

TO: James L. App, City Manager  
FROM: Mike Compton, Director of Administrative Services  
SUBJECT: Special Tax Consulting and Assessment Engineering Services – Project Award  
DATE: January 3, 2006

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Needs: For the Council to consider awarding consultant services contract to Berryman & Henigar, Inc. to undertake assessment engineering and/or special tax consulting services for the Hwy 101/46W interchange improvements.

Facts:

1. The Hwy 101/46W Interchange\_Project Study Report (PSR) identified various options for improvements to the interchange/intersection to improve traffic circulation.
2. Many of the commercial/business developments in this area have agreed to participate in the formation of an assessment district to pay for their proportional share of the interchange/intersection improvements.
3. One of the first steps in the formation of an assessment district is the preliminary levy calculations in order to determine the amount of improvements that may be funded through the assessment district financing bonds.
4. Request for Proposals (RFP) were prepared and distributed by the City's financial advisor, Northcross, Hill & Ach (copy attached).
5. Responses were received from five firms.
6. The Council appointed an ad hoc committee, Councilmen Gary Nemeth and Fred Strong, to assist in the review of RFP responses.
7. It is the recommendation of the Council's ad hoc committee to award the project to Berryman & Henigar, Inc. located in Pleasanton, California (copy of RFP response attached).

Analysis  
and  
Conclusion:

As noted above, many new businesses located on both Ramada Drive and Theatre Drive have agreed to participate in the formation of an assessment district to fund their proportional share of improvements to accommodate traffic circulation at the Hwy

101/46W interchange including Vine Street. Any new businesses desiring to develop in this area will be required to participate in the assessment district as a condition of project approval.

Moving forward with the formation of the assessment district at this time is prompted by the need to acquire a portion of the property located at or near the Hwy 101/46W intersection.

It is yet undecided whether the public improvements should be funded by a 1913 or 1915 act assessment district (AD) or a community facilities district (CFD/Mello Roos). One of the initial tasks of the consultant will be to evaluate the pros and cons of each method as it may apply to our particular circumstances. In the case of a CFD, the services of a “special tax consultant” is required while in the case of an assessment district, the services of an assessment engineer is needed. Given that it is yet undecided, choosing a consultant who may provide either service seemed most prudent and cost effective.

RFP responses were received from Berryman & Henigar, Goodwin Consulting, Koppel & Gruber, MuniFinancial and NBS. Goodwin Consulting and MuniFinancial were rated low due to the fact they did not propose to undertake an evaluation of both methods just the CFD methodology. NBS was ranked low because they did not address their knowledge of Proposition 218, nor did they identify the project team or the project team member’s experience. This narrowed the choice to either Berryman & Henigar or Koppel & Gruber. In the final rankings, Berryman & Henigar received 150 points out of a possible 150 while Koppel & Gruber received 130 points. Feedback from bond counsel was very positive for Berryman & Henigar as counsel has worked with them in the past for assessment engineering services but had no experience with them as special tax consultants. On the other hand, bond counsel has worked with Goodwin Consulting and NBS for special tax consulting but had no experience with them for assessment engineering services.

Upon review of the RFP responses by the Council’s ad hoc committee and with input from staff, the Council’s ad hoc committee has recommended awarding project to Berryman & Henigar, Inc.

Fiscal  
Impact:

The cost of the special tax consulting services or assessment engineering services will be recouped from the participating property owners through the assessment levy process. Berryman & Henigar has proposed an hourly rate with a maximum cap of \$42,000 plus direct expenses (no overhead or admin added). The other proposals had the following costs:

Goodwin Consulting	\$30,000 + direct expenses + % of any bonds sold (if \$5 million add \$3,000 or if \$10 million add \$7,000)
MuniFinancial	\$32,000 including all direct expenses + more than 4 meetings @ \$2,000 each
NBS	\$30,000 for CFD only + \$5,000 for bond documents

	Silent as to direct expenses and will quote pricing later for assessment district if this option is chosen
Koppel & Gruber	\$19,200 + direct expenses for CFD formation + \$1,150 for each additional property owner meeting
	\$24,800 + direct expenses for AD formation + \$1,150 for each additional property owner meeting

In addition to the special tax consulting services or assessment engineering services costs noted above, many expenses incurred to date and all expenses incurred going forward for this interchange will be repaid to the City's general fund through the assessment levy process.

Options:

- a. **(1)** Adopt Resolution No. 06-xxx approving a consulting services with Berryman & Henigar, Inc. for special tax consulting and/or assessment engineering services; and
- (2)** Dissolve ad hoc committee formed November 15, 2005, to select special tax consultant and assessment engineer.
- b. Amend, modify, or reject the above option.

|NORTHCROSS | HILL | ACH |

Northcross, Hill & Ach      Tel: 415.506.3400  
Specializing in Public Finance      Fax: 415.506.3401  
1333 N. McDowell Blvd.,      www.nhainc.net  
Suite A  
Petaluma, CA 94954

To: Assessment Engineer/Special Tax Consultant

Date: September 30, 2005

From: G. Craig Hill

RE: City of El Paso de Robles  
Formation of a Community Facilities District or Assessment District  
Request for Qualifications for Special Tax Consultant or Assessment Engineer

The City of El Paso de Robles (the "City") is interested in the formation of a community facilities district (the "CFD") or assessment district (the "AD") for a specific set of properties located adjacent to State Highway 101 and 46. The properties that are being considered are mainly commercial and would benefit from improvements being proposed to the interchanges.

We have provided some background information for your review. Please provide us with a **short scope of services** and fee schedule for the proposed CFD or AD.

If you have any questions, please feel free to contact us. We would like to get responses back within the next week if possible. If you need more time, please let us know.

# 101/46 WEST FORMATION OF AN ASSESSMENT DISTRICT

August 2005

## PROJECT DESCRIPTION

### Background

US Route 101 is the major south-north corridor in San Luis Obispo County. State Route (SR) 46 is the major east/west expressway serving San Luis Obispo County regional traffic. SR 46 has a route break at US Route 101 with the westerly segment of SR 46 (SR 46 W) intersecting US Route 101 at approximate SR 46 W KP 35.2 (US 101 KP 87.1) and then the easterly segment of SR 46 (SR 46 E) intersecting US Route 101 at approximate US 101 KP 93.2. US Route 101 crosses over SR 46 West at the southerly limits of the City of El Paso de Robles. The tight diamond interchange at the juncture of US 101 and 46 West was originally designed and constructed by the State in 1966 with the ramp intersections spaced at roughly 260 feet apart and the adjacent frontage roads less than 30 feet from the US Route 101 ramp intersections with State Route 46 West. The lack of separation between the ramp termini intersections and the frontage roads limits the amount of left turn and through movement storage and increases the potential for accidents. In addition, the current configuration of the interchange does not meet the current Caltrans Design Standards. The interchange includes signalized intersections of the US Route 101 ramps Theater/Vine Street parallels US Route 101 to the west. Ramada Drive parallels US Route 101 to the east.

The need to improve/upgrade the interchange was identified by the California Department of Transportation (Caltrans), the County of San Luis Obispo (County), and San Luis Obispo Council of Governments (SLOCOG) and the City of El Paso de Robles (City) in 1997. At that time, the City, County and SLOCOG entered into a Cooperative Agreement to share the responsibility in improving the interchange as the surrounding area develops.

This interchange plays a vital role for tourist and commercial traffic to and from the coastal areas and is on the main coastal regional route between southern and northern California. It also serves regional traffic accessing the retail and industrial facilities surrounding the interchange. Development of these retail and industrial areas will create a greater demand for improvement of the interchange.

### Population Growth and Traffic Projections

The population within the City of El Paso de Robles and its Sphere of Influence has been analyzed as part of the City's Land Use and Circulation Elements of the 2003 General Plan. Anticipated regional, County, and City growth in areas east of US Route 101, and areas west and south of US Route 101 at the interchange, will result in additional traffic demand and unacceptable Level of Service (LOS) at the US Route 101 ramp and frontage road intersections with State Route 46 West.

Traffic within the study area will experience a significant increase in congestion and delay by the year 2028 without implementation of interchange and intersection improvements. These reductions in levels of service will severely reduce mobility around this US Route to State Route Connection.

## Proposed Project and Cost Estimates

In April 2005, a Project Study Report (PSR) was approved by Caltrans. The purpose of the PSR was to identify alternatives to improve safety and reduce congestion in and around the US Route 101/46 West Interchange consistent with local and regional plans, which would be accomplished by the following:

- Improve the southbound and northbound US Route 101 ramp intersections with State Route 46 West to meet Caltrans minimum Level of Service.
- Improve the frontage road intersections with State Route 46 West to meet the City of El Paso de Robles minimum Level of Service.
- Reduce interregional and regional congestion through the US Route 101/State Route 46 West interchange.
- Further the goals of the General Plans for the City of El Paso de Robles and the County of San Luis Obispo, and with the SLOCOG Regional Transportation Plan.
- Resolve the storage capacity need at the interchange.

The PSR developed several alternatives that meet Caltrans design standards for implementation. In order to arrive at the final design, the next phase of the project is to prepare a Project Approval and Environmental Document (PAED). It will be at this phase that public input will be solicited and a final alternative will be selected for design and construction.

The range of costs anticipated for the five alternatives developed are as follows.

	Range of Capital Costs (Millions)	Range of Right-of-Way Costs (Millions)	Range of Design and Construction Engineering Costs (Millions)	Project Totals (Millions)
No Build	-0-	-0-	-0-	-0-
Dual Roundabouts	\$22 to \$24	\$3 to 5	\$10 to \$12	\$35 to \$41
Spread Diamond	\$38 to \$42	\$16 to \$18	\$22 to \$25	\$76 to \$85
Spread Diamond and Roundabout (east side)	\$24 to \$27	\$6 to \$8	\$12 to \$15	\$42 to \$50
Minimum Build (no Charolais connection)	\$21 to \$24	\$3 to \$5	\$10 to \$12	\$34 to \$41

## Project Timeline (Tentative)

Complete PAED ..... December 2007  
 \* Complete Design ..... June 2009  
 \* Complete Construction ..... 2012/2013

\* Note: Subject to funding availability



Case No.	Plaintiff(s)	Defendant(s)	Case Name	County	City	City/Par	City/Par	City/Par	City/Par	City/Par	City/Par	City/Par
9841030	DUSTI FAMILY TRUST	DUSTI DON M, TRE ETAL	935 N MAIN ST	TEMPLETON	CA	93465	1003	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 2
9841031	DAYTON HUDSON CORP	MARSHALL FIELD STORES INC ETAL	MARSHALL FIELD STORES INC ETAL	MINNEAPOLIS	CA	56400	9466	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 2,3
9841043	CEP INVESTORS V LP A DEL LTD PTP	CEP INVESTORS V LP A DEL LTD PTP	111 SUTTER ST #600	EMERSON	CA	94104	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 2
9841047	PASO ROBLES VENTURES LLC A DEL LLC	MELLIS PARTNERS	111 SUTTER ST #600	EMERSON	CA	94104	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 2
9841048	PASO ROBLES VENTURES LLC A DEL LLC	ATM MELINDA E EVERES	111 BUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 3,4
9841049	PASO ROBLES VENTURES LLC A DEL LLC	ATM MELINDA E EVERES	111 BUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 3
9841050	PASO ROBLES VENTURES LLC A DEL LLC	ATM MELINDA E EVERES	111 SUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 3
9841051	PASO ROBLES VENTURES LLC A DEL LLC	ATM MELINDA E EVERES	111 SUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 3
9841052	PASO ROBLES VENTURES LLC A DEL LLC	ATM MELINDA E EVERES	111 SUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 3
9841053	PASO ROBLES VENTURES LLC A DEL LLC	ATM MELINDA E EVERES	111 SUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	CY PR GAMAM SB PTN LT 3
9841054	BREBEN LIVING TRUST	ATM MELINDA E EVERES	111 SUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	PH 2278 PTNS PAR A & PAR B
9841055	BREBEN LIVING TRUST	ATM MELINDA E EVERES	111 SUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	PH 2278 PTNS PAR A & PAR B
9841056	BREBEN LIVING TRUST	ATM MELINDA E EVERES	111 SUTTER ST	EMERSON	CA	94111	0	0	THEATRE	DR	PASO	PH 2278 PTNS PAR A & PAR B
9841057	CHRISTIANSON DAVID P	56 CONEJO RD	SANTA BARBARA	CA	93446	3434	2445	0	THEATRE	DR	PASO	CY PR PM 4003 PAR 2
9841058	CHRISTIANSON DAVID P	56 CONEJO RD	SANTA BARBARA	CA	93446	3434	2445	0	THEATRE	DR	PASO	CY PR PM 4003 PAR 2
9841059	CHRISTIANSON DAVID P	56 CONEJO RD	SANTA BARBARA	CA	93446	3434	2445	0	THEATRE	DR	PASO	CY PR PM 4003 PAR 2
9841060	WOLKOFF CATHERINE	3 UPPER NEWPORT PLAZA	NEWPORT BEACH	CA	92660	0	0	0	THEATRE	DR	PASO	CY PR PM 3548 PAR A
9841061	CRANG PAUL A	PO BOX 1287	PASO ROBLES	CA	93447	1287	2323	0	THEATRE	DR	PASO	CY PR PETERSON SB PTN LT 3
9841062	COLPT ENTERPRISES GEN PTP	PO BOX 1287	PASO ROBLES	CA	93446	2287	2605	0	THEATRE	DR	PASO	CY PR PETERSON SB PTN LT 3
9841063	COLPT ENTERPRISES GEN PTP	PO BOX 1287	PASO ROBLES	CA	93446	2287	2605	0	THEATRE	DR	PASO	CY PR PETERSON SB PTN LT 3
9841064	COLPT ENTERPRISES GEN PTP	PO BOX 1287	PASO ROBLES	CA	93446	2287	2605	0	THEATRE	DR	PASO	CY PR PETERSON SB PTN LT 3
9841065	THOMAS OTTMAR TRE ETAL	2745 THEATER DR	PASO ROBLES	CA	93446	0	0	0	THEATRE	DR	PASO	CY PR PM 4076 PAR 2
9841066	THOMAS OTTMAR TRE ETAL	2745 THEATER DR	PASO ROBLES	CA	93446	0	0	0	THEATRE	DR	PASO	CY PR PM 4076 PAR 2
9841067	THOMAS OTTMAR TRE ETAL	2745 THEATER DR	PASO ROBLES	CA	93446	0	0	0	THEATRE	DR	PASO	CY PR PM 4076 PAR 2
9841068	WENSON HEIDI	4484 BUENA VISTA DR	PASO ROBLES	CA	93446	9334	2745	0	THEATRE	DR	PASO	CY PR PM 4106 PAR 3
9841069	WENSON HEIDI	4484 BUENA VISTA DR	PASO ROBLES	CA	93446	9334	2745	0	THEATRE	DR	PASO	CY PR PM 4106 PAR 3
9841070	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841071	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841072	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841073	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841074	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841075	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841076	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841077	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841078	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841079	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841080	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841081	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841082	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1
9841083	DURAND BARBARA J	116 VISTA DR	PASO ROBLES	CA	93446	1404	0	0	THEATRE	DR	PASO	CY PR PM 4548 PAR 1



RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING A PROFESSIONAL CONSULTING SERVICES AGREEMENT  
WITH BERRYMAN & HENIGAR, INC. FOR SPECIAL TAX CONSULTING  
OR ASSESSMENT ENGINEERING SERVICES

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WHEREAS, the City is desirous of moving forward with the formation of either an assessment district or a community facilities district to finance interchange improvements at Hwy101/46 West and Vine Street; and

WHEREAS, the City must retain outside expertise to provide special tax consulting or assessment engineering services to form an assessment district or a community facilities district; and

WHEREAS, Request for Proposals were prepared and distributed to all firms known to provide said services; and

WHEREAS, five response to the Request for Proposals were received, rated by staff and evaluated by the Council's appointed ad hoc committee; and

WHEREAS, Berryman & Henigar, Inc. has been deemed the best qualified to undertake said services on the behalf of the City; and

THEREFORE BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles that the contract attached herewith as Exhibit "A" is hereby approved and the Director of Administrative Services is authorized to execute said contract subject to City Attorney approval.

PASSED AND ADOPTED BY THE City Council of the City of Paso Robles this 3<sup>rd</sup> day of January 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Cathy M. David, Deputy City Clerk



**BUREAU  
VERITAS**

October 21, 2005

Mr. Craig Hill  
Northcross, Hill & Ach  
1333 N. McDowell Blvd. Suite A  
Petaluma, CA 94954

**Subject: Proposal to Provide Assessment Engineering/Special Tax Consulting Services to the City of El Paso de Robles**

Dear Mr. Hill:

Bureau Veritas\Berryman & Henigar/Berryman & Henigar is pleased to present this proposal to provide Assessment Engineering Services for the formation of a Community Facilities District or Assessment District to fund the proposed improvements in and around US Route 101/46 West Interchange. Our objective is to provide an efficient, comprehensive and cost-effective district formation for the City. We are committed to providing the City with an accurate and timely service that will enhance your efforts and will best serve your client.

Bureau Veritas\Berryman & Henigar/Berryman & Henigar has formed and administered over 200 special assessment districts and special tax districts throughout California, and is very familiar with the statutes that pertain to the formation of public financing districts. Our clients have come to rely on our experience in public finance and our attention to detail. We are an engineering firm that only works with public agencies using the Municipal Improvement Act of 1913, the Mello-Roos Community Facilities District Act, the Business Improvement District Act, the 1972 Landscaping and Lighting Act, the 1982 Benefit Assessment District Act, the Vehicle Parking District Law of 1943, the Fire Suppression Act, and the Improvement Act of 1911. With a history of innovation and commitment to strengthening community investments, Bureau Veritas\Berryman & Henigar/Berryman & Henigar continues to deliver dependable expertise in all areas of public finance.

We have assigned a dedicated project team from our Pleasanton office that has extensive experience in the formation of special assessment and tax districts. Mr. **K. Dennis Klingelhofer, P.E.**, will be the Assessment Engineer/Special Tax Consultant and has over 25 years of Municipal Engineering and Public Finance experience. Ms. **Amy Roblyer** will be the project manager and will direct and coordinate all aspects of the project. She has over 12 years of public finance experience in all areas of assessments, special taxes, studies and fees. In addition we have over 250 engineers and staff in California, some of whom have worked as Public Works Directors, City Engineer's, Planning and Building Directors.

If you have any questions, please call me at (925) 468-7400. I look forward to the opportunity to work in partnership with the City on this assignment.

Sincerely,

Bureau Veritas\Berryman & Henigar

Amy Roblyer  
Project Manager

Enclosure

K:\05-Public Finance\2005 Proposals SQ\El Paso Robles\Proposal.doc

**Berryman & Henigar, Inc.**

*A Bureau Veritas Company*  
6150 Stoneridge Mall Road, Suite 370  
Pleasanton, CA 94588-3241

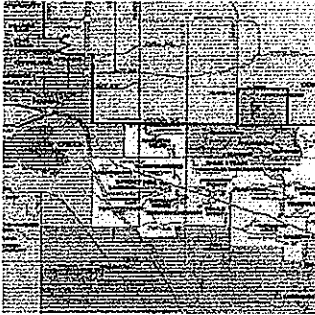
Main: (925) 468-7400

Fax: (925) 468-7413

## Company Experience

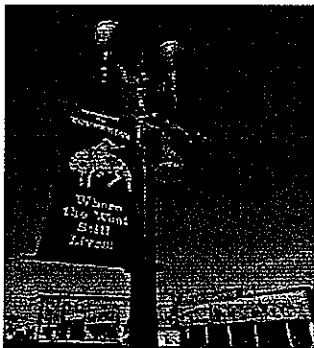
Since 1982 Bureau Veritas/Berryman & Henigar's (BV/BH) Public Financing Group has worked with over 150 public agencies throughout California and is recognized as a leader in forming and administering over 200 Assessment Districts. This past year we formed and administered **over 100 districts for public agencies and prepared assessment tax rolls which included over 3.5 million parcels.** Specific to 1913 and 1915 Act Districts, we have helped agencies throughout California form districts, including the Cities of Merced, Dublin and Concord, to provide funding for the construction, operation and maintenance of their municipal projects. These districts have ranged in size from including single development to citywide districts. Our staff has also assisted in the consolidation of districts.

### Assessment Districts



We have extensive experience in securing financing for the construction and/or acquisition of public improvements formed under the Municipal Improvement Act of 1913 and bonded under the Improvement Bond Act of 1915. Our staff has served as assessment engineers for the formation of districts ranging in size from several thousand dollars to almost \$540 million. As assessment engineers, we have provided all services required under the Act including determining the methodology to be used in apportioning costs, preparation of the engineer's reports and diagrams, participating in public hearings, and preparation of reapportionment reports. In addition, we are frequently retained by our clients to conduct construction cost audits for the acquisition of completed improvements.

### Landscaping and Lighting Maintenance Districts



Our Project Team has helped agencies throughout California form districts under the authority of the Landscaping and Lighting Act of 1972 and the 1911 Act to provide funding for the operation, maintenance, and construction of park facilities, open space, landscaping, streetlights, and related improvements. These districts have ranged in size from one single development to citywide districts. We make it our first priority to work closely with each agency in developing the appropriate methodology and a strong benefit nexus that relates to 'special benefit'. Some districts may require benefit zones based on the varying types and level of service received by certain properties. Our staff has also assisted in the consolidation of districts, helped agencies determine the feasibility of forming districts, and currently prepares the annual assessment roll for more than one hundred districts.

### Special Tax Districts

Our public financing specialists have extensive experience in administering all types of special tax districts. Our staff has prepared the annual Auditor's Report for the levy of special taxes for a wide range of public services including library services, emergency medical and paramedic, and recreation services. This includes special tax levies for which we helped agencies and those formed by others. We can also prepare Special Tax Reports, track delinquencies, monitor arbitrage requirements, and manage annexations, consolidations and reapportionments for existing districts if there is bonded indebtedness.



## Proposition 218 Compliance

*BVIBH* has a clear knowledge of Proposition 218 and the subsequent clarifying legislation of Senate Bill 919. Our staff members have lectured at numerous conferences and agency meetings to discuss the potential impacts of Proposition 218 to existing and proposed financing districts. We have helped agencies review their existing assessments and fees for compliance with the requirements of Proposition 218, identified changes needed, and assisted in the implementation of those changes. We have prepared notices and ballots for each property owner and tabulated the ballots as they were returned. Our staff has also prepared effective public information programs to educate property owners about various financing issues and has worked with taxpayer groups.



## Mello-Roos Community Facilities Districts

We have served as special tax consultants and district engineers for the formation of Mello-Roos Community Facilities Districts with a total bonding capacity of over \$300 million. Funds from these districts have been used to construct major public works facilities and on-site public improvements associated with new development and school facilities. As special tax consultants, we have developed the special tax formulas, prepared the special tax reports, and continue to administer many of the districts on an annual basis.



## Proposed Project Team

*BVIBH* has established itself as a leader in providing assessment district engineering and administration services based upon the knowledge and expertise of our staff. The professional staff in the firm's Public Finance Group is dedicated to working with local agencies to identify financing mechanisms, assist in the formation of all types of special financing districts, and provide on-going distinct administration services. Over the years, we have learned that the only way we can provide the levels of service our clients expect, is to have staff assigned to our Public Finance Group in each of our offices. These key project team members are:

**Dennis Klingelhofer, P.E.**  
Principal-in-Charge/Assessment Engineer

Mr. Klingelhofer is a Senior Vice President with over 20 years of experience in public finance and special assessment procedures and has provided consulting services to public agencies for the formation of Public Finance Districts throughout California. These districts include the Municipal Improvement Act of 1913, the Landscaping and Lighting Act of 1972, the Benefit Assessment Act of 1982, Mello-Roos Community Facilities districts, Fire Suppression Assessments, and Special Tax districts for police and fire services. Mr. Klingelhofer also has extensive knowledge of the impacts of Proposition 218, and subsequent clarifying legislation of SB 919 (the Proposition 218 Omnibus Implementation Act). He has also worked with a variety of agencies to identify financing alternatives, evaluate the feasibility of forming special districts, and prepared the necessary documents/reports required for district formation. In addition to being the Principal-in-Charge for this project, Mr. Klingelhofer will actively provide quality assurance/quality control throughout the project.

**Amy Roblyer**  
Project Manager

Ms. Roblyer has over eleven years of public finance experience and has served as Project Manager for many Special Assessment proceedings working with public agencies in both California and Nevada. Ms. Roblyer is responsible for the preparation of Engineer's Reports, including the assessment method computation, cost estimate, parcel data integrity, and assessment diagrams. As Project Manager of Annual Administrative Services, she is in charge of budget preparation, database management, parcel research, bond fund tracking, delinquency and foreclosure tracking, property owner inquiries and client meetings. Her duties include database research and development, parcel research, assessment diagram preparation, the mailing of legal notices to property owners, ballot tabulation, and coordination with the Assessor's offices and Auditor-Controller's offices. She also administers the noticing and balloting procedures required under Proposition 218. Ms. Roblyer will be the City's primary point of contact and will be dedicated to the project throughout its duration.



## **K. Dennis Klingelhofer, P.E.** **Principal-In-Charge**

Mr. Klingelhofer has over twenty-five years of experience providing management consulting services to both public and private agencies. As a registered professional engineer, Mr. Klingelhofer has performed and directed numerous management consulting projects dealing with the fiscal impact of development on communities and analyzing the cost of services, and has conducted evaluations of the impact of organizational changes on local government under the Cortese/Knox Act. He has also been responsible for the development of policies and procedures for work planning and scheduling, resource allocation, project administration and project management, and has provided project management services on large multi-disciplinary projects. Mr. Klingelhofer has excellent presentation skills and has extensive experience in conducting public meetings and preparing staff reports on complex projects.

Mr. Klingelhofer has in-depth knowledge of California's public finance and special assessment procedures. He has provided consulting services to public agencies for the formation of Public Finance Districts including 1913 Improvement Act districts, 1972 Landscaping and Lighting Act districts, Mello-Roos Community Facilities Districts, 1982 Benefit Assessment Act districts, Fire Suppression Assessment Districts, and Special Tax Districts for police and fire services. He has worked with agencies to identify financing alternatives, evaluate the feasibility of forming special districts, and to prepare the necessary documents/reports required for district formation.

### **Assessment District Projects:**

#### **Municipal Improvement Act of 1911 and 1913**

- Flood Control Restoration Assessment District No. 96-1, San Joaquin Area Flood Control Agency, Stockton, CA
- Requeza/Bracero Road Assessment District No. 92-1, Encinitas, CA
- Refunding Districts 83-3, 89-10 & 90-2, Irvine, CA
- Arroyo Vista Assessment Districts Nos. 90-2 and 93-2, Desert Hot Springs, CA
- Cottonwood Hills Assessment District No. 93-1, Lake Elsinore, CA
- Joshua/West Main Street Assessment District No. 90-2, Hesperia, CA
- South Santa Fe Assessment District No. 86-1, Vista, CA
- Mission Valley Heights/Friars Road Mission Center Acquisition Assessment, San Diego, CA
- Valley Center Sewer Assessment District, County of San Diego, CA
- Assessment District No. 88-2B, Cathedral City, CA
- Fahren's Park Specific Plan Assessment District, Merced, CA
- Twin Bridges Assessment District, City of Hayward, CA
- Assessment District No. 93, Coachella Valley Water District, CA
- Rancho del Oro Assessment District No. 92-1 & 93-2, Desert Hot Springs, CA
- Rockridge Assessment District, Oakland, CA

#### **Landscaping and Lighting Maintenance Districts (1972 Act)**

- Street Lighting Maintenance Assessment Districts, City of Dublin, CA
- Vista Montana Maintenance Assessment District, Watsonville, CA
- Citywide Street Lighting Maintenance District, Monterey Park, CA

### **Education**

M.S. in Engineering  
Administration  
George Washington  
University

B.S. Civil Engineering  
University of  
Massachusetts

### **Registrations**

Registered professional  
Engineer  
Arizona # 12676  
California # 50255  
Nevada # 30610  
Virginia # 010798

### **Professional Affiliations**

American Public Works  
Association

Institute for Municipal  
Engineering



**BUREAU**  
**VERITAS**

**Bennyman & Heniger**

- Citywide Landscape and Street Lighting Maintenance District, Lake Elsinore, CA
- City Landscape & Street Lighting Maintenance District No.1, LaQuinta, CA
- Citywide Street Lighting & Landscape Maintenance District, Calimesa, CA
- Citywide Landscape Maintenance District, Vista, CA
- Citywide Street Lighting Maintenance District No. 1, Blythe, CA
- Parks Maintenance District, Ortega Trails Recreation and Park District, CA
- Parks Maintenance District, Valley-Wide Recreation and Park District, CA
- Landscape and Street Lighting District, Yucaipa, CA
- County Landscape and Lighting District No. 1979-3 (LL-2), Contra Costa County, CA
- Open Space District No. 94-1, Santa Clara County Open Space Authority, CA
- Park and Open Space District, County of Sacramento, CA
- Citywide Street lighting District, Highland, CA
- Citywide Landscape and Lighting District, Monterey Park, CA
- Citywide Landscape and Lighting District, Danville, CA
- Park Maintenance District, Livermore Area Recreation & Park District, CA
- Park Maintenance District, Hayward Area Recreation District, CA

#### **Mello-Roos Community Facilities Districts (CFD's)**

- CFD No. 97-1 (Sunflower Avenue Utility Undergrounding), Costa Mesa, CA
- Summerhill Community Facilities District No. 91-2, Lake Elsinore, CA
- North Lake Elsinore Hills Community Facilities District No. 90-3, Lake Elsinore, CA
- Tuscany Hills Community Facilities District No. 90-2, Lake Elsinore, CA
- Scenic Ridge Community Facilities District No. 91-4, Lake Elsinore, CA
- Hacienda Drive/Buena Vista Creek Community Facilities District No. 90-2, Vista, CA
- North County Square Community Facilities District No. 92-1, Vista, CA

#### **Assessment District Services per Article XIID of the State Constitution (Proposition 218)**

- Proposition 218 Analysis of the City's Taxes, Assessments and Charges, Indian Wells, CA
- Landscape and Lighting District No. 91-1, Indian Wells, CA
- Downtown Parking District, City of Sunnyvale, CA
- Citywide Street Lighting District, Concord, CA.
- Downtown Landscape Maintenance District, Concord, CA.
- Citywide Street Lighting Maintenance District No. 1983-1, Danville, CA.
- Landscape Maintenance District No. 1, City of Encinitas, CA
- District wide Landscape Maintenance District, Ambrose Recreation and Park District
- Landscape and Lighting District No. (LL-2), Contra Costa County

#### **Protective Services Assessments and Taxes**

- Fire Services Special Tax, County of Los Angeles Fire Department, CA
- Fire Suppression Assessment, Rohnert Park, CA
- Fire Suppression Assessment, El Cerrito, CA
- Citywide Fire Suppression Assessment, Indio, CA
- Citywide Fire Suppression Assessment, Morgan Hill, CA
- Fire Suppression Assessment, Glendale Fire Department, CA
- Fire Suppression Assessment, Hesperia, CA
- Fire Suppression Assessment, North County Fire Protection District, CA
- Fire Suppression Assessment, San Miguel Fire Protection District, CA
- Public Safety Assessment District, Petaluma, CA
- Feasibility Study Special Police Tax, Lake Elsinore, CA
- Emergency Medical Services Fee, Dublin, CA



## Fee Studies

- Water Rate Study, City of Brawley, CA
- Wastewater Rate Study, North American Development Bank
- NPDES Fee Study, Vista, CA
- Sewer Maintenance and Street Sweeping Fee Study, Pomona, CA
- Development Impact Fee Study (AB1600), Hesperia, CA
- School Facility Fee Study (AB1600), Oak Grove School District, CA
- Public Safety Impact Fee Study (AB1600), Indio, CA
- Development Impact Fee Study (AB160), Santee, CA
- Sewer Standby Charge, Beaumont, CA
- Water Standby Charge, Beaumont-Cherry Valley Water District, CA
- Water Standby Charge, Three Valleys Municipal Water District, CA
- Water and Sewer Rate Study, Town of Crystal River, FL
- Water & Sewer Connection Fee Study, Mammoth County Water District, CA
- Vector Control Assessment, Contra Costa County Mosquito and Abatement Control District, CA
- Vector Control Assessment, Shasta Mosquito & Vector Control District,
- Costs of Services Study, Coachella Valley Mosquito Control District, CA





## Amy Roblyer Project Manager

As Project Manager, Ms. Roblyer is responsible for preparation of Engineer's Reports, including the assessment method computation, cost estimate, parcel data integrity, and assessment diagrams, database management, parcel research, bond fund tracking, delinquency and foreclosure tracking, payoff computations, property owner inquiries and client meetings. In addition, Ms. Roblyer has performed analysis related to bond capacity, value to lien calculations, and overlapping debt analyses.

Specific Project Experience includes:

### 1913/1915 Act Districts

- Apple Valley County Water District, AD 2A-R, AD 86-1
- Apple Valley Heights Community Water District, AD 90-1
- Apple Valley Water District, AD 2B, AD 3
- Barstow Heights Community Services District, AD 87-1
- Big Bear Municipal Water District, AD 88-1
- City of Cypress, AD 90-1
- City of Fullerton, Assessment Districts Nos. 92-01 & 95-01
- City of Garden Grove, AD 90-1
- City of Huntington Beach, AD 88-1
- City of Merced AD 2001-1
- City of La Canada Flintridge, AD 98-1
- City of Lake Elsinore, AD 86-1, AD 87-2, AD 89-1, AD 90-1A
- City of Norco, AD 195
- City of Ontario, AD Nos. 100A, 100B(R), 100C, 103, 107, 108
- City of Orange, AD 86-1, AD 88-1, AD 90-1
- City of Palm Springs, AD 143, AD 146, AD 155, AD 157, AD 158, AD 159
- City of San Clemente, AD 85-1
- City of San Jacinto, AD 87-1
- Yucaipa Valley Water District, AD 3, AD 5, AD 6, AD 7, AD 8, AD 9, AD 10, AD 11, AD 12, AD 20

### 1972 Landscape and Lighting Districts

- Contra Costa County Mosquito and Vector Control District
- Ambrose Park and Recreation
- City of Anaheim, Anaheim Resort Area District
- City of Concord, Citywide, Downtown, Pinehollow and Kirkwood
- Artesia, Landscape Maintenance District
- City of Baldwin Park, Citywide Lighting Assessment
- City of Calabasas, Landscape and Lighting District
- City of Galt, Landscape and Lighting Districts
- City of Garden Grove, Lighting Maintenance District, Park Maintenance District
- City of Hawaiian Gardens, Landscape and Lighting District Nos. 1, 4, 6 and 7
- City of Hollister, Citywide Landscape & Lighting
- City of Livingston, LLD
- City of Maywood, SLD
- City of Ontario Street Lighting and Maintenance District No. 1
- City of Paramount, Landscape & Lighting

### Education

BA Economics,  
Smith College

### Training

Special Assessment  
Proceedings,  
University of California,  
Davis Extension

Mello-Roos and Special  
Assessment Financing  
University of California,  
Davis Extension

### Professional Affiliations

California Society of  
Municipal Finance Officers  
(CSMFO)

Municipal Management  
Association of Northern  
California (MMANC)



- City of Pico Rivera, Citywide Landscape and Lighting District
- City of Placentia, Landscape and Lighting Districts 81-1 and 92-1
- City of San Fernando, Citywide Landscape and Lighting District
- City of Santa Fe Springs, Landscape and Lighting District No. 1
- City of Torrance, Citywide Lighting Assessment
- City of West Covina, Landscape and Lighting Districts 1, 4, 6 and 7

**Mello-Roos Districts**

- City of Alameda, CFD 1, CFD 2
- City of Colton, CFD 89-1, CFD 89-2, CFD 90-1
- City of Cypress, CFD No. 1
- City of Huntington Beach, CFD 1990-1
- City of Lake Elsinore, CFD 88-3, CFD 91-2
- Newport Mesa Unified School District, CFD 1990-1
- City of Ontario, CFD Nos. 1 & 4
- City of Oxnard, CFD 88-1
- Rancho Cucamonga Fire Protection District, CFD 1985-1
- Rancho Murrieta Community Services District, CFD 1
- Saddleback Valley Unified School District, CFD86-1, CFD 88-2, CFD 89-1, CFD 89-2, CFD 89-3, CFD 89-4
- City of San Jacinto, CFD 2
- City of Thousand Oaks, CFD 1988-1, CFD 1994-1, CFD 1997-1
- City of Union City, CFD No. 96-1

**Other Annual Maintenance Districts**

- East Bay Regional Park District
- Sacramento Library Special Library Tax
- Santa Clara Open Space



## Project Understanding and Approach

The City is looking for a firm to assist in the formation of an assessment district or community facilities district to finance the proposed improvements to US Route 101/46 West Interchange. The scope of services for this project requires a project team with extensive experience in assessment district engineering, as well as, experience with special tax consulting and the formation of community facilities districts.

Our approach will emphasize close and continuous coordination with the City staff during each phase of the project. Amy Roblyer will serve as our daily point-of-contact to City staff to answer all questions and provide work product as requested. Our project team has extensive experience in District formation and annual administration proceedings under the Community Facilities Act of 1982, Municipal Improvement Act of 1913, and Article XIII D of the California Constitution. Their knowledge and experience on similar projects will ensure the City that all work is completed in accordance with all statutory requirements and within the timeframes required by the City.

Our review of the information in the Request for Proposal, we believe that the improvements listed will provide a special benefit. During the development of the assessment methodology the improvements to be funded will be reviewed in detail to ensure that they will provide special benefit to the property(s) proposed to be assessed. Once the benefit is determined several methodology scenarios will be analyzed. One scenario methodology may utilize trip generation factors to apportion the costs of roadway and traffic signals. Another may look at frontage to certain landscape improvements if applicable.

BV/BH will coordinate closely with the City staff, Bond Counsel, and the Project Team to review all proposed methodology options and assessment calculations. Once an assessment methodology is agreed upon, an Engineer's Report/Special Tax Report will be finalized and the formation and public hearing process will commence. BV/BH will be available to present the report to the City Council.

Our goal will be to develop a methodology that is fair and equitable, which accommodates future changes to development, is easy to administer and will ensure that the assessments or taxes are apportioned in accordance with the benefits that each parcel receives from the improvements.



# Scope of Work

## Task 1 - Meeting Attendance

*BVIBH* staff shall attend meetings with City staff to acquire information, present tax spread/assessment alternatives, and review formation documents. Attendance at City Council meetings to present information and answer questions as necessary. In addition, *BVIBH's* team members will attend property owner meetings as requested by the City. It is expected that at all meetings *BV/BH* will be providing advice and be available to answer questions, as well as, present relevant materials.

## Task 2 - Evaluation of the Financing Alternatives

*BVIBH* will prepare tax spread alternatives and/or assessment methodologies to City staff, financial advisors, bond counsel, underwriter, developers, and other members of the financing team as requested by the City. The tax spread/assessment methodology will typically go through a series of iterations until all project participants reach agreement on the special tax formula and/or assessment methodology. The final tax formula/assessment methodology shall provide the following:

- A. Description of the services and/or improvements to be financed including cost estimates where applicable.
- B. Calculation of a tax/assessment which captures all or as many costs as possible including administration costs and also includes an escalator to help cover increased costs due to inflation.
- C. A special tax formula/assessment methodology which allows future developments to be annexed into the District.
- D. Special tax formula/assessment methodology that adheres to the current laws and statutes.
- E. Allocation of the special tax/assessment between zones to fairly spread costs between landowners.

## Task 3 - Preparation of Required Documents

In coordination with the financial advisor, legal counsel, and if applicable underwriter we will review and prepare various documents required for the District formation proceedings. This task includes the following:

- A. Preparation of an engineer's report and/or special tax report detailing improvements to be financed, project costs, parcels included in the District and the rate and method/assessment methodology to be used to calculate the special tax amounts/assessments.
- B. Review of project costs to ensure that the capital and maintenance goals of the City are being met and to ensure that the flow of special tax/assessment revenues including interest earnings, if applicable, are consistent with assumptions used in special tax rate/assessment methodology.
- C. Preparation of necessary Boundary and Assessment Diagrams, including improvement diagrams if necessary.



#### **Task 4 – Development of the Benefit Spread Methodology**

Based upon the direction received at the project team kickoff meeting, the detailed information obtained in Task No. 2 above, and the agreed upon District Boundaries, we will analyze the improvements being proposed to be financed and develop a benefit spread methodology for each improvement. We anticipate providing a minimum of two (2) options for establishing the benefit spread methodology. The first spread would be based upon the allocation of costs in accordance with the "special benefit" requirements for assessments under Proposition 218, which allows only parcels that receive a "special and direct benefit" from the improvements to be assessed for their proportional share of that direct benefit. Therefore, using this approach, the Benefit Spread Methodology would be more stringent based upon the assumption that an assessment district would be formed to finance the public improvements. The second benefit spread would be developed to spread 100 percent of the costs to the parcels that generally benefit from the improvements. This second spread would be appropriate if the City chose to utilize the Community Facilities District Act of 1982 as the financing mechanism. In both analyses of developing the Benefit Spread Methodology, *BVIBH* will also identify what each parcel's proposed financial obligation would be.

#### **Task 5 – Project Team Meeting – Review of Benefit Spread Methodology**

*BVIBH* will meet with City staff and the project team to review the preliminary analysis of the Benefit Spread Methodology(s). Based upon the comments received at the team meeting, *BVIBH* will finalize the Benefit Spread Methodology(s).

#### **Task 6 – Financing Analysis Report**

*BVIBH* will finalize the results of the financial analysis into a Final Report which will identify the improvements to be financed and their respected costs; the method used for spreading the costs to the benefiting parcels; a diagram which shows the benefiting parcels and any sub zones; and a listing of the proposed financing obligation per parcel.

#### **Task 7 – Ballot Preparation and Tabulation**

*BVIBH* will prepare draft notices and ballots to the City for review. Once they are reviewed *BVIBH* will make all proposed changes, finalize and count the ballots and notices to be mailed to the affected property owners. *BVIBH*, will work with the City to develop procedures for the counting of the ballots and will assist the City in the tabulation of ballots as necessary.

#### **Task 8 – Notice of Formation/Recordation of Assessment/Special Tax**

After the district is formed accomplish all necessary notices and including Cash Collection/Notice of Confirmed Lien amounts including preliminary assessment amount, to all assessed property owners of record within the confirmed District, as required by the 1913 Act. Prepare, present and file the List of Assessments, and furnish up to ten (10) copies for the appropriate public officials and other agencies.



## RESPONSIBILITIES OF THE CITY

1. Designate a project manager to manage and coordinate the project.
2. Make available records and documentation in conjunction with preparation of the assessment methodology and Engineer's Report, including estimated construction costs, fair share estimates of costs for any improvements with "overlapping benefit", financing costs, incidental and bond costs, and appraisals.
3. Provide sketches, legal descriptions and construction plans (if available) of the proposed improvements to be constructed.
4. Schedule, administer, and accomplish the publishing and mailing of required notices in accordance with the Act, and the Government Code; schedule meetings and hearings as required under the Act; and prepare all notices and all resolutions required by the City Council pertaining to the Public Hearing.
5. Process environmental review, and/or arrange for exemption.
6. Prepare and/or provide all Right-of-Way documentation, as required for the proposed assessment district proceedings.
7. Secure Special Counsel and/or Financial Consultant for proceedings.
8. Provide appraisals for benefiting properties as needed for Bond Sale.



## Fee Schedule

*BVIBH* will perform the work as outlined under Project Understanding and Approach, on a time and material basis, in accordance with the Schedule of Hourly Rates, and not to exceed **\$42,000**.

The above fees have been estimated based on the Scope of Work, our Schedule of Hourly Rates and the length of services not exceeding one (1) year.

### **Certificate of Insurance**

We will provide all required Certificates of Insurance with the required endorsements prior to the start of work.

