

TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

Item No:

6

To: Honorable Mayor and Town Council Date: July 25, 2017

From: Orlando Acevedo, Assistant Director

Economic Development and Housing

Subject: VOTING BALLOT ON PROPOSED RENEWAL OF APPLE VALLEY

VILLAGE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

(PBID)

T.M.	Approval:	Budgeted Item: ⊠ Yes ☐ No ☐ N/A

RECOMMENDED ACTION:

That the Town Council approve the ballot in support of the renewal and boundary modification of the Apple Valley Village Property and Business Improvement District (PBID), as owner of certain properties located in the proposed PBID, and authorize the Town Manager to sign on behalf of the Town.

SUMMARY:

On June 13, 2017, the Town Council adopted a Resolution of Intention (Resolution No. 2017-15) to renew and modify the boundaries of the PBID and levy and collect assessments therein, and to hold a public hearing on August 8, 2017. The resolution was adopted pursuant to the requirements of Section 36600 et. seq. of the California Streets and Highways code, also known as the PBID Law of 1994.

Thereafter, also pursuant to PBID law, the Town Clerk's Office mailed a ballot and informational packet for the renewal and boundary modification of the Village PBID to the property owners within the proposed renewed PBID boundaries. The packet requests property owners to sign and return the ballot (with either a "Yes" or "No" vote) before the public hearing closes on August 8.

As a property owner of nine (9) parcels of real property within the PBID, including the Public Works Yard, Animal Shelter, and ball fields east of the James Woody Community Center, the Town Council is requested to consider casting their vote in advance of the August 8th meeting. The Town's ballot will then be included in the vote tabulation that occurs immediately following the closing of the public hearing.

Public Hearing and Voting Process

At the August 8 public hearing, the Town Council will receive public testimony on the renewal of the PBID and the proposed assessments. At the conclusion of the public hearing, the Town Clerk will open and count the ballots received. For the PBID to be renewed, a weighted majority of ballots received must be in favor of the renewal. If a weighted majority of the vote supports the renewal, the Town Council may renew and modify the boundaries of the Village PBID by adopting a Resolution of Renewal. If a weighted majority of the ballots are in opposition, the Town Council will take no further action and the PBID will begin its dissolution process.

The proposed five-year Management District Plan and first year FY2017-18 Budget (attached) includes the following objectives and activities of the PBID Association:

- Five-year renewal period;
- The PBID currently includes parcels along both sides of Highway 18 between just
 west of Navajo to just east of Central and surrounding commercial properties
 extending in part to Esaws on the north and Ottawa on the south. The Association
 is proposing that the boundaries be expanded slightly on the west side of Central
 Avenue to include four new parcels and the north side of Ottawa Road to include
 one new parcel;
- First year assessment rates remain the same as they have for the past five years and to allow up to a five-percent annual assessment rate increase, subject to Board approval;
- Continue supplemental sheriff services including patrolling, business visits and seminars
- Enhance marketing and promotional efforts, including print, mail, digital and social media, and events including the Apple Valley Parade and street fair(s);
- Complete/maintain capital improvement projects including streets, Highway 18 landscaped median and drainage, vehicular parking and pedestrian access, signage and banners;
- Continue special projects and programs including the storefront and property rehabilitation rebate program (ARGP) and other special projects as appropriate;
- Administer operational and professional services including staff, legal and accounting

On June 13, the Town Council approved the Association's FY2017-18 Budget, which included projected revenues from a successful renewal effort.

BACKGROUND

PBIDs have been used successfully in over 200 commercial districts throughout California to increase sales, attract new tenants, increase occupancies, and stabilize property values. Since 2007, the Apple Valley Village has experienced similar positive results. In that time, the PBID has funded or assisted in the funding of several notable projects, including the Highway 18 median landscape project, enhanced public safety services, installation of streetlamp banners, kiosk business directory signs, a storefront and property rehabilitation rebate program, a periodic newsletter, a direct mail ad campaign,

and additional marketing and advertising activities, street fairs, and the return of the Apple Valley Parade.

Accordingly, staff recommends adoption of the form motion.

FISCAL IMPACT:

Although there are no direct financial impact associated with the recommended action, there will be a financial impact in the form of assessments levied on nine (9) Town owned properties within the PBID which amounts to \$5,376.57 for FY 2017-18. This represents 2.65% of the total PBID assessment to be levied.

ATTACHMENTS:

- 1. Ballot
- 2. Management District Plan, including Village PBID Boundary Map and Assessment Roll

Attachment 1

Ballot

TOWN OF APPLE VALLEY - OFFICIAL ASSESSMENT BALLOT

Apple Valley Village - Property & Business Improvement District

Being renewed for 5 years pursuant to Section 36600 of the California Streets and Highways Code

- 1. PLEASE MARK EITHER "YES" OR "NO" BELOW
- 2. PRINT YOUR NAME AND SIGN AND DATE THE BALLOT
- 3. PUT THE COMPLETED BALLOT IN THE "BALLOT SECRECY ENVELOPE"
- 4. PUT THE SECRECY ENVELOPE IN THE ENCLOSED PRE-ADDRESSED RETURN ENVELOPE, ATTACH A 1ST CLASS POSTAGE STAMP AND PLACE IN THE MAIL

(PLE	ASE REFER TO THE PROPOSED 2017-18 ASSESSMENT ON THE BACK OF THIS BALLOT)	0
	YES, I APPROVE of the proposed assessment on the parcel(s) identified on this ballot.	
	NO, I DO NOT APPROVE of the proposed assessment on the parcel(s) identified on this ballot	
	Printed Name Date	
0	Signature of Record Owner or Authorized Representative	
	by declare, under penalty of perjury under the laws of the State of California, that I am authomit an assessment ballot on behalf of the parcel(s) identified on this assessment ballot.	orizea

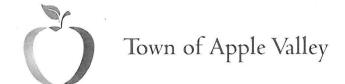
Please return ballot either by mail or in person by 4:00 PM, August 8, 2017 to:

TOWN OF APPLE VALLEY OFFICE OF THE TOWN CLERK 14955 DALE EVANS PARKWAY APLLE VALLEY CA 92307

NOTE: IN ORDER TO BE COUNTED, IF THE TIME DEADLINE SHOWN ABOVE IS NOT MET, THIS <u>ASSESSMENT BALLOT MUST BE PRESENTED TO THE TOWN CLERK IN THE TOWN COUNCIL CHAMBERS PRIOR TO THE CLOSE OF THE PUBLIC INPUT PORTION OF THE PUBLIC HEARING</u> TO RENEW THIS DISTRICT, WHICH IS SCHEDULED TO BEGIN <u>AT 6:30 PM ON TUESDAY AUGUST 8, 2017</u>. IF A MAJORITY OF ASSESSMENT BALLOTS RECEIVED (AS WEIGHTED BY ASSESSMENTS) OPPOSE THE DISTRICT ASSESSMENT, THE DISTRICT WILL NOT BE RENEWED, AND THE ASSESSMENTS WILL NOT BE LEVIED.

161

DTAL	0.1799%	0.0581%	191%	0.1191%	0.2404%	379%	9824%	211%	2.6464%	
% TOTAL				100						
2017-18 YR 1 PBID ASSMT	\$365.60	\$118.01	\$241.96	\$241.98	\$488.48	\$483.38	\$2,164.5	\$42.90	\$5,376.57	
"B" Front				Name of			330	1	999	
"A" Front	0	0	0	0	0	0	0	0 0	0	SCHOOL SECTION AND ADDRESS OF THE AD
Building Sq Ft	0	0					35,000		11,200	
Land Sq Ft	113.692	90,780	102,366	102,366	208,217	204,296	205,168	33,000	197,326	
Zone	8	a	æ	В	œ	œ	0	0	מ	
SITE 2							POWHATAN RD	13391 QUINNAULT RD	NOMWAKE! KD	
SITE 1							22131	13391	13450	
Owner Keyword	TOWN OF AV	TOWN OF AV	TOWN OF AV	TOWN OF AV	TOWN OF AV	TOWN OF AV	TOWN OF AV	TOWN OF AV	TOWN OF AV	
Owner Name 1	0 APPLE VALLEY RECREATION & PARK DIST.	APPLE VALLEY RECREATION & PARK DIST	TOWN OF APPLE VALLEY	TOWN OF APPLE VALLEY	TOWN OF APPLE VALLEY					
APN	3087-351-01-0000	3087-351-02-0000	3087-351-03-0000	3087-351-04-0000	3087-351-05-0000	3087-351-11-0000	3087-391-01-0000		3087-381-04-0000	



A Better Way of Life

June 29, 2017

Dear Apple Valley Village Property Owner:

Between now and August 8, 2017, you have an opportunity to cast a vote to renew the Apple Valley Village Property and Business Improvement District (PBID). If renewed, the PBID would continue to provide and manage supplemental services and improvements for this important business center, including supplemental public safety services, marketing and promotions, additional streetscape beautification/image enhancements, other business related special projects/ programs and District management/operations, all of which benefit businesses and real property in the Village area. To finance these services, an assessment would be levied on properties within the PBID for five years. After that, the PBID could be renewed again by a vote of the Village property owners.

If you received this notice, our records show that you are eligible to vote because you own one or more parcels of land within the renewed PBID boundaries. Please take the time to review the following documents included in this package:

- A Notice of Public Hearing Regarding Proposed Renewal of the Apple Valley Village PBID and Proposed Levy of Assessment, which provides a detailed explanation of how properties would be assessed.
- Procedures Applicable to the Completion, Return, and Tabulation of Ballots.
- A (green) ballot that states your proposed 2017-18 assessment amount.

You may return your (green) ballot by mail in the enclosed ballot return envelope (remember to add postage) or deliver it in person to the Apple Valley Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA 92307. To be counted, the Town Clerk must receive your ballot prior to the close of the public input portion of the public hearing on the PBID, which is scheduled to begin on August 8, 2017, at 6:30 p.m. in the Apple Valley Town Council Chambers, 14955 Dale Evans Parkway, Apple Valley.

If you have questions regarding the ballot process or the specifics of the Apple Valley Village PBID renewal, please contact Orlando Acevedo, Economic Development Department, at (760) 240-7000, ext 7920.

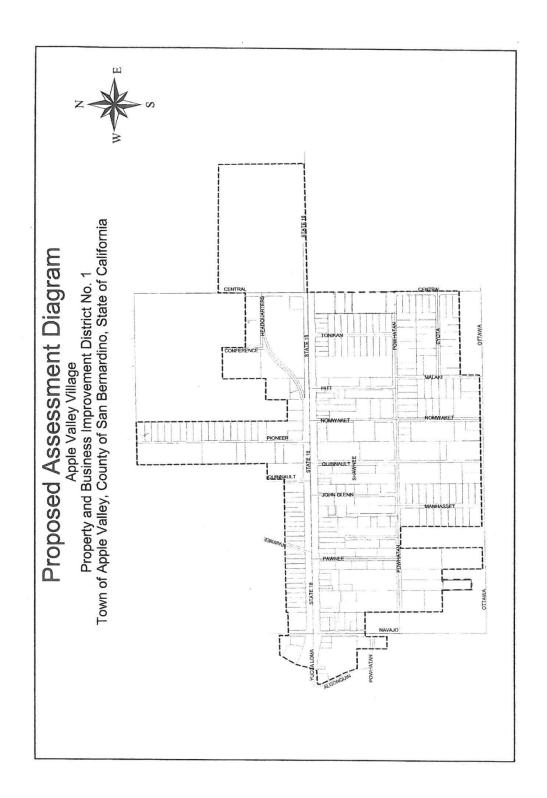
Sincerely,

TOWN OF APPLE VALLEY OFFICE OF THE TOWN CLERK

La Vonda M-Pearson, Town Clerk

www.AppleValley.org

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000



TOWN OF APPLE VALLEY NOTICE OF PUBLIC HEARING REGARDING PROPOSED BOUNDARY MODIFICATION AND RENEWAL OF THE APPLE VALLEY VILLAGE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND PROPOSED LEVY OF ASSESSMENT

The Town Council of the Town of Apple Valley, on June 13, 2017 declared its intention to renew a property and business improvement district ("PBID") designated the "Apple Valley Village PBID (the "District") and to levy and collect an assessment within the District commencing with fiscal year 2017-18 by adopting a Resolution of Intention to renew the District. The purpose of this district is to continue to provide and manage supplemental services and improvements for this important business center, including supplemental public safety services, marketing and promotions, additional streetscape beautification/image enhancements, other business related special projects/programs and District management/operations.

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Apple Valley will conduct a public hearing on the renewal of the District and the levy and collection of assessments commencing with fiscal year 2017-18 on August 8, 2017 at 6:30 p.m. or as soon thereafter as the matter may be heard, to be located in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California 92307.

Renewal of the District was requested by a written petition of property owners within Apple Valley Village and may only be renewed if approved by property owners through the ballot process described below. Any funds collected via the District may only be used for the proposed improvements and activities within the District. The mailing of this notice by the Town in no way changes the structure or purpose of the proposed District, as described in the petition submitted to the Town.

The proposed renewed District has a duration of five (5) years. The total amount of the proposed assessment for the entire assessment district for fiscal year 2017-18 is \$203,167.

The annual assessment for each parcel is calculated based on the size of the parcel, plus, the size of any buildings on the parcel, plus, the amount of street frontage. The District has two benefit zones – Zone A which includes all parcels fronting on Highway 18, Central Rd. north of Highway 18 and Navajo Rd. and Zone B which includes all other parcels not included in Zone A. The assessment fee rates for fiscal year 2017-18 of the District are as follows:

ZONE A (Parcels w/ Hwy 18, Yucca Loma, Navajo and Central n/o Hwy 18 frontages)

- A. \$0.00325 per square foot of land, plus
- B. \$0.12 per square foot of building, plus
- C. \$1.50 per linear foot of Hwy 18, Yucca Loma, Navajo, Central n/o Hwy 18 street frontage, plus
- D. \$0.66 per linear foot of all other street frontages

ZONE B (All other parcels in District)

A. \$0.0013 per square foot of land, plus

B. \$0.048 per square foot of building, plus

C. \$0.66 per linear foot of street frontage.

Note: Assessment rates may be subject to an annual increase of up to 5% per year on approval of the Property Owners' Association Board of Directors. Residential uses in either Zone are exempt from the building area portion of the assessment fee.

Additional information on the proposed renewed District, including the boundaries is included in the Management District Plan, which is on file at the Town Clerk's office and available to the public for review during normal business hours and which can be obtained by contacting the Town Clerk's office at 760-240-7000.

To complete the attached ballot, mark the box indicating whether you are in favor of or oppose the proposed assessment, and sign the statement certifying you are authorized to submit a ballot on behalf of the parcel(s) identified on the ballot. If your ballot is lost or damaged, or if you never received a ballot, duplicate ballots will be available at the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, California, 92307, and at the public hearing. (See the enclosed Procedures for the process to obtain a duplicate ballot.)

Ballots may be mailed in the enclosed self-addressed envelope to the Town Clerk at Apple Valley Town Hall, 14955 Dale Evans Parkway, Apple Valley, California, 92307. Please remember to add postage. Ballots may also be delivered in person to the Town Clerk's office at Town Hall or at the public hearing on the District. To ensure that your ballot is counted, the Town Clerk must receive it prior to the close of the public input portion of the public hearing on the District, which is scheduled to begin on August 8, 2017, at 6:30 p.m.

Ballots will remain sealed until tabulated following the close of the public input section of the public hearing on the District. Proceedings to renew the District will be abandoned if a majority protest exists at the conclusion of the public hearing. A majority protest exists if ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proposed assessment against the property, or, in some cases, by the share of the proposed assessment proportional to the protesting owner's interest in the property.

Enclosed are the Town's Procedures Applicable to the Completion, Return and Tabulation of Ballots. Please consult these Procedures for details regarding the ballot process. Should you have any questions regarding the ballot process or specifics of the proposed District renewal, please contact: Orlando Acevedo at the Economic Development Department at Town Hall at 760-240-7000, ext 7920 for more information.

APPLE VALLEY VILLAGE PBID - MANAGEMENT DISTRICT PLAN SUMMARY

The Apple Valley Village PBID is a property-based Business Improvement District that was established by a consortium of business and property owners within the Apple Valley Village business area for a five year term in 2007, renewed in 2012 for a five year term and is now being renewed again for a five year period. The purpose of this district is to continue to provide and manage supplemental services and improvements for this important business center, including supplemental security services, marketing and promotions, streetscape beautification/image enhancements, other business related special projects and programs and District management/operations.

The renewed District Year 1 (2017/18) assessment budget is \$203,167.

The renewed PBID will enable the District property owners, working as a unit, to continue to fund needed property and business related improvement programs and projects above what can be provided by the Town of Apple Valley on a regular basis. PBIDs such as the one being renewed have been successfully set up and renewed in over 200 business districts throughout California

Name:

The name of the PBID is the Apple Valley Village Property & Business Improvement District (Apple Valley Village PBID).

Location:

Centered along Highway 18 between just west of Navajo to just east of Central generally including all commercial properties north to Esaws and south to Ottawa.

Zones:

There are two benefit zones within the renewed PBID - Zone A includes all parcels with Hwy 18, Yucca Loma, Navajo and Central n/o Hwy 18 frontages. Zone B includes all other parcels in District

Zone A has higher levels of PBID activity, visibility and vehicle traffic and, thus, receives higher levels of special benefit than Zone B and has higher associated program costs and corresponding assessment rates.

Services:

Supplemental security, marketing and promotions, streetscape beautification improvements/image enhancements, other special projects/programs and District management/operations in order to maintain a safe, competitive and high-quality business environment.

Finance:

Benefit assessment of 318 parcels. No bonds shall be issued to fund Apple Valley Village PBID programs.

Budget:

The District assessment budget for renewed Year 1 (2017-18) is projected at \$203,167. The budget allocations may be adjusted to reflect changing costs and priorities. The proposed Year 1 general budget categories and allocations are as follows:

- 1. Security \$30,000
- 2. Marketing \$90,000
- 3. Streetscape beautification \$22,000
- 4. Special Projects \$8,167
- 5. Management/Operations/Contingency \$53,000

It is noted that the Assessment Engineer has determined that general benefits equate to 1% of the total adjusted PBID program costs of \$205,199 or \$2,052. General benefit costs shall be derived from non-assessment revenue sources such as grants, program income, volunteer credits, interest, memberships and other sources.

It is further noted that phased capital improvement projects such as Highway 18 frontage road drainage and other pavement improvements within the Village PBID are proposed that could expend an average of \$200,000 per year drawn down from PBID capital reserve funds.

Benefits:

"General Benefit" is defined as: "A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied". "Special Benefit" as defined by the California State Constitution means a distinct benefit over and above general benefits conferred on real property located in the PBID or to the public at large.

Formula:

There are two benefit zones: Zone A and Zone B. Other than as described within for approved supplemental project assessments, all other assessment rates will have a 5% maximum annual increase cap. Year 1 property assessment rates per parcel in each zone are:

ZONE A (Parcels with Hwy 18, Yucca Loma, Navajo and Central n/o Hwy 18 frontages)

- A. \$0.00325 per square foot of land, plus
- B. \$0.12 per square foot of building, plus
- C. \$1.50 per linear foot of Hwy 18, Yucca Loma, Navajo, and/or Central street frontage.
- D. \$0.66 per linear foot of all other street frontages

ZONE B (All other parcels in District)

- A. \$0.0013 per square foot of land, plus
- B. \$0.048 per square foot of building, plus
- C. \$0.66 per linear foot of street frontage

There are two benefit zones in the Apple Valley Village PBID. (A map showing the PBID boundaries and each benefit zone is shown on Appendix 2 attached to this Plan). Parcels with residential uses shall not be assessed for building areas with residential uses.

It is noted that future grading and paving improvement projects have been identified for Del Mar Road and John Glenn Road between Highway 18 and Powhatan Road. Design details, public easements, implementation schedules, additional funding sources and supplemental assessment methodology for parcels with direct street frontage or indirect ingress/egress to these proposed improvements are being developed but will not be finalized for Year 1 (2017-18) of the renewed PBID term. When these project details are finalized, a supplemental petition and Proposition 218 ballot procedure will be conducted for owners of those parcels receiving special benefits from the proposed improvements within an overlay Benefit Zone "C", and subject to proportionate supplemental parcel assessments to fund a portion of these improvement projects as determined by the PBID Assessment Engineer.

Cap:

Other than as described above for approved supplemental project assessments, all other assessment increases are capped at a maximum of 5% per year, subject to approval by the Property Owner Association (Apple Valley Village PBID Association) Board of Directors.

Renewal:

PBID renewal is a two-step process. First, petitions signed by PBID property owners representing at least 50% of the total assessment to be levied must be secured. Second, property owners will be sent a ballot to vote on the PBID renewal. Returned ballots in support of the PBID renewal must outweigh those in opposition based on the amount of assessment to be levied. It is noted that the same two-step process will be used for approval of supplemental assessments for those parcels specially benefitting from future street improvement projects.

Duration:

The renewed PBID will have a term of five (5) years. After these five years, the petition and balloting process must be repeated in order to renew the PBID and levy assessments again at that time. Per State PBID Law, future renewal terms may extend up to 10 years each time.

TOWN OF APPLE VALLEY APPLE VALLEY VILLAGE PBID RENEWAL PROCEDURES APPLICABLE TO THE COMPLETION, RETURN, AND TABULATION OF BALLOTS

I. Completion of Assessment Ballots

· Who may complete a ballot

An assessment ballot ("ballot") may be completed by the owner of the parcel to be assessed. As used in these Procedures, the term "owner" includes the owner's authorized representative. If the owner of the parcel is a partnership, joint tenancy, or tenancy in common, a ballot may be completed by any of the general partners, joint tenants or tenants in common. Except as set forth below, only one ballot may be completed for each parcel.

· Proportional assessment ballots

If a parcel has multiple owners, any owner may request a proportional ballot. If the ownership interest of the owner is not shown on the last equalized secured property tax assessment roll, such request must include evidence, satisfactory to the Town, of the owner's proportional rights in the parcel. The Town will provide the proportional ballot to the owner at the address shown on the assessment roll. Any request for a ballot to be mailed to another location must be made in writing and must include evidence, satisfactory to the Town, of the identity of the person requesting the ballot. Each proportional ballot will be marked to show the date on which the ballot was provided, to identify it as a proportional ballot and to indicate the owner's proportional rights in the parcel. The Town will keep a record of each proportional ballot provided to an owner.

Duplicate ballots

If the ballot is wrongly marked, torn or defaced, the Town Clerk will provide a duplicate ballot to the owner upon surrender of such ballot. In addition, if a ballot is lost, destroyed or never received, the Town Clerk will provide a duplicate ballot to the owner upon receipt of a statement, signed under penalty of perjury, that the owner has either failed to receive, lost, or destroyed his or her original ballot. The written request for a duplicate ballot shall be delivered to the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, California, 92307, or at the public hearing on the proposed assessment. The duplicate ballot will be marked to show the date on which the ballot was provided and to identify it as a duplicate ballot.

To complete a ballot, the owner of the parcel must (1) stamp or mark the appropriate box supporting or opposing the proposed assessment, and (2) sign, under penalty of perjury, the statement on the ballot that the person completing the ballot is authorized to submit a ballot on behalf of the parcel(s) identified on the ballot. Only one box may be stamped or marked on each ballot. Ballots must be completed in ink.

Only assessment ballots provided by the Town will be accepted

The Town Clerk will only accept ballots mailed or otherwise provided to owners by the Town. Photocopies, faxes, and other forms of the ballots will not be accepted.

II Return of Assessment Ballots

· Who may return ballots

A ballot may be returned by the owner of the parcel or by anyone authorized by the owner to return the ballot.

Where to return ballots

Ballots may be mailed to the address indicated on the ballot. Ballots may also be delivered in person to the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, California, 92307, or at the public hearing on the proposed assessment.

· When to return ballots

All returned ballots must be received by the Town Clerk prior to the time the Town Council closes the public input portion of the public hearing on the proposed assessment. The public input portion of the public hearing may be continued from time to time. The Town Clerk will stamp on each ballot outer envelope, the date of its receipt.

To ensure that mailed ballots are received by the Town Clerk prior to the conclusion of the public input portion of the public hearing, mailed ballots must be received by the Town Clerk prior to that time. Ballots received on the date scheduled for the public hearing will only be counted if the ballots are received by the Town Clerk prior to the conclusion of the public input portion of the public hearing. The Town makes no representation as to whether the public input portion of the public hearing will be concluded on the date scheduled for commencement of the public hearing or continued to a later date.

· Withdrawal of assessment ballots

After returning a ballot to the Town, the person who signed the ballot may withdraw the ballot by submitting a written request to the Town Clerk directing the Town Clerk to withdraw the ballot. Such request must be received by the Town Clerk prior to the close of the public input portion of the public hearing on the proposed assessment. If any ballot has been withdrawn, the person withdrawing the ballot may request a duplicate ballot. The Town Clerk will retain all withdrawn ballots and will indicate on the face of such ballots that they have been withdrawn.

III. Tabulation of Assessment Ballots

· Which assessment ballots will be counted

Only ballots which are completed and returned in compliance with these procedures will be counted. Ballots received by the Town Clerk after the close of the public input portion of the public hearing on the proposed assessment will not be counted. Ballots which are not signed by the owner will not be counted. Ballots with no boxes marked, or with more than one box marked, will not be counted. Ballots marked in pencil will not be counted. Ballots withdrawn in accordance with these procedures will not be counted.

The Town Clerk will keep a record of each proportional or duplicate ballot provided to an owner and will verify, prior to counting any duplicate ballot, that only one ballot has been returned for the parcel (or for the owner in the case of proportional ballots). If a non-duplicate ballot has been returned, the Town will count the non-duplicate ballot and void all duplicate ballots. If only duplicate ballots have been returned, the Town will count the earliest provided duplicate ballot and void the later provided duplicate ballots. If an owner returns both a non-proportional ballot and a proportional ballot, the Town will count the proportional ballot and void the non-proportional ballot.

· When and where assessment ballots will be tabulated

The final tabulation of ballots will be performed at the end of the public hearing following the close of the public input portion of the hearing. The public hearing may be continued from time to time for the purpose of tabulating ballots.

· How assessment ballots will be tabulated

The Town may presort and determine the proportionate weight of the returned ballots prior to tabulating the ballots. Ballots may be counted by hand, by computer or by any other tabulating device.

Ballots will be weighted according to the proportional financial obligation of the affected property; provided, however, that proportional ballots shall be weighted in accordance with the respective ownership interests of each proportional ballot submitted. If one or more proportional ballots are returned for a parcel and a non-proportional ballot is returned for the parcel, the non-proportional ballot will either be disregarded (if the same owner has returned a proportional ballot) or treated as a proportional ballot (if the same owner has not returned a proportional ballot).

· Who will tabulate assessment ballots

Ballots will be tabulated by the Town Clerk and other non-biased designees.

· Results of tabulation

The results of the tabulation will be announced following the completion of the tabulation and entered in the minutes of the Town Council's meeting. If ballots submitted in opposition to the proposed assessment exceed the ballots submitted in favor of the proposed assessment (as tabulated above), the assessment will not be imposed.

IV. Resolution of Disputes

In the event of a dispute regarding whether the signer of a ballot is the owner of the parcel to which the ballot applies, the Town will make such determination from the last equalized assessment roll and any evidence of ownership submitted to the Town Clerk prior to the conclusion of the public hearing. The Town will be under no duty to obtain or consider any other evidence as to ownership of property and the Town's determination of ownership will be final and conclusive. In the event of a dispute regarding whether the signer of a ballot is authorized to submit a ballot on behalf of the parcel, the Town may rely on the statement on the ballot, signed under penalty of perjury, that the person completing the ballot is authorized to submit a ballot and any evidence submitted to the Town Clerk prior to the conclusion of the public hearing. The Town will be under no duty to obtain or consider any other evidence as to whether the signer of the ballot is authorized to submit a ballot and the Town's determination will be final and conclusive.

V. General Information

The ballots will be opened at the conclusion of the public input portion of the public hearing by the Town Clerk or other non-biased designees. Following the public hearing, all returned ballots are public records. For further information regarding the ballot process or the proposed renewed District, contact Orlando Acevedo at the Economic Development Department at Town Hall at 760-240-7000, ext 7920.

Attachment 2

PBID Management District Plan

APPLE VALLEY VILLAGE

PROPERTY & BUSINESS IMPROVEMENT DISTRICT

RENEWAL MANAGEMENT DISTRICT PLAN

Formed in 2007- Renewed in 2012 - Being Renewed for 5 Years Pursuant to California Streets and Highways Code Section 36600 et seq. - Property Business Improvement District Act of 1994, as amended

PRESENTED BY:

THE APPLE VALLEY VILLAGE PBID ASSOCIATION

WITH ASSISTANCE FROM EDWARD HENNING & ASSOCIATES

SEPTEMBER 2016

MANAGEMENT DISTRICT PLAN

Table of Contents

- I. Management District Plan Summary page 2
- II. PBID Boundaries page 6
- III. Proposed 5 Year PBID Work Plan and Budget page 8
- IV. Proposed PBID Assessment Formula page 15
- V. Publicly Owned Parcels page 19
- VI. PBID District Governance page 19
- VII. Proposed Rules and Regulation page 19
- VIII. Other Items page 19
- IX. Implementation Time Table page 21

Appendix 1: Year 1 – 2017/18 PBID Assessment Roll

Appendix 2: Apple Valley Village PBID Map

1.0 APPLE VALLEY VILLAGE PBID - MANAGEMENT DISTRICT PLAN SUMMARY

The Apple Valley Village PBID is a property-based Business Improvement District that was established by a consortium of business and property owners within the Apple Valley Village business area for a five year term in 2007, renewed in 2012 for a five year term and is now being renewed again for a five year period. The purpose of this district is to continue to provide and manage supplemental services and improvements for this important business center, including supplemental security services, marketing and promotions, streetscape beautification/image enhancements, other business related special projects and programs and District management/operations.

The renewed District Year 1 (2018) assessment budget is \$203,167.

The renewed PBID will enable the District property owners, working as a unit, to continue to fund needed property and business related improvement programs and projects above what can be provided by the Town of Apple Valley on a regular basis. PBIDs such as the one being renewed have been successfully set up and renewed in over 200 business districts throughout California

Name: The name of the PBID is the Apple Valley Village Property & Business Improvement

District (Apple Valley Village PBID).

Location: Centered along Highway 18 between just west of Navajo to just east of Central generally

including all commercial properties north to Esaws and south to Ottawa.

Zones: There are two benefit zones within the renewed PBID - Zone A includes all parcels with

Hwy 18, Yucca Loma, Navajo and Central n/o Hwy 18 frontages. Zone B includes all other

parcels in District

Zone A has higher levels of PBID activity, visibility and vehicle traffic and, thus, receives

higher levels of special benefit than Zone B and has higher associated program costs and

corresponding assessment rates.

Services: Supplemental security, marketing and promotions, streetscape beautification

improvements/image enhancements, other special projects/programs and District

management/operations in order to maintain a safe, competitive and high-quality business environment.

Finance:

Benefit assessment of 314 parcels. No bonds shall be issued to fund Apple Valley Village PBID programs.

Budget:

The District assessment budget for renewed Year 1 (2017-18) is projected at \$203,167. The budget allocations may be adjusted to reflect changing costs and priorities. The proposed Year 1 general budget categories and allocations are as follows:

- 1. Security \$30,000
- 2. Marketing \$90,000
- 3. Streetscape beautification \$22,000
- 4. Special Projects \$8,167
- 5. Management/Operations/Contingency \$53,000

It is noted that the Assessment Engineer has determined that general benefits equate to 1% of the total adjusted PBID program costs of \$203,167 or \$2,032. General benefit costs shall be derived from non-assessment revenue sources such as grants, program income, volunteer credits, interest, memberships and other sources.

It is further noted that phased capital improvement projects such as Highway 18 frontage road drainage and other pavement improvements within the Village PBID are proposed that could expend an average of \$200,000 per year drawn down from PBID capital reserve funds.

Benefits:

"General Benefit" is defined as: "A benefit to properties in the area and in the surrounding community or benefit to the public in general resulting from the improvement, activity, or service to be provided by the assessment levied". "Special Benefit" as defined by the California State Constitution means a distinct benefit over and above general benefits conferred on real property located in the PBID or to the public at large.

Formula:

There are two benefit zones: Zone A and Zone B. Other than as described within for approved supplemental project assessments, all other assessment rates will have a 5% maximum annual increase cap. <u>Year 1</u> property assessment rates per parcel in each zone are:

ZONE A (Parcels with Hwy 18, Yucca Loma, Navajo and Central n/o Hwy 18 frontages)

A. \$0.00325 per square foot of land, plus

B. \$0.12 per square foot of building, plus

C. \$1.50 per linear foot of Hwy 18, Yucca Loma, Navajo, and/or Central street frontage.

D. \$0.66 per linear foot of all other street frontages

ZONE B (All other parcels in District)

A. \$0.0013 per square foot of land, plus

B. \$0.048 per square foot of building, plus

C. \$0.66 per linear foot of street frontage

There are two benefit zones in the Apple Valley Village PBID. (A map showing the PBID boundaries and each benefit zone is shown on Appendix 2 attached to this Plan). Parcels with residential uses shall not be assessed for building areas with residential uses.

It is noted that future grading and paving improvement projects have been identified for Del Mar Road and John Glenn Road between Highway 18 and Powhatan Road. Design details, public easements, implementation schedules, additional funding sources and supplemental assessment methodology for parcels with direct street frontage or indirect ingress/egress to these proposed improvements are being developed but will not be finalized for Year 1 (2017-18) of the renewed PBID term. When these project details are finalized, a supplemental petition and Proposition 218 ballot procedure will be conducted for owners of those parcels receiving special benefits from the proposed improvements within an overlay Benefit Zone "C", and subject to proportionate supplemental parcel assessments to fund a portion of these improvement projects as determined by the PBID Assessment Engineer.

Cap:

Other than as described above for approved supplemental project assessments, all other assessment increases are capped at a maximum of 5% per year, subject to approval by the Property Owner Association (Apple Valley Village PBID Association) Board of Directors.

Renewal:

PBID renewal is a two-step process. First, petitions signed by PBID property owners representing at least 50% of the total assessment to be levied must be secured. Second,

property owners will be sent a ballot to vote on the PBID renewal. Returned ballots in support of the PBID renewal must outweigh those in opposition based on the amount of assessment to be levied. It is noted that the same two-step process will be used for approval of supplemental assessments for those parcels specially benefitting from future street improvement projects.

Duration:

The renewed PBID will have a term of five (5) years. After these five years, the petition and balloting process must be repeated in order to renew the PBID and levy assessments again at that time. Per State PBID Law, future renewal terms may extend up to 10 years each time.

II. PBID BOUNDARIES

Setting and Boundary Description

The Apple Valley Village PBID is located in the original historic business center of Apple Valley. The PBID encompasses all properties along the Highway 18 corridor roughly bounded by Navajo Rd. on the west, Central Rd. on the east, Esaws Rd. on the north and Ottawa Rd. on the south. Based on information provided by the San Bernardino County Assessor's Office and field reviews, there are 314 identified and assessed parcels within the proposed renewed PBID. It is noted that the PBID boundaries are being modified slightly by adding 4 new parcels on the west side of Central Avenue south of Highway 18 and 1 new parcel just north of Ottawa Road on the east side of Osage Court.

All properties within this PBID will receive proportionate special benefit from district programs and improvements within a two benefit zones: Zone A includes all properties fronting on Highway 18, Navajo Road and Central Road (north of Hwy 18) and Zone B includes all other properties within the District. A future third overlay benefit zone, Zone C, will be considered at some point in the future for the funding of proposed street pavement projects. A map showing the PBID boundaries is shown on Appendix A attached hereto. This area is the center of commerce in the original Apple Valley Town site. The PBID is generally surrounded by residential neighborhoods on the west, north and south and scattered vacant land and businesses on the east.

Benefit Zones: There are two benefit zones in the Apple Valley Village PBID.

- Zone A includes all properties fronting on Highway 18, Navajo Road and Central Road (north of Hwy 18). PBID activity and vehicle traffic is highest in Zone A, as these corridors provide the most direct access and visibility to the Village area. As a result, Zone A parcels will receive a higher level of special benefit from PBID funded activities and improvements and are assessed at a higher proportionate rate than Zone B to offset higher proportionate program level and improvement costs.
- Zone B includes all of the remaining parcels within the Apple Valley Village PBID boundaries. PBID activity and vehicle traffic is lower in Zone B, as these grid oriented streets provide only secondary access and visibility to the Village area. As a result, Zone B parcels will receive a lower level of special benefit from PBID funded activities and improvements and are assessed at a lower proportionate rate than Zone A to offset lower proportionate program level and improvement costs.

• Zone C (future overlay zone) will include all parcels with direct street frontage on or indirect ingress/egress to John Glenn Road and Del Mar Road between Highway 18 and Powhatan Road. Zone C parcels will receive direct proportionate special benefit from proposed street grading and paving improvement projects within these limits and will be assessed according to a methodology and proportionate amount as determined by the PBID Assessment Engineer.

PBID Boundary Rationale

Northern Boundary: The northern boundary of the Apple Valley Village PBID was determined by zoning and land uses where parcels located to the north of the northern PBID are zoned and/or developed solely residential with residential land uses while those south of the northern boundary are zoned commercial. State of California Streets and Highways Code Section 36632(c) conclusively presumes that properties zoned solely residential do not benefit from the improvements and service funded through PBID assessments, cannot be assessed and, thus, these single use neighborhoods are not included in the Apple Valley Village PBID.

Eastern Boundary: The parcels located to the east of the eastern PBID boundaries are a combination of scattered businesses and vacant land along the south side of Highway 18 and solely residential zoning and land uses southeast of this strip. There has been very little interest expressed by property owners and businesses east of Central to be included in either Village activities or the Village PBID and, thus, are not included in the PBID. Further, regarding the residential areas east of Central and for the reason stated above, are not included within the Apple Valley Village PBID.

Southern Boundary: The southern boundary of the Apple Valley Village PBID was determined by zoning and land uses where properties located to the south of the southern PBID boundary are zoned and/or developed solely residential with residential land uses while those north of the southern boundary are zoned commercial. For the reason stated above, these single use residential neighborhoods are not included in the Apple Valley Village PBID.

Western Boundary: The western boundary of the Apple Valley Village PBID was determined by zoning and land uses where properties located to the west of the western PBID boundary are zoned and/or developed solely residential with residential land uses while those east of the western boundary are zoned

commercial. For the reason stated above, these single use residential neighborhoods are not included in the Apple Valley Village PBID.

A list of all parcels included in the proposed Apple Valley Village PBID is shown as Appendix 1, attached to this Plan with their respective Sab Bernardino County assessor parcel number. The boundary of the proposed Apple Valley Village PBID and benefit zones are shown on the map of the proposed renewed Apple Valley Village PBID attached as Appendix 2 to this Plan.

All identified parcels within the above-described boundaries shall be assessed to fund supplemental special benefit programs, services and improvements as outlined in this Plan and in the Assessment Engineer's Report. All PBID funded services, programs and improvements provided within the above described boundaries shall confer special benefit to identified assessed parcels inside the PBID boundaries and none will be provided outside of the PBID. Each assessed parcel within the Apple Valley Village PBID will proportionately specially benefit from the PBID funded supplemental security, marketing and promotions, streetscape beautification improvements and image enhancements, other special projects/programs and management/operations/contingency/reserve. These services, programs and improvements are intended to improve commerce, employment, rents and occupancy rates and investment return of parcels and businesses within the Apple Valley Village PBID by reducing crime, improving the Village aesthetics and professionally marketing goods and services available within the PBID, all considered necessary in a competitive properly managed business district. All PBID funded services programs and improvements are considered supplemental, above normal base level services provided by the Town of Apple Valley and are only provided for the special benefit of assessed parcels within the boundaries of the Apple Valley Village PBID.

III. Proposed 5 Year PBID Work Plan and Budget

Overview

The Programs and activities to be funded by the Apple Valley Village PBID include supplemental security, marketing and promotions, streetscape beautification improvements/image enhancements, other special projects/programs and District management/operations/contingency/reserve. The property uses within the boundaries of the PBID that will receive special benefits from PBID funded programs, services and improvements are primarily a mix of retail, service, office and light industrial. PBID funded activities are

primarily designed to provide special benefits as described below to identified assessed parcels within the boundaries of the PBID.

Assessed parcels_are conferred proportionate special benefits from all PBID funded programs, services and improvements which are intended to attract more customers, users, visitors, employees, tenants and investors. For these parcels, PBID programs, services and improvements are designed to increase business volumes, sales transactions, occupancies, rental income and return on investments. These programs, services and improvements are designed to improve commerce, security and aesthetic appeal for patrons, visitors and employees of these parcels within the Apple Valley Village PBID by reducing crime, improving Village aesthetics and professionally marketing the array of goods and services available within the PBID, all considered necessary in a competitive properly managed business district.

These benefits are particular and distinct to each and every identified and assessed parcel within the Apple Valley Village PBID and are not provided to non-assessed parcels outside of the PBID. These programs, services and improvements will only be provided to each individual assessed parcel within the PBID boundaries and, in turn, confer proportionate "special benefits" to each assessed parcel.

In the case of the Apple Valley Village PBID, the very nature of the purpose of this PBID is to fund supplemental programs, services and improvements to assessed parcels within the PBID boundaries above and beyond what is being currently funded either via normal tax supported methods or other funding sources. The Town of Apple Valley does not provide these programs and services. All benefits derived from the assessments to be levied on assessed parcels within the PBID are for services, programs and improvements directly benefiting each individual assessed parcel within the PBID. No PBID funded services, activities or programs will be provided outside of the PBID boundaries.

The projected program special benefit cost allocation of the PBID assessment revenues for the 5 year PBID term assuming a 5% maximum annual assessment rate increase is shown in the Table on page 12 of this Plan.

WORK PLAN DETAILS

The proposed Apple Valley Village PBID work plan is described in more detail as follows:

9

Security Services

The Security Services component includes deploying a periodic dedicated San Bernardino County Sheriff

Patrol service via Sheriff vehicle throughout the PBID with varying schedules day/night/weekends checking

for/reporting on - crime, graffiti, vandalism and suspicious activities. The patrol also makes pedestrian

checks and traffic stops within the Village PBID as well as makes business contacts and assesses business

location security. The Sheriff provides regular written and oral reports to the PBID Association and

disseminates special security and crime related alerts.

The security services component is designed to specially benefit each identified and assessed parcel and

land use within the Apple Valley Village PBID. This element is designed to establish and keep the Village

a safe place to visit, work, transact business, shop and dine. Security services are designed to attract more

customers, clients, employees, tenants and investors which potentially would increase business volumes,

sales transactions, occupancies, rental income and return on investments. Security services will be provided

only within the PBID boundaries and for the special benefit of identified and assessed parcels and land uses

within the Apple Valley Village PBID.

Marketing & Promotions

The marketing and promotions component could include but is not limited to: newsletters, website and

social media management, development and distribution of promotional materials, seasonal decorations,

special events, media advertising and other programs that will promote the array of goods and services

available within the Apple Valley Village PBID.

This component is designed to specially benefit and improve the marketability of assessed parcels within

the Apple Valley Village PBID. This element is designed to attract more customers, clients, visitors,

employees, tenants and investors which potentially would increase business volumes, sales transactions,

occupancies, rental income and return on investments. Marketing programs will only be provided for

identified and assessed parcels located within the PBID boundaries.

Streetscape Beautification and Image Enhancements

The Streetscape Beautification and Image Enhancements category includes specialized maintenance of

PBID funded improvements and funding of physical amenities and beautification projects for the special

benefit of each identified and assessed parcel within the Apple Valley Village PBID. Maintenance includes

10

regular upkeep and irrigation for the PBID funded center median island improvements along Highway 18 as well as placement, rotation and upkeep of seasonal pole banners along Highway 18 and placement of business directory signs also located along Highway 18. Types of physical amenities and beautification projects include: seasonal pole banners; business directory signs and landscape replacement along the Highway 18 center median island; a private property aesthetic and rehabilitation grant program (ARGP) and, other streetscape related improvements, as approved by the Apple Valley Village Board of Directors.

This component is designed to specially benefit and improve the aesthetic appeal of each identified and assessed parcel within the PBID and attract more customers, clients, visitors, employees, tenants, and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and return on investments. Streetscape Beautification improvements will only be provided for identified and assessed parcels and their businesses and occupants located within the PBID boundaries.

Special Projects

The Special Projects component includes phased future capital improvement projects funded from PBID capital reserves which might include but are not limited to: Highway 18 and Outer Highway 18 storm water drainage improvements (culverts, channels, catch basins, street and gutter regrading and realignment); street grading/pavement/re-pavement; installation of Village theme streetscape elements such as signage, lighting, displays and landscaping; property acquisition for PBID related purposes; and, other projects as approved by the PBID Association Board of Directors. As was done in the past with the Highway 18 center median island landscaping and beautification project, outside matching private and public grant funds will be sought to maximize the value of PBID assessment dollars. Because the timing of gaining approval and receipt of such outside funds is a variable, the exact implementation and phasing of Special Projects will vary and be dependent on outside factors. Special Projects will be funded from PBID assessment reserves.

This component is designed to specially benefit and improve the aesthetic appeal and functionality of each identified and assessed parcel within the PBID and attract more customers, clients, visitors, employees, tenants, and investors which potentially would increase business volumes, sales transactions, occupancies, rental income and return on investments. Special Projects will only be provided for identified and assessed parcels and their businesses and occupants located within the PBID boundaries.

Management/Operations/Contingency/Reserve

Included in the Management/Operations/Contingency/Reserve component are the costs for PBID management, consultants, accounting, legal, bank charges, annual report and Directors and Officers and General Liability insurance and other office and operation expenses. This component also includes County collection fees, allowance for delinquent assessment payments and other variable and unforeseen expenses related to each program element. This program element also includes assessment reserves being held for future capital improvement projects. A portion of PBID assessment funds remaining in the last two years of the proposed PBID renewal term may be used to develop the Management District Plan, Engineer's Report and related renewal costs for the following renewal term.

This component is key to the proper expenditure of PBID assessment funds and the administration of PBID programs and activities. This component exists only for the purposes of the PBID and will only be provided for matters specially benefitting each individual assessed parcel within the Apple Valley Village PBID.

In summary, all PBID funded services, programs and improvements described above confer special benefits to identified assessed parcels inside the PBID boundaries and none will be provided outside of the PBID. Each identified and assessed parcel within the Apple Valley Village PBID will proportionately specially benefit from the PBID funded supplemental security, marketing and promotions, streetscape beautification improvements enhancements. other special image projects/programs management/operations/contingency/reserve. These services, programs and improvements are intended to improve commerce, employment, rents, occupancy rates and investment return of parcels and businesses within the Apple Valley Village PBID by reducing crime, improving Village aesthetics and professionally marketing goods, services and spaces available within the PBID, all considered necessary in a competitive properly managed business district. All PBID funded services programs and improvements are considered supplemental, above normal base level services provided by the Town of Apple Valley and are only provided for the special benefit of assessed parcels within the boundaries of the Apple Valley Village PBID.

PROGRAM & ACTIVITY BUDGET

Each identified parcel within the Apple Valley Village PBID will be assessed the full amount of the proportionate special benefit conferred upon it based on the level of PBID funded services provided within each benefit zone. The projected program special benefit cost allocation for the Year 1 (2018) of the renewed Apple Valley Village PBID is shown in the following Table:

<u>Year 1 (2018) Projected PBID Special Benefit Costs</u> (Assessment Revenue Only)

DESCRIPTION	Year 1	%
1. Security	\$30,000	14.77%
2. Marketing	\$90,000	44.30%
3. Streetscape, Beautification & Image Enhancements	\$22,000	10.83%
4. Special Projects	\$8,167	4.02%
5. Management/Operations/Contingency	\$53,000	<u>26.09%</u>
Total	\$203,167	100.00%

In order to carry out the PBID programs outlined in the previous section, a first year assessment budget of \$203,167 is proposed. Since the renewed PBID is planned for a 5 year term, projected program costs for future years (Years 2-5) are set at the inception of the PBID. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum is incorporated into the projected program costs and assessment rates for the five year PBID term. Carryovers, if any, may be reapportioned the following year for related programs, services and improvements. Detailed annual budgets will be prepared by the Apple Valley Village Board and included in an Annual Report for the Town Council's review and approval. It is noted that the allocations shown may be shifted between these major categories based on changing needs, program costs, demands and contract prices in each category's allocation throughout the five year PBID term. A 5 year projected Apple Valley Village PBID assessment budget is shown in the following Table:

YEAR 1-5 PROJECED PBID ASSESSMENT BUDGET SUMMARY

(Assumes 5% max rate increase per year)

DESCRIPTION	Year 1	Year 2	Year 3	Year 4	Year 5	Total
1. Security	\$30,000	\$30,450	\$30,907	\$31,370	\$31,841	\$154,568
2. Marketing	\$90,000	\$91,350	\$92,720	\$94,111	\$95,523	\$463,704
3. Streetscape, Beautification & Image Enhancements	\$22,000	\$22,330	\$22,665	\$23,005	\$23,350	\$113,350
4. Special Projects	\$8,167	\$8,290	\$8,414	\$8,540	\$8,668	\$42,079
5. Management/Operations/Contingency	<u>\$53,000</u>	<u>\$53,795</u>	<u>\$54,602</u>	<u>\$55,421</u>	<u>\$56,252</u>	\$273,070
Total	\$203,167	\$206,215	\$209,308	\$212,447	\$215,634	\$1,046,771

It is noted that the Special Projects component may be supplemented by PBID assessment capital reserve funds throughout the five year PBID term.

The Assessment Engineer (see Engineer's Report) has found that the general benefits (i.e. benefits to the general public and surrounding parcels outside the PBID) of the proposed programs, services and improvements (i.e. supplemental security, marketing and promotions, streetscape beautification improvements/image enhancements, other special projects/programs and District management/operations/contingency/reserve), represent 1% of the total benefits generated and, in turn, 1% (\$2,032) of the total costs (\$203,167) of the PBID funded improvements, activities and services provided. Thus, 1% of the total PBID costs will need to be funded by non-assessment revenue sources such as grants, donations, program income, volunteer credits, etc.

The proposed Apple Valley Village PBID may increase the assessment for each individual parcel each year during the 5 year effective operating period, but in no event shall the assessment increase exceed 5% per year and must be approved by the Apple Valley Village Board of Directors, included in the Annual Report and adopted by the Town of Apple Valley Town Council. Any accrued interest and delinquent payments will be expended within the budgeted categories. The Apple Valley Village Board of the Directors ("Property Owner's Association of the Apple Valley Village PBID) shall determine the percentage increase to the annual assessment and the methodology employed to determine the amount of the increase. The Apple Valley Village PBID Association shall communicate the annual increase to the Town each year in which the PBID operates at a time determined in the Administration Contract held between Apple Valley Village PBID Association and the Town of Apple Valley. No bonds are to be issued in conjunction with the proposed renewed PBID.

It is recognized that market conditions may cause the cost of providing goods and services to fluctuate from year to year during the 5 year term of the proposed PBID. Accordingly, Apple Valley Village shall have the right to reallocate any budget line item within the budget categories based on such cost fluctuations subject to the review and approval by the Apple Valley Village Board and included in the Annual Report that will be approved by the Apple Valley Town Council pursuant to Streets and Highways Code Section 36650. Any accrued interest or delinquent payments may be expended in any budget category.

Pursuant to Section 36671 of the Streets and Highways Code, any funds remaining after the fifth year of operation will be rolled over into the renewal budget or returned to stakeholders. PBID assessment funds may be used to pay for costs related to the following PBID renewal term. If the PBID is not renewed or terminated for any reason, unexpended funds will be returned to the property owners.

Duration of Assessment Levy

The effective operation period of the proposed Apple Valley Village PBID is January 1, 2018 through December 31, 2022. It is noted that the range of property tax years for levying the proposed PBID assessments is 2017-18 through 2021-22 running from July 1 through June 30 of each property tax fiscal year. At the conclusion of this term the PBID may be renewed again for a maximum of 10 years. If the proposed Apple Valley Village PBID is not renewed at the end of the proposed 5 year renewal term, PBID services will end on December 31, 2022 and assessment levying authority will end on June 30, 2022.

Time and Manner of Collection of Assessments

As provided by statute, the Apple Valley Village PBID assessments will be collected by the County of San Bernardino in the same manner as annual property taxes are collected and will appear as a separate line item on the property tax statement prepared by and issued by the County. It is intended that the Town of Apple Valley and the Apple Valley Village Property Owners Association will renew an agreement under which the Town will remit, where applicable, the assessment revenues to the Association for implementation of the Management Plan. Existing laws and policies addressing enforcement and/or appeal of property taxes shall also apply to PBID assessments.

IV PROPOSED ASSESSMENT FORMULA

The PBID programs and services described in this Management District Plan will be funded through benefit assessments against real property in the PBID and non-assessment revenues to fund the costs associated with general benefits conferred on the public at large and surrounding parcels outside of the PBID boundaries. The assessment formula has been developed by the Assessment Engineer to ensure that no parcel will be assessed an amount that exceeds the cost of the proportional special benefit that parcel derives from the programs, services and improvements to be funded by the proposed benefit assessments. The assessment rates are based on the anticipated benefit to be derived by each individual parcel within the boundary of the PBID.

It has been determined by the Assessment Engineer (see Engineer's Report attached to this Plan as Attachment 1) that the benefit assessment of each identified parcel within the PBID will be based on three factors - building area, land area and street frontage within two benefit zones. Assessments for parcels with residential uses shall not be assessed for residential building areas. Zone A assessments will be applied at 100% of the base unit rates and Zone B will be set at 40% of Zone A rates. For a more detailed explanation

of the assessment methodology used to calculate the assessment rates, refer to the Assessment Engineer's Report.

APPLE VALLEY VILLAGE PBID ASSESSMENT FORMULA

[Assessment = Street Frontage Assmt + Land Area Assmt + Building Area Assmt]

- Street Frontage Assmt = parcel street frontage x street frontage rate (from Table below)
- Land Area Assmt = land area x land area rate (from Table below)
- Building Area Assmt = building area x building area rate (from Table below)

YEAR 1 (2017-18) ASSESSMENT RATES

Zone A	YR 1 Rates
"A" Street Frontage Rate (\$/LF)	\$1.50000
"B" Street Frontage Rate (\$/LF)	\$0.66000
Land Area Rate (\$/SF)	\$0.00325
Bldg Area Rate (\$/SF)	\$0.12000
Zone B	YR 1
"B" Street Frontage Rate (\$/LF)	\$0.66000
Land Area Rate (\$/SF)	\$0.00130
Bldg Area Rate (\$/SF)	\$0.04800

Notes:

- 1. Building area assessments are based on gross exterior building area
- 2. Building areas for residential uses are not assessed.
- 3. Mixed use development building areas are assessed based on pro-rated ratios of land uses

Since the PBID is planned for a five year term, maximum assessments for future years (Years 2-5) must be set at the inception of the PBID. While future inflationary and other program cost increases are unknown at this point, a built in maximum increase of 5% per annum is incorporated into the projected program costs and, in turn, the resultant assessment rates for the five year life of the PBID. These figures are shown in the Table below. Assessment rates may not exceed those indicated below.

In addition, any annual budget surplus or deficit will be incorporated into the subsequent year's PBID budget. Within the constraints of the annual adjustment, annual assessments will be set to account for surpluses or deficits carried forward.

Five Year Maximum Assessment Rates

(Includes a 5% max annual increase)

Zone A	YR 1	YR 2	YR 3	YR 4	YR 5
"A" Street Frontage Rate (\$/LF)	\$1.50000	\$1.57500	\$1.65375	\$1.73644	\$1.82326
"B" Street Frontage Rate (\$/LF)	\$0.66000	\$0.69300	\$0.72765	\$0.76403	\$0.80223
Land Area Rate (\$/SF)	\$0.00325	\$0.00341	\$0.00358	\$0.00376	\$0.00395
Bldg Area Rate (\$/SF)	\$0.12000	\$0.12600	\$0.13230	\$0.13892	\$0.14586
Zone B	YR 1	YR 2	YR 3	YR 4	YR 5
"B" Street Frontage Rate (\$/LF)	\$0.66000	\$0.69300	\$0.72765	\$0.76403	\$0.80223
Land Area Rate (\$/SF)	\$0.00130	\$0.00137	\$0.00143	\$0.00150	\$0.00158
Bldg Area Rate (\$/SF)	\$0.04800	\$0.05040	\$0.05292	\$0.05557	\$0.05834

SAMPLE CALCULATIONS:

Zone A - 18,000 sq ft parcel with a 10,119 sq ft building and 80 ft of Hwy 18 street frontage

= 18,000 sq ft land x \$0.00325/sq ft + 10,119 sq ft bldg x \$0.12/sq ft + 80 LF frontage x \$1.50/LF

= \$58.50 + \$1,214.28 + \$120.00 = \$1,390.78 per year

= \$ 115.90 per month

= \$ 3.86 per day

= 1.1 cent per sq ft bldg per month

Same example as above but in Zone B

= 18,000 sq ft land x \$0.0013/sq ft + 10,119 sq ft bldg x \$0.048/sq ft + 80 LF frontage x \$0.66/LF

= \$23.40 + \$485.71 + \$48.00 = \$557.11 per year

= \$ 46.42 per month

= \$ 1.55 per day

= less than 1/2 cent per sq ft bldg per month

It is noted that future grading and paving improvement projects have been identified for Del Mar Road and John Glenn Road between Highway 18 and Powhatan Road. Design details, public easements, implementation schedules, additional funding sources and supplemental assessment methodology for parcels with direct street frontage or indirect ingress/egress to these proposed improvements are being developed but will not be finalized for Year 1 (2017-18) of the renewed PBID term. When these project details are finalized, a supplemental petition and Proposition 218 ballot procedure will be conducted for owners of those parcels receiving special benefits from the proposed improvements within an overlay

Benefit Zone "C", and subject to proportionate supplemental parcel assessments to fund a portion of these improvement projects as determined by the PBID Assessment Engineer.

Future Development

Other than future maximum rates and the assessment methodology delineated in this Report, per State Law (Government Code Section 53750), future assessments may increase for any given parcel if such an increase is attributable to events other than an increased rate or revised methodology, such as a change in the density, intensity, or nature of the use of land. Any change in assessment formula methodology or rates other than as stipulated in this Report would require a new Proposition 218 ballot procedure in order to approve any such changes.

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The complete Yr 1-2018 assessment roll of all parcels to be assessed by this PBID is included in this Plan as Appendix I.

V. PUBLICLY OWNED PARCELS

The State Constitution - Article 13D (Proposition 218) states that government owned properties are not exempt from benefit assessments, unless there is clear and convincing evidence showing that they receive no special benefit from the programs and services to be funded by the proposed benefit assessments. Thus, 13 parcels owned by the Town of Apple Valley, the Apple Valley Fire District, the Mojave Water Agency and the County School Board will be assessed along with all of the privately owned parcels within the PBID.

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Relative to the US Post Office on federal owned land on Highway 18, the US Attorney General has opined that all federal properties are exempt from local taxes and assessments pursuant to the Supremacy Clause of the US Constitution. Thus, this parcel will not be assessed nor will PBID funded services be provided for the special benefit of this parcel.

Relative to the Verizon/Frontier owned public utility parcel and facility on Navajo Road, this parcel contains a building which houses public utility based electronic telephonic switching equipment, similar in function to utility transmission and conveyance infrastructure located along, over and beneath public rights

18

of ways and utility easements and, thus, will not be assessed nor will PBID funded services be provided for the special benefit of this parcel.

VI. PBID DISTRICT GOVERNANCE

The Apple Valley Village PBID Property Owners Association ("Association") will continue to be the agency responsible for the ongoing day-to-day management and administration of the Apple Valley Village PBID. The Association is a non-profit corporation formed by property owners located in the Apple Valley Village PBID. The Association may choose to contract with a third party entity such as the Town of Apple Valley to carry out certain District improvements and services. The Association may also contract with professional service entities in conjunction with the planning and implementation of PBID programs and services as well as the next PBID renewal in five years.

The annual programs, budgets and assessments for the Apple Valley Village PBID shall be determined by the Association, which shall also serve as the PBID "property owners association" referenced in State PBID Law. This Board shall be responsible for the general oversight of the District including approval of the annual work programs and budgets, monitoring performance, and ensuring compliance with appropriate rules and regulations, including a PBID management agreement with the Town of Apple Valley. This Board shall generally meet on a monthly basis. When related to PBID matters, such meetings shall be subject to the State of California "Brown Act" open meeting requirements. Records of this Association pertaining to PBID related matters shall be available for public review as stipulated by State Law. Pursuant to State law, the Association Board shall file, for approval by the Town Council, an annual report for the upcoming year for which assessments shall be levied. Upon PBID renewal, the Town Council and the Association shall execute a contract, as applicable, for the performance and delivery of the stipulated program services over the life of the PBID.

VII. PROPOSED RULES AND REGULATION APPLIED TO THE DISTRICT

There are no specific rules or regulations applied to this PBID other than as described in the Governance section above.

VIII. OTHER ITEMS

1. No **bonds** will be issued for any PBID projects in conjunction with this PBID renewal.

19

2. The <u>PBID renewal</u> is a two-step process. First, petitions signed by PBID property owners representing at least 50% of the total assessment to be levied must be secured. Second, property owners will be sent a ballot to vote on the PBID renewal. Returned ballots in support of the PBID renewal must outweigh those in opposition based on the amount of assessment to be levied. It is noted that the same two-step process will be used for approval of supplemental assessments for those parcels specially benefitting from future street improvement projects.

IX. <u>IMPLEMENTATION TIME TABLE</u>

The renewed PBID is expected to begin operation by January 2018. In order to meet this goal, the following procedural timeline is proposed:

<u>Date</u>	Action/Task
March-Aug 2016	Develop PBID Management District Plan
Sep 2016	• Initiate petition drive
Sep '16 - June '17	Collect petitions signed by property owners
June 2017	Submit majority support petitions to Town along with
	final Management Plan
June 13, 2017	• Town Council adopts Resolution of Intention to renew the PBID
June 2017	• Town sends notice of PBID public hearing and a ballot to
	property owners within PBID
Aug 8, 2017	• Town Council conducts hearing (ballots due by this date)
Aug 8, 2017	• Providing no majority ballot protest is filed at the hearing, Council
	approves Resolution of Renewal for the PBID
Aug 2017	Assessment roll submitted to SB County Assessor
Dec 10/Apr 10 (due)	Assessments billed and collected by SB County with property taxes
1st Qtr '18	• Revenues remitted to Apple Valley Village per contract with Town
(5yrs)	• PBID Association carries out renewed PBID programs and services

APPENDIX 1

YR 1 - 2017/18 ASSESSMENT ROLL

APN	2017/18 YR 1 PBID ASSMT
0439-022-66-0000	\$13,417.00
3087-301-41-0000	\$1,395.34
3087-301-42-0000	\$84.63
3087-301-43-0000	\$601.36
3087-301-44-0000	\$387.83
3087-301-45-0000	\$10,840.02
3087-301-46-0000	\$1,518.88
3087-301-52-0000	\$1,604.69
3087-341-01-0000	\$491.52
3087-341-02-0000	\$377.50
3087-341-03-0000	\$1,392.78
3087-341-04-0000	\$825.32
3087-341-05-0000	\$389.59
3087-341-06-0000	\$8.13
3087-341-07-0000	\$16.25
3087-341-08-0000	\$0.00
3087-341-09-0000	\$159.61
3087-341-10-0000	\$933.29
3087-341-11-0000	\$529.25
3087-341-12-0000	\$478.46
3087-341-13-0000	\$302.59
3087-341-16-0000	\$2.86
3087-341-17-0000	\$26.00
3087-341-19-0000	\$508.83
3087-341-20-0000	\$895.13
3087-341-21-0000	\$571.43
3087-341-22-0000	\$600.55
3087-341-23-0000	\$202.19
3087-341-24-0000	\$287.61
3087-341-25-0000	\$1,001.64
3087-341-30-0000	\$1,727.43
3087-341-31-0000	\$1,451.45
3087-341-32-0000	\$529.76
3087-341-39-0000	\$526.76
3087-341-40-0000	\$208.47
3087-341-41-0000	\$571.73
3087-341-43-0000	\$1,743.03
3087-342-01-0000	\$603.98
3087-342-02-0000	\$550.25
3087-342-03-0000	\$526.66
3087-342-06-0000	\$668.96
3087-342-07-0000	\$916.30
3087-342-08-0000	\$1,099.57
3087-342-11-0000	\$3,278.64
3087-342-12-0000	\$136.42
3087-342-13-0000	\$7.80

3087-342-14-0000	\$42.90
3087-342-15-0000	\$18.85
3087-342-16-0000	\$2.60
3087-342-17-0000	\$42.90
3087-342-18-0000	\$54.51
3087-342-19-0000	\$57.12
3087-342-20-0000	\$16.32
3087-342-21-0000	\$685.20
3087-342-22-0000	\$406.47
3087-342-23-0000	\$4.94
3087-342-24-0000	\$413.44
3087-342-25-0000	\$1,160.59
3087-342-26-0000	\$398.83
3087-342-27-0000	\$875.04
3087-342-28-0000	\$605.42
3087-342-29-0000	\$704.70
3087-342-30-0000	\$347.10
3087-342-31-0000	\$277.78
3087-342-32-0000	\$276.17
3087-342-33-0000	\$466.85
3087-342-34-0000	\$9,823.69
3087-342-35-0000	\$345.95
3087-342-36-0000	\$363.71
3087-342-37-0000	\$929.12
3087-342-38-0000	\$4,059.95
3087-342-39-0000	\$729.43
3087-342-40-0000	\$855.58
3087-342-41-0000	\$275.64
3087-342-42-0000	\$1,019.46
3087-342-43-0000	\$1,759.86
3087-342-44-0000	\$506.41
3087-342-45-0000	\$634.59
3087-342-46-0000	\$646.50
3087-342-47-0000	\$1,169.03
3087-351-01-0000	\$365.60
3087-351-02-0000	\$118.01
3087-351-03-0000	\$241.98
3087-351-04-0000	\$241.98
3087-351-05-0000	\$488.48
3087-351-07-0000	\$484.52
3087-351-11-0000	\$483.38
3087-351-13-0000	\$141.00
3087-351-15-0000	\$171.19
3087-351-16-0000	\$171.19
3087-351-30-0000	\$483.03
3087-351-31-0000	\$783.00
3087-351-32-0000	\$105.00
3087-351-33-0000	\$585.00
	1 2230.00

3087-351-34-0000	\$595.50
3087-351-35-0000	\$115.50
3087-351-36-0000	\$115.50
3087-351-37-0000	\$144.11
3087-351-38-0000	\$105.00
3087-351-39-0000	\$105.00
3087-351-40-0000	\$114.07
3087-351-41-0000	\$114.07
3087-351-42-0000	\$402.07
3087-351-43-0000	\$690.07
3087-351-44-0000	\$690.07
3087-351-45-0000	\$741.33
3087-351-46-0000	\$581.30
3087-351-47-0000	\$388.15
3087-351-48-0000	\$101.84
3087-351-49-0000	\$101.84
3087-351-50-0000	\$291.99
3087-351-52-0000	\$770.52
3087-381-02-0000	\$740.06
3087-381-03-0000	\$419.73
3087-381-04-0000	\$1,712.97
3087-381-06-0000	\$495.38
3087-381-07-0000	\$136.50
3087-381-08-0000	\$78.25
3087-381-09-0000	\$78.25
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3087-381-12-0000	\$385.28
3087-381-15-0000	\$747.28
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3087-381-17-0000	\$408.15
3087-381-18-0000	\$427.65
3087-381-19-0000	\$587.90
3087-381-20-0000	\$35.09
3087-381-21-0000	\$564.96
3087-381-22-0000	\$274.10
3087-381-23-0000	\$364.47
3087-381-25-0000	\$239.72
3087-382-01-0000	\$1,178.66
3087-382-02-0000	\$1,972.77
3087-382-03-0000	\$553.89
3087-382-04-0000	\$700.01
3087-382-05-0000	\$995.12
3087-382-06-0000	\$143.75
3087-382-07-0000	\$143.75
3087-382-08-0000	\$2.516.67
3087-382-09-0000	\$515.05
3087-382-10-0000	\$815.73

22

3087-382-11-0000	\$142.65
3087-382-11-0000	\$772.03
3087-382-12-0000	\$161.25
3087-382-14-0000	\$573.19
3087-382-15-0000	\$1,287.14
3087-382-16-0000	\$158.81
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3087-382-18-0000	\$158.92
3087-382-19-0000	\$455.96
3087-382-19-0000	\$101.72
3087-382-21-0000	\$101.72
3087-382-22-0000	\$101.72
3087-382-23-0000	\$101.72
3087-382-24-0000	\$101.72
3087-382-25-0000	\$101.72
3087-382-26-0000	\$101.72
3087-382-27-0000	\$101.72
3087-382-28-0000	\$925.52
3087-382-29-0000	\$302.74
3087-382-30-0000	\$101.85
3087-382-31-0000	\$575.61
3087-382-32-0000	\$575.61
3087-382-33-0000	\$553.39
3087-382-34-0000	\$101.85
3087-382-35-0000	\$101.85
3087-382-36-0000	\$101.85
3087-382-37-0000	\$161.85
3087-382-38-0000	\$105.00
3087-391-01-0000	\$2,164.52
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3087-391-04-0000	\$1,229.72
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3087-391-06-0000	\$276.25
3087-391-09-0000	\$376.50
3087-391-10-0000	\$753.00
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3087-391-12-0000	\$303.00
3087-391-13-0000	\$349.80
3087-391-14-0000	\$105.00
3087-391-15-0000	\$105.00
3087-391-16-0000	\$585.00
3087-391-17-0000	\$303.00
3087-391-18-0000	\$364.82
3087-391-19-0000	\$364.89
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3087-391-21-0000	\$739.74
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3087-391-24-0000	\$115.50
3087-391-25-0000	\$115.50
3087-391-26-0000	\$115.50
3087-391-27-0000	\$115.50
3087-391-28-0000	\$115.50
3087-391-29-0000	\$230.88

3087-391-30-0000	\$2,595.34
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3087-392-08-0000	\$303.00
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3087-392-16-0000	\$115.50
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3087-392-21-0000	\$102.01
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3087-392-23-0000	\$115.50
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3087-392-25-0000	\$115.50
3087-392-26-0000	\$115.50
3087-392-27-0000	\$576.68
3087-392-28-0000	\$899.10
3087-392-29-0000	\$634.20
3087-392-30-0000	\$115.50
3087-392-31-0000	\$115.50
3087-392-32-0000	\$115.50
3087-392-33-0000	\$115.50
3087-392-34-0000	\$115.50
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3087-811-03-0000	\$59.82
3087-811-04-0000	\$59.82
3087-811-05-0000	\$69.96
3087-811-06-0000	\$69.96
3087-811-07-0000	\$69.96
3087-811-08-0000	\$94.79
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3087-811-11-0000	\$94.79
3087-811-11-0000	\$94.79
3087-811-13-0000	\$94.79
3087-811-14-0000	\$94.79
3087-811-15-0000	\$94.79
3087-811-16-0000	\$94.79
3087-811-17-0000	\$94.79
3087-811-18-0000	\$94.79
3087-811-19-0000	\$94.79
3087-811-20-0000	\$94.79
3087-811-21-0000	\$94.79
3112-561-13-0000	\$912.34
3112-561-25-0000	\$383.72
3112-561-26-0000	\$2,421.77
	Ψ∠,Τ∠1.//

3112-563-11-0000	\$3,066.31
3112-563-12-0000	\$185.63
3112-563-13-0000	\$185.63
3112-563-14-0000	\$584.75
3112-563-15-0000	\$569.63
3112-563-16-0000	\$633.19
3112-563-17-0000	\$423.59
3112-563-18-0000	\$185.63
3112-563-19-0000	\$521.63
3112-563-20-0000	\$185.63
3112-563-21-0000	\$853.07
3112-563-22-0000	\$821.63
3112-563-23-0000	\$605.63
3112-563-24-0000	\$321.98
3112-651-23-0000	\$3,300.30
3112-651-24-0000	\$3,884.17
3112-651-25-0000	\$313.06
3112-651-26-0000	\$493.50
3112-651-27-0000	\$143.75
3112-651-28-0000	\$540.01
3112-653-01-0000	\$623.00
3112-653-02-0000	\$509.63
3112-653-03-0000	\$713.63
3112-653-04-0000	\$366.83
3112-653-05-0000	\$473.15
3112-653-06-0000	\$421.07
3112-653-07-0000	\$500.99
3112-653-08-0000	\$425.63
3112-653-09-0000	\$701.39
3112-653-10-0000	\$605.63
3112-653-11-0000	\$185.63
3112-653-12-0000	\$1,987.65
3112-721-01-0000	\$1,289.31
3112-721-02-0000	\$335.55
3112-721-03-0000	\$105.00
3112-721-04-0000	\$105.00
3112-721-05-0000	\$344.87
3112-721-06-0000	\$105.00
3112-721-07-0000	\$736.33
3112-721-08-0000	\$825.00
3112-721-09-0000	\$105.00
3112-721-10-0000	\$436.50
3112-721-11-0000	\$105.00
3112-721-12-0000	\$105.00
3112-721-13-0000	\$736.33
3112-731-01-0000	\$595.36
3112-731-02-0000	\$115.36
3112-731-03-0000	\$115.36
3112-731-04-0000	\$585.00
3112-731-05-0000	\$585.00
3112-731-06-0000	\$136.50
3112-731-07-0000	\$2,723.47
3112-731-08-0000	\$895.93
3112-731-12-0000	\$370.84
3112-731-13-0000	\$370.84

 3112-731-15-0000
 \$402.76

 3112-731-16-0000
 \$122.14

 3112-731-17-0000
 \$163.43

 3112-731-18-0000
 \$2,056.62

3112-731-19-0000	\$594.15
3112-731-21-0000	\$983.32
3112-731-22-0000	\$1,324.13
3112-731-23-0000	\$5,010.87

3112-731-24-0000	\$1,344.10
3112-731-25-0000	\$780.73

APPENDIX 2 APPLE VALLEY VILLAGE PBID MAP

