-006-00	$25.00
092A-0716-007-00	$25.00
092A-0716-008-00	$25.00
092A-0716-009-00	$25.00
092A-0716-010-00	$25.00
092A-0716-011-00	$25.00
092A-0716-012-00	$25.00
092A-0716-013-00	$25.00
092A-0716-014-00	$25.00
092A-0716-015-00	$25.00
092A-0716-016-00	$25.00
092A-0716-017-00	$25.00
092A-0716-018-00	$25.00
092A-0716-019-00	$25.00
092A-0716-020-00	$25.00
092A-0716-021-00	$25.00
092A-0716-022-00	$25.00
092A-0716-024-00	$25.00
092A-0716-025-00	$25.00
092A-0716-026-00	$25.00
092A-0716-028-00	$25.00
092A-0716-029-00	$25.00
092A-0716-030-00	$25.00
092A-0716-031-00	$25.00
092A-0716-032-00	$25.00
092A-0716-033-00	$25.00
092A-0716-034-00	$25.00
092A-0716-035-00	$25.00
092A-0716-036-00	$25.00
092A-0716-037-00	$25.00
092A-0716-038-00	$25.00
092A-0716-039-00	$25.00
092A-0716-040-00	$25.00
092A-0716-041-00	$25.00
092A-0716-042-00	$25.00
092A-0716-043-00	$25.00
092A-0716-044-00	$25.00
092A-0716-045-00	$25.00
092A-0716-046-00	$25.00
092A-0716-047-00	$25.00
092A-0716-048-00	$25.00
092A-0716-049-00	$25.00
092A-0716-050-00	$25.00
092A-0716-051-00	$25.00
092A-0716-052-00	$25.00
092A-0716-053-00	$25.00
092A-0716-054-00	$25.00
092A-0716-055-00	$25.00
092A-0716-056-00	$25.00
092A-0716-057-00	$25.00
092A-0716-058-00	$25.00
092A-0716-059-00	$25.00
092A-0716-060-00	$25.00
092A-0716-061-00	$25.00
092A-0716-062-00	$25.00
092A-0716-063-02	$25.00
092A-0716-064-01	$25.00
092A-0716-065-00	$25.00
092A-0716-066-00	$25.00
092A-0716-067-00	$25.00
092A-0716-068-00	$25.00
092A-0716-069-00	$25.00
092A-0716-071-00	$25.00
092A-0716-072-00	$25.00
092A-0716-073-00	$25.00
092A-0716-074-00	$25.00
092A-0716-075-00	$25.00
092A-0716-076-00	$25.00
092A-0716-077-00	$25.00
092A-0716-078-00	$25.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0716-079-00	$25.00
092A-0716-080-00	$25.00
092A-0716-081-00	$25.00
092A-0716-082-00	$25.00
092A-0716-083-00	$25.00
092A-0716-084-00	$25.00
092A-0716-085-00	$25.00
092A-0716-086-00	$25.00
092A-0716-087-00	$25.00
092A-0716-088-00	$25.00
092A-0716-089-00	$25.00
092A-0716-090-00	$25.00
092A-0716-091-00	$25.00
092A-0716-092-00	$25.00
092A-0716-093-00	$25.00
092A-0716-094-00	$25.00
092A-0716-095-00	$25.00
092A-0716-096-00	$25.00
092A-0716-097-00	$25.00
092A-0716-098-00	$25.00
092A-0716-099-00	$25.00
092A-0716-100-00	$25.00
092A-0716-101-00	$25.00
092A-0716-102-00	$25.00
092A-0716-103-00	$25.00
092A-0716-104-00	$25.00
092A-0716-105-00	$25.00
092A-0716-106-00	$25.00
092A-0716-107-00	$25.00
092A-0716-108-00	$25.00
092A-0716-109-00	$25.00
092A-0716-110-00	$25.00
092A-0716-111-00	$25.00
092A-0716-112-00	$25.00
092A-0716-113-00	$25.00
092A-0716-114-00	$25.00
092A-0716-115-00	$25.00
092A-0716-116-00	$25.00
092A-0716-117-00	$25.00
092A-0716-118-00	$25.00
092A-0716-119-00	$25.00
092A-0716-120-00	$25.00
092A-0716-121-00	$25.00
092A-0716-122-00	$25.00
092A-0716-123-00	$25.00
092A-0716-124-00	$25.00
092A-0716-125-00	$25.00
092A-0716-126-00	$25.00
092A-0716-127-00	$25.00
092A-0716-128-00	$25.00
092A-0716-129-00	$25.00
092A-0716-130-00	$25.00
092A-0716-131-00	$25.00
092A-0716-132-00	$25.00
092A-0716-133-00	$25.00
092A-0716-134-00	$25.00
092A-0716-135-00	$25.00
092A-0717-001-00	$25.00
092A-0717-002-00	$25.00
092A-0717-003-00	$25.00
092A-0717-004-00	$25.00
092A-0717-005-00	$25.00
092A-0717-006-00	$25.00
092A-0717-007-00	$25.00
092A-0717-008-00	$25.00
092A-0717-009-00	$25.00
092A-0717-010-00	$25.00
092A-0717-011-00	$25.00
092A-0717-013-00	$25.00
092A-0717-014-00	$25.00
092A-0717-015-00	$25.00
092A-0717-016-00	$25.00
092A-0718-001-00	$25.00
092A-0718-002-00	$25.00
092A-0718-003-00	$25.00
092A-0718-004-00	$25.00
092A-0718-005-00	$25.00
092A-0718-006-00	$25.00
092A-0718-007-00	$25.00
092A-0718-008-00	$25.00
092A-0718-009-00	$25.00
092A-0718-010-00	$25.00
092A-0718-011-00	$25.00
092A-0718-012-00	$25.00
092A-0718-013-00	$25.00
092A-0718-014-00	$25.00
092A-0718-015-00	$25.00
092A-0718-016-00	$25.00
092A-0718-017-00	$25.00
092A-0718-018-00	$25.00
092A-0718-019-00	$25.00
092A-0718-020-00	$25.00
092A-0718-021-00	$25.00
092A-0718-022-00	$25.00
092A-0718-023-00	$25.00
092A-0718-024-00	$25.00
092A-0718-025-00	$25.00
092A-0718-026-00	$25.00
092A-0718-027-00	$25.00
092A-0718-028-00	$25.00
092A-0718-029-00	$25.00
092A-0718-030-00	$25.00
092A-0718-031-00	$25.00
092A-0718-032-00	$25.00
092A-0718-033-00	$25.00
092A-0718-034-00	$25.00
092A-0718-035-00	$25.00
092A-0718-036-00	$25.00
092A-0718-037-00	$25.00
092A-0718-038-00	$25.00
092A-0718-039-00	$25.00
092A-0718-040-00	$25.00
092A-0718-041-00	$25.00
092A-0718-042-00	$25.00
092A-0718-043-00	$25.00
092A-0718-044-00	$25.00
092A-0718-045-00	$25.00
092A-0718-046-00	$25.00
092A-0718-047-00	$25.00
092A-0718-048-00	$25.00
092A-0718-049-00	$25.00
092A-0718-050-00	$25.00
092A-0718-051-00	$25.00
092A-0718-052-00	$25.00
092A-0718-053-00	$25.00
092A-0718-054-00	$25.00
092A-0718-055-00	$25.00
092A-0718-056-00	$25.00
092A-0718-057-00	$25.00
092A-0718-059-00	$25.00
092A-0718-060-00	$25.00
092A-0718-061-00	$25.00
092A-0718-062-00	$25.00
092A-0718-063-00	$25.00
092A-0718-064-00	$25.00
092A-0718-065-00	$25.00
092A-0718-066-00	$25.00
092A-0718-067-00	$25.00
092A-0718-068-00	$25.00
092A-0718-069-00	$25.00
092A-0718-070-00	$25.00
092A-0718-071-00	$25.00
092A-0718-072-00	$25.00
092A-0718-073-00	$25.00
092A-0718-074-00	$25.00
092A-0718-075-00	$25.00
092A-0718-076-00	$25.00
092A-0718-077-00	$25.00
092A-0718-078-00	$25.00
092A-0718-079-00	$25.00
092A-0718-080-00	$25.00
092A-0724-007-00	$25.00
092A-0724-008-00	$25.00
092A-0724-009-00	$25.00
092A-0724-010-00	$25.00
092A-0724-011-00	$25.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0724-012-00	$25.00
092A-0724-013-00	$25.00
092A-0724-014-00	$25.00
092A-0724-015-00	$25.00
092A-0724-016-00	$25.00
092A-0724-017-00	$25.00
092A-0724-018-00	$25.00
092A-0724-019-00	$25.00
092A-0724-020-00	$25.00
092A-0724-021-00	$25.00
092A-0724-022-00	$25.00
092A-0724-023-00	$25.00
092A-0724-024-00	$25.00
092A-0724-025-00	$25.00
092A-0724-026-00	$25.00
092A-0724-027-00	$25.00
092A-0724-028-00	$25.00
092A-0724-029-00	$25.00
092A-0724-030-00	$25.00
092A-0724-031-00	$25.00
092A-0724-032-00	$25.00
092A-0724-033-00	$25.00
092A-0724-034-00	$25.00
092A-0724-035-00	$25.00
092A-0724-036-00	$25.00
092A-0724-037-00	$25.00
092A-0724-038-00	$25.00
092A-0724-039-00	$25.00
092A-0724-040-00	$25.00
092A-0724-041-00	$25.00
092A-0724-042-00	$25.00
092A-0724-043-00	$25.00
092A-0724-044-00	$25.00
092A-0724-045-00	$25.00
092A-0724-046-00	$25.00
092A-0724-047-00	$25.00
092A-0724-048-00	$25.00
092A-0724-049-00	$25.00
092A-0724-050-00	$25.00
092A-0724-051-00	$25.00
092A-0724-052-00	$25.00
092A-0724-053-00	$25.00
092A-0724-054-00	$25.00
092A-0724-055-00	$25.00
092A-0724-056-00	$25.00
092A-0724-057-00	$25.00
092A-0724-058-00	$25.00
092A-0724-059-00	$25.00
092A-0724-060-00	$25.00
092A-0724-061-00	$25.00
092A-0724-062-00	$25.00
092A-0724-063-00	$25.00
092A-0724-064-00	$25.00
092A-0724-066-00	$25.00
092A-0724-067-00	$25.00
092A-0724-068-00	$25.00
092A-0724-069-00	$25.00
092A-0724-070-00	$25.00
092A-0724-071-00	$25.00
092A-0724-072-00	$25.00
092A-0724-073-00	$25.00
092A-0724-074-00	$25.00
092A-0724-075-00	$25.00
092A-0724-076-00	$25.00
092A-0724-077-00	$25.00
092A-0724-078-00	$25.00
092A-0724-079-00	$25.00
092A-0724-080-00	$25.00
092A-0724-081-00	$25.00
092A-0724-082-00	$25.00
092A-0724-083-00	$25.00
092A-0724-084-00	$25.00
092A-0724-085-00	$25.00
092A-0724-086-00	$25.00
092A-0724-087-00	$25.00
092A-0724-088-00	$25.00
092A-0724-089-00	$25.00
092A-0724-090-00	$25.00
092A-0724-091-00	$25.00
092A-0724-092-00	$25.00
092A-0724-093-00	$25.00
092A-0724-094-00	$25.00
092A-0725-005-00	$25.00
092A-0725-006-00	$25.00
092A-0725-007-00	$25.00
092A-0725-008-00	$25.00
092A-0725-009-00	$25.00
092A-0725-010-00	$25.00
092A-0725-011-00	$25.00
092A-0725-012-00	$25.00
092A-0725-013-00	$25.00
092A-0725-014-00	$25.00
092A-0725-015-00	$25.00
092A-0725-016-00	$25.00
092A-0725-017-00	$25.00
092A-0725-018-00	$25.00
092A-0725-019-00	$25.00
092A-0725-020-00	$25.00
092A-0725-021-00	$25.00
092A-0725-022-00	$25.00
092A-0725-023-00	$25.00
092A-0725-024-00	$25.00
092A-0725-025-00	$25.00
092A-0725-026-00	$25.00
092A-0725-027-00	$25.00
092A-0725-028-00	$25.00
092A-0725-029-00	$25.00
092A-0725-030-00	$25.00
092A-0725-031-00	$25.00
092A-0725-032-00	$25.00
092A-0725-034-00	$25.00
092A-0725-035-00	$25.00
092A-0725-036-00	$25.00
092A-0725-038-00	$25.00
092A-0725-039-00	$25.00
092A-0725-040-00	$25.00
092A-0725-041-00	$25.00
092A-0725-042-00	$25.00
092A-0725-043-00	$25.00
092A-0725-044-00	$25.00
092A-0725-045-00	$25.00
092A-0725-046-00	$25.00
092A-0725-047-00	$25.00
092A-0725-048-00	$25.00
092A-0725-049-00	$25.00
092A-0725-050-00	$25.00
092A-0725-051-00	$25.00
092A-0725-052-00	$25.00
092A-0725-059-00	$25.00
092A-0725-060-00	$25.00
092A-0725-063-00	$25.00
092A-0725-065-00	$25.00
092A-0725-066-00	$25.00
092A-0726-003-00	$25.00
092A-0726-004-00	$25.00
092A-0726-005-00	$25.00
092A-0726-006-00	$25.00
092A-0726-007-00	$25.00
092A-0726-008-00	$25.00
092A-0726-009-00	$25.00
092A-0726-010-00	$25.00
092A-0726-011-00	$25.00
092A-0726-012-00	$25.00
092A-0726-013-00	$25.00
092A-0726-014-00	$25.00
092A-0726-015-00	$25.00
092A-0726-016-00	$25.00
092A-0726-017-00	$25.00
092A-0726-018-00	$25.00
092A-0726-019-00	$25.00
092A-0726-020-00	$25.00
092A-0726-021-00	$25.00
092A-0726-022-00	$25.00
092A-0726-023-00	$25.00
092A-0726-024-00	$25.00
092A-0726-025-00	$25.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0726-026-00	$25.00
092A-0726-027-00	$25.00
092A-0726-028-00	$25.00
092A-0726-029-00	$25.00
092A-0726-030-00	$25.00
092A-0726-031-00	$25.00
092A-0726-032-00	$25.00
092A-0726-033-00	$25.00
092A-0726-034-00	$25.00
092A-0726-035-00	$25.00
092A-0726-036-00	$25.00
092A-0726-037-00	$25.00
092A-0726-038-00	$25.00
092A-0726-039-00	$25.00
092A-0726-040-00	$25.00
092A-0726-041-00	$25.00
092A-0726-042-00	$25.00
092A-0726-043-00	$25.00
092A-0726-044-00	$25.00
092A-0726-045-00	$25.00
092A-0726-046-00	$25.00
092A-0726-047-00	$25.00
092A-0726-048-00	$25.00
092A-0726-049-00	$25.00
092A-0726-050-00	$25.00
092A-0726-051-00	$25.00
092A-0726-052-00	$25.00
092A-0726-053-00	$25.00
092A-0726-054-00	$25.00
092A-0726-055-00	$25.00
092A-0726-056-00	$25.00
092A-0726-057-00	$25.00
092A-0726-058-00	$25.00
092A-0726-059-00	$25.00
092A-0726-060-00	$25.00
092A-0726-061-00	$25.00
092A-0726-062-00	$25.00
092A-0726-063-00	$25.00
092A-0726-064-00	$25.00
092A-0726-065-00	$25.00
092A-0726-066-00	$25.00
092A-0726-067-00	$25.00
092A-0726-068-00	$25.00
092A-0726-069-00	$25.00
092A-0726-070-00	$25.00
092A-0726-071-00	$25.00
092A-0726-072-00	$25.00
092A-0726-073-00	$25.00
092A-0726-074-00	$25.00
092A-0726-075-00	$25.00
092A-0726-076-00	$25.00
092A-0726-077-00	$25.00
092A-0726-078-00	$25.00
092A-0726-079-00	$25.00
092A-0726-080-00	$25.00
092A-0726-081-00	$25.00
092A-0726-082-00	$25.00
092A-0726-083-00	$25.00
092A-0726-084-00	$25.00
092A-0726-085-00	$25.00
092A-0726-086-00	$25.00
092A-0726-087-00	$25.00
092A-0726-088-00	$25.00
092A-0726-089-00	$25.00
092A-0726-090-00	$25.00
092A-0726-091-00	$25.00
092A-0726-092-00	$25.00
092A-0727-003-00	$25.00
092A-0727-004-00	$25.00
092A-0727-005-00	$25.00
092A-0727-006-00	$25.00
092A-0727-007-00	$25.00
092A-0727-008-00	$25.00
092A-0727-009-00	$25.00
092A-0727-010-00	$25.00
092A-0727-011-00	$25.00
092A-0727-012-00	$25.00
092A-0727-013-00	$25.00
092A-0727-014-00	$25.00
092A-0727-015-00	$25.00
092A-0727-016-00	$25.00
092A-0727-017-00	$25.00
092A-0727-018-00	$25.00
092A-0727-019-00	$25.00
092A-0727-020-00	$25.00
092A-0727-021-00	$25.00
092A-0727-022-00	$25.00
092A-0727-023-00	$25.00
092A-0727-024-00	$25.00
092A-0727-025-00	$25.00
092A-0727-026-00	$25.00
092A-0727-027-00	$25.00
092A-0727-029-00	$25.00
092A-0727-030-00	$25.00
092A-0727-031-00	$25.00
092A-0727-032-00	$25.00
092A-0727-033-00	$25.00
092A-0727-034-00	$25.00
092A-0727-035-00	$25.00
092A-0727-036-00	$25.00
092A-0727-037-00	$25.00
092A-0727-038-00	$25.00
092A-0727-039-00	$25.00
092A-0727-040-00	$25.00
092A-0727-041-00	$25.00
092A-0727-042-00	$25.00
092A-0727-043-00	$25.00
092A-0727-044-00	$25.00
092A-0727-045-00	$25.00
092A-0727-046-00	$25.00
092A-0727-047-00	$25.00
092A-0727-048-00	$25.00
092A-0727-049-00	$25.00
092A-0727-050-00	$25.00
092A-0727-051-00	$25.00
092A-0727-052-00	$25.00
092A-0727-053-00	$25.00
092A-0727-054-00	$25.00
092A-0727-056-00	$25.00
092A-0727-057-00	$25.00
092A-0727-058-00	$25.00
092A-0727-059-00	$25.00
092A-0727-060-00	$25.00
092A-0727-061-00	$25.00
092A-0727-062-00	$25.00
092A-0727-063-00	$25.00
092A-0727-064-00	$25.00
092A-0727-065-00	$25.00
092A-0727-066-00	$25.00
092A-0727-067-00	$25.00
092A-0727-068-00	$25.00
092A-0727-069-00	$25.00
092A-0727-070-00	$25.00
092A-0727-071-00	$25.00
092A-0727-072-00	$25.00
092A-0727-073-00	$25.00
092A-0727-074-00	$25.00
092A-0727-075-00	$25.00
092A-0727-076-00	$25.00
092A-0727-077-00	$25.00
092A-0727-078-00	$25.00
092A-0727-079-00	$25.00
092A-0727-080-00	$25.00
092A-0727-081-00	$25.00
092A-0727-083-00	$25.00
092A-0727-084-00	$25.00
092A-0727-085-00	$25.00
092A-0727-086-00	$25.00
092A-0727-087-00	$25.00
092A-0727-088-00	$25.00
092A-0727-089-00	$25.00
092A-0727-090-00	$25.00
092A-0727-091-00	$25.00
092A-0727-092-00	$25.00
092A-0727-093-00	$25.00
092A-0727-094-00	$25.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0727-095-00	$25.00
092A-0727-096-00	$25.00
092A-0727-097-00	$25.00
092A-0727-098-00	$25.00
092A-0727-099-00	$25.00
092A-0727-100-00	$25.00
092A-0727-101-00	$25.00
092A-0727-102-00	$25.00
092A-0727-103-00	$25.00
092A-0727-104-00	$25.00
092A-0727-105-00	$25.00
092A-0727-106-00	$25.00
092A-0727-107-00	$25.00
092A-0727-108-00	$25.00
092A-0727-110-00	$25.00
092A-0727-111-00	$25.00
092A-0727-112-00	$25.00
092A-0727-113-00	$25.00
092A-0727-114-00	$25.00
092A-0727-115-00	$25.00
092A-0727-116-00	$25.00
092A-0727-117-00	$25.00
092A-0727-118-00	$25.00
092A-0727-119-00	$25.00
092A-0727-120-00	$25.00
092A-0727-121-00	$25.00
092A-0727-122-00	$25.00
092A-0727-123-00	$25.00
092A-0727-124-00	$25.00
092A-0727-125-00	$25.00
092A-0727-126-00	$25.00
092A-0727-127-00	$25.00
092A-0727-128-00	$25.00
092A-0727-129-00	$25.00
092A-0727-130-00	$25.00
092A-0727-131-00	$25.00
092A-0727-132-00	$25.00
092A-0727-133-00	$25.00
092A-0727-134-00	$25.00
092A-0727-135-00	$25.00
092A-0727-136-00	$25.00
092A-0727-137-00	$25.00
092A-0727-138-00	$25.00
092A-0727-139-00	$25.00
092A-0727-140-00	$25.00
092A-0727-141-00	$25.00
092A-0727-142-00	$25.00
092A-0727-143-00	$25.00
092A-0727-144-00	$25.00
092A-0727-145-00	$25.00
092A-0727-146-00	$25.00
092A-0727-147-00	$25.00
092A-0727-148-00	$25.00
092A-0727-149-00	$25.00
092A-0727-150-00	$25.00
092A-0727-151-00	$25.00
092A-0727-152-00	$25.00
092A-0727-153-00	$25.00
092A-0727-154-00	$25.00
092A-0727-155-00	$25.00
092A-0727-156-00	$25.00
092A-0727-157-00	$25.00
092A-0727-158-00	$25.00
092A-0727-159-00	$25.00
092A-0727-160-00	$25.00
092A-0727-161-00	$25.00
092A-0728-001-00	$25.00
092A-0728-002-00	$25.00
092A-0728-003-00	$25.00
092A-0728-004-00	$25.00
092A-0728-005-00	$25.00
092A-0728-006-00	$25.00
092A-0728-007-00	$25.00
092A-0728-008-00	$25.00
092A-0728-009-00	$25.00
092A-0728-010-00	$25.00
092A-0728-011-00	$25.00
092A-0728-012-00	$25.00
092A-0728-013-00	$25.00
092A-0728-014-00	$25.00
092A-0728-015-00	$25.00
092A-0728-016-00	$25.00
092A-0728-017-00	$25.00
092A-0728-018-00	$25.00
092A-0728-019-00	$25.00
092A-0728-020-00	$25.00
092A-0728-021-00	$25.00
092A-0728-022-00	$25.00
092A-0728-023-00	$25.00
092A-0728-024-00	$25.00
092A-0728-025-00	$25.00
092A-0728-026-00	$25.00
092A-0728-027-00	$25.00
092A-0728-028-00	$25.00
092A-0728-029-00	$25.00
092A-0728-030-00	$25.00
092A-0728-031-00	$25.00
092A-0728-032-00	$25.00
092A-0728-033-00	$25.00
092A-0728-034-00	$25.00
092A-0728-035-00	$25.00
092A-0728-036-00	$25.00
092A-0728-037-00	$25.00
092A-0728-038-00	$25.00
092A-0728-039-00	$25.00
092A-0728-040-00	$25.00
092A-0728-041-00	$25.00
092A-0728-042-00	$25.00
092A-0728-043-00	$25.00
092A-0728-044-00	$25.00
092A-0728-045-00	$25.00
092A-0728-046-00	$25.00
092A-0728-047-00	$25.00
092A-0728-048-00	$25.00
092A-0728-049-00	$25.00
092A-0728-050-00	$25.00
092A-0728-051-00	$25.00
092A-0728-052-00	$25.00
092A-0728-053-00	$25.00
092A-0728-054-00	$25.00
092A-0728-055-00	$25.00
092A-0728-056-00	$25.00
092A-0728-057-00	$25.00
092A-0728-058-00	$25.00
092A-0728-059-00	$25.00
092A-0728-060-00	$25.00
092A-0728-061-00	$25.00
092A-0728-062-00	$25.00
092A-0728-063-00	$25.00
092A-0728-064-00	$25.00
092A-0728-065-00	$25.00
092A-0728-066-00	$25.00
092A-0728-067-00	$25.00
092A-0728-068-00	$25.00
092A-0728-069-00	$25.00
092A-0728-070-00	$25.00
092A-0728-071-00	$25.00
092A-0728-072-00	$25.00
092A-0728-074-00	$25.00
092A-0728-075-00	$25.00
092A-0728-076-00	$25.00
092A-0728-077-00	$25.00
092A-0728-078-00	$25.00
092A-0728-079-00	$25.00
092A-0728-080-00	$25.00
092A-0728-081-00	$25.00
092A-0728-082-00	$25.00
092A-0728-083-00	$25.00
092A-0728-084-00	$25.00
092A-0728-085-00	$25.00
092A-0728-086-00	$25.00
092A-0728-087-00	$25.00
092A-0728-088-00	$25.00
092A-0728-089-00	$25.00
092A-0728-090-00	$25.00
092A-0728-091-00	$25.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0728-092-00	$25.00
092A-0728-093-00	$25.00
092A-0728-094-00	$25.00
092A-0728-095-00	$25.00
092A-0728-096-00	$25.00
092A-0728-097-00	$25.00
092A-0728-098-00	$25.00
092A-0728-099-00	$25.00
092A-0728-100-00	$25.00
092A-0728-101-00	$25.00
092A-0728-102-00	$25.00
092A-0728-103-00	$25.00
092A-0728-104-00	$25.00
092A-0728-105-00	$25.00
092A-0728-106-00	$25.00
092A-0728-107-00	$25.00
092A-0728-108-00	$25.00
092A-0728-109-00	$25.00
092A-0728-110-01	$25.00
092A-0728-111-01	$25.00
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092A-0728-125-00	$25.00
092A-0728-126-00	$25.00
092A-0728-127-00	$25.00
092A-0728-128-00	$25.00
092A-0728-129-00	$25.00
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092A-0729-002-00	$25.00
092A-0729-003-00	$25.00
092A-0729-004-00	$25.00
092A-0729-005-00	$25.00
092A-0729-006-00	$25.00
092A-0729-007-00	$25.00
092A-0729-008-00	$25.00
092A-0729-009-00	$25.00
092A-0729-010-00	$25.00
092A-0729-011-00	$25.00
092A-0729-012-00	$25.00
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092A-0729-020-00	$25.00
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092A-0729-084-00	$25.00
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092A-0729-091-00	$25.00
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092A-0729-095-00	$25.00
092A-0729-096-00	$25.00
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092A-2590-003-00	$25.00
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092A-2590-006-00	$25.00
092A-2590-007-00	$25.00
092A-2590-008-00	$25.00
092A-2590-009-00	$25.00
092A-2590-010-00	$25.00
092A-2590-011-00	$25.00
092A-2590-012-00	$25.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 11
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-2590-013-00	$25.00
092A-2590-014-00	$25.00
092A-2590-015-00	$25.00
092A-2590-016-00	$25.00
092A-2590-017-00	$25.00
092A-2590-018-00	$25.00
092A-2590-019-00	$25.00
092A-2590-020-00	$25.00
092A-2590-021-00	$25.00
092A-2590-022-00	$25.00
092A-2590-023-00	$25.00
092A-2590-024-00	$25.00
092A-2590-025-00	$25.00
092A-2590-026-00	$25.00
092A-2590-027-00	$25.00
092A-2590-028-00	$25.00
092A-2590-029-00	$25.00
092A-2590-030-00	$25.00
092A-2590-031-00	$25.00
092A-2590-032-00	$25.00
092A-2590-033-00	$25.00
092A-2590-034-00	$25.00
092A-2590-035-00	$25.00
092A-2590-036-00	$25.00
092A-2590-037-00	$25.00
092A-2590-038-00	$25.00
092A-2590-039-00	$25.00
092A-2590-040-00	$25.00
092A-2590-041-00	$25.00
092A-2590-042-00	$25.00
092A-2590-043-00	$25.00
092A-2590-044-00	$25.00
092A-2590-045-00	$25.00
092A-2590-046-00	$25.00
092A-2590-047-00	$25.00
Total Parcels:	1,127
Total Assessment:	$28,175.00

NEWARK
california

Landscaping and Lighting District No. 13

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 13
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") may levy and collect special assessments on parcels within the City of Newark Landscaping and Lighting District No. 13 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of median-landscape and mini-park improvements benefiting parcels within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties south of Willow Street, northwest of Thornton Avenue, and east of Cedar Boulevard. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Impacts of Proposition 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessments were anticipated in the assessment formula (e.g., CPI increase or assessment cap) then the assessment would comply with the intent and provisions of Proposition 218.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 13 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

> The maintenance and operation of landscaping, landscape irrigation, lighting within and adjacent to the rights-of-way of Thornton Avenue, Cedar Boulevard, Willow Street, Mahogany Place, Peachtree Avenue, and Papaya Avenue, including replacement and replanting costs, are part of the responsibilities. This also includes the maintenance and operation of landscaping, lighting, pathways, play areas, and play equipment within the in-tract mini-parks.

The development's Homeowner's Association has historically and continues to maintain all the District's authorized improvements, resulting in no maintenance of these improvements being provided by the City or funded by the District.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the Districts can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 13 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$0
Non-Assessment Revenues	$0
Total Projected Revenues	**$0**
Projected Expenses	
Contract Services	$0
Utilities	$0
Administration and Incidentals	$0
County Collection Fees	$0
Unforeseen Maintenance and Repairs	$0
Total Projected Expenses	**$0**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$3,519
Reserve Fund Collection Increase/(Decrease)	$0
Ending Fund Balance - June 30, 2024	$3,519
Recommended Operating Reserves	$0
Available Operating Reserves	$0
Available Capital Reserves	$3,519

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so the District can respond and address the need promptly.

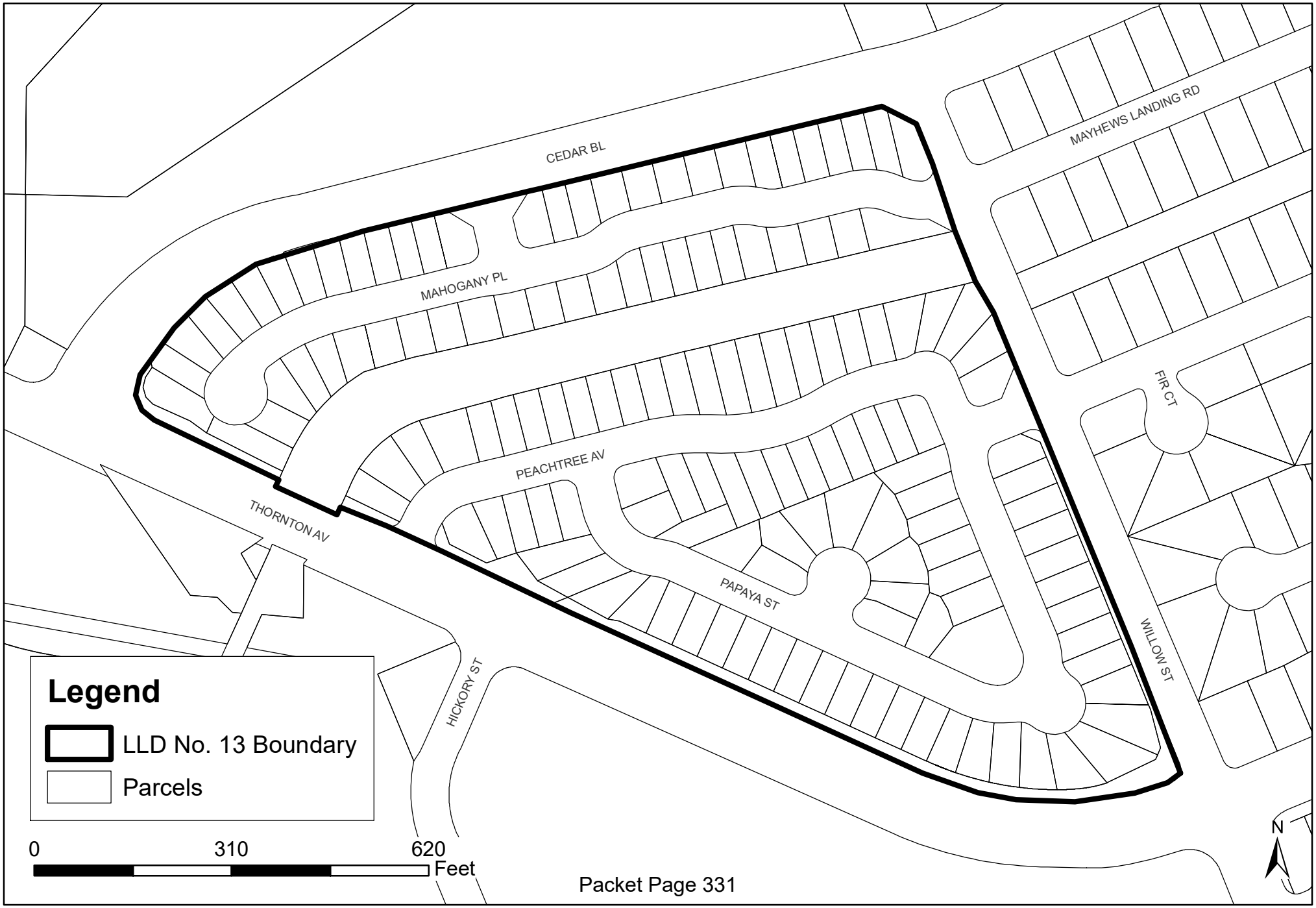
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 13
(THORNTON AVENUE AT WILLOW STREET)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, Article XIIID, of the California Constitution limits the amount of any assessment to the proportional "special benefit" conferred on the property. Article XIIID provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. There is no widely accepted or statutory formula for determining general and special benefit. However, the constitution states that a special benefit is different from a general benefit in that it is "particular and distinct" and "over and above" general benefits received by other properties.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Article XIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the

assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways, utility easements, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial, and institutional activities.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. In order for the City to separate out the general and special benefits for each improvement type, an analysis of each improvement was conducted. The analysis reviewed the purpose and users of each improvement, and then identified the properties that may benefit from the improvement both within and outside the City and within and outside the District, and then allocated the costs to maintain, service, and replace each improvement type to each identified property.

Because general benefits are not assessable, any costs associated with general benefits are to be paid for by the City or another non-assessment revenue source. Only the costs associated with the special benefits conferred on property within the District from the authorized improvements are assessable, and therefore may be assessed herein. A summary of the benefits conferred by the improvements is described below.

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the landscape and park improvements as determined at the time the District was established.

In reviewing each of the District's improvements, the proximity of those improvements to both properties within the District and those outside the District, as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely the result of developing properties within the District and the ongoing maintenance and operation of these improvements will directly affect the properties within the District. Although the improvements include a mini park, public areas, easements, rights-of-way, and other amenities available or visible to the public at large, the construction and installation of these improvements were only necessary for the development of properties within the District and were not required, nor necessarily desired by any properties or developments outside the District's boundary and any public access or use of the improvements by others is incidental. However, though it may be a rare occurrence, it is reasonable to conclude that individuals residing outside the boundaries of the District may utilize the mini park within the development. For this reason, it has been conservatively estimated that 2% of the costs of maintaining the mini park are associated with general benefit to the public at large and cannot be assessed to property within the boundaries of the District and would need to be funded using a non-assessment revenue source. All other improvements and related costs are determined to clearly provide distinct and special benefits to properties within the District

and therefore may be funded using assessment revenues if needed.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the landscape and park improvements can be summarized as follows:

- Improved aesthetics:
    - Well-maintained and attractive parks and landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
- Increased property values:
    - Attractive and well-maintained parks and landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
- Safety:
    - Landscaping helps calm traffic and reduce speeds, creating a safer environment for pedestrians and cyclists. It also acts as a physical buffer between roadways and properties within the District.

- Recreational opportunities:
    - Parks and the associated recreational opportunities provide for more aesthetically pleasing neighborhoods, environmental and health benefits, community gathering places, and an overall improved and healthier community image.
- Noise reduction:
    - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
    - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in the District, specifically increase the utility of the property within the District. For example, the assessments may provide funding to maintain the landscape and park improvements which provides visual and environmental benefits to the properties within the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, during the formation of the District, the City and Engineer of Work determined that each parcel within the District boundaries receives a similar benefit from the improvements. Therefore, the most appropriate method of apportioning costs was determined to be spreading all District costs equally to each parcel in the District. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

However, the City is not proposing to levy any assessments on property within the District in Fiscal Year 2023-24 because the maintenance of the improvements is funded by the local homeowner's association. Should costs arise that require the need to levy an assessment in the future, the costs of maintaining the District's improvements would be apportioned to assessable property within the District on a per parcel basis.

Should an assessment be levied in the future, publicly owned properties within the District must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the improvements. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts, public parkways, public property designated open space, and any portion of public property that is not used for business purposes similar to private residential, commercial, industrial, and institutional activities. Also exempted from the assessments are private streets, utility easements, Homeowner's Association common areas (except club houses, community centers, parking lots, etc.) and any other parcels that do not receive a special and direct benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such

changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

The City is not proposing to levy any assessments on property within the District for Fiscal Year 2023-24. Therefore, the total proposed assessment for Fiscal Year 2023-24 is $0.00.

NEWARK
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Landscaping and Lighting District No. 15

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 15
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 15 ("District") to maintain public improvements. The District was formed to provide a dedicated source of funding for the ongoing maintenance of median-landscape improvements benefiting parcels within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties along and fronting Iris Court. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Compliance with the California Constitution

Assessments are levied annually within the District pursuant to the 1972 Act. All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are compliant with the provisions of the California Constitution Article XIIID ("Article XIIID"), which was enacted with the passage of Proposition 218 in November 1996. Pursuant to Article XIIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIIID Section 4. Specifically, Article XIIID Section 5(b) exempted:

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

The City determined that the annual assessments originally established for the District were established by a petition signed by the persons owning all the parcels subject to the assessment at the time the assessment was originally proposed. As such, pursuant to Article XIIID Section 5(b), the pre–existing assessment amount has been exempted from the procedural requirements of Article XIIID Section 4 since the amount of the assessment has not increased since the passage of Proposition 218.

Any future increase in the assessment rate or substantial changes in the services provided would require that the District be brought into compliance with all the requirements of Article XIIID and would require the approval of the property owners subject to the assessment based upon a mailed ballot which would be sent to each property owner.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of these annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 15 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
  - The installation or planting of landscaping.
  - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
  - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
  - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
  - The installation of park or recreational improvements, including, but not limited to all the following:
    - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
    - Lights, playground equipment, play courts, and public restrooms.
  - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
  - The acquisition of land for park, recreational, or open space purposes.
  - The acquisition of any existing improvement otherwise authorized herein.
  - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

> The maintenance and operation of landscaping within the easement areas and the public right-of-way along Robertson Avenue fronting the District.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of this diagram is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the Districts can also be included.

The 1972 Act also requires that a special fund be set up for the revenues and expenditures of the District. Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 15 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$5,046
Non-Assessment Revenues	$0
Total Projected Revenues	**$5,046**
Projected Expenses	
Contract Services	($1,259)
Utilities	($826)
Administration and Incidentals	($1,961)
County Collection Fees	($86)
Unforeseen Maintenance and Repairs[1]	($207)
Total Projected Expenses	**($4,338)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$32,384
Reserve Fund Collection Increase/(Decrease)	$708
Ending Fund Balance - June 30, 2024	$33,092
Recommended Operating Reserves	$2,066
Available Operating Reserves	$2,066
Available Capital Reserves[2]	$31,027

[1] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[2] Includes $15,500 for future Plant Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 15
(IRIS COURT)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, the 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was established.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services to the properties within the boundaries of the District. The apportioning of special benefit is a two-step process:

the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the District's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements can be summarized as follows:

- Improved aesthetics:
  - Well-maintained and attractive landscaping enhances the overall appearance and desirability of the area, making it visually appealing to property owners and visitors.
- Increased property values:
  - Attractive and well-maintained landscaping can increase the desirability of nearby properties, potentially leading to higher property values.
- Safety:
  - Landscaping helps calm traffic and reduce speeds, creating a safer environment for people traveling to and from properties within the District. It also acts as a physical buffer between roadways and properties within the District.
- Noise reduction:
  - Trees and plants help absorb traffic noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment.
- Reduced pollution:
  - Trees and plants aid in filtering pollutants from the air, improving air quality and creating a healthier environment for properties in proximity to the landscape.

These benefits, when applied to property in the District, specifically increase the utility of the property within the District. For example, the assessments provide funding to maintain the landscaping that improves safety and provides visual and environmental benefits to the properties within the District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability, and safety of the properties.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer at the time of formation determined that each parcel within the boundaries of the District receives a similar benefit from the improvements. Therefore, the most appropriate method of apportioning costs was determined to be

spreading all District costs equally to each parcel in the District. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the City proposes to collect the maximum assessment revenue from the assessable parcels located in the District, which amounts to $174.00 per parcel to be levied. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $5,046.00**.**

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 15
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-2376-031-00	$174.00
092A-2376-032-00	$174.00
092A-2376-033-00	$174.00
092A-2376-034-00	$174.00
092A-2376-035-00	$174.00
092A-2376-036-00	$174.00
092A-2376-037-00	$174.00
092A-2376-038-00	$174.00
092A-2376-039-00	$174.00
092A-2376-040-00	$174.00
092A-2376-041-00	$174.00
092A-2376-042-00	$174.00
092A-2376-043-00	$174.00
092A-2376-044-00	$174.00
092A-2376-045-00	$174.00
092A-2376-046-00	$174.00
092A-2376-047-00	$174.00
092A-2376-048-00	$174.00
092A-2376-049-00	$174.00
092A-2376-050-00	$174.00
092A-2376-051-00	$174.00
092A-2376-052-00	$174.00
092A-2376-053-00	$174.00
092A-2376-054-00	$174.00
092A-2376-055-00	$174.00
092A-2376-056-00	$174.00
092A-2376-057-00	$174.00
092A-2376-058-00	$174.00
092A-2376-059-00	$174.00
Total Parcels:	29
Total Assessment:	$5,046.00

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Landscaping and Lighting District No. 16

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 16
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the “1972 Act”). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark (“City”) levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 16 (“District”) to maintain public improvements. The District was formed in May of 1999 to provide a dedicated source of funding for the ongoing maintenance of landscaping and park improvements benefiting parcels within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties within the development east of Kiote Drive, along Rinconada Court, Crystal Springs Court, Tanforan Court, and Silverado Place. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Impacts of Proposition 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessments were anticipated in the assessment formula (e.g., CPI increase or assessment cap) then the assessment would comply with the intent and provisions of Proposition 218.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 16 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
  - The installation or planting of landscaping.
  - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
  - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
  - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
  - The installation of park or recreational improvements, including, but not limited to all the following:
    - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
    - Lights, playground equipment, play courts, and public restrooms.
  - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
  - The acquisition of land for park, recreational, or open space purposes.
  - The acquisition of any existing improvement otherwise authorized herein.
  - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
  - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
  - The costs of printing, advertising, and giving of published, posted, and mailed notices.
  - Compensation payable to the county for collection of assessments.
  - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
  - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
  - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
  - Any expenses incidental to the issuance of bonds or notes.
  - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
  - Repair, removal or replacement of all or any part of any improvement.
  - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
  - The removal of trimmings, rubbish, debris, and other solid waste.
  - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
  - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
  - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

- The Landscape Improvements include, but are not limited to landscaping, planting, turf, trees, irrigation systems, and fixtures in public street and sidewalk rights-of-way, including parkways and other easements dedicated to the City within, and adjacent to, the District.
- The Park Improvements include but are not limited to landscaping, planting, shrubbery, trees, irrigation systems, hardscapes and fixtures, trails, and open space areas.

A more detailed description of the facilities which either have or will be constructed, operated, maintained, and serviced are generally described as follows.

> The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, and recreation facilities related to the mini park common area shown as Parcel A on the Tract Map.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of these diagrams is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 16 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$19,903
Non-Assessment Revenues[1]	$404
Total Projected Revenues	**$20,307**
Projected Expenses	
Contract Services	($3,375)
Utilities	($9,999)
Administration and Incidentals	($5,539)
County Collection Fees	($338)
Unforeseen Maintenance and Repairs[2]	($963)
Total Projected Expenses	**($20,215)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$44,749
Reserve Fund Collection Increase/(Decrease)	$92
Ending Fund Balance - June 30, 2024	$44,841
Recommended Operating Reserves	$9,626
Available Operating Reserves	$9,626
Available Capital Reserves[3]	$35,215

[1] Non-Assessment Revenues equate to the City contribution in the amount of $404 for General Benefits conferred to the public at large.

[2] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[3] Includes $14,780 for future Plant Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

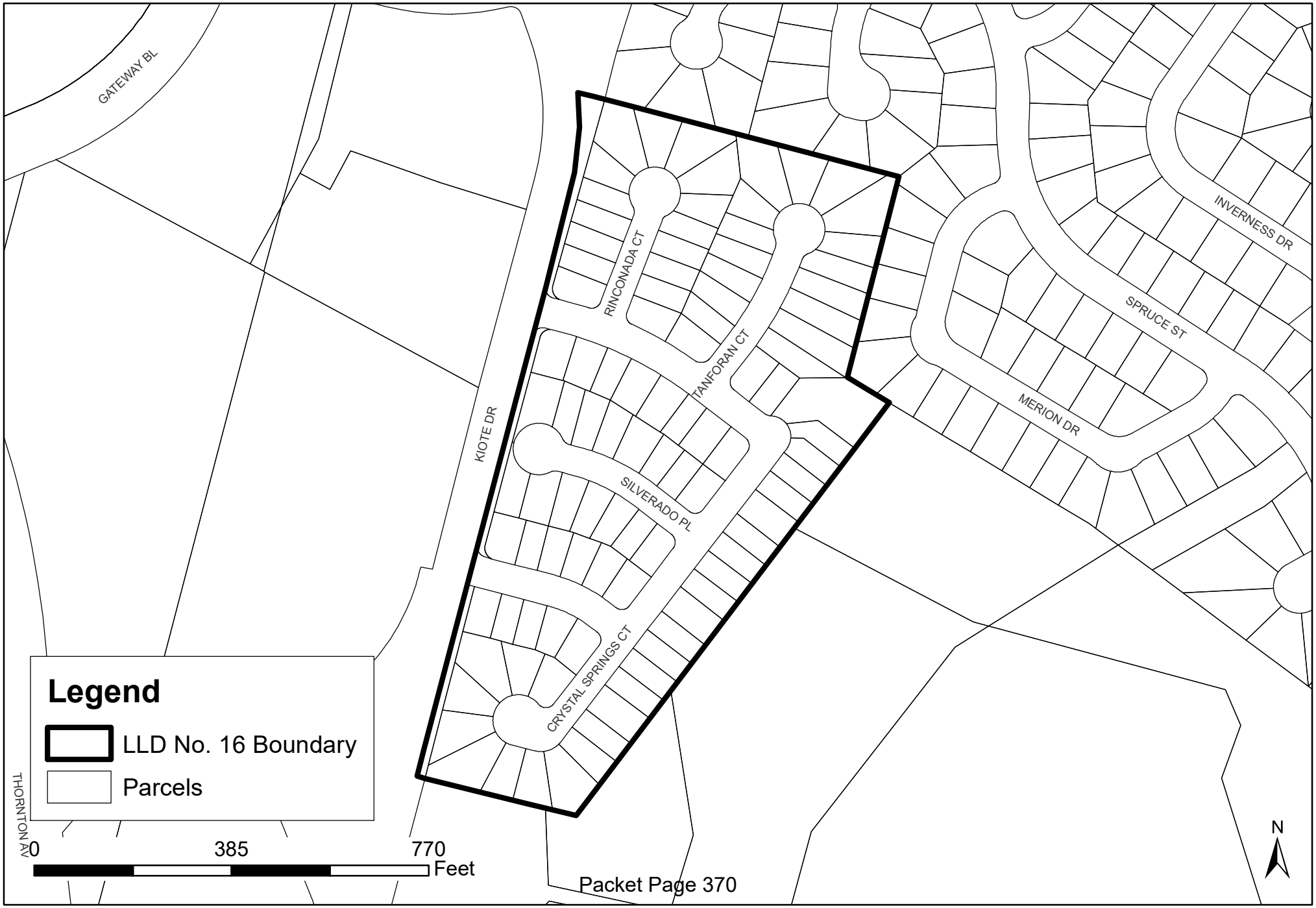
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 16
(PUITE HOMES/TRACT 6671)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of streetlights, landscaping, parks, trails, open space, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore needs to reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, Article XIIID, of the California Constitution limits the amount of any assessment to the proportional "special benefit" conferred on the property. Article XIIID provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. There is no widely accepted or statutory formula for determining general and special benefit. However, the constitution states that a special benefit is different from a general benefit in that it is "particular and distinct" and "over and above" general benefits received by other properties.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Article XIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public

easements and rights-of-ways, public greenbelts and public parkways, utility easements, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial, and institutional activities.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. In order for the City to separate out the general and special benefits for each improvement type, an analysis of each improvement was conducted. The analysis reviewed the purpose and users of each improvement, and then identified the properties that benefit from the improvement, and then allocated the costs to maintain, service, and replace each improvement type to each identified property.

Because general benefits are not assessable, any costs associated with general benefits are to be paid for by the City. Only the costs associated with the special benefits conferred on property within District from the authorized improvements are assessable, and therefore assessed herein. A summary of the benefits conferred by the improvements is described below.

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was formed.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services within the boundaries of the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In determining the proportionate special benefit derived by each identified parcel, the proximity of the parcel to the public improvements detailed in Part A above, and the capital, maintenance, and operating costs of said public improvements, was considered and analyzed. Due to the close proximity of the parcels to the improvements detailed in Part A above, it has been demonstrated and determined that the parcels are uniquely benefited by, and receive a direct advantage from, and are conferred a particular and distinct special benefit over and above general benefits by said public improvements in a way that is particular and distinct from its effect on other parcels, and that real property in general and the public at large do not share.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements are summarized as follows.

Special Benefit from Landscape Maintenance

All parcels within the District receive special benefit from Landscape Maintenance. Trees, landscaping, hardscapes, ornamental structures, and appurtenant facilities, if well maintained, confer a particular and distinct special benefit upon real property within the District by providing beautification, shade and positive enhancement of the community character, attractiveness, and desirability of the surroundings. The landscape surrounding the development also acts as a buffer between nearby properties and the roadways improving the overall safety of properties within the development. In addition, the trees and plantings adjacent to the development help absorb noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment. In addition, all the aforementioned contributes to a specific increase in property desirability and a specific enhancement of the property value of each parcel within the District.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

> " ... there is no lack of opinion, based on general principles and experience and common sense, that parkways do in fact add value to property, even though the amount cannot be determined exactly .... Indeed, in most cases where public money has been spent on parkways the assumption has been made that the proposed parkway will show a provable financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City, ... "

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping alongside the roadway.

Special Benefit from Park Maintenance

All parcels within District receive special benefit from Park Maintenance. The overall quality of life and desirability of an area is enhanced, when public parks and recreational facilities are in place, improved, operable, safe, clean, and properly maintained. Conversely, property desirability decreases when park and recreational facilities are unsafe or destroyed by the elements or vandalism.

Property desirability in an area also increases when there is an increase in the number of parks, recreation centers and sports facilities. These park and recreational facilities enable property owners to participate in sporting events, leisure activities, picnics, organized social events, and other miscellaneous activities.

Studies in several communities, including counties and cities throughout the United States, have indicated that recreation areas and facilities, if well maintained and wisely administered, have caused a marked increase in the property values of parcels in the community. Consequently, such recreation and park facilities have proved a potent factor in maintaining a sound economic condition and a high standard of livability in the community. These studies confirm the opinion, long held by planning authorities, as to the economic value of parks and recreational facilities in a community.

> *"The recreation value is realized as a rise in the value of land and other property in or near the recreation area, and is of both private interest to the landowner and others, holding an economic stake in the area, and of public interest to the taxpayers, who have a stake ...." (National Recreation and Park Association, June 1985)*

> *"Recreation and park amenities are central components in establishing the quality of life in a community. ... [Businesses'] main resource is their employees for whom quality of life is an important issue… The availability and attractiveness of local parks and programs influences some companies' relocation decisions. ... the presence of a park encourages real estate development around it.... ". (California Parks & Recreation, Winter 1997)*

The benefit of parks and other recreational facilities to residential and commercial/industrial properties has been summarized by several studies. The United States Department of the Interior, National Park Service, in a publication from June 1984, concluded that:

- Parks and recreation stimulate business and generate tax revenues
- Parks and recreation help conserve land, energy, and resources
- An investment in parks and recreation helps reduce pollution and noise, makes communities more livable, and increases property values
- Public recreation benefits all residents and employers by providing continuing opportunities to maintain a level of fitness throughout one's working life, and through helping individuals cope with the stress of a fast-paced and demanding life

Proper maintenance and operation of the mini park within the District benefits those properties within the development by providing environmental quality and recreational enhancement.

General Benefit

Since the in-tract streets within the development are designed to have minimal flow through traffic and the mini park within the District was designed for use by the properties within the District, there are few reasons for the public to visit the mini park or vehicles to access the in-tract streets unless their destination is to or from a single-family residential parcel within the development. However, it is reasonable to conclude that members of the public may use the mini park and vehicular traffic may on a rare occasion utilize the in-tract streets due to the need to turn around or a mistaken turn into the development. These rare circumstances where a pedestrian uses the mini park or a vehicle mistakenly uses the in-tract streets, have been determined to be a rare and infrequent circumstance. Even though these are rare and infrequent circumstances, they must be accounted for and cannot be assessed to the properties within the Districts. Therefore, based on low likelihood of the general public visiting the mini park and minimal if any flow-through traffic, it is conservatively estimated that approximately 98% of the annual trips to the mini park or along local in-tract roadways within the development would be a special and direct benefit to the parcels within the District and 2% of the annual trips to the mini park or along local in-tract roadways within the development would be a general benefit.

The share of costs attributable to the general benefits associated with the District improvements cannot be assessed to properties within the District, but are required to be paid by some other source, such as the City's General Fund.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer at the time of formation determined that each parcel within the boundaries of the District receives a similar benefit from the improvements. Therefore, the most appropriate method of apportioning costs was determined to be spreading all District costs equally to each parcel in the District. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the City proposes to generate the maximum assessment revenue from the assessable parcels located in the District, which amounts to $209.50 per parcel to be levied. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to

develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $19,902.50.

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 16
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-2597-001-00	$209.50
092A-2597-002-00	$209.50
092A-2597-003-00	$209.50
092A-2597-004-00	$209.50
092A-2597-005-00	$209.50
092A-2597-006-00	$209.50
092A-2597-007-00	$209.50
092A-2597-008-00	$209.50
092A-2597-009-00	$209.50
092A-2597-010-00	$209.50
092A-2597-011-00	$209.50
092A-2597-012-00	$209.50
092A-2597-013-00	$209.50
092A-2597-014-00	$209.50
092A-2597-015-00	$209.50
092A-2597-016-00	$209.50
092A-2597-017-00	$209.50
092A-2597-018-00	$209.50
092A-2597-019-00	$209.50
092A-2597-020-00	$209.50
092A-2597-021-00	$209.50
092A-2597-022-00	$209.50
092A-2597-023-00	$209.50
092A-2597-024-00	$209.50
092A-2597-025-00	$209.50
092A-2597-026-00	$209.50
092A-2597-027-00	$209.50
092A-2597-028-00	$209.50
092A-2597-029-00	$209.50
092A-2597-030-00	$209.50
092A-2597-031-00	$209.50
092A-2597-032-00	$209.50
092A-2597-033-00	$209.50
092A-2597-034-00	$209.50
092A-2597-035-00	$209.50
092A-2597-036-00	$209.50
092A-2597-037-00	$209.50
092A-2597-038-00	$209.50
092A-2597-039-00	$209.50
092A-2597-040-00	$209.50
092A-2597-041-00	$209.50
092A-2597-042-00	$209.50
092A-2597-043-00	$209.50
092A-2597-044-00	$209.50
092A-2597-045-00	$209.50
092A-2597-046-00	$209.50
092A-2597-047-00	$209.50
092A-2597-048-00	$209.50
092A-2597-049-00	$209.50
092A-2597-050-00	$209.50
092A-2597-051-00	$209.50
092A-2597-052-00	$209.50
092A-2597-053-00	$209.50
092A-2597-054-00	$209.50
092A-2597-055-00	$209.50
092A-2597-056-00	$209.50
092A-2597-057-00	$209.50
092A-2597-058-00	$209.50
092A-2597-059-00	$209.50
092A-2597-060-00	$209.50
092A-2597-061-00	$209.50
092A-2597-062-00	$209.50
092A-2597-063-00	$209.50
092A-2597-064-00	$209.50
092A-2597-065-00	$209.50
092A-2597-066-00	$209.50
092A-2597-067-00	$209.50
092A-2597-068-00	$209.50
092A-2597-069-00	$209.50
092A-2597-070-00	$209.50
092A-2597-071-00	$209.50
092A-2597-072-00	$209.50
092A-2597-073-00	$209.50
092A-2597-074-00	$209.50
092A-2597-075-00	$209.50
092A-2597-076-00	$209.50
092A-2597-077-00	$209.50
092A-2597-078-00	$209.50
092A-2597-079-00	$209.50
092A-2597-080-00	$209.50
092A-2597-081-00	$209.50
092A-2597-082-00	$209.50
092A-2597-083-00	$209.50
092A-2597-084-00	$209.50
092A-2597-085-00	$209.50
092A-2597-086-00	$209.50
092A-2597-087-00	$209.50
092A-2597-088-00	$209.50
092A-2597-089-00	$209.50
092A-2597-090-00	$209.50
092A-2597-091-00	$209.50
092A-2597-092-00	$209.50
092A-2597-093-00	$209.50
092A-2597-094-00	$209.50
092A-2597-095-00	$209.50
Total Parcels:	95
Total Assessment:	$19,902.50

NEWARK
california

Landscaping and Lighting District No. 17

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 17
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the “1972 Act”). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 17 ("District") to maintain public improvements. The District was formed in May of 2004 to provide a dedicated source of funding for the ongoing maintenance of landscaping improvements benefiting property within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties within the infill development of Tract 7004 north of Mayhews Landing Road, along Dijon Drive, and south of Bellhaven Avenue. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Impacts of Proposition 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessments were anticipated in the assessment formula (e.g., CPI increase or assessment cap) then the assessment would comply with the intent and provisions of Proposition 218.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 17 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

- The Landscape Improvements include, but are not limited to landscaping, planting, turf, trees, irrigation systems, and fixtures in public street and sidewalk rights-of-way, including parkways and other easements dedicated to the City within, and adjacent to, the District.

A more detailed description of the facilities which either have or will be constructed, operated, maintained, and serviced are generally described as follows.

The maintenance of landscaping and the landscape irrigation system within the public right-of-way along the street frontages of Newark Boulevard and Mayhews Landing Road associated with Tract 7004.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of these diagrams is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 17 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$6,237
Non-Assessment Revenues[1]	$150
Total Projected Revenues	**$6,387**
Projected Expenses	
Contract Services	($1,822)
Utilities	($3,167)
Administration and Incidentals	($2,052)
County Collection Fees	($106)
Unforeseen Maintenance and Repairs[2]	($357)
Total Projected Expenses	**($7,504)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$4,897
Reserve Fund Collection Increase/(Decrease)	($1,117)
Ending Fund Balance - June 30, 2024	$3,780
Recommended Operating Reserves	$3,573
Available Operating Reserves	$3,573
Available Capital Reserves[3]	$207

[1] Non-Assessment Revenues equate to the City contribution in the amount of $150 for General Benefits conferred to the public at large.

[2] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[3] $1,680 will be needed for future Plant Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

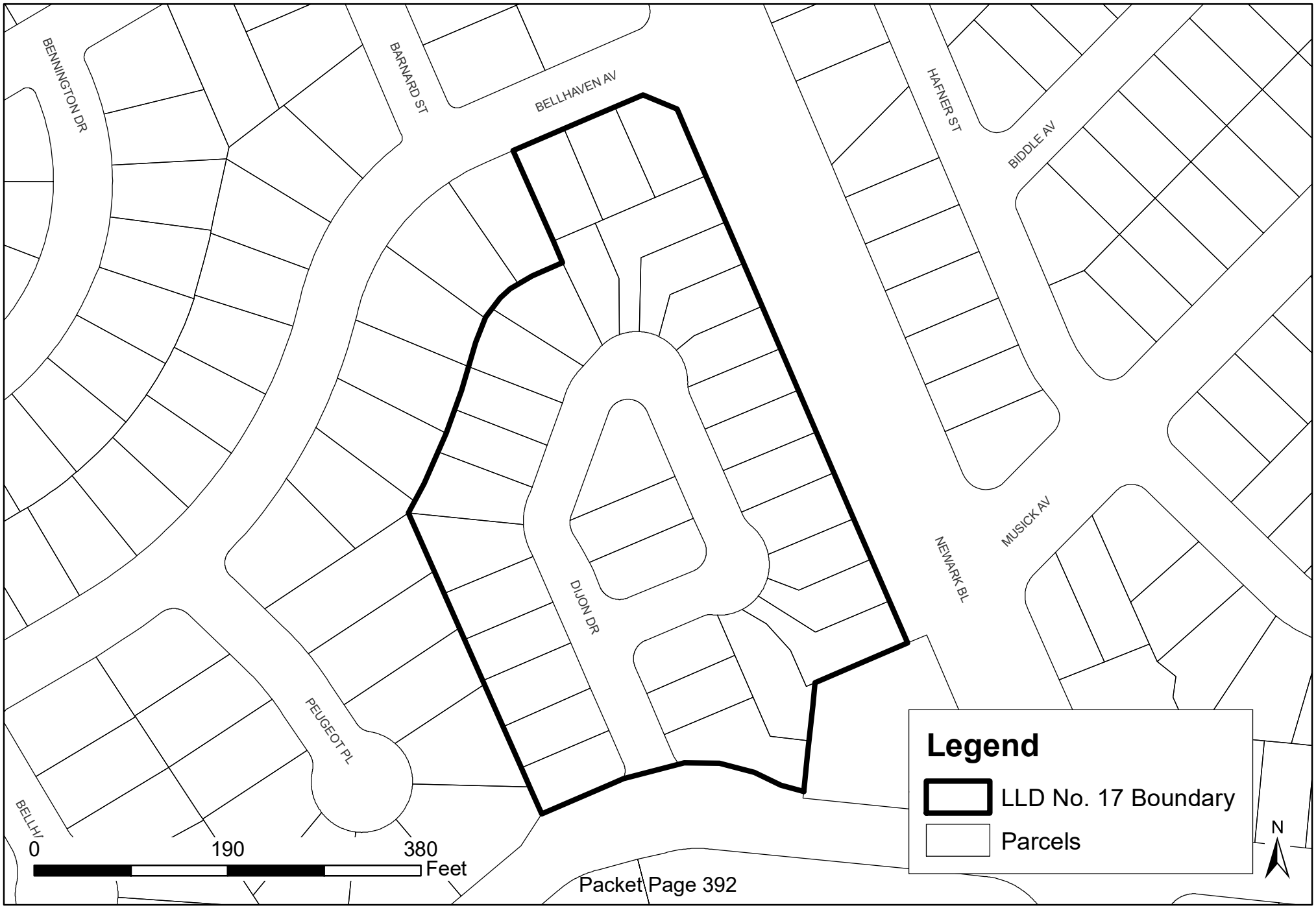
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 17
(MER SOLIEL/TRACT 7004)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of streetlights, landscaping, parks, trails, open space, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore needs to reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, Article XIIID, of the California Constitution limits the amount of any assessment to the proportional "special benefit" conferred on the property. Article XIIID provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. There is no widely accepted or statutory formula for determining general and special benefit. However, the constitution states that a special benefit is different from a general benefit in that it is "particular and distinct" and "over and above" general benefits received by other properties.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Article XIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public

easements and rights-of-ways, public greenbelts and public parkways, utility easements, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial, and institutional activities.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. In order for the City to separate out the general and special benefits for each improvement type, an analysis of each improvement was conducted. The analysis reviewed the purpose and users of each improvement, and then identified the properties that benefit from the improvement, and then allocated the costs to maintain, service, and replace each improvement type to each identified property.

Because general benefits are not assessable, any costs associated with general benefits are to be paid for by the City. Only the costs associated with the special benefits conferred on property within the District from the authorized improvements are assessable, and therefore assessed herein. A summary of the benefits conferred by the improvements is described below.

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was formed.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services within the boundaries of the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In determining the proportionate special benefit derived by each identified parcel, the proximity of the parcel to the public improvements detailed in Part A above, and the capital, maintenance, and operating costs of said public improvements, was considered and analyzed. Due to the close proximity of the parcels to the improvements detailed in Part A above, it has been demonstrated and determined that the parcels are uniquely benefited by, and receive a direct advantage from, and are conferred a particular and distinct special benefit over and above general benefits by said public improvements in a way that is particular and distinct from its effect on other parcels, and that real property in general and the public at large do not share.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the improvements or their specific demographic status. The basis for these special

benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements are summarized as follows.

Special Benefit from Landscape Maintenance

All parcels within the District receive special benefit from Landscape Maintenance. Trees, landscaping, hardscapes, ornamental structures, and appurtenant facilities, if well maintained, confer a particular and distinct special benefit upon real property within the District by providing beautification, shade and positive enhancement of the community character, attractiveness, and desirability of the surroundings through association with the improvements. The landscape surrounding the development not only enhances beautification of the adjacent development but also acts as a buffer between nearby properties and the roadways improving the overall safety of properties within the development. In addition, the trees and plantings adjacent to the development help absorb noise and create a buffer between the road and nearby properties, reducing noise levels and creating a more peaceful environment. In addition, all the aforementioned contributes to a specific increase in property desirability and a specific enhancement of the property value of each parcel within the District.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

> " ... there is no lack of opinion, based on general principles and experience and common sense, that parkways do in fact add value to property, even though the amount cannot be determined exactly .... Indeed, in most cases where public money has been spent on parkways the assumption has been made that the proposed parkway will show a provable financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City, ... "

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping alongside the roadway.

General Benefit

In reviewing each of the District improvements, the proximity of those improvements to both properties within the District and those outside the District, as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely the result of developing properties within the District, and the ongoing maintenance and operation of these improvements will directly affect the properties within the District. Although the improvements include public areas, easements, rights-of-way, and other amenities available or visible to the public at large, the construction and installation of these improvements were only necessary for the development of properties within the District and were not required, nor necessarily desired by any properties or developments outside the District boundary and any public access or use of the improvements by others is incidental. Though the landscape was designed as a result of the development of the

properties, and for use by the properties within the District, it is reasonable to conclude that pedestrians passing by and the traffic flow along the roadways adjacent to the landscaping receive some incidental benefit from the improvements and such incidental benefits must be accounted for and cannot be assessed to the properties within the District. Therefore, it is conservatively estimated that approximately 98% of the benefit conferred by the landscaping constructed for the development and properties within the District would be a special and direct benefit to the parcels within the District and 2% of the benefit is conservatively conferred to the public at large that may utilize the roadway adjacent to the development would be a general benefit.

The share of costs attributable to the general benefits associated with the District improvements cannot be assessed to properties within the District, but are required to be paid by some other source, such as the City's General Fund.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer at the time of formation determined that each parcel within the boundaries of the District receives a similar benefit from the improvements. Therefore, the most appropriate method of apportioning costs was determined to be spreading all District costs equally to each parcel in the District. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the City proposes to generate the maximum assessment revenue from the assessable parcels located in the District, which amounts to $189.00 per parcel to be levied. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $6,237.00**.**

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 17
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-0623-089-00	$189.00
092A-0623-090-00	$189.00
092A-0623-091-00	$189.00
092A-0623-092-00	$189.00
092A-0623-093-00	$189.00
092A-0623-094-00	$189.00
092A-0623-095-00	$189.00
092A-0623-096-00	$189.00
092A-0623-097-00	$189.00
092A-0623-098-00	$189.00
092A-0623-099-00	$189.00
092A-0623-100-00	$189.00
092A-0623-101-00	$189.00
092A-0623-102-00	$189.00
092A-0623-103-00	$189.00
092A-0623-104-00	$189.00
092A-0623-105-00	$189.00
092A-0623-106-00	$189.00
092A-0623-107-00	$189.00
092A-0623-108-00	$189.00
092A-0623-109-00	$189.00
092A-0623-110-00	$189.00
092A-0623-111-00	$189.00
092A-0623-112-00	$189.00
092A-0623-113-00	$189.00
092A-0623-114-00	$189.00
092A-0623-115-00	$189.00
092A-0623-116-00	$189.00
092A-0623-117-00	$189.00
092A-0623-118-00	$189.00
092A-0623-119-00	$189.00
092A-0623-120-00	$189.00
092A-0623-121-00	$189.00
Total Parcels:	33
Total Assessment:	$6,237.00

NEWARK
california

Landscaping and Lighting District No. 18

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 18
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the “1972 Act”). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 18 ("District") to maintain public improvements. The District was formed in June of 2015 to provide a dedicated source of funding for the ongoing maintenance of landscaping improvements benefiting parcels within the boundaries of the District.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed.

The District generally consists of those properties within the developments of Tract 8130, which is located north of Cedar Boulevard, south of Timber Street and the Nimitz Freeway, west of Central Avenue and the adjacent commercial and industrial structures, and east of the Public Storage property. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District is provided in Part C of this Report.

Impacts of Proposition 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessments were anticipated in the assessment formula (e.g., CPI increase or assessment cap) then the assessment would comply with the intent and provisions of Proposition 218.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District, (2) a cost estimate for the District, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 18 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
    - The installation or planting of landscaping.
    - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
    - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
    - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
    - The installation of park or recreational improvements, including, but not limited to all the following:
        - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
        - Lights, playground equipment, play courts, and public restrooms.
    - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
    - The acquisition of land for park, recreational, or open space purposes.
    - The acquisition of any existing improvement otherwise authorized herein.
    - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
    - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
    - The costs of printing, advertising, and giving of published, posted, and mailed notices.
    - Compensation payable to the county for collection of assessments.
    - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
    - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
    - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
    - Any expenses incidental to the issuance of bonds or notes.
    - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
    - Repair, removal or replacement of all or any part of any improvement.
    - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
    - The removal of trimmings, rubbish, debris, and other solid waste.
    - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
    - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
    - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

- The Landscape Improvements include, but are not limited to landscaping, planting, turf, trees, irrigation systems, and fixtures in medians, public streets, and sidewalk rights-of-way, including parkways and other easements dedicated to the City within, and adjacent to, the District.

A more detailed description of the facilities which either have or will be constructed, operated, maintained, and serviced are generally described as follows.

The maintenance of landscaping and the landscape irrigation system within the Cedar Boulevard street medians along the frontage of Tract 8130.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of these diagrams is on file with the City's Public Works Department.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 18 Fiscal Year 2023-24 Cost Estimate	
Projected Revenues	
Assessment Revenue	$10,981
Non-Assessment Revenues[1]	$296
Total Projected Revenues	**$11,278**
Projected Expenses	
Contract Services	($5,262)
Utilities	($4,935)
Administration and Incidentals	($3,732)
County Collection Fees	($187)
Unforeseen Maintenance and Repairs[2]	($706)
Total Projected Expenses	**($14,821)**
Projected Fund Balance	
Beginning Fund Balance - July 1, 2023	$52,455
Reserve Fund Collection Increase/(Decrease)	($3,543)
Ending Fund Balance - June 30, 2024	$48,912
Recommended Operating Reserves	$7,058
Available Operating Reserves	$7,058
Available Capital Reserves[3]	$41,854

[1] Non-Assessment Revenues equate to the City contribution in the amount of $296 for General Benefits conferred to the public at large.

[2] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[3] Includes $3,253 for future Plant Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

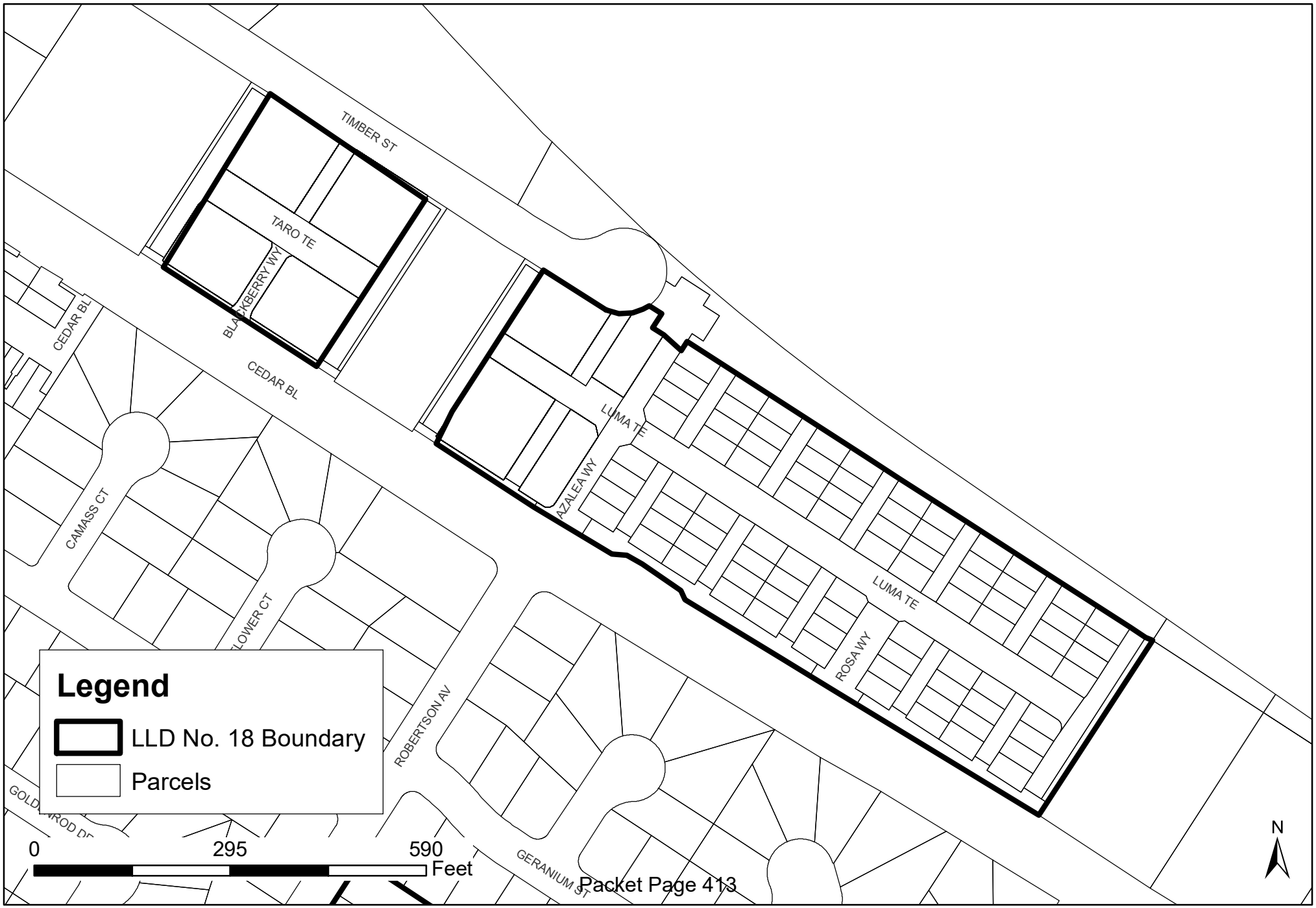
PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of the District are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram is shown on the following page.

LANDSCAPING AND LIGHTING DISTRICT NO. 18
(TRACT 8130)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of streetlights, landscaping, parks, trails, open space, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore needs to reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, Article XIIID, of the California Constitution limits the amount of any assessment to the proportional "special benefit" conferred on the property. Article XIIID provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. There is no widely accepted or statutory formula for determining general and special benefit. However, the constitution states that a special benefit is different from a general benefit in that it is "particular and distinct" and "over and above" general benefits received by other properties.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Article XIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public

easements and rights-of-ways, public greenbelts and public parkways, utility easements, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial, and institutional activities.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. In order for the City to separate out the general and special benefits for each improvement type, an analysis of each improvement was conducted. The analysis reviewed the purpose and users of each improvement, and then identified the properties that benefit from the improvement, and then allocated the costs to maintain, service, and replace each improvement type to each identified property.

Because general benefits are not assessable, any costs associated with general benefits are to be paid for by the City. Only the costs associated with the special benefits conferred on property within District from the authorized improvements are assessable, and therefore assessed herein. A summary of the benefits conferred by the improvements is described below.

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District was formed.

The District consists of all Assessor Parcels within the boundaries of the District. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services within the boundaries of the District. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In determining the proportionate special benefit derived by each identified parcel, the proximity of the parcel to the public improvements detailed in Part A above, and the capital, maintenance, and operating costs of said public improvements, was considered and analyzed. Due to the close proximity of the parcels to the improvements detailed in Part A above, it has been demonstrated and determined that the parcels are uniquely benefited by, and receive a direct advantage from, and are conferred a particular and distinct special benefit over and above general benefits by said public improvements in a way that is particular and distinct from its effect on other parcels, and that real property in general and the public at large do not share.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by the District. These special benefits are not dependent on any one property owner's use of the improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements are summarized as follows.

Special Benefit from Landscape Maintenance

All parcels within the District receive special benefit from Landscape Maintenance within the adjacent medians. Trees, landscaping, hardscapes, ornamental structures, and appurtenant facilities, if well maintained, confer a particular and distinct special benefit upon real property within the District by providing beautification, shade and positive enhancement of the community character, attractiveness, and desirability of the surroundings. The medians adjacent to the development help calm traffic and reduce speeds, creating a safer environment for those traveling to and from the properties within the District. The median also acts as a physical buffer between portions of the roadway and properties within the District improving the overall safety of properties within the development. In addition, the trees and plantings within the medians help absorb noise from the road for nearby properties, reducing noise levels and creating a more peaceful environment. In addition, all the aforementioned contributes to a specific increase in property desirability and a specific enhancement of the property value of each parcel within the District.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

> " ... there is no lack of opinion, based on general principles and experience and common sense, that parkways do in fact add value to property, even though the amount cannot be determined exactly .... Indeed, in most cases where public money has been spent on parkways the assumption has been made that the proposed parkway will show a provable financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City, ... "

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping alongside the roadway.

General Benefit

In reviewing each of the District improvements, the proximity of those improvements to both properties within the District and those outside the District, as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely the result of developing properties within the District, and the ongoing maintenance and operation of these improvements will directly affect the properties within the District. Although the improvements include public areas, easements, rights-of-way, and other

amenities available or visible to the public at large, the construction and installation of these improvements were only necessary for the development of properties within the District and were not required, nor necessarily desired by any properties or developments outside the District boundary. Though the medians were designed as a result of the development of the properties within the District, it is reasonable to conclude that the traffic flow along the roadways adjacent to the median landscaping receive some incidental benefit from the improvements and such incidental benefits must be accounted for and cannot be assessed to the properties within the District. Therefore, it is conservatively estimated that approximately 98% of the benefit conferred by the medians in the roadways constructed for the development and properties within the District would be a special and direct benefit to the parcels within the District and 2% of the benefit from the medians is conferred to the public at large that may utilize the roadway adjacent to the development would be a general benefit.

The share of costs attributable to the general benefits associated with the District improvements cannot be assessed to properties within the District, but are required to be paid by some other source, such as the City's General Fund.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Therefore, the City and Engineer at the time of formation determined that each parcel within the boundaries of the District receives a similar benefit from the improvements. Therefore, the most appropriate method of apportioning costs was determined to be spreading all District costs equally to each dwelling unit in the District. This methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments.

In Fiscal Year 2023-24, the City proposes to collect the maximum assessment revenue from the assessable parcels located in the District, which amounts to $66.96 per parcel to be levied. A listing of each assessable parcel and their proposed Fiscal Year 2023-24 assessment is on the Assessment Roll in Part E of this Report.

Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways (all of which are typically not assigned an Assessor's Parcel Number (APN) by the County). Also exempted from the assessment would be public agency owned property, utility rights-of-ways, common areas (such as in condominium complexes or those that are owned by a Homeowner's or Property Owner's Association), and any other property that is deemed to be unable to develop by the City. These types of parcels do not benefit from the improvements.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $10,981.44.

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 18
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-2598-024-00	$66.96
092A-2598-025-00	$66.96
092A-2598-026-00	$66.96
092A-2598-027-00	$66.96
092A-2598-028-00	$66.96
092A-2598-029-00	$66.96
092A-2598-030-00	$66.96
092A-2598-031-00	$66.96
092A-2598-032-00	$66.96
092A-2598-033-00	$66.96
092A-2598-034-00	$66.96
092A-2598-035-00	$66.96
092A-2598-037-00	$66.96
092A-2598-038-00	$66.96
092A-2598-039-00	$66.96
092A-2598-040-00	$66.96
092A-2598-041-00	$66.96
092A-2598-042-00	$66.96
092A-2598-043-00	$66.96
092A-2598-044-00	$66.96
092A-2598-045-00	$66.96
092A-2598-046-00	$66.96
092A-2598-047-00	$66.96
092A-2598-048-00	$66.96
092A-2598-050-00	$66.96
092A-2598-051-00	$66.96
092A-2598-052-00	$66.96
092A-2598-053-00	$66.96
092A-2598-054-00	$66.96
092A-2598-055-00	$66.96
092A-2598-056-00	$66.96
092A-2598-057-00	$66.96
092A-2598-058-00	$66.96
092A-2598-059-00	$66.96
092A-2598-061-00	$66.96
092A-2598-062-00	$66.96
092A-2598-063-00	$66.96
092A-2598-064-00	$66.96
092A-2598-065-00	$66.96
092A-2598-066-00	$66.96
092A-2598-067-00	$66.96
092A-2598-068-00	$66.96
092A-2598-069-00	$66.96
092A-2598-070-00	$66.96
092A-2598-072-00	$66.96
092A-2598-073-00	$66.96
092A-2598-074-00	$66.96
092A-2598-075-00	$66.96
092A-2598-076-00	$66.96
092A-2598-077-00	$66.96
092A-2598-078-00	$66.96
092A-2598-079-00	$66.96
092A-2598-080-00	$66.96
092A-2598-081-00	$66.96
092A-2598-082-00	$66.96
092A-2598-083-00	$66.96
092A-2598-084-00	$66.96
092A-2598-085-00	$66.96
092A-2598-087-00	$66.96
092A-2598-088-00	$66.96
092A-2598-089-00	$66.96
092A-2598-090-00	$66.96
092A-2598-091-00	$66.96
092A-2598-092-00	$66.96
092A-2598-093-00	$66.96
092A-2598-095-00	$66.96
092A-2598-096-00	$66.96
092A-2598-097-00	$66.96
092A-2598-098-00	$66.96
092A-2598-099-00	$66.96
092A-2598-100-00	$66.96
092A-2598-101-00	$66.96
092A-2598-102-00	$66.96
092A-2598-103-00	$66.96
092A-2598-104-00	$66.96
092A-2598-106-00	$66.96
092A-2598-107-00	$66.96
092A-2598-108-00	$66.96
092A-2598-109-00	$66.96
092A-2598-110-00	$66.96
092A-2599-018-00	$66.96
092A-2599-019-00	$66.96
092A-2599-020-00	$66.96
092A-2599-021-00	$66.96
092A-2599-022-00	$66.96
092A-2599-023-00	$66.96
092A-2599-024-00	$66.96
092A-2599-025-00	$66.96
092A-2599-026-00	$66.96
092A-2599-027-00	$66.96
092A-2599-028-00	$66.96
092A-2599-029-00	$66.96
092A-2599-030-00	$66.96
092A-2599-031-00	$66.96
092A-2599-032-00	$66.96
092A-2599-033-00	$66.96
092A-2599-034-00	$66.96
092A-2599-035-00	$66.96
092A-2599-036-00	$66.96
092A-2599-037-00	$66.96
092A-2599-038-00	$66.96
092A-2599-039-00	$66.96
092A-2599-040-00	$66.96
092A-2599-041-00	$66.96
092A-2599-042-00	$66.96
092A-2599-043-00	$66.96
092A-2599-044-00	$66.96
092A-2599-045-00	$66.96
092A-2599-046-00	$66.96
092A-2599-047-00	$66.96
092A-2599-048-00	$66.96
092A-2599-049-00	$66.96
092A-2599-050-00	$66.96
092A-2599-051-00	$66.96
092A-2599-052-00	$66.96
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092A-2599-054-00	$66.96
092A-2599-055-00	$66.96
092A-2599-056-00	$66.96
092A-2599-057-00	$66.96
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092A-2599-059-00	$66.96
092A-2599-060-00	$66.96
092A-2599-061-00	$66.96
092A-2599-062-00	$66.96
092A-2599-063-00	$66.96
092A-2599-064-00	$66.96
092A-2599-065-00	$66.96
092A-2599-066-00	$66.96
092A-2599-067-00	$66.96
092A-2599-068-00	$66.96
092A-2599-069-00	$66.96
092A-2599-070-00	$66.96
092A-2599-071-00	$66.96
092A-2599-072-00	$66.96
092A-2599-073-00	$66.96
092A-2599-074-00	$66.96
092A-2599-075-00	$66.96
092A-2599-076-00	$66.96
092A-2599-077-00	$66.96
092A-2599-078-00	$66.96
092A-2599-079-00	$66.96
092A-2599-080-00	$66.96
092A-2599-081-00	$66.96
092A-2599-082-00	$66.96
092A-2599-083-00	$66.96
092A-2599-084-00	$66.96
092A-2599-085-00	$66.96
092A-2599-086-00	$66.96
092A-2599-087-00	$66.96
092A-2599-088-00	$66.96
092A-2599-089-00	$66.96
092A-2599-090-00	$66.96
092A-2599-091-00	$66.96
092A-2599-092-00	$66.96
092A-2599-093-00	$66.96

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 18
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Assessment Amount
092A-2599-094-00	$66.96
092A-2599-095-00	$66.96
092A-2599-096-00	$66.96
092A-2599-097-00	$66.96
092A-2599-098-00	$66.96
092A-2599-099-00	$66.96
092A-2599-100-00	$66.96
092A-2599-101-00	$66.96
Total Parcels:	164
Total Assessment:	$10,981.44

NEWARK
california

Landscaping and Lighting District No. 19

Fiscal Year 2023-24
Final Engineer's Report

July 13, 2023

Prepared by

FRANCISCO AND ASSOCIATES

Where Innovative Strategies
Fund Tomorrow's Communities

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ENGINEER'S REPORT
CITY OF NEWARK
LANDSCAPING AND LIGHTING DISTRICT NO. 19
FISCAL YEAR 2023-24

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Engineer's Report as directed by the Newark City Council pursuant to the provisions of Article XIIID, Section 4 of the California Constitution, and the Landscape and Lighting Act of 1972 being Section 22500 et al of the California Streets and Highways Code (the "1972 Act"). The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: June 22, 2023

By: _____
Eduardo Espinoza, P.E.
RCE # 83709

SECTION I

INTRODUCTION

The City of Newark ("City") levies and collects special assessments on parcels within the City of Newark Landscaping and Lighting District No. 19 ("District") to maintain public improvements. The District was formed in December of 2016 to provide a dedicated source of funding for the ongoing maintenance of median and buffer landscape, street lighting, and park improvements benefiting parcels within the boundaries of the District. Since formation, additional properties have been annexed into the District. A historical listing of the date each annexation occurred since formation follows:

- Annexation No. 1 (September 14, 2017)
- Annexation No. 2 (September 14, 2017)
- Annexation No. 3 (September 14, 2017)
- Annexation No. 4 (May 9, 2019)
- Annexation No. 5 (November 12, 2020)
- Annexation No. 6 (January 27, 2022)

Following the approval of the annexations listed above, the District consists of the following seven (7) zones of benefit.

- Zone 1 (Bayshores)
  The Bayshores Tract Map 8085 was comprised of residential lots (detached homes, condominiums, and townhomes), landscape lots, a park area, and private roads. The landscape lots and park around the clubhouse will be maintained by the Homeowners Association and will not be funded by assessments.

- Zone 2 (Lighthouse)
  The Lighthouse Tract Map 8157 was comprised of eighty-eight (88) condominium units and private roads.

- Zone 3 (Newark Senior Housing – USA Properties)
  The Newark Senior Housing – USA Properties project is comprised of one building, containing seventy-five (75) apartment units.

- Zone 4 (Tract 8098 – Glass Bay)
  The Glass Bay Tract Map 8098 was comprised of two hundred and seventeen (217) single-family homes and private roads.

- Zone 5 (Tracts 8099 & 8436 - Bridgeway)
  The Bridgeway Development was comprised of Tract 8099 and 8436 and contains three hundred and six (306) single family lots and two hundred and seventy (270) multi-family units.

- Zone 6 (Tract 8459 – Compass Bay)
  The Compass Bay Development was comprised of Tract 8459 which included fifty-three (53) single family lots and eighty-five (85) multi-family units.

- Zone 7 (Tract 8453 – Harbor Pointe)
  The Harbor Pointe (Bridgeway Parcel C) Development was comprised of Tract 8453 and contains one hundred and ninety two (192) single family lots.

The assessments and method of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received as approved by the City Council at the time the District was formed and each subsequent zone of benefit was established.

The District generally consists of those properties in an area known as Bayside Newark, formerly known as the Dumbarton Transit-Oriented Development. The Bayside Newark project is located next to the proposed commuter rail station near the corner of Willow Avenue and Enterprise Drive. A reduced copy of the Assessment Diagram showing the exterior boundaries of the District and each zone of benefit is provided in Part C of this Report.

Impacts of Proposition 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Articles XIIIC and XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 established new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessments were anticipated in the assessment formula (e.g., CPI increase or assessment cap) then the assessment would comply with the intent and provisions of Proposition 218.

Current Annual Administration

As required by the 1972 Act, the Engineer's Report includes: (1) a description of the improvements to be operated, maintained, and serviced by the District and each benefit zone, (2) a cost estimate for the District and each benefit zone, and (3) a listing of the proposed Fiscal Year 2023-24 assessments to be levied upon each assessable lot or parcel within the District and each benefit zone.

The City will hold a Public Hearing on July 13, 2023, regarding this District which will provide an opportunity for any interested person to be heard. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the assessment rates as originally proposed or as modified.

Payment of annual assessments for each parcel will be made in the same manner and at the same time as payments are made for their annual property taxes. All funds collected through the assessments must be placed in a special fund and can only be used for the purposes stated within this Report.

SECTION II

ENGINEER'S REPORT PREPARED FOR THE CITY OF NEWARK LANDSCAPING AND LIGHTING DISTRICT NO. 19 FISCAL YEAR 2023-24

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highways Code of the State of California), and in accordance with the Resolution of Initiation, being Resolution No. 11499, which directs the preparation and filing of the Engineer's Report, adopted by the City Council of the City of Newark, on April 27, 2023, the following Report was prepared consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the Director of Public Works of the City of Newark and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2023-24, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the Director of Public Works of the City of Newark.

PART C: ASSESSMENT DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the Director of Public Works of the City of Newark.

The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the City Clerk of the City of Newark and is incorporated in this Report. The list is keyed to the records of the Alameda County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

IMPROVEMENTS AND SERVICES PURSUANT TO THE 1972 ACT

The improvements and services authorized by the provisions of the Landscape and Lighting Act of 1972, being Part 2 of Division 15 of the Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "1972 Act"), that may be applicable to this District and associated assessments may include one or more of the following definitions:

- "Improvement" means one or any combination of the following:
  - The installation or planting of landscaping.
  - The installation or construction of statuary, fountains, and other ornamental structures and facilities.
  - The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
  - The installation or construction of any facilities which are appurtenant to any of the forgoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
  - The installation of park or recreational improvements, including, but not limited to all the following:
    - Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
    - Lights, playground equipment, play courts, and public restrooms.
  - The maintenance or servicing, or both, of any of the forgoing, and of any improvements authorized below.
  - The acquisition of land for park, recreational, or open space purposes.
  - The acquisition of any existing improvement otherwise authorized herein.
  - The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

- "Incidental expenses" include all the following:
  - The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.
  - The costs of printing, advertising, and giving of published, posted, and mailed notices.
  - Compensation payable to the county for collection of assessments.
  - Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.
  - Any other expenses incidental to the construction, installation, or maintenance and servicing of improvements.
  - Any expenses incidental to the construction, installation, or maintenance and servicing of the improvements.
  - Any expenses incidental to the issuance of bonds or notes.
  - Costs associated with any elections held for the approval of a new or increased assessment.

- "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

- "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and services of any improvement, including:
  - Repair, removal or replacement of all or any part of any improvement.
  - Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
  - The removal of trimmings, rubbish, debris, and other solid waste.
  - The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

- "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

- "Service" or "servicing" means the furnishing of:
  - Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
  - Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

DESCRIPTION OF DISTRICT IMPROVEMENTS

The improvements, which have been constructed within the City, and those which may be subsequently constructed, operated, maintained, and serviced with District assessments are generally described as follows:

- The Landscape Improvements include, but are not limited to landscaping, planting, turf, trees, irrigation systems, and fixtures in public street and sidewalk rights-of-way, including medians, traffic circles, parkways and other easements dedicated to the City within, and adjacent to, the zones.
- The Park Improvements include but are not limited to landscaping, planting, shrubbery, trees, irrigation systems, hardscapes and fixtures, trails, and open space areas.
- Street Lighting Improvements include, but are not limited to poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public street and sidewalk rights-of-way and other easements dedicated to the City within, and adjacent to, the zones.

Improvement diagrams have been prepared identifying all improvements and areas that are to be maintained by the District. A copy of these diagrams is on file with the City's Public Works Department.

A more detailed description of the facilities which either have or will be constructed, operated, maintained, and serviced by each of the benefit zones follows.

Zone 1 (Bayshores)

Landscape Improvements

The Landscape Improvements include streetscapes, medians, and traffic circles, specifically:

- The south side of Central Avenue, between Willow Street and Salty Cove Road.
- The south side of Central Avenue, between Salty Cove Road and Hickory Street.
- East side of Willow Street, south of Central Avenue.
- West side of Willow Street, along the eastern border of the tract, including planter strips.
- Medians along Willow Street, between Central Avenue and Seawind Way.
- Traffic Circles at the intersections of Willow Street and Central Avenue, and Willow Street and Seawind Way.
- 47 Trash Capture Devices ("TCD") throughout the project, to keep trash from collecting in the landscaped areas along the southern edge of the project and the wetlands beyond.

Street Lighting Improvements

The Street Lighting Improvements will be located along streets within the zone as shown below:

- 7 streetlights located along Seawind Way at the eastern boundary of the zone.
- 10 streetlights located along Spring Tide Road, through the center of the zone.
- 3 streetlights located along Bayshores Drive.
- 2 streetlights located along Quiet Cove Way.
- 2 streetlights located along Lookout Way.
- 6 streetlights located along Harbor Light Road.
- 7 streetlights located along Central Avenue at the southern boundary of the zone.
- 13 streetlights located along Willow Street at the eastern boundary of the zone.

Zone 2 (Lighthouse)

Landscape Improvements

The Landscape Improvements include streetscapes, medians, and traffic circles, specifically:

- Northwest corner of intersection of Willow Street and Seawind Way.
- West side of Willow Street, along the easterly border of the tract, including planter strips.
- Medians along Willow Street, between Seawind Way and the northerly border of the tract.
- Traffic Circle at the intersection of Willow Street and Seawind Way.
- One TCD on Seawind Way.

Street Lighting Improvements

The Street Lighting Improvements will be located along streets within the zone as shown below:

- 3 streetlights located along Seawind Way.
- 1 streetlight located along Willow Street.
- 4 streetlights located along Willow Street between Seawind Way and Enterprise Drive.

Zone 3 (Newark Senior Housing – USA Properties)

Landscape Improvements
The Landscape Improvements include streetscapes, medians, and traffic circles, specifically:

- West side of Willow Street, along the eastern border of the project, including planter strips.
- Medians along Willow Street, between the northerly and southerly border of the project.

Street Lighting Improvements
The Street Lighting Improvements will be located along streets within the zone as shown below:

- 4 streetlights located along Willow Street between Seawind Way and Enterprise Drive.

Zone 4 (Tract 8098 – Glass Bay)

Landscape Improvements
The Landscape Improvements include streetscapes, medians, and traffic circles, specifically:

- The east side of Willow Street at the southeast and northeast corners of Seawind Way and Willow Street.
- Medians along Enterprise Drive along the northerly border of the tract.
- Traffic Circle at the intersection of Willow Street and Seawind Way.
- Traffic Circle at the intersection of Willow Street and Enterprise Drive.
- 27 Landscape Debris/TCD throughout the tract.

Street Lighting Improvements
The Street Lighting Improvements will be located along streets within the zone as shown below:

- 21 streetlights located throughout the interior of the tract.
- 4 streetlights located along Enterprise Drive at the northerly boundary of the tract.
- 4 streetlights located along Willow Street between Central Avenue and Seawind Way.
- 4 streetlights located along Willow Street between Seawind Way and Enterprise Drive.

Zone 5 (Tracts 8099 & 8436 - Bridgeway)

Landscape Improvements

The Landscape Improvements include streetscapes, medians, and traffic circles, specifically:

- Median islands at Hickory Street and Seawind Way.
- Traffic Circle at the intersection of Hickory Street and Seawind Way.
- Median islands at Seawind Way in Phase 2 of the development.
- 6 TCD on Seawind Way.
- 8 TCD on Bay Breeze Street.
- 2 TCD on Headlands Avenue.
- 17 TCD on Hickory Street.
- 12 TCD on Seawind Way, in Phase 2 of the development.
- The Bay Trail in Phases 1 and 2 of the development.

Street Lighting Improvements

The Street Lighting Improvements will be located along streets within the zone as shown below:

- 2 streetlights located along Headlands Avenue.
- 6 streetlights located along Bay Breeze Street.
- 4 streetlights located along Seawind Way in Phase 1 of the development.
- 4 streetlights located at the intersection of Seawind Way and Hickory Street.
- 15 streetlights located along Hickory Street.
- 8 streetlights located along Seawind Way in Phase 2 of the development.

Zone 6 (Tract 8459 – Compass Bay)

Landscape Improvements

The Landscape Improvements include streetscapes, medians, and traffic circles, specifically:

- Median Islands at Seawind Way and Hickory Street.
- Median Islands at Hickory Street and Enterprise Drive.
- Center Median on Enterprise Drive.
- Traffic Circle at Seawind Way and Hickory Street.
- Traffic Circle at Hickory Street and Enterprise Drive.
- 1 TCD on Seawind Way.
- 3 TCD on Hickory Street.
- 4 TCD on Enterprise Drive.

Park Improvements
Park improvements include but are not limited to landscaping, planting, shrubbery, trees, irrigation systems, hardscapes and fixtures and open space areas within a planned 5.05 acre park that is proposed for the FMC Willow Development to be located northwest of the Compass Bay development near the intersection of Hickory Street and Enterprise Drive.

Street Lighting Improvements
The Street Lighting Improvements will be located along streets within the zone as shown below:

- 1 Streetlight located on Seawind Way.
- 1 Streetlight located at the intersection of Seawind Way and Hickory Street.
- 2 Streetlights located on Hickory Street.
- 2 Streetlights located at the intersection of Hickory Street and Enterprise Drive.
- 6 Streetlights located on Enterprise Drive.

Zone 7 (Tract 8453 – Harbor Pointe)

Landscape Improvements
The Landscape Improvements include streetscapes, medians, and traffic circles, specifically:

- Traffic circle located at Enterprise Drive and Seawind Way.
- Median islands located along Enterprise Drive.
- Traffic circle located at Enterprise Drive and Hickory Street.
- 12 TCD along Enterprise Drive and the Enterprise Drive and Seawind Way traffic circle.
- The Bay Trail located along the exterior of the development.

Park Improvements
Park improvements include but are not limited to landscaping, planting, shrubbery, trees, irrigation systems, hardscapes and fixtures and open space areas within a planned 5.05 acre park that is proposed for the FMC Willow Development to be located northwest of the Compass Bay development near the intersection of Hickory Street and Enterprise Drive.

Street Lighting Improvements
The Street Lighting Improvements will be located along streets within the zone as shown below:

- 11 streetlights located along Enterprise Drive and the Enterprise Drive and Seawind Way traffic circle.
- 2 streetlights located at the traffic circle at Enterprise Drive and Hickory Street.

PART B

ESTIMATE OF COSTS

The 1972 Act requires that a special fund be set up for the collection of revenues and expenditures of the District. The Act provides that the total cost of construction, operation, and maintenance and servicing of the public improvements specified in Part A of this Report can be recovered by the District. Incidental expenses including administration of the District, engineering fees, legal fees and all other costs associated with the construction, operation and maintenance and servicing of the District can also be included.

Funds raised from the assessments shall be used only for the expenditures represented above. A contribution to the District by the City may be made to reduce assessments as the City deems appropriate. Any balance remaining on July 1 at the end of the fiscal year must be carried over to the next fiscal year unless the funds are being accumulated for future capital replacement projects or operating reserves.

The following table provides a summary of the estimated District revenues and cost estimates for Fiscal Year 2023-24.

Landscaping and Lighting District No. 19
Fiscal Year 2023-24 Cost Estimate

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Total Amount
Projected Revenues								
Assessment Revenue	$41,551	$3,923	$2,720	$19,777	$36,120	$12,224	$0	$116,315
Non-Assessment Revenues[1]	$4,457	$594	$750	$2,237	$2,582	$3,148	$0	$13,768
Total Projected Revenues	**$46,008**	**$4,517**	**$3,470**	**$22,014**	**$38,702**	**$15,372**	**$0**	**$130,083**
Projected Expenses								
Contract Services	($5,361)	($343)	($492)	($1,790)	($2,929)	($2,239)	$0	($13,154)
Utilities	($5,777)	($370)	($531)	($1,929)	($3,156)	($2,412)	$0	($14,175)
Administration and Incidentals	($10,527)	($674)	($967)	($3,516)	($5,751)	($4,396)	$0	($25,830)
County Collection Fees	($706)	($67)	($46)	($336)	($614)	($208)	$0	($1,977)
Unforeseen Maintenance and Repairs[2]	($1,119)	($73)	($102)	($379)	($622)	($463)	$0	($2,757)
Total Projected Expenses	**($23,489)**	**($1,526)**	**($2,138)**	**($7,951)**	**($13,072)**	**($9,718)**	**$0**	**($57,893)**
Projected Fund Balance								
Beginning Fund Balance - July 1, 2023	$197,537	$15,544	$10,777	$78,353	$128,931	$0	$0	$431,142
Reserve Fund Collection Increase/(Decrease)	$22,519	$2,990	$1,332	$14,064	$25,630	$5,654	$0	$72,189
Ending Fund Balance - June 30, 2024	$220,056	$18,534	$12,109	$92,417	$154,561	$5,654	$0	$503,331
Recommended Operating Reserves	$11,745	$763	$1,069	$3,975	$6,536	$4,859	$0	$28,947
Available Operating Reserves	$11,745	$763	$1,069	$3,975	$6,536	$4,859	$0	$28,947
Available Capital Reserves[3]	$208,312	$17,771	$11,040	$88,442	$148,025	$796	$0	$474,384

[1] Non-Assessment Revenues equate to the City contribution in the amount of $7,556 for General Benefits and $6,212 for Special Benefits conferred to property not in the District.

[2] Unforeseen Maintenance and Repairs are assumed to be 5% of the Projected Expenses.

[3] Includes $156,000 for future Plant Replacement and $5,000 for future Streetlight Replacement projects.

The purpose of the various reserves is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the improvements that are the responsibility of the District.

The Recommended Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when improvements need to be replaced or expenditures are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

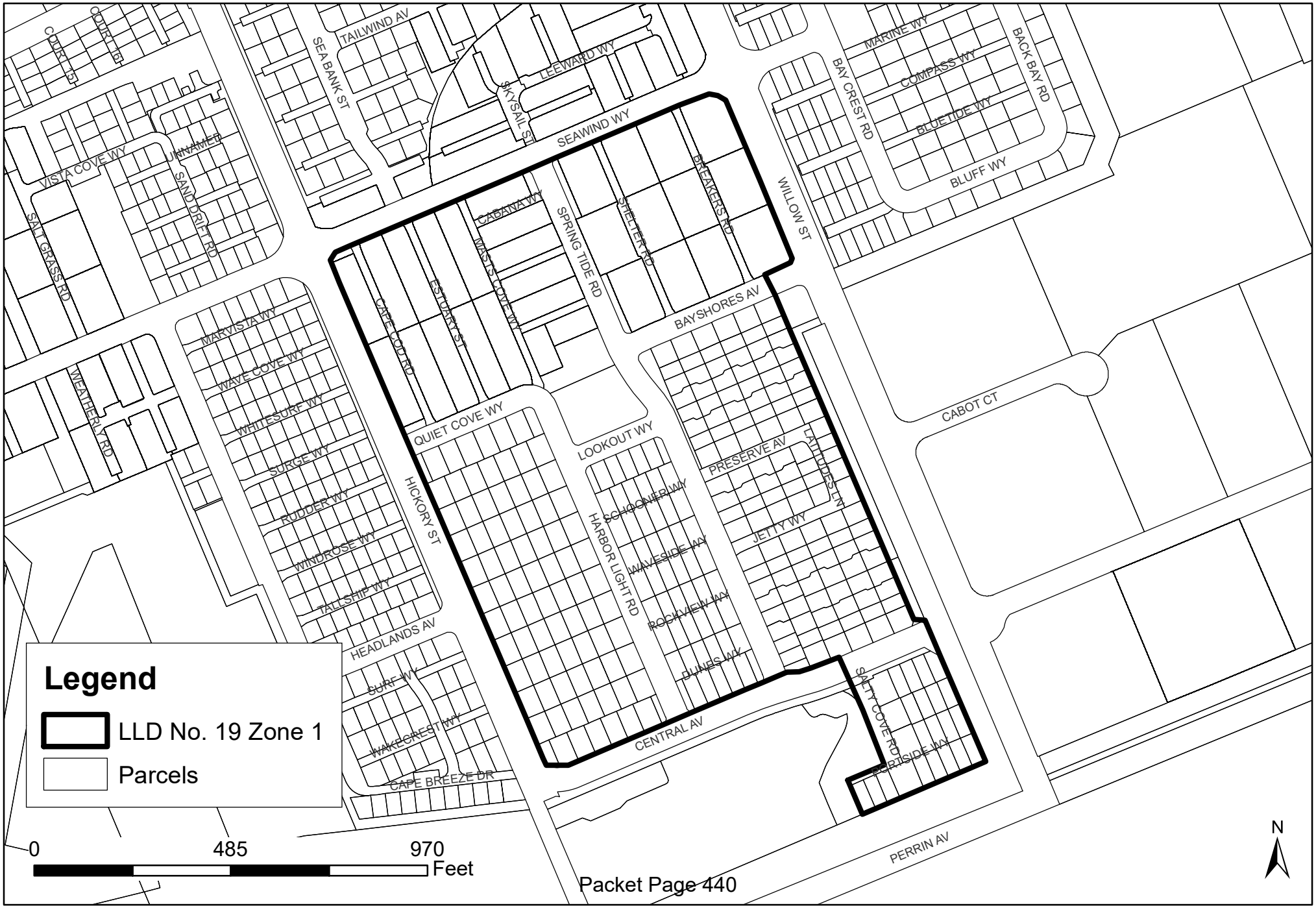
PART C

ASSESSMENT DISTRICT DIAGRAM

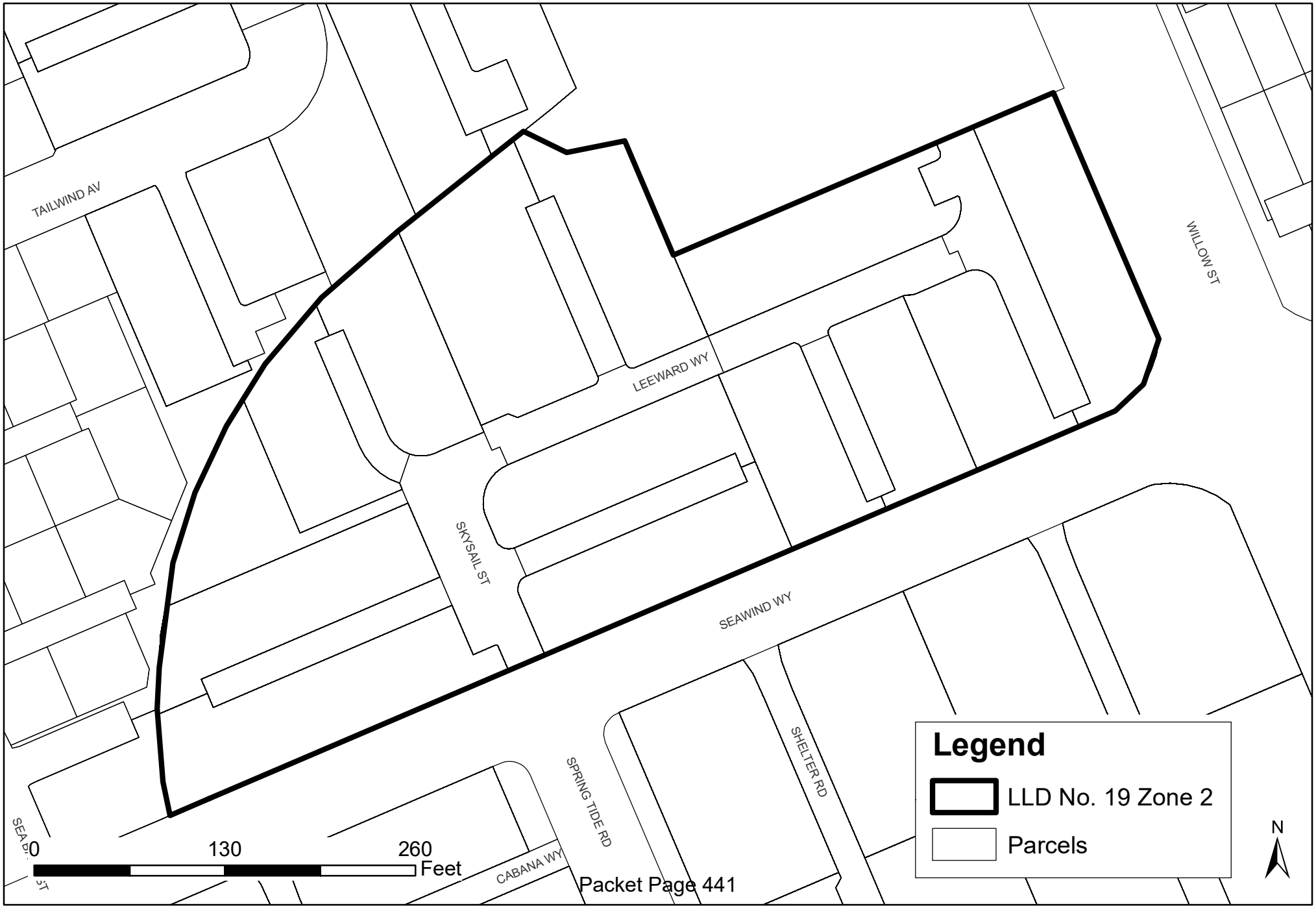
The boundaries of the District and each zone of benefit are shown herein. The Diagram is on file in the Public Works Department of the City and shown on the following page of this Engineer's Report. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagrams are shown on the following pages.

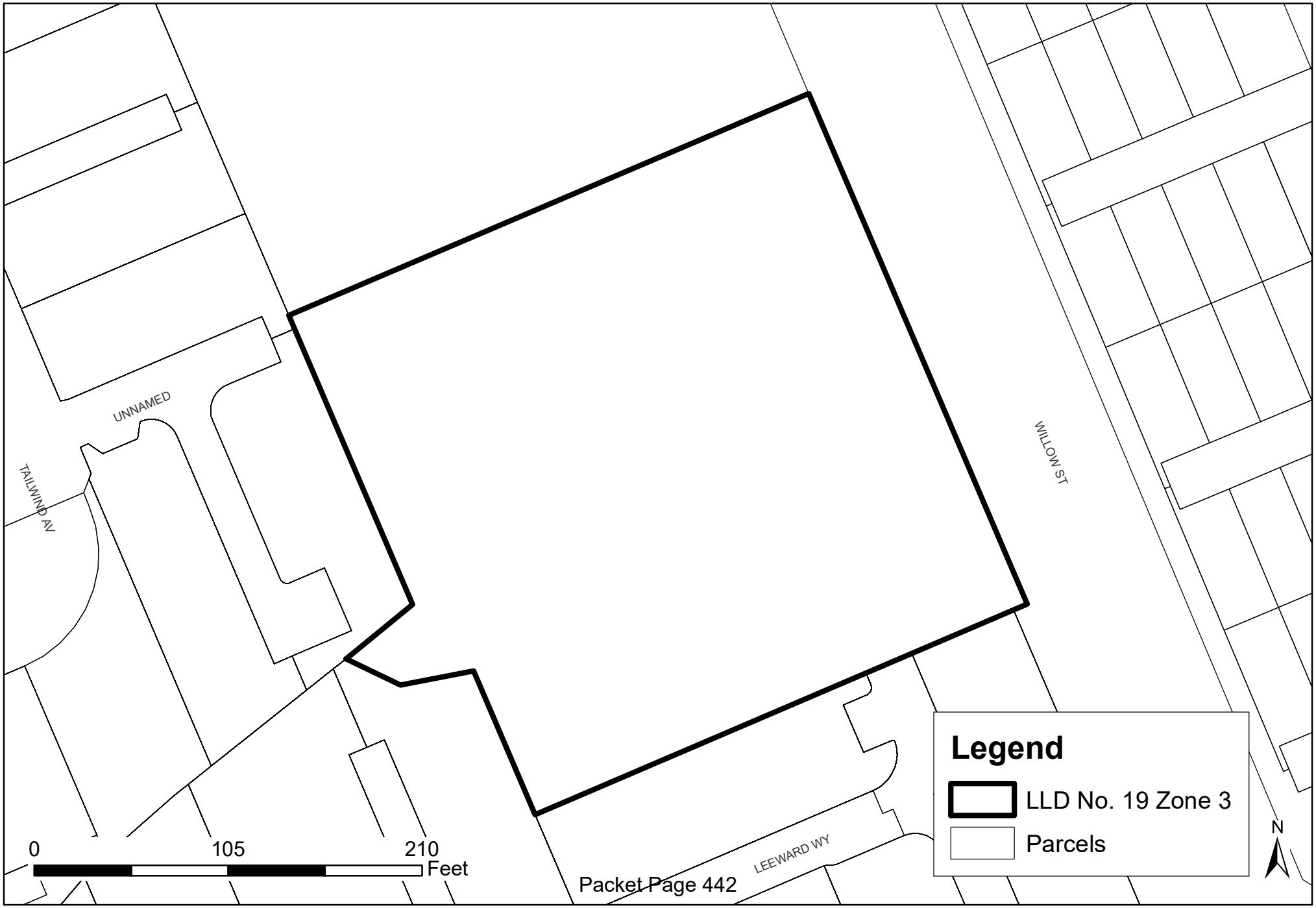
LANDSCAPING AND LIGHTING DISTRICT NO. 19 ZONE 1
(BAYSHORES)
ASSESSMENT DIAGRAM



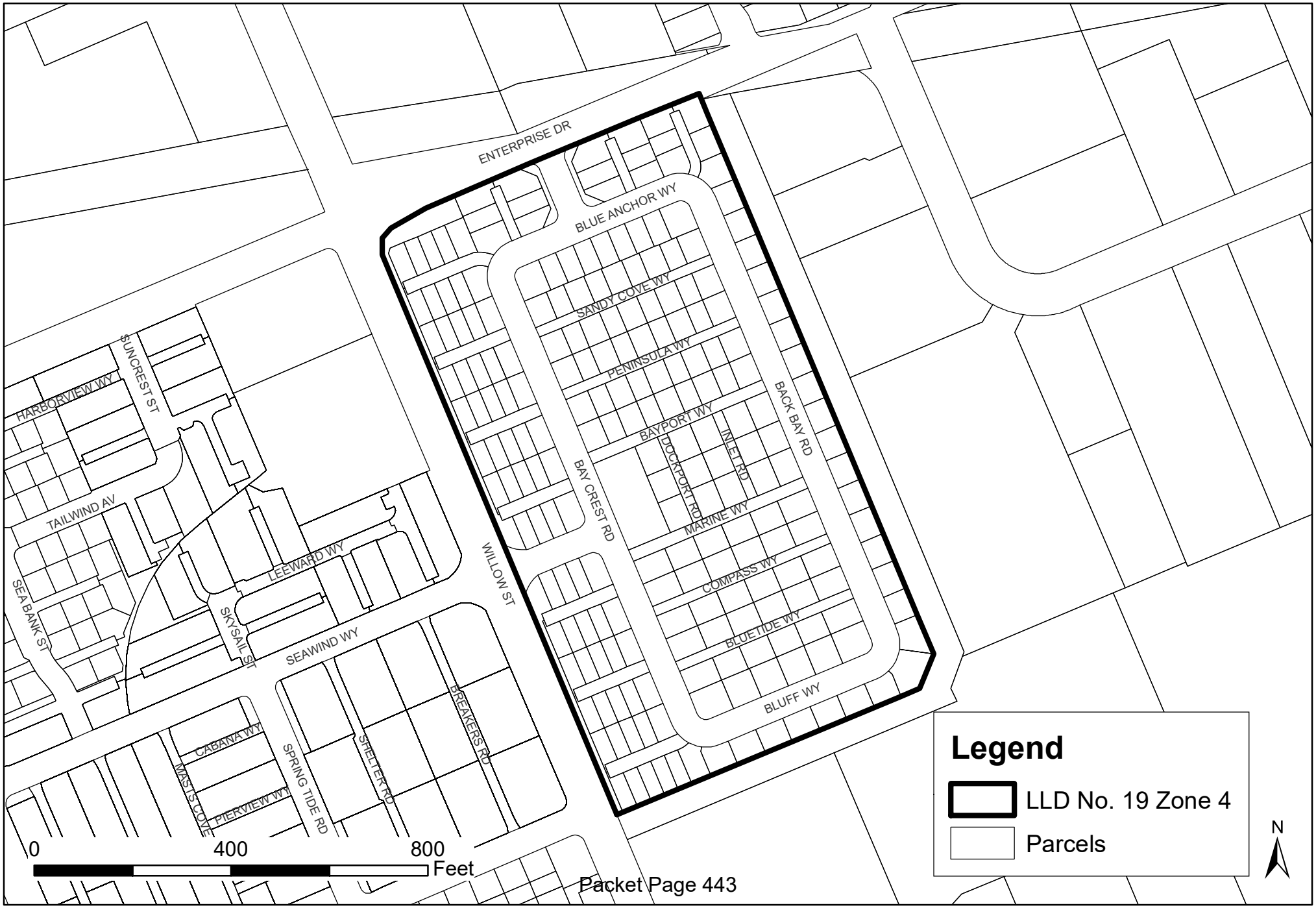
LANDSCAPING AND LIGHTING DISTRICT NO. 19 ZONE 2
ANNEXATION NO. 1 (LIGHTHOUSE)
ASSESSMENT DIAGRAM



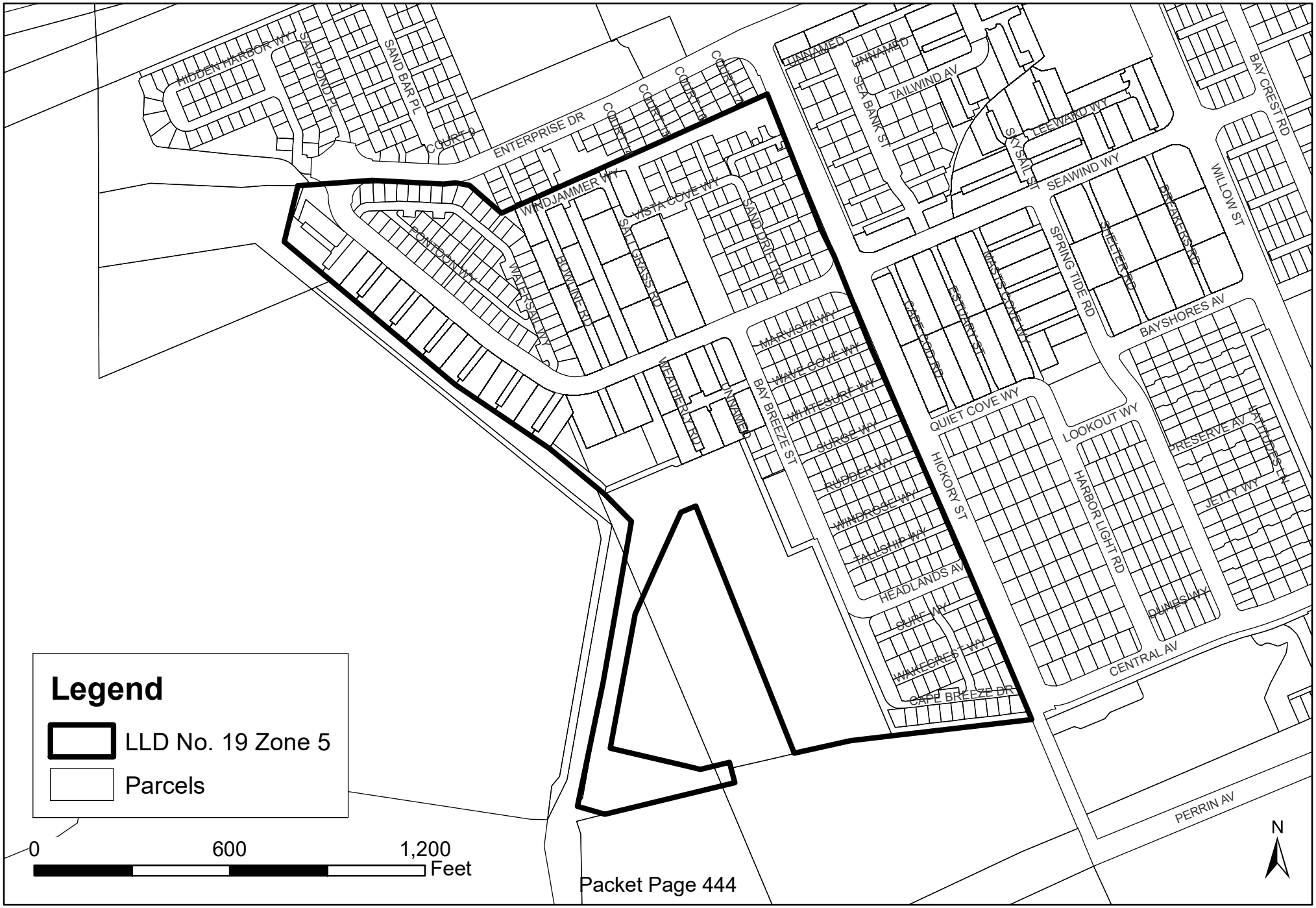
LANDSCAPING AND LIGHTING DISTRICT NO. 19 ZONE 3
ANNEXATION NO. 2 (NEWARK SENIORS HOUSING)
ASSESSMENT DIAGRAM



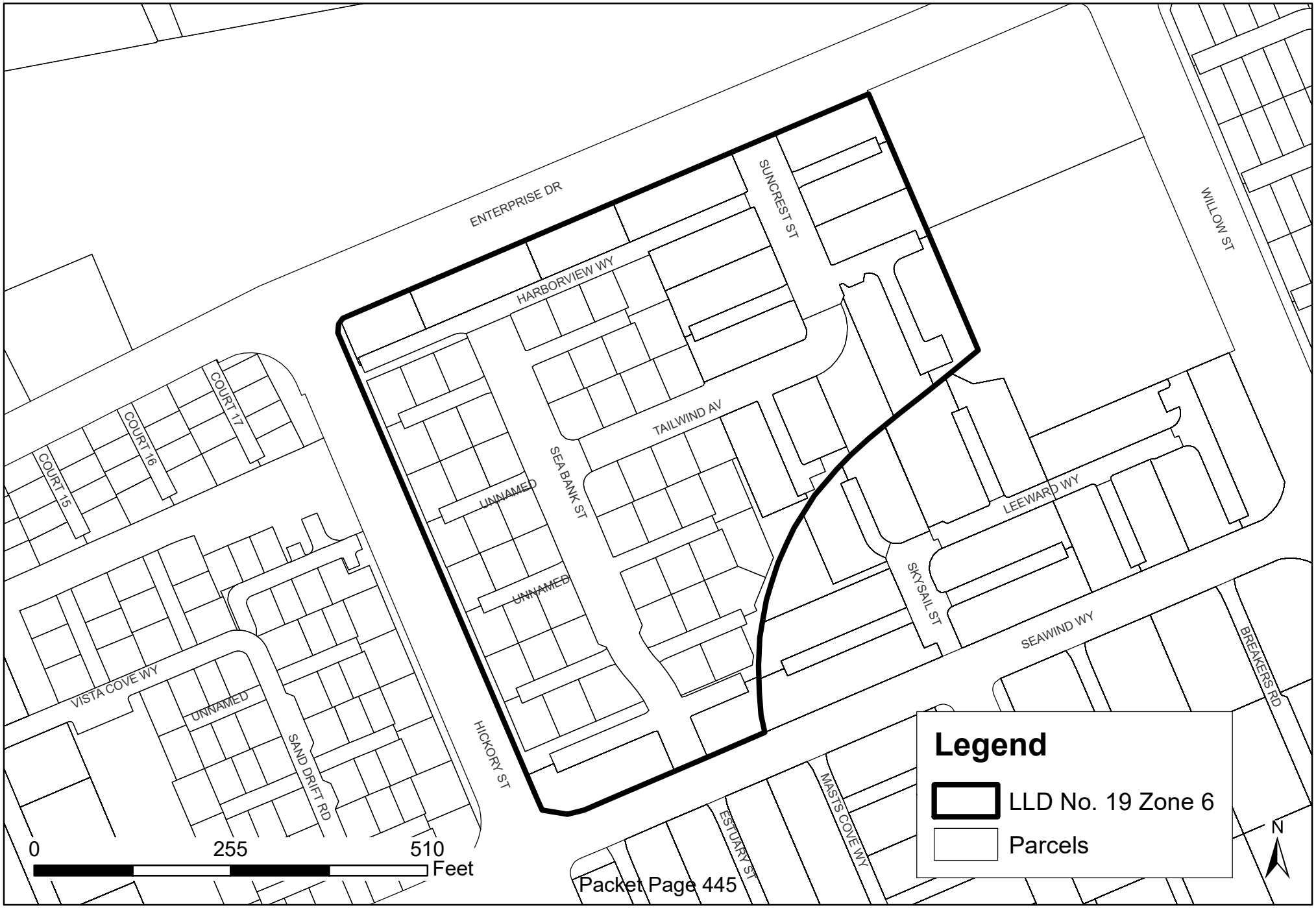
LANDSCAPING AND LIGHTING DISTRICT NO. 19 ZONE 4
ANNEXATION NO. 3 (GLASS BAY)
ASSESSMENT DIAGRAM



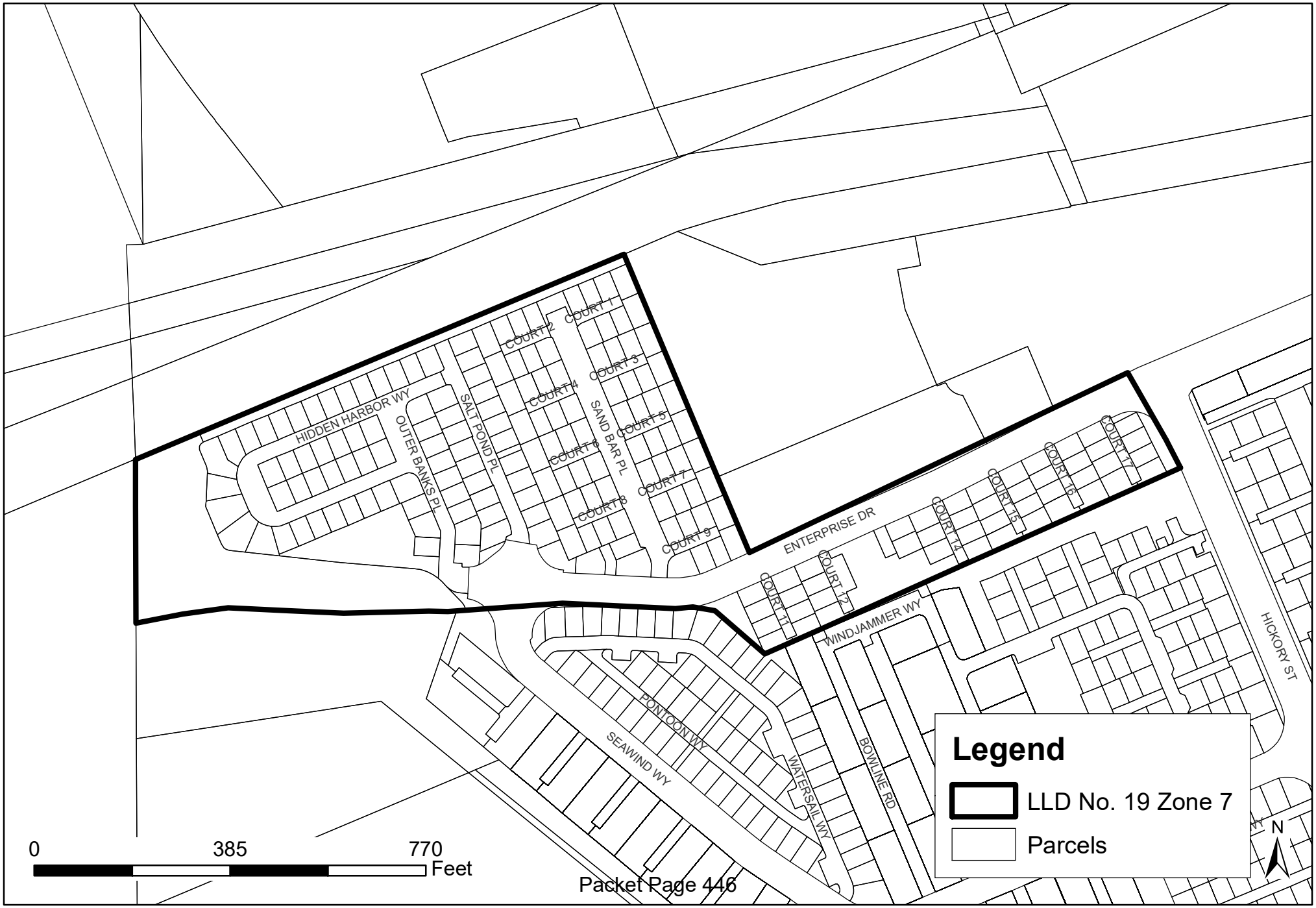
LANDSCAPING AND LIGHTING DISTRICT NO. 19 ZONE 5
ANNEXATION NO. 4 (BRIDGEWAY)
ASSESSMENT DIAGRAM



LANDSCAPING AND LIGHTING DISTRICT NO. 19 ZONE 6
ANNEXATION NO. 5 (COMPASS BAY)
ASSESSMENT DIAGRAM



LANDSCAPING AND LIGHTING DISTRICT NO. 19 ZONE 7
ANNEXATION NO. 6 (HARBOR POINTE)
ASSESSMENT DIAGRAM



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

This section explains the benefits to be derived from the improvements and the methodology used to apportion the total costs of the improvements to properties within the District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the District and any established benefit zones. The assessment is apportioned to each parcel in proportion to the relative cost of the special benefits from the improvements.

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of streetlights, landscaping, parks, trails, open space, and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

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

The formula used for calculating assessments in the District therefore needs to reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, Article XIIID, of the California Constitution limits the amount of any assessment to the proportional "special benefit" conferred on the property. Article XIIID provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. There is no widely accepted or statutory formula for determining general and special benefit. However, the constitution states that a special benefit is different from a general benefit in that it is "particular and distinct" and "over and above" general benefits received by other properties.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement." Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax".

Article XIIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public

avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways, utility easements, and that portion of public property that is not developed and used for business purposes similar to private residential, commercial, industrial, and institutional activities.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. In order for the City to separate out the general and special benefits for each improvement type, an analysis of each improvement was conducted. The analysis reviewed the purpose and users of each improvement, and then identified the properties that benefit from the improvement both within and outside the District and each zone of benefit, and then allocated the costs to maintain, service, and replace each improvement type to each identified property.

Because general benefits are not assessable, any costs associated with general benefits or special benefits assigned to properties (both within and outside and the District and each zone of benefit) not in a zone of benefit are to be paid for by the City or by the area receiving special benefits from the improvements. Only the costs associated with the special benefits conferred on property within each zone of benefit from the authorized improvements are assessable, and therefore assessed herein. A full analysis showing the quantification and separation of special and general benefits performed by the City and Assessment Engineer at the time of formation and the establishment of each zone of benefit can be found in the formation and annexation reports for each zone of benefit. A summary of the analysis by improvement type is described below.

Discussion of Benefit

Each of the improvements have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on the special benefits conferred to property from the improvements as determined at the time the District and each subsequent zone of benefit was established.

The District consists of all Assessor Parcels within the boundaries of a zone of benefit. The method of apportioning costs and assessing properties is based upon the proportional special benefits to be conferred by the improvements and services within each zone of benefit to the properties within and outside the boundaries of the District and each zone of benefit. The apportioning of special benefit is a two-step process: the first step is to identify the types of special benefits arising from the improvements and services, and the second step is to allocate the costs and assign assessments to property based on the estimates of the special benefit being conferred to each property.

In determining the proportionate special benefit derived by each identified parcel, the proximity of the parcel to the public improvements detailed in Part A above, and the capital, maintenance, and operating costs of said public improvements, was considered and analyzed. Due to the close proximity of the parcels to the improvements detailed in Part A above, it has been demonstrated and determined that the parcels are uniquely benefited by, and receive a direct advantage from, and are conferred a particular and

distinct special benefit over and above general benefits by said public improvements in a way that is particular and distinct from its effect on other parcels, and that real property in general and the public at large do not share.

In summary, the assessments can only be levied based on the special benefit to property conferred from the installation, maintenance, and servicing of the improvements funded by each zone of benefit within the District. These special benefits are not dependent on any one property owner's use of each zone of benefit's improvements or their specific demographic status. The basis for these special benefits comes from statutes approved by the California Legislature and other studies that describe the types of benefits received by property from such improvements. The identified special benefits conferred to property from the improvements are summarized as follows.

Special Benefit from Landscape Maintenance

All parcels within each zone of benefit of the District receive special benefit from Landscape Maintenance. Trees, landscaping, hardscapes, ornamental structures, and appurtenant facilities, if well maintained, confer a particular and distinct special benefit upon real property within each zone of benefit by providing beautification, shade and positive enhancement of the community character, attractiveness, and desirability of the surroundings. In addition, all the aforementioned contributes to a specific increase in property desirability and a specific enhancement of the property value of each parcel within each zone of benefit of the District.

In Parkways and Land Values, written by John Nolan and Henry V. Hubbard in 1937, it is stated:

> " ... there is no lack of opinion, based on general principles and experience and common sense, that parkways do in fact add value to property, even though the amount cannot be determined exactly .... Indeed, in most cases where public money has been spent on parkways the assumption has been made that the proposed parkway will show a provable financial profit to the City. It has been believed that the establishment of parkways causes a rise in real estate values throughout the City, or in parts of the City, ... "

It should be noted that the definition of "parkways" above may include the roadway as well as the landscaping alongside the roadway.

Special Benefit from Street Lighting Maintenance

All parcels within each applicable zone of benefit of the District receive special benefit from Street Lighting Maintenance. The special benefit from street lighting can be measured by increased safety to people and property, as well as the increased availability of lighting. The safety to people results in a special benefit to parcels because street lighting improves traffic safety during ingress and egress to the property and creates a deterrent to crime against property. The safety to property results in a special benefit to both developed and vacant or undeveloped parcels because street lighting operation, maintenance and

servicing provides for the protection of buildings and personal property against crimes such as theft and vandalism.

Additionally, all parcels in the applicable zones of benefit receive a special benefit from the installation, operation, maintenance, and servicing of the street lighting on collector streets. Collector street lighting benefits properties primarily because the properties, and the persons traveling to and from the properties, are provided safe street access.

Special Benefit from Park Maintenance

All parcels within Zones 6 (Tract 8459 – Compass Bay) and 7 (Tract 8453 – Harbor Pointe) receive special benefit from Park Maintenance. The overall quality of life and desirability of an area is enhanced, when public parks and recreational facilities are in place, improved, operable, safe, clean, and properly maintained. Conversely, property desirability decreases when park and recreational facilities are unsafe or destroyed by the elements or vandalism.

Property desirability in an area also increases when there is an increase in the number of parks, recreation centers and sports facilities. These park and recreational facilities enable property owners to participate in sporting events, leisure activities, picnics, organized social events, and other miscellaneous activities.

Studies in several communities, including counties and cities throughout the United States, have indicated that recreation areas and facilities, if well maintained and wisely administered, have caused a marked increase in the property values of parcels in the community. Consequently, such recreation and park facilities have proved a potent factor in maintaining a sound economic condition and a high standard of livability in the community. These studies confirm the opinion, long held by planning authorities, as to the economic value of parks and recreational facilities in a community.

> *“The recreation value is realized as a rise in the value of land and other property in or near the recreation area, and is of both private interest to the landowner and others, holding an economic stake in the area, and of public interest to the taxpayers, who have a stake ...." (National Recreation and Park Association, June 1985)*
>
> *“Recreation and park amenities are central components in establishing the quality of life in a community. ... [Businesses’] main resource is their employees for whom quality of life is an important issue… The availability and attractiveness of local parks and programs influences some companies’ relocation decisions. ... the presence of a park encourages real estate development around it.... ". (California Parks & Recreation, Winter 1997)*

The benefit of parks and other recreational facilities to residential and commercial/industrial properties has been summarized by several studies. The United States Department of the Interior, National Park Service, in a publication from June 1984, concluded that:

- Parks and recreation stimulate business and generate tax revenues
- Parks and recreation help conserve land, energy, and resources
- An investment in parks and recreation helps reduce pollution and noise, makes communities more livable, and increases property values
- Public recreation benefits all residents and employers by providing continuing opportunities to maintain a level of fitness throughout one's working life, and through helping individuals cope with the stress of a fast-paced and demanding life

Proper maintenance and operation of the parks within the City benefits those properties within the service areas of the parks by providing environmental quality and recreational enhancement.

Special Benefit to Parcels Outside of the District

There are parcels outside each zone of benefit that receive special benefit from some of the improvements. Based on the analysis performed at the time of formation and the establishment of each subsequent annexation, a summary of the percentage of annual costs attributable to special benefits to parcels outside the District by zone of benefit is shown below:

LLD No. 19 Benefit Zone	Percentage of Costs Attributed to Special Benefit Outside the Zone
Zone 1 (Bayshore)	4.46%
Zone 2 (Lighthouse)	36.23%
Zone 3 (Newark Senior Housing)	35.06%
Zone 4 (Tract 8098 - Glass Bay)	11.29%
Zone 5 (Tracts 8099 & 8436 - Bridgeway)	3.97%
Zone 6 (Tract 8459 - Compass Bay)	25.17%
Zone 7 (Tract 8453 - Harbor Pointe)	3.83%

The share of costs attributable to special benefits conferred to parcels outside of each zone of benefit cannot be assessed to properties within each specific zone, but are required to be paid by some other source, such as the City's General Fund.

General Benefit

The Assessment Engineer at the time of District formation and at the establishment of each subsequent annexation performed an analysis and determined there are general benefits conferred from the landscape and park improvements to the public at large. Based on these analyses performed by the original Assessment Engineer, a summary of the percentage of annual costs attributable to general benefit are shown below:

LLD No. 19 Benefit Zone	Percentage of Costs Attributed to General Benefit
Zone 1 (Bayshore)	14.52%
Zone 2 (Lighthouse)	2.67%
Zone 3 (Newark Senior Housing)	0.00%
Zone 4 (Tract 8098 - Glass Bay)	16.85%
Zone 5 (Tracts 8099 & 8436 - Bridgeway)	15.78%
Zone 6 (Tract 8459 - Compass Bay)	7.23%
Zone 7 (Tract 8453 - Harbor Pointe)	6.71%

The share of costs attributable to the general benefits of each zone of benefit cannot be assessed to properties within each specific zone, but are required to be paid by some other source, such as the City's General Fund.

Method of Assessment

This process of apportioning assessments to each property involves determining the relative special benefit received by each property from the improvements and services. Since the assessment will be levied against parcels of property as shown on the tax roll, the final charges must be assigned by Assessor's Parcel Number. If assessments were to be spread just by parcel, not considering land use or parcel size, a single family parcel would be paying the same as a 50 unit apartment parcel or a large commercial establishment and this would not be equitable.

Therefore, the City and Engineer at the time of formation and the establishment of each subsequent zone, determined that the most appropriate method of apportioning costs was determined to be spreading each benefit zone costs on an Equivalent Dwelling Unit (EDU) basis. The single family detached residential unit or lot has been selected as the basic unit for calculation of assessments and is defined as one EDU. Each land-use in the District is converted to EDU's. The EDU method is seen as the most appropriate and equitable method of spread of benefit to each parcel from the improvements since it is based on land-use type and parcel size. Property within the District is assigned to one of the following categories.

Single Family Residential. Parcels zoned for single family detached home residential uses are assessed 1 EDU per dwelling unit. Parcels designated as Single Family Residential land-use will be assessed 1 EDU per dwelling unit or lot, including undeveloped subdivided residential lots and vacant land zoned for single family residential uses with a tentative or final tract map.

Multiple Family Residential. Multiple-family residential (including apartments, condominiums, townhomes, and duplexes) land use equivalencies are determined based on the number of dwelling units on each parcel. Due to population density and size of structure relative to the typical single family residence, each dwelling unit defined as multi-family residential, including apartments, condominiums, town homes, and duplexes, are assigned and EDU of 0.75 EDU . The EDU's assigned to a multiple-family residential parcel are calculated by multiplying the number of dwelling units by the EDU Factor of 0.75.

Non-Residential. In converting non-residential properties to EDU's, the EDU Factor used in each zone of benefit was determined using the EDU density of the residential property for each zone. During formation and the establishment of each subsequent zone, the number of planned residential EDU located in the zone were divided by the associated acreage to arrive at an EDU factor per acre for non-residential parcels. All properties that are developed for non-residential uses are therefore assigned an EDU factor per acre by zone of benefit, all of which are shown in the table below. Non-Residential may include but not be limited to commercial, industrial, church, school, institutional, and other non-residential uses.

Undeveloped Parcels. Undeveloped parcels receive a reduced level of benefit as compared to developed parcels. Undeveloped parcels therefore are assessed at 20% of the non-residential rate per acre for each zone of benefit. This includes all lots designated as undeveloped or vacant without a tentative or final tract map but does not include easements or streets, whether private or public, which are non-assessable.

Exempt Parcels. - Publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the improvements. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts, public parkways, public property designated open space, and any portion of public property that is not used for business purposes similar to private residential, commercial, industrial, and institutional activities. Also exempted from the assessments are private streets, utility easements, homeowner's or property owner's association common areas (except club houses, community centers, parking lots, etc.) and any other parcels that do not receive a special and direct benefit from the improvements.

The following table summarizes the EDU Factors by zone of benefit for each land use category.

		EDU Factor						
Land Use Classification	**Unit**	**Zone 1**	**Zone 2**	**Zone 3**	**Zone 4**	**Zone 5**	**Zone 6**	**Zone 7**
Single-Family Residential	per Dwelling Unit	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Multi-Family Residential	per Dwelling Unit	0.750	0.750	0.750	0.750	0.750	0.750	0.750
Non-Residential	per Acre	11.250	8.158	27.040	10.150	8.158	7.810	8.158
Vacant Property	per Acre	2.250	1.632	5.410	2.030	1.631	1.562	1.631

Parcels within each zone may be assessed once it is anticipated that improvements will need to be maintained or reserve funds will need to be collected for the ensuing fiscal year.

The table below summarizes both the maximum and applied assessment rates per EDU for Fiscal Year 2023-24.

LLD No. 19 Benefit Zone	Maximum Assessment Rate	Applied Assessment Rate
Zone 1 (Bayshore)	$110.05	$87.34
Zone 2 (Lighthouse)	$74.91	$59.45
Zone 3 (Newark Senior Housing)	$60.93	$48.36
Zone 4 (Tract 8098 - Glass Bay)	$114.83	$91.14
Zone 5 (Tracts 8099 & 8436 - Bridgeway)	$94.01	$80.00
Zone 6 (Tract 8459 - Compass Bay)	$122.61	$107.46
Zone 7 (Tract 8453 - Harbor Pointe)	$139.74	$0.00

Maximum Assessment Rate Increases

The maximum assessment rates for each zone may be adjusted annually by the greater of the annual increase in the Bureau of Labor Statistics, Consumer Price Index for the month of February, All Urban Consumers for the San Francisco/Oakland/San Jose area, or 3%.

Appeals and Interpretations

Any property owner who feels that the assessment levied on the subject property is in error because of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City Engineer or her or his designee may refer their appeal to the City Council and the decision of the City Council shall be final.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for Fiscal Year 2023-24 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is included in this Report beginning on the next page.

The total proposed assessment for Fiscal Year 2023-24 is $116,315.32**.**

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
092 -0257-033-00	1	$65.50
092 -0257-034-00	1	$65.50
092 -0257-035-00	1	$65.50
092 -0257-036-00	1	$65.50
092 -0257-037-00	1	$65.50
092 -0257-038-00	1	$65.50
092 -0257-039-00	1	$65.50
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092 -0257-217-00	1	$65.50

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
092 -0257-218-00	1	$65.50
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092 -0257-220-00	1	$65.50
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092 -0258-056-00	1	$87.34
092 -0258-057-00	1	$87.34
092 -0258-058-00	1	$87.34

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
092 -0258-059-00	1	$87.34
092 -0258-060-00	1	$87.34
092 -0258-061-00	1	$87.34
092 -0258-062-00	1	$87.34
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092 -0261-007-00	1	$87.34
092 -0261-008-00	1	$87.34
092 -0261-009-00	1	$87.34
092 -0261-010-00	1	$87.34
092 -0261-011-00	1	$87.34
092 -0261-012-00	1	$87.34

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
092 -0261-013-00	1	$87.34
092 -0261-014-00	1	$87.34
092 -0261-015-00	1	$87.34
092 -0261-016-00	1	$87.34
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092 -0260-111-00	2	$44.58
092 -0260-112-00	2	$44.58
092 -0260-113-00	2	$44.58
092 -0260-114-00	2	$44.58
092 -0260-116-00	2	$44.58
092 -0260-117-00	2	$44.58

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
092 -0260-118-00	2	$44.58
092 -0260-119-00	2	$44.58
092 -0260-120-00	2	$44.58
092 -0260-121-00	2	$44.58
092 -0260-122-00	2	$44.58
092 -0260-123-00	2	$44.58
092 -0115-012-08	3	$2,720.24
092 -0259-024-00	4	$91.14
092 -0259-025-00	4	$91.14
092 -0259-026-00	4	$91.14
092 -0259-027-00	4	$91.14
092 -0259-028-00	4	$91.14
092 -0259-029-00	4	$91.14
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092 -0259-170-00	4	$91.14
092 -0259-171-00	4	$91.14
092 -0259-172-00	4	$91.14

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
092 -0259-173-00	4	$91.14
092 -0259-174-00	4	$91.14
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092 -0259-207-00	4	$91.14
092 -0259-208-00	4	$91.14
092 -0259-209-00	4	$91.14
092 -0259-210-00	4	$91.14
092 -0259-211-00	4	$91.14
092 -0259-212-00	4	$91.14
092 -0259-213-00	4	$91.14
092 -0259-214-00	4	$91.14
092 -0259-215-00	4	$91.14
092 -0259-216-00	4	$91.14
092 -0259-217-00	4	$91.14
092 -0259-218-00	4	$91.14
092 -0259-219-00	4	$91.14
092 -0259-220-00	4	$91.14
092 -0259-221-00	4	$91.14
092 -0259-222-00	4	$91.14
092 -0259-223-00	4	$91.14
092 -0259-224-00	4	$91.14
092 -0259-225-00	4	$91.14
092 -0259-226-00	4	$91.14
092 -0259-227-00	4	$91.14
092 -0259-228-00	4	$91.14
092 -0259-229-00	4	$91.14
092 -0259-230-00	4	$91.14
092 -0259-231-00	4	$91.14
092 -0259-232-00	4	$91.14
092 -0259-233-00	4	$91.14
092 -0259-234-00	4	$91.14
092 -0259-235-00	4	$91.14
092 -0259-236-00	4	$91.14
092 -0259-237-00	4	$91.14
092 -0259-238-00	4	$91.14
092 -0259-239-00	4	$91.14
092 -0259-240-00	4	$91.14
537 -0856-001-00	5	$517.52
537 -0856-014-00	5	$80.00
537 -0856-015-00	5	$80.00
537 -0856-016-00	5	$80.00
537 -0856-017-00	5	$80.00
537 -0856-018-00	5	$80.00
537 -0856-019-00	5	$80.00
537 -0856-020-00	5	$80.00
537 -0856-021-00	5	$80.00
537 -0856-022-00	5	$80.00
537 -0856-023-00	5	$80.00
537 -0856-024-00	5	$80.00
537 -0856-025-00	5	$80.00
537 -0856-026-00	5	$80.00
537 -0856-027-00	5	$80.00
537 -0856-028-00	5	$80.00
537 -0856-029-00	5	$80.00
537 -0856-030-00	5	$80.00
537 -0856-031-00	5	$80.00
537 -0856-032-00	5	$80.00
537 -0856-033-00	5	$80.00
537 -0856-034-00	5	$80.00
537 -0856-035-00	5	$80.00
537 -0856-036-00	5	$80.00
537 -0856-037-00	5	$80.00
537 -0856-038-00	5	$80.00
537 -0856-039-00	5	$80.00
537 -0856-040-00	5	$80.00
537 -0856-041-00	5	$80.00
537 -0856-042-00	5	$80.00
537 -0856-043-00	5	$80.00
537 -0856-044-00	5	$80.00
537 -0856-045-00	5	$80.00
537 -0856-046-00	5	$80.00
537 -0856-047-00	5	$80.00
537 -0856-048-00	5	$80.00
537 -0856-049-00	5	$80.00
537 -0856-050-00	5	$80.00
537 -0856-051-00	5	$80.00
537 -0856-052-00	5	$80.00
537 -0856-053-00	5	$80.00
537 -0856-054-00	5	$80.00
537 -0856-055-00	5	$80.00
537 -0856-056-00	5	$80.00
537 -0856-057-00	5	$80.00
537 -0856-058-00	5	$80.00
537 -0856-059-00	5	$80.00
537 -0856-060-00	5	$80.00
537 -0856-061-00	5	$80.00
537 -0856-062-00	5	$80.00
537 -0856-063-00	5	$80.00
537 -0856-064-00	5	$80.00
537 -0856-065-00	5	$80.00
537 -0856-087-00	5	$80.00
537 -0856-088-00	5	$80.00
537 -0856-089-00	5	$80.00
537 -0856-090-00	5	$80.00
537 -0856-091-00	5	$80.00
537 -0856-092-00	5	$80.00
537 -0856-093-00	5	$80.00
537 -0856-094-00	5	$80.00
537 -0856-095-00	5	$80.00
537 -0856-096-00	5	$80.00
537 -0856-097-00	5	$80.00
537 -0856-098-00	5	$80.00
537 -0856-099-00	5	$80.00
537 -0856-100-00	5	$80.00
537 -0856-101-00	5	$80.00
537 -0856-102-00	5	$60.00
537 -0856-103-00	5	$60.00
537 -0856-104-00	5	$60.00
537 -0856-105-00	5	$60.00
537 -0856-106-00	5	$60.00
537 -0856-107-00	5	$60.00
537 -0856-109-00	5	$60.00
537 -0856-110-00	5	$60.00
537 -0856-111-00	5	$60.00
537 -0856-112-00	5	$60.00
537 -0856-113-00	5	$60.00
537 -0856-114-00	5	$60.00
537 -0856-115-00	5	$60.00
537 -0856-117-00	5	$60.00
537 -0856-118-00	5	$60.00
537 -0856-119-00	5	$60.00
537 -0856-120-00	5	$60.00
537 -0856-121-00	5	$60.00
537 -0856-122-00	5	$60.00
537 -0856-123-00	5	$60.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
537 -0856-125-00	5	$60.00
537 -0856-126-00	5	$60.00
537 -0856-127-00	5	$60.00
537 -0856-128-00	5	$60.00
537 -0856-129-00	5	$60.00
537 -0856-130-00	5	$60.00
537 -0856-131-00	5	$60.00
537 -0856-132-00	5	$60.00
537 -0856-133-00	5	$60.00
537 -0856-135-00	5	$60.00
537 -0856-136-00	5	$60.00
537 -0856-137-00	5	$60.00
537 -0856-138-00	5	$60.00
537 -0856-139-00	5	$60.00
537 -0856-140-00	5	$60.00
537 -0856-141-00	5	$60.00
537 -0856-142-00	5	$60.00
537 -0856-143-00	5	$60.00
537 -0856-145-00	5	$60.00
537 -0856-146-00	5	$60.00
537 -0856-147-00	5	$60.00
537 -0856-148-00	5	$60.00
537 -0856-149-00	5	$60.00
537 -0856-150-00	5	$60.00
537 -0856-151-00	5	$60.00
537 -0856-152-00	5	$60.00
537 -0856-153-00	5	$60.00
537 -0856-155-00	5	$60.00
537 -0856-156-00	5	$60.00
537 -0856-157-00	5	$60.00
537 -0856-158-00	5	$60.00
537 -0856-159-00	5	$60.00
537 -0856-160-00	5	$60.00
537 -0856-162-00	5	$60.00
537 -0856-163-00	5	$60.00
537 -0856-164-00	5	$60.00
537 -0856-165-00	5	$60.00
537 -0856-166-00	5	$60.00
537 -0856-167-00	5	$60.00
537 -0856-169-00	5	$60.00
537 -0856-170-00	5	$60.00
537 -0856-171-00	5	$60.00
537 -0856-172-00	5	$60.00
537 -0856-173-00	5	$60.00
537 -0856-174-00	5	$60.00
537 -0856-175-00	5	$60.00
537 -0856-176-00	5	$60.00
537 -0856-177-00	5	$60.00
537 -0856-179-00	5	$60.00
537 -0856-180-00	5	$60.00
537 -0856-181-00	5	$60.00
537 -0856-182-00	5	$60.00
537 -0856-184-00	5	$60.00
537 -0856-185-00	5	$60.00
537 -0856-186-00	5	$60.00
537 -0856-187-00	5	$60.00
537 -0856-188-00	5	$60.00
537 -0856-189-00	5	$60.00
537 -0856-190-00	5	$60.00
537 -0856-191-00	5	$60.00
537 -0856-192-00	5	$60.00
537 -0857-020-00	5	$80.00
537 -0857-021-00	5	$80.00
537 -0857-022-00	5	$80.00
537 -0857-023-00	5	$80.00
537 -0857-024-00	5	$80.00
537 -0857-025-00	5	$80.00
537 -0857-026-00	5	$80.00
537 -0857-027-00	5	$80.00
537 -0857-028-00	5	$80.00
537 -0857-029-00	5	$80.00
537 -0857-030-00	5	$80.00
537 -0857-031-00	5	$80.00
537 -0857-032-00	5	$80.00
537 -0857-033-00	5	$80.00
537 -0857-034-00	5	$80.00
537 -0857-035-00	5	$80.00
537 -0857-036-00	5	$80.00
537 -0857-037-00	5	$80.00
537 -0857-038-00	5	$80.00
537 -0857-039-00	5	$80.00
537 -0857-040-00	5	$80.00
537 -0857-041-00	5	$80.00
537 -0857-042-00	5	$80.00
537 -0857-043-00	5	$80.00
537 -0857-044-00	5	$80.00
537 -0857-045-00	5	$80.00
537 -0857-046-00	5	$80.00
537 -0857-047-00	5	$80.00
537 -0857-048-00	5	$80.00
537 -0857-049-00	5	$80.00
537 -0857-050-00	5	$80.00
537 -0857-051-00	5	$80.00
537 -0857-052-00	5	$80.00
537 -0857-053-00	5	$80.00
537 -0857-054-00	5	$80.00
537 -0857-055-00	5	$80.00
537 -0857-056-00	5	$80.00
537 -0857-057-00	5	$80.00
537 -0857-058-00	5	$80.00
537 -0857-059-00	5	$80.00
537 -0857-060-00	5	$80.00
537 -0857-061-00	5	$80.00
537 -0857-062-00	5	$80.00
537 -0857-063-00	5	$80.00
537 -0857-064-00	5	$80.00
537 -0857-065-00	5	$80.00
537 -0857-066-00	5	$80.00
537 -0857-067-00	5	$80.00
537 -0857-068-00	5	$80.00
537 -0857-069-00	5	$80.00
537 -0857-070-00	5	$80.00
537 -0857-071-00	5	$80.00
537 -0857-072-00	5	$80.00
537 -0857-073-00	5	$80.00
537 -0857-074-00	5	$80.00
537 -0857-075-00	5	$80.00
537 -0857-076-00	5	$80.00
537 -0857-077-00	5	$80.00
537 -0857-078-00	5	$80.00
537 -0857-079-00	5	$80.00
537 -0857-080-00	5	$80.00
537 -0857-081-00	5	$80.00
537 -0857-082-00	5	$80.00
537 -0857-083-00	5	$80.00
537 -0857-084-00	5	$80.00
537 -0857-085-00	5	$80.00
537 -0857-086-00	5	$80.00
537 -0857-087-00	5	$80.00
537 -0857-088-00	5	$80.00
537 -0857-089-00	5	$80.00
537 -0857-090-00	5	$80.00
537 -0857-091-00	5	$80.00
537 -0857-092-00	5	$80.00
537 -0857-093-00	5	$80.00
537 -0857-094-00	5	$80.00
537 -0857-095-00	5	$80.00
537 -0857-096-00	5	$80.00
537 -0857-097-00	5	$80.00
537 -0857-098-00	5	$80.00
537 -0857-099-00	5	$80.00
537 -0857-100-00	5	$80.00
537 -0857-101-00	5	$80.00
537 -0857-102-00	5	$80.00
537 -0857-103-00	5	$80.00
537 -0857-104-00	5	$80.00
537 -0857-105-00	5	$80.00
537 -0857-106-00	5	$80.00
537 -0857-107-00	5	$80.00
537 -0857-108-00	5	$80.00
537 -0857-109-00	5	$80.00
537 -0857-110-00	5	$80.00
537 -0857-111-00	5	$80.00
537 -0857-112-00	5	$80.00
537 -0857-113-00	5	$80.00
537 -0857-114-00	5	$80.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
537 -0857-115-00	5	$80.00
537 -0857-116-00	5	$80.00
537 -0857-117-00	5	$80.00
537 -0857-118-00	5	$80.00
537 -0857-119-00	5	$80.00
537 -0857-120-00	5	$80.00
537 -0857-121-00	5	$80.00
537 -0857-122-00	5	$80.00
537 -0857-123-00	5	$80.00
537 -0857-124-00	5	$80.00
537 -0857-125-00	5	$80.00
537 -0857-126-00	5	$80.00
537 -0857-127-00	5	$80.00
537 -0857-128-00	5	$80.00
537 -0857-129-00	5	$80.00
537 -0857-130-00	5	$80.00
537 -0857-131-00	5	$80.00
537 -0857-132-00	5	$80.00
537 -0857-133-00	5	$80.00
537 -0857-134-00	5	$80.00
537 -0857-135-00	5	$80.00
537 -0857-136-00	5	$80.00
537 -0857-137-00	5	$80.00
537 -0857-138-00	5	$80.00
537 -0857-139-00	5	$80.00
537 -0857-140-00	5	$80.00
537 -0857-141-00	5	$80.00
537 -0857-142-00	5	$80.00
537 -0857-143-00	5	$80.00
537 -0857-144-00	5	$80.00
537 -0857-145-00	5	$80.00
537 -0857-146-00	5	$80.00
537 -0857-147-00	5	$80.00
537 -0857-148-00	5	$80.00
537 -0857-149-00	5	$80.00
537 -0857-150-00	5	$80.00
537 -0857-151-00	5	$80.00
537 -0857-152-00	5	$80.00
537 -0857-153-00	5	$80.00
537 -0857-154-00	5	$80.00
537 -0857-155-00	5	$80.00
537 -0857-156-00	5	$80.00
537 -0857-157-00	5	$80.00
537 -0857-158-00	5	$80.00
537 -0857-159-00	5	$80.00
537 -0857-160-00	5	$80.00
537 -0857-161-00	5	$80.00
537 -0857-162-00	5	$80.00
537 -0857-163-00	5	$80.00
537 -0857-164-00	5	$80.00
537 -0857-165-00	5	$80.00
537 -0857-166-00	5	$80.00
537 -0857-167-00	5	$80.00
537 -0857-168-00	5	$80.00
537 -0857-169-00	5	$80.00
537 -0857-170-00	5	$80.00
537 -0857-171-00	5	$80.00
537 -0857-172-00	5	$80.00
537 -0857-173-00	5	$80.00
537 -0857-174-00	5	$80.00
537 -0857-175-00	5	$80.00
537 -0857-176-00	5	$80.00
537 -0857-177-00	5	$80.00
537 -0857-178-00	5	$80.00
537 -0857-179-00	5	$80.00
537 -0857-180-00	5	$80.00
537 -0857-181-00	5	$80.00
537 -0857-182-00	5	$80.00
537 -0857-183-00	5	$80.00
537 -0857-184-00	5	$80.00
537 -0857-185-00	5	$80.00
537 -0857-186-00	5	$80.00
537 -0857-187-00	5	$80.00
537 -0857-188-00	5	$80.00
537 -0857-189-00	5	$80.00
537 -0857-190-00	5	$80.00
537 -0857-191-00	5	$80.00
537 -0857-192-00	5	$80.00
537 -0857-193-00	5	$80.00
537 -0857-194-00	5	$80.00
537 -0857-195-00	5	$80.00
537 -0857-196-00	5	$80.00
537 -0857-197-00	5	$80.00
537 -0857-198-00	5	$80.00
537 -0857-199-00	5	$80.00
537 -0857-200-00	5	$80.00
537 -0858-029-00	5	$60.00
537 -0858-030-00	5	$60.00
537 -0858-031-00	5	$60.00
537 -0858-032-00	5	$60.00
537 -0858-033-00	5	$60.00
537 -0858-034-00	5	$60.00
537 -0858-035-00	5	$60.00
537 -0858-037-00	5	$60.00
537 -0858-038-00	5	$60.00
537 -0858-039-00	5	$60.00
537 -0858-040-00	5	$60.00
537 -0858-041-00	5	$60.00
537 -0858-042-00	5	$60.00
537 -0858-043-00	5	$60.00
537 -0858-045-00	5	$60.00
537 -0858-046-00	5	$60.00
537 -0858-047-00	5	$60.00
537 -0858-048-00	5	$60.00
537 -0858-050-00	5	$60.00
537 -0858-051-00	5	$60.00
537 -0858-052-00	5	$60.00
537 -0858-053-00	5	$60.00
537 -0858-054-00	5	$60.00
537 -0858-055-00	5	$60.00
537 -0858-056-00	5	$60.00
537 -0858-057-00	5	$60.00
537 -0858-058-00	5	$60.00
537 -0858-060-00	5	$60.00
537 -0858-061-00	5	$60.00
537 -0858-062-00	5	$60.00
537 -0858-063-00	5	$60.00
537 -0858-064-00	5	$60.00
537 -0858-065-00	5	$60.00
537 -0858-067-00	5	$60.00
537 -0858-068-00	5	$60.00
537 -0858-069-00	5	$60.00
537 -0858-070-00	5	$60.00
537 -0858-071-00	5	$60.00
537 -0858-072-00	5	$60.00
537 -0858-073-00	5	$60.00
537 -0858-075-00	5	$60.00
537 -0858-076-00	5	$60.00
537 -0858-077-00	5	$60.00
537 -0858-078-00	5	$60.00
537 -0858-079-00	5	$60.00
537 -0858-080-00	5	$60.00
537 -0858-081-00	5	$60.00
537 -0858-082-00	5	$60.00
537 -0858-083-00	5	$60.00
537 -0858-085-00	5	$60.00
537 -0858-086-00	5	$60.00
537 -0858-087-00	5	$60.00
537 -0858-088-00	5	$60.00
537 -0858-089-00	5	$60.00
537 -0858-090-00	5	$60.00
537 -0860-034-00	5	$24.96
537 -0860-035-00	5	$31.68
537 -0860-036-00	5	$25.84
537 -0860-037-00	5	$80.00
537 -0860-038-00	5	$80.00
537 -0860-039-00	5	$80.00
537 -0860-040-00	5	$80.00
537 -0860-041-00	5	$80.00
537 -0860-042-00	5	$80.00
537 -0860-043-00	5	$80.00
537 -0860-044-00	5	$80.00
537 -0860-045-00	5	$80.00
537 -0860-046-00	5	$80.00
537 -0860-047-00	5	$80.00
537 -0860-048-00	5	$80.00

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
537 -0860-049-00	5	$80.00
537 -0860-050-00	5	$80.00
537 -0860-051-00	5	$80.00
537 -0860-052-00	5	$80.00
537 -0860-053-00	5	$80.00
537 -0860-054-00	5	$80.00
537 -0860-055-00	5	$80.00
537 -0860-056-00	5	$80.00
537 -0860-057-00	5	$80.00
537 -0860-058-00	5	$80.00
537 -0860-059-00	5	$80.00
537 -0860-060-00	5	$80.00
537 -0860-061-00	5	$80.00
537 -0860-062-00	5	$80.00
537 -0860-063-00	5	$80.00
537 -0860-064-00	5	$80.00
537 -0860-065-00	5	$80.00
537 -0860-066-00	5	$80.00
537 -0860-067-00	5	$80.00
537 -0860-068-00	5	$80.00
537 -0860-069-00	5	$80.00
537 -0860-070-00	5	$80.00
537 -0860-071-00	5	$80.00
537 -0860-072-00	5	$80.00
537 -0860-073-00	5	$80.00
537 -0860-074-00	5	$80.00
537 -0860-075-00	5	$80.00
537 -0860-076-00	5	$80.00
537 -0860-077-00	5	$80.00
537 -0860-078-00	5	$80.00
537 -0860-079-00	5	$80.00
537 -0860-080-00	5	$80.00
537 -0860-081-00	5	$80.00
537 -0860-082-00	5	$80.00
537 -0860-083-00	5	$80.00
537 -0860-084-00	5	$80.00
537 -0860-085-00	5	$80.00
537 -0860-086-00	5	$80.00
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537 -0860-103-00	5	$60.00
537 -0860-104-00	5	$60.00
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537 -0860-109-00	5	$60.00
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092 -0264-023-00	6	$107.46
092 -0264-024-00	6	$107.46
092 -0264-025-00	6	$107.46
092 -0264-026-00	6	$107.46
092 -0264-027-00	6	$107.46
092 -0264-028-00	6	$107.46
092 -0264-029-00	6	$107.46
092 -0264-030-00	6	$107.46
092 -0264-031-00	6	$107.46
092 -0264-032-00	6	$107.46
092 -0264-033-00	6	$107.46
092 -0264-034-00	6	$107.46
092 -0264-035-00	6	$107.46
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092 -0264-063-00	6	$107.46
092 -0264-070-00	6	$80.60
092 -0264-071-00	6	$80.60
092 -0264-072-00	6	$80.60
092 -0264-074-00	6	$80.60
092 -0264-075-00	6	$80.60
092 -0264-076-00	6	$80.60
092 -0264-077-00	6	$80.60
092 -0264-078-00	6	$80.60
092 -0264-080-00	6	$80.60

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
FISCAL YEAR 2023-24

Assessor's Parcel Number	Zone	Assessment Amount
092 -0264-081-00	6	$80.60
092 -0264-082-00	6	$80.60
092 -0264-083-00	6	$80.60
092 -0264-084-00	6	$80.60
092 -0264-085-00	6	$80.60
092 -0264-086-00	6	$80.60
092 -0264-093-00	6	$80.60
092 -0264-096-00	6	$80.60
092 -0264-097-00	6	$80.60
092 -0264-100-00	6	$80.60
092 -0264-101-00	6	$80.60
092 -0264-102-00	6	$80.60
092 -0264-103-00	6	$80.60
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092 -0264-105-00	6	$80.60
092 -0264-107-00	6	$80.60
092 -0264-108-00	6	$80.60
092 -0264-109-00	6	$80.60
092 -0264-110-00	6	$80.60
092 -0265-015-00	6	$80.60
092 -0265-016-00	6	$80.60
092 -0265-017-00	6	$80.60
092 -0265-018-00	6	$80.60
092 -0265-019-00	6	$80.60
092 -0265-021-00	6	$80.60
092 -0265-022-00	6	$80.60
092 -0265-023-00	6	$80.60
092 -0265-024-00	6	$80.60
092 -0265-025-00	6	$80.60
092 -0265-027-00	6	$80.60
092 -0265-028-00	6	$80.60
092 -0265-029-00	6	$80.60
092 -0265-030-00	6	$80.60
092 -0265-031-00	6	$80.60
092 -0265-033-00	6	$80.60
092 -0265-034-00	6	$80.60
092 -0265-035-00	6	$80.60
092 -0265-036-00	6	$80.60
092 -0265-038-00	6	$80.60
092 -0265-039-00	6	$80.60
092 -0265-040-00	6	$80.60
092 -0265-041-00	6	$80.60
092 -0265-042-00	6	$80.60
092 -0265-043-00	6	$80.60
092 -0265-045-00	6	$80.60
092 -0265-046-00	6	$80.60
092 -0265-047-00	6	$80.60
092 -0265-048-00	6	$80.60
092 -0265-049-00	6	$80.60
092 -0265-050-00	6	$80.60
092 -0265-051-00	6	$80.60
092 -0265-053-00	6	$80.60
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092 -0265-060-00	6	$80.60
092 -0265-061-00	6	$80.60
092 -0265-062-00	6	$80.60
092 -0265-063-00	6	$80.60
092 -0265-064-00	6	$80.60
092 -0265-065-00	6	$80.60
092 -0265-067-00	6	$80.60
092 -0265-068-00	6	$80.60
092 -0265-069-00	6	$80.60
092 -0265-070-00	6	$80.60
092 -0265-071-00	6	$80.60
092 -0265-072-00	6	$80.60
092 -0265-074-00	6	$80.60
092 -0265-076-00	6	$80.60
092 -0265-077-00	6	$80.60
Total Parcels:		1,476
Total Assessment:		$116,315.32

CITY OF NEWARK
LANDSCAPING & LIGHTING DISTRICT No. 19
ASSESSMENT ROLL
Fiscal Year 2023-24

SUMMARY

Zone	Parcel	Assessment
Zone No. 1	542	$ 41,550.68
Zone No. 2	88	$ 3,923.04
Zone No. 3	1	$ 2,720.24
Zone No. 4	217	$ 19,777.38
Zone No. 5	494	$ 36,120.00
Zone No. 6	134	$ 12,223.98
Total	1,476	$ 116,315.32

STAFF REPORT

Item I. 1.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Lenka Hovorka, Assistant City Manager
SUBJECT	Conference with legal counsel - Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1) Name of Case: Horst, Joshua v. City of Newark (Workers' Compensation Appeals Board Number ADJ16393743)

STAFF REPORT

Item I. 2.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Lenka Hovorka, Assistant City Manager
SUBJECT	Conference with legal counsel - Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1) Name of Case: Saunders, Jeff v. City of Newark (Workers' Compensation Appeals Board Number ADJ9328008)

STAFF REPORT

Item I. 3.

DATE	07/13/2023
TO	Honorable Mayor and City Council Members
FROM	Lenka Hovorka, Assistant City Manager
SUBJECT	Closed session for conference with Labor Negotiator pursuant to California Government Code Section 54957.6. Agency Designated Representative: Mayor Hannon, Unrepresented employee: City Manager Benoun