

# Crafting a New Benefit Assessment



California & Pacific Southwest  
Recreation & Park Training Conference  
March 9, 2007

# Presenters:

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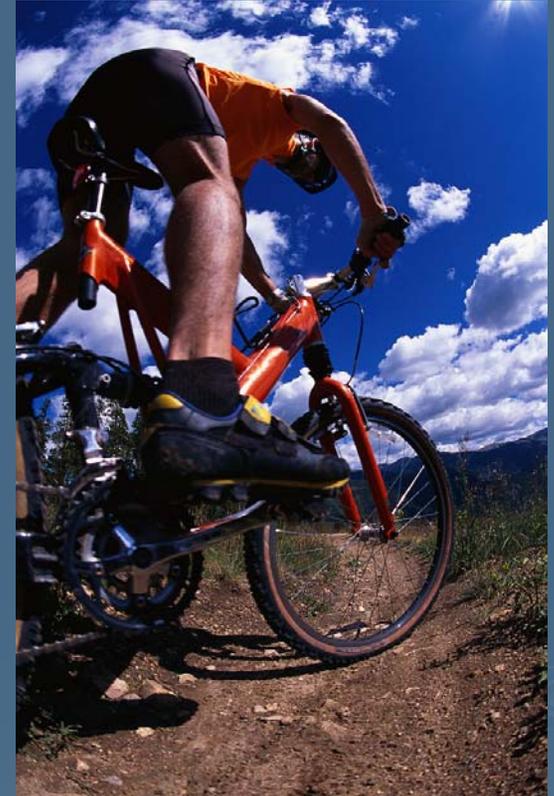


# Session Goals:

- Review local funding options
- Define Benefit Assessments and demonstrate how they are effectively used
- Briefly review enabling laws and Proposition 218
- Review four local agency Benefit Assessments
- Discuss options for *your* agency
- Leave ample time for questions and answers

# Local Agency Funding Options

- General taxes
- Special taxes
  - General obligation bonds
  - Parcel taxes
  - Sales taxes
  - Community Facility District taxes
  - Other
- Property-related fees
- Development impact/mitigation fees
- Fees and charges
- **Benefit Assessments**



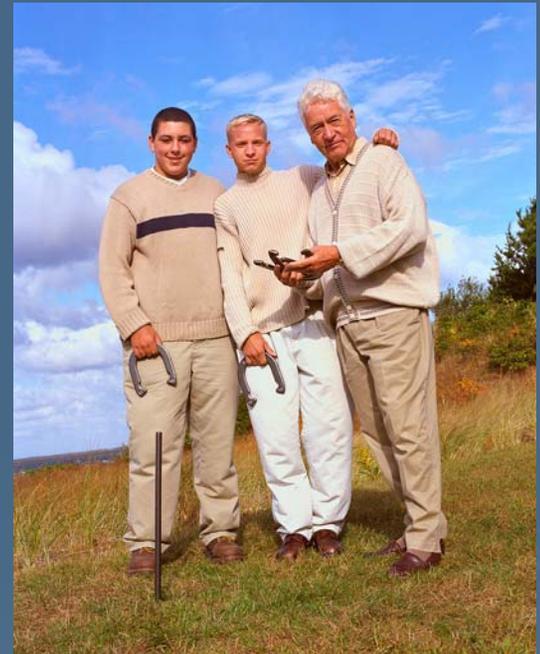
*Where are you at??*

**What type of assessment  
would work for your agency?**



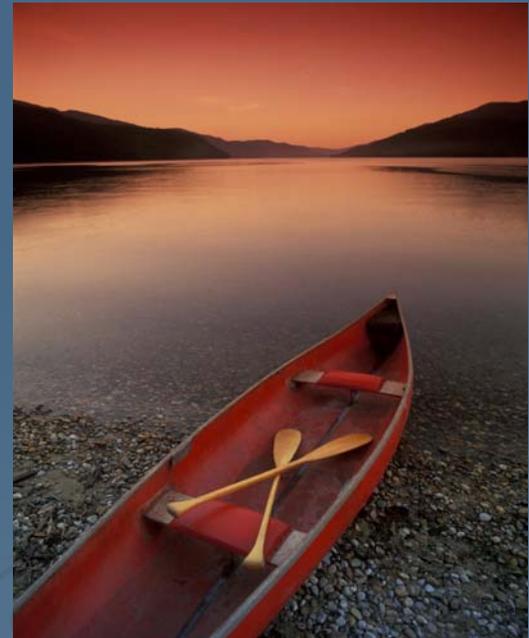
# What is a Benefit Assessment?

1. Annual levy on property
  - Based on special benefit to the property
2. What the assessment be used for?
  - Capital Improvements
  - Equipment
  - Salaries and Administration
  - Land Acquisition
  - Bonded Improvements/Acquisitions



# Benefit Assessments:

3. Are used by local governments to pay costs for providing services, such as fire suppression, flood control and parks. Benefit assessments are based on a **specific benefit** and are not subject to Proposition 13 limitations.



4. “Special Benefit” – a particular and distinct benefit over and above general benefits conferred on real property located in the district or the public at large. General enhancement of property value does not constitute “special benefit”.



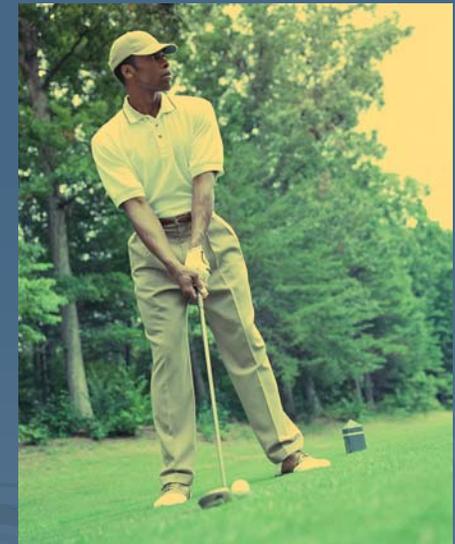
Photo courtesy of East Bay Municipal District, Steve Diers

# Benefit Assessment District Information

- Used to pay the costs of providing fire, flood, water, sewer and other community services.
- Based on assessing those properties that directly benefit from the services.
- Based on Prop.13 law; cannot be based on property value.
- Rate can be increased annually, if this is initially approved by property owners.
- To finance, tax exempt bonds are issued.



- The agency is required to give written notice to all affected property owners, hold a public hearing and conduct an assessment ballot vote.
- Most benefit assessments will continue as services (improvements) are provided.
- Majority vote of affected property owners is required (50%+1)



# How is an Assessment District created?

1. Assess recreation and conservation needs
2. Boundaries of district determined
3. Secure comprehensive engineer's report (legal basis for an assessment district)



Report must outline the proposed area, key projects estimated project costs, annual cost to each property, and the benefit formula used to determine each property's share of the cost.

- All owners of property must be mailed a detailed Notice of Public Hearing and a ballot 45 days prior to hearing
- Ballots weighted according to the proportional financial obligation of the affected property
- If approved, agency authorizes the creation of the district and proceeds with assessment



# *One step at a time*

- Step 1 – Determine project vision
- Step 2 – Feasibility analysis (Survey)
- Step 3 – Ballot measure (contingent on step 2)
- Step 4 – Enactment procedure



# Step 1 – Developing Your Vision

- Identify the recreational, natural, and historic places that define the community and are in need of development, protection or improvement. The vision should be established through a community process with participation and support of elected officials.



# Step 2 – Feasibility Research

## Initial Surveying/Feasibility Research:

1. Measure level of support
2. Measure threshold of support at various rates
3. Profile/areas of support
4. Profile supporters and opponents
5. Determine support from various property types
6. Determine project and feature priorities
7. Determine funding alternative
8. Determine competing needs for public funds
9. Accurate gauge of opportunity/risk with proceeding with ballot measure

# More on Survey Deliverables

1. Accurate measure of the public's support for park and recreation services and improvements
2. Project priorities
3. Price sensitivity
4. Provide board council with insight/cover
5. Determine viability of measure with minimal expense/political exposure
6. Tailor the measure to improve chances for success



# Step 3 – Engineer's Report and Ballot Proceeding

1. Initial resolution
2. Service plan and action plan (determined by need/findings/community specifics)
3. Educational Outreach
4. Engineer's report and budget
5. Mail ballots
6. Minimum 45-day ballot return period
7. Public Hearing, tabulate ballots



# Step 4 – Enactment Procedure

- Research legal pathways for enactment and develop the resolutions
- Have leadership team assist with public education

➤ **Celebrate!**



# Steps for Successful Elections

- Be visionary
- Determine *what* the public will support by making tough decisions
- Develop priorities
- Keep your message simple and to the point
- Understand *who* votes
- Determine *when* you want to have your assessment on the ballot
- Build an army of volunteers
- If you don't succeed, don't be afraid to try again

# Common Missteps

- Perceived lack of strong agency leadership
- “Give us the money first, then we’ll develop the plan”
- Inability to eliminate projects or programs that are not absolutely necessary
- Not taking the time to plan well or build support
- Not staying on the “message”
- Insufficient volunteer commitment
- Not raising sufficient resources
- Focusing on the money and not the need

# Learning from the Field:

## 1. City of Brentwood and CA State Parks



California Department of Parks and Recreation  
 Diablo Vista District - Bay Sector  
 55 Mitchell Canyon Road  
 Clayton, CA 94517



John Marsh / Cowell Ranch  
 GENERAL PLAN



JOHN MARSH / COWELL RANCH

### Calendar of Events

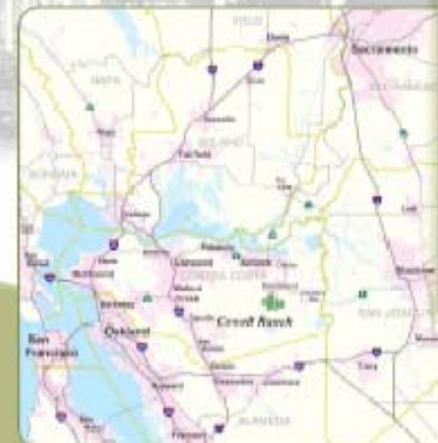
#### PLANNING PROCESS AT A GLANCE

WINTER/SPRING 2006	SPRING/SUMMER 2006	FALL 2006	WINTER 2007	SPRING 2007
Information Outlining Fieldwork PUBLIC PLANNING WORKSHOP #1	Summarize Building Conditions Discuss Challenges and Opportunities Develop Plan Alternatives	PUBLIC PLANNING WORKSHOP #2 Refine Plan Alternatives Develop Draft General Plan	Finalize Draft Plan and Environ- mental Review PUBLIC PLANNING WORKSHOP #3 Prepare Final Environmental Review	Commission Hearing and Approval Distribute Final Plans and Environ- mental Review Agency Approvals

PARTICIPATION IS THE KEY TO A GREAT PLAN!

### Contact Information

Visit Our Website  
[www.parks.ca.gov](http://www.parks.ca.gov)  
 (General Plans in Progress)



#### NEWSLETTER #1

##### PARTNERS IN PARK PLANNING

In a collaborative partnership, California State Parks and the City of Brentwood Parks and Recreation Department are launching a joint planning process to plan for the future development of John Marsh / Cowell Ranch. Working together with the community, this planning process will create a vision for the future, provide recommendations for the future of the historic John Marsh House, public recreation access, and natural resource management as well as set guidelines for implementation of a long term vision for the Park so it can be enjoyed for years to come. We invite you to join us in envisioning the Park's future!

John Marsh / Cowell Ranch encompasses nearly 4000 acres of natural habitat, wildlife, and unique cultural features. Including the John Marsh House, located within one of California's fastest growing regions. Through the efforts of concerned citizens as well as the Trust for Public Land and other public entities, John Marsh / Cowell Ranch is one of California's newest state parks. We welcome your ideas and suggestions for future public use and preservation of this valuable resource. You can start by filling out the enclosed questionnaire and attending the Public Planning Workshop on May 17. Early public input will provide us insights into your priorities, desires and concerns as we begin planning for the diverse resources at this new state park.

##### HOW CAN YOU CONTRIBUTE?

**Stay Informed:** This and future newsletters will keep you informed of the progress of the General Plan process. Over the next year and a half, we'll be working together to discuss and evaluate a variety of planning topics including recreation facilities, cultural and historic resources, habitat protection, and education and interpretive programs, to name just a few. This newsletter will track our progress and notify you of upcoming opportunities for public participation and input. Additionally, you can visit the California State Parks website noted on the back.

**Fill Out the Questionnaire:** The enclosed questionnaire will help us understand your key issues, ideas and concerns. Tell us how you think the Park could best serve the needs of its surrounding communities. What features would you like the Park to offer, and how you see the Park fitting in with the existing fabric of open space and recreation within the region.

**Attend the Public Planning Workshops:** We will host three public workshops for the John Marsh / Cowell Ranch General Plan. The first workshop will be held on May 17 at the City of Brentwood's Community Center. The workshop will provide a forum to share your knowledge and experiences about the history of the and adjacent land and to identify topics and issues to explore during the planning process. Please join us!

**Public Planning Workshop**  
 Wednesday, May 17, 2006  
 6:00 PM to 9:00 PM  
 City of Brentwood  
 Community Center  
 736 Third Street  
 Brentwood, CA 94513  
 925.316.3444

If you are not currently on our mailing list and would like to receive the planning update and notice about future workshops, or wish to send similar comments, please contact us at:

California Department of Parks and Recreation  
 Diablo Vista District - Bay Sector  
 55 Mitchell Canyon Road  
 Clayton, CA 94517  
 925.673.1843  
 (For questions or comments about the General Plan Process)

# John Marsh/Cowell Ranch State Park

## John Marsh / Cowell Ranch



The John Marsh / Cowell Ranch is located southwest of the City of Brentwood in eastern Contra Costa County. It lies within the rolling foothills of the Diablo Mountain Range. Mount Diablo's peak is 10.8 miles from the center of the site. The John Marsh House and 14 adjoining acres were acquired by California State Parks in 1976. In November of 2000, an additional 3,748 acres adjacent to the House were acquired from the Cowell Foundation through the efforts of the Trust for Public Lands and other public entities.

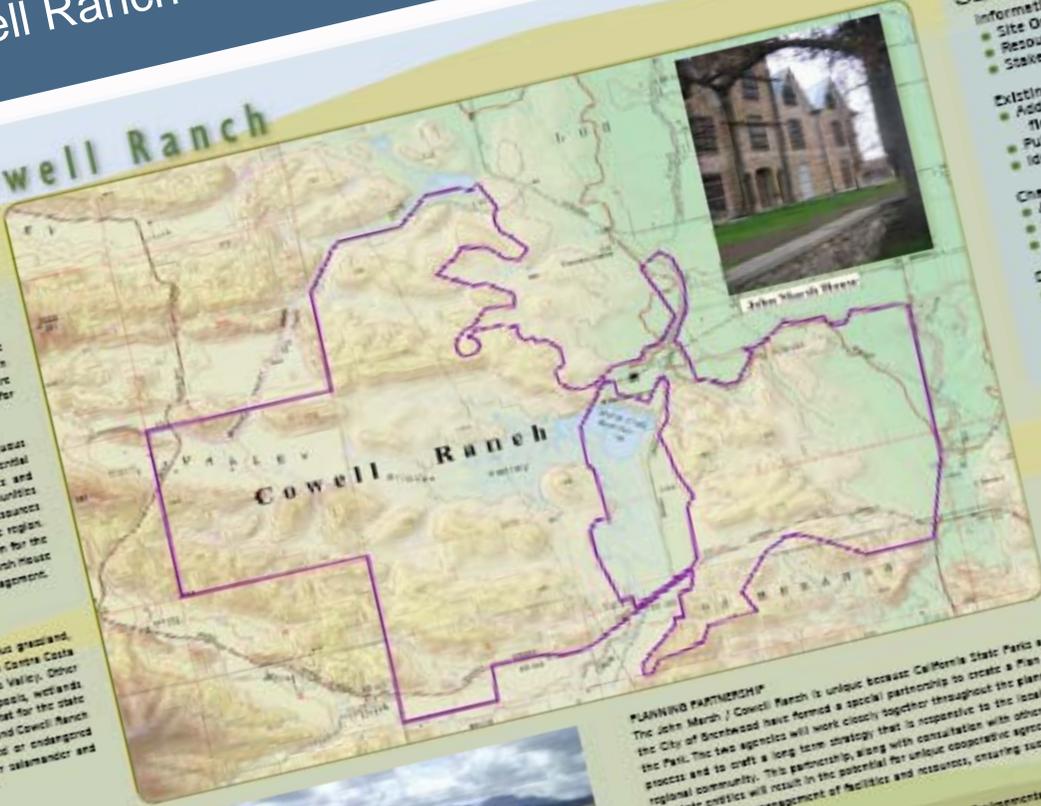
The Park provides an additional link in over 81,000 acres of contiguous public open space within the region. Vital not only for the potential visitor recreation opportunities but for its open space values and ecological diversity including wildlife habitat, native plant communities and a rich array of pre-historic and landscape-based cultural resources as well as the history of John Marsh and his influence on the region. Completion of the General Plan will provide a long term vision for the Park as well as a strategy for the rehabilitation of the John Marsh House and opportunities for recreation and long term resource management.

### JOHN MARSH / COWELL RANCH RESOURCES

John Marsh / Cowell Ranch is part of a large, contiguous grassland, savanna, and oak woodland habitat that extends through Contra Costa and Alameda Counties, containing a portion of Briones Valley, other important habitats found within the Park and vernal pools, wetlands and Marsh Creeks. This region is the northernmost habitat for the state threatened/nationally endangered San Joaquin Kit Fox, and Cowell Ranch is known to support populations of other threatened or endangered species, such as the burrowing owl, California tiger salamander and vernal pool fairy shrimp.

### John Marsh / Cowell Ranch resources include:

- Historic architecture
- Ranch and agricultural historic landscape
- Native American resources
- Marsh Creek and riparian habitat
- Vernal pools
- Briones Valley



### PLANNING PARTNERSHIP

The John Marsh / Cowell Ranch is unique because California State Parks and the City of Brentwood have formed a special partnership to create a Plan for the Park. The two agencies will work closely together throughout the planning process and to craft a long term strategy that is responsive to the local and regional community. This partnership, along with consultation with other local and state entities will result in the potential for unique cooperative agreements for operation and management of facilities and resources, ensuring successful Plan implementation.

As part of the planning process the preparation of an Environmental Impact Report will be integrated with the development of the Plan to reduce potential harmful environmental effects to Park resources. Alternatives will be developed to provide a range of options for future use and management of the Park. Together the Plan and environmental review process will be designed to allow for full public participation and review. We encourage you to follow our schedule and stay involved!

### GENERAL PLAN PUBLIC PROCESS

- Information Gathering + Fieldwork
  - Site Orientation
  - Resource Inventory and data collection
  - Stakeholder Interviews
- Existing Conditions Summary
  - Additional data collection, review and field reconnaissance
  - Public knowledge exchange workshop
  - Identify stakeholder issues
- Challenges and Opportunities
  - Analyze challenges and opportunities
  - Develop plan alternatives
  - Public workshop to discuss alternatives
- Draft Plan Preparation
  - Develop plan policies and guidelines
  - Public open house
  - Environmental impact analysis and mitigation
  - Draft plan public workshop
  - Final plan approval



### Some topics that will be considered in General Plan process include:

- Visitor use and facilities alternatives
- Comprehensive cultural resource management
- Interpretive themes and educational opportunities
- Park operations and maintenance for Reservoir
- Relationship to the adjacent Marsh Reservoir

# John Marsh/Cowell Ranch State Park



Biography of John Marsh - The Indian Years (Part 4)



John Marsh Home in disrepair

# John Marsh/Cowell Ranch State Park

- TPL raised \$13 million for nearly 4,000 acres for CA State Parks
- Acreage added to 40+ acre John Marsh House State Park property
- CA State Parks has no money for repair/ restoration, general plan, maintenance or operations of the facility
- An adjacent 480 acre development got annexed and approved by the City of Brentwood



Photo of Mt. Diablo

# As a result of a MOU between City of Brentwood and CA State Parks:

- Developer conditioned to provide \$350,000 to CSP General Plan
- City agrees to coordinate General Plan process
- Developer conditioned to provide \$500,000 toward emergency stabilization
- City committed \$650,000 in developer fees for emergency stabilization
- Developer conditioned to bring sewer/water/utilities to State Park property
- Developer conditioned to provide gravel parking lot at a location yet to be determined
- Development incorporates trail/open space maintenance in Lighting and Landscape District in coordination with East Bay Regional Park District

- Developer conditioned to create critter fence along nearly 5 miles of property line to make sure that domestic pets stay inside the development
- Developer conditioned to provide \$3.5 million for a City operated amphitheater adjacent to John Marsh House with joint City/State activities and staging areas
- Through establishment of CFD in this development, money is collected for maintenance of open space and staff for future state park
- City established two additional CFD's in the community that provide for acquisition and maintenance of open space, construction of trails, and staff for future State Park



# 2. Cordova Recreation and Park District

- Disparity between existing and new home areas
- High levels of growth potential
- District-wide funding measure to complement funding from new homes



# 3. Santa Clara County Open Space Authority

- Property owners approved a new open space/ parkland assessment in Santa Clara County in 2001.
- Local anti-tax organization and Howard Jarvis Taxpayers Association filed claim against the assessment.
- Open space authority prevailed in trial and appellate courts.
- Appellants appealed to the Supreme Court and case should be heard in 2007



Coyote Creek Parkway



Joseph D. Grant County Park

# 4. City of San Diego

- Over 40 neighborhood assessments
- Property owners decide what should be funded, spearhead formation effort and manage services funded by assessments



Balboa Park  
Lilypond



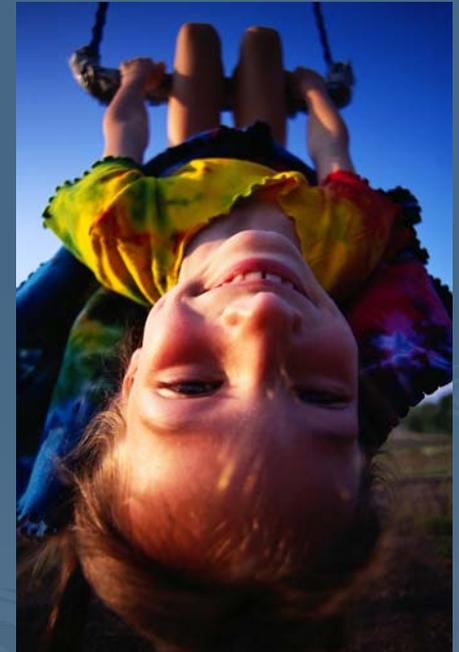
San Diego River Park

South Clairmont Recreation  
Center



# Short Break

*What have I learned today that I can bring back to my agency?*



# Conclusion

- Assessment District funding is **REAL**
- Funding maintenance often gains more support than building new stuff
- Property Owners or Voters? Consider...
  - number of tenants for special tax
  - weights held by large owners for assessment
- More opportunity to tell story/describe projects on mailed assessment ballot
- Most community-wide funding measures for parks/recreation have been benefit assessments, and significant majority have succeeded.

# Selected Resources

- California Laws, Government Code Section 54710-54711, [www.aroundthecapitol.com](http://www.aroundthecapitol.com)
- California Tax Data, [www.californiataxdata.com](http://www.californiataxdata.com)
- CPRS, [www.cprs.org](http://www.cprs.org)
- Governor's Office of Planning and Research, "A Planner's Guide to Financing Public Improvements", 1995, <http://www.opr.ca.gov/>
- Trust for Public Lands, [www.tpl.org](http://www.tpl.org)
- SCI, Inc., [www.sci-cg.com](http://www.sci-cg.com)
- "What's So Special About Special Districts? – A citizen's guide to special districts in California, Kimia Mizany and April Manatt, February 2002