

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

331



FROM: TLMA-Transportation Department

SUBMITTAL DATE:
February 25, 2004

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 16.

RECOMMENDED MOTION: That the Board adopt the following Resolution No. 2004-111, a Resolution of the County of Riverside rescinding Resolution No. 2004-17 and declaring its intent to order the annexation of Street Lighting Zone 16 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 for the maintenance and servicing of street lights; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 16, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

George A. Johnson
George A. Johnson
Director of Transportation

FORM APPROVED
COUNTY COUNSEL

FEB 25 2004

FINANCIAL DATA	Current F.Y. Total Cost:	N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	N/A	Budget Adjustment:
	Annual Net County Cost:	N/A	For Fiscal Year:

SOURCE OF FUNDS: Landscaping and Lighting Maintenance District No. 89-1-Consolidated	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature
Janet L. Taylor

Dep't Recomm.: Consent
Per Exec. Ofc.: Consent
Policy Policy

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RECEIVED RIVERSIDE COUNTY

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 16.

February 25, 2004

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BACKGROUND: The Board initiated the annexation of Street Lighting Zone 16 into Landscaping and Lighting Maintenance District No. 89-1-C ("L&LM Dist. No. 89-1-C") by the adoption of Resolution Nos. 2004-16 and 2004-17 on January 13, 2004. Resolution No. 2004-17 set the date for the public hearing and mailed ballot election for March 2, 2004. The California Legislature has enacted AB No. 1521 (Chapter 824, Statutes 2003) that amended Section 1500 of the California Elections Code to provide that all mailed ballot elections held pursuant to Article XIID must be held on one of the following dates: (a) the first Tuesday after the first Monday in May of each year; (b) the first Tuesday after the first Monday in June of each even-numbered year; and (c) the last Tuesday in August of each year; consequently Resolution No. 2004-17 must be rescinded and the date for the public hearing and mailed ballot election must be set for May 4, 2004.

Street Lighting Zone 16 will fund providing electricity for street lights within public rights-of-way located northeasterly and southwesterly of Temescal Canyon Road and northwesterly and southeasterly of Stellar Court in the El Cerrito area and includes 16 commercial lots totaling 80.53 acres. The proposed budget for fiscal year 2004-05 for Street Lighting Zone 16 is \$1,103.93 and will result in an assessment for fiscal year 2004-05 of \$13.70 per acre. The annual assessment will be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U for "electricity", if any, as it stands as of March of each year over the base index for March of 2004.

Each property owner within proposed Street Lighting Zone 16 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution 2004-111 and an information sheet.

Ballots must be returned prior to the conclusion of the public hearing. If, at the time designated for the tabulation of the ballots, the weighted ballots submitted in favor of the annexation and levy of the assessment exceed the weighted ballots submitted in opposition of said annexation and levy, Street Lighting Zone 16 will be annexed into L&LM Dist. No. 89-1-C.

2
3 **RESOLUTION NO. 2004-111**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE**
5 **RESCINDING RESOLUTION NO. 2004-017 AND DECLARING ITS INTENT TO ORDER THE**
6 **ANNEXATION OF STREET LIGHTING ZONE 16 TO LANDSCAPING AND LIGHTING**
7 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**
8 **PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE**
9 **MAINTENANCE AND SERVICING OF STREET LIGHTS; GIVING NOTICE OF AND SETTING**
10 **THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF STREET**
11 **LIGHTING ZONE 16; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE**
12 **OF THE PUBLIC HEARING AND BALLOT BE MAILED PURSUANT TO ARTICLE XIID OF**
13 **THE CALIFORNIA CONSTITUTION**

14 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the
15 County of Riverside (hereinafter the "County") has adopted Resolution No. 2004-016 on
16 January 13, 2004 initiating proceedings for the annexation of Street Lighting Street Lighting
17 Zone 16 (hereinafter "Street Lighting Zone 16") as shown and described in Exhibit A, which is
18 attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No.
19 89-1-Consolidated of the County of Riverside, State of California (hereinafter "L&LMD 89-1-C")
20 pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2
21 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code
22 (hereinafter the "Streets and Highways Code"), and ordering the preparation of a report
23 (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 16 and the
24 assessments to be levied within Street Lighting Zone 16 each fiscal year beginning fiscal year
25 2004-05 for providing electricity for street lights within the public right-of-way within said Zone;
26 and

27 **WHEREAS**, the voters of California on November 5, 1996, approved Proposition No. 218
28 which added Article XIID to the California Constitution (hereinafter "Article XIID"); and

WHEREAS, the Board of Supervisors by Resolution No. 2004-16 directed the Director of
the Transportation Department, or his designee (hereinafter the "Engineer") to prepare and file
the Report with the Clerk of the Board of Supervisors in accordance with Sections 22608 and
22585 et. seq. of the Streets and Highways Code and Section 4 of Article XIID; and

WHEREAS, said Engineer has filed the Report with the Clerk of the Board of Supervisors
and the Report has been presented to and considered by the Board of Supervisors; and

1 **WHEREAS**, the Board of Supervisors on January 13, 2004, also adopted Resolution No.
2 2004-17 declaring its intent to annex Street Lighting Zone 16 to L&LMD 89-1-C and calling a
3 mailed ballot election and public hearing for March 2, 2004; and

4 **WHEREAS**, the California Legislature has enacted AB No. 1521 (Chapter 824, Statutes
5 2003) that amended Section 1500 of the California Elections Code to provide that all mailed
6 ballot elections held pursuant to Article XIID must be held on one of the following dates: (a) the
7 first Tuesday after the first Monday in May of each year; (b) the first Tuesday after the first
8 Monday in June of each even-numbered year; and (c) the last Tuesday in August of each year;
9 and

10 **WHEREAS**, the mailed ballot election date of March 2, 2004 specified in Resolution No.
11 2004-17 must be changed to May 4, 2004 to comply with Section 1500 of the California
12 Elections Code; and,

13 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
14 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice,
15 pursuant to Section 22626 of the Streets and Highways Code, of the time and place of a public
16 hearing on said Report, the annexation of Street Lighting Zone 16, and the assessments to be
17 levied on parcels within Street Lighting Zone 16 beginning in fiscal year 2004-05;

18 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by
19 the Board of Supervisors in regular session assembled on March 2nd, 2004 as follows:

20 **Section 1. Rescission.** Resolution No. 2004-13 adopted on January 13, 2004 is
21 hereby rescinded.

22 **Section 2. Findings.** The Board of Supervisors, after reviewing the Report, finds that:
23 (a) The foregoing recitals are true and correct;
24 (b) The Report regarding the annexation of Street Lighting Zone 16 to L&LMD
25 No. 89-1-C contains all matters required by Section 22565 through 22574 of the Streets and
26 Highways Code and Section 4 of Article XIID and may, therefore, be approved by the Board of
27 Supervisors;

28 (c) The assessment for fiscal year 2004-05 on all parcels within Street Lighting
Zone 16 proposed to be annexed into L&LMD No. 89-1-C will be \$13.70 per acre.

1 **Section 3. Intent.** The Board of Supervisors hereby declares its intention to order th
2 annexation of Street Lighting Zone 16, as described in Exhibit A, to L&LMD No. 89-1-C, and t
3 levy and collect annual assessment on assessable lots and parcels of property within Stree
4 Lighting Zone 16 commencing with the fiscal year 2004-05 as set forth in the Report. Th
5 Report expressly states that there are no parcels or lots within Street Lighting Zone 16 that ar
6 owned by a federal, state or other local governmental agency that will benefit from the service
7 to be financed by the annual assessments. The assessments will be collected at the same tim
8 and in the same manner as property taxes are collected, and all laws providing for the collectio
9 and enforcement of property taxes shall apply to the collection and enforcement of th
10 assessments.

11 **Section 4. Boundaries.** All property within the boundaries of Street Lighting Zone 1
12 is proposed to be annexed to L&LMD 89-1-C and shall include that property in th
13 unincorporated territory of the County as shown and described in Exhibit A.

14 **Section 5. Description of Services and Improvements to be Provided.** Th
15 services authorized for Street Lighting Zone 16 of L&LMD No. 89-1-C are the provision o
16 electricity to all street lights within the public right-of-way, including incidental costs an
17 expenses.

18 **Section 6. Amount to be Levied.** The assessment to be levied upon each parcel tha
19 benefits from the annexation in Street Lighting Zone 16 to L&LMD No. 89-1-C will be \$13/70 pe
20 acre for fiscal year 2004-05. As stated in the Report, the total budget for Street Lighting Zon
21 16 for fiscal year 2004-05 is \$1,103.93; there are 16 parcels that are to be assessed whic
22 aggregate to 80.53 acres. The annual assessment will be increased by the greater of tw
23 percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for a
24 Urban Consumers ("CPI-U") for "electricity" for the Los Angeles-Riverside-Orange Count
25 California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labo
26 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be base
27 on the cumulative increase, if any, in the Index as it stands on March of each year over the bas
28 Index for March of 2004. Any increase larger than the greater of 2% or the CPI-U annua
adjustments requires a majority approval of all the property owners within Street Lighting Zon

1 16. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the
2 Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 16 of
3 L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 5 of this
4 Resolution. For further particulars, reference is to be made to the Report on file in the Office of
5 the Clerk of the Board of Supervisors.

6 **Section 7. The Property to be Annexed.** The property to be annexed to L&LMD No.
7 89-1-C is Street Lighting Zone 16. The boundaries of Street Lighting Zone 16 are located within
8 the unincorporated area of the County and are described and shown in the Report and Exhibit
9 A.

10 **Section 8. Report.** The Report, which is on file with the Clerk of the Board of
11 Supervisors and which has been presented to the Board of Supervisors, is hereby approved.
12 Reference is made to the Report for a full and detailed description of the services, the
13 boundaries of Street Lighting Zone 16, and the annual assessments to be levied upon
14 assessable lots and parcels within Street Lighting Zone 16 proposed to be annexed into L&LMD
15 No. 89-1-C.

16 **Section 9. Public Hearing.** The question of whether Street Lighting Zone 16 shall be
17 annexed to L&LMD 89-1-C and an annual assessment levied beginning fiscal year 2004-05
18 shall be considered at a public hearing (the "Public Hearing") to be held on May 4, 2004, at 9:30
19 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st
20 Floor, Riverside, California.

21 **Section 10. Majority Protest.** Each owner of record of property within Street Lighting
22 Zone 16 is to receive by mail a ballot that shall conform to the requirements of Section 4 of
23 Article XIID and Section 4000 of the California Elections Code. The ballots are to be returned
24 prior to the Public Hearing. L&LMD 89-1-C shall not impose assessments on property within the
25 boundaries of Street Lighting Zone 16 if there is a majority protest with regard to the annexation
26 of Street Lighting Zone 16. A majority protest exists if, upon the conclusion of the Public
27 Hearing, the tabulation of the weighted ballots submitted in opposition to the annexation and
28 assessment of Street Lighting Zone 16 exceeds the weighted ballots in favor of the annexation
and assessment of Street Lighting Zone 16.

1 **Section 11. Information.** Any property owner desiring additional information regarding
2 Street Lighting Zone 16 of L&LMD No. 89-1-C, the Report, or the proposed assessment shall
3 contact Ms. Judy A. Watterlond, Principal Engineering Technician, Transportation Department of
4 the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California 92501 or by
5 telephone at (909) 955-6829

6 **Section 12. Notice of Public Hearing.** Notice of Public Hearing with regard to the
7 annexation of Street Lighting Zone 16 to L&LMD No. 89-1-C shall be given consistent with
8 Section 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of
9 the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of
10 this Resolution to be published once in *The Press Enterprise* at least ten (10) days prior to the
11 date of the Public Hearing that is May 4, 2004. Publication of this Resolution is to be effected by
12 the Clerk of the Board of Supervisors of the County. Notice shall also be given by mailing, first-
13 class, postage prepaid, the notice, as prepared by County Counsel, ballot and information
14 sheets as required by Section 4 of Article XIID and Section 4000 of the California Elections
15 Code to all owners of record of property within Street Lighting Zone 16 as shown on the last
16 equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited
17 with the U.S. Post Office at least forty-five (45) days prior to the Public Hearing on May 4, 2004.

18 **Section 13. Effective Date.** This Resolution shall take effect from and after its date of
19 adoption.
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EXHIBIT "A"

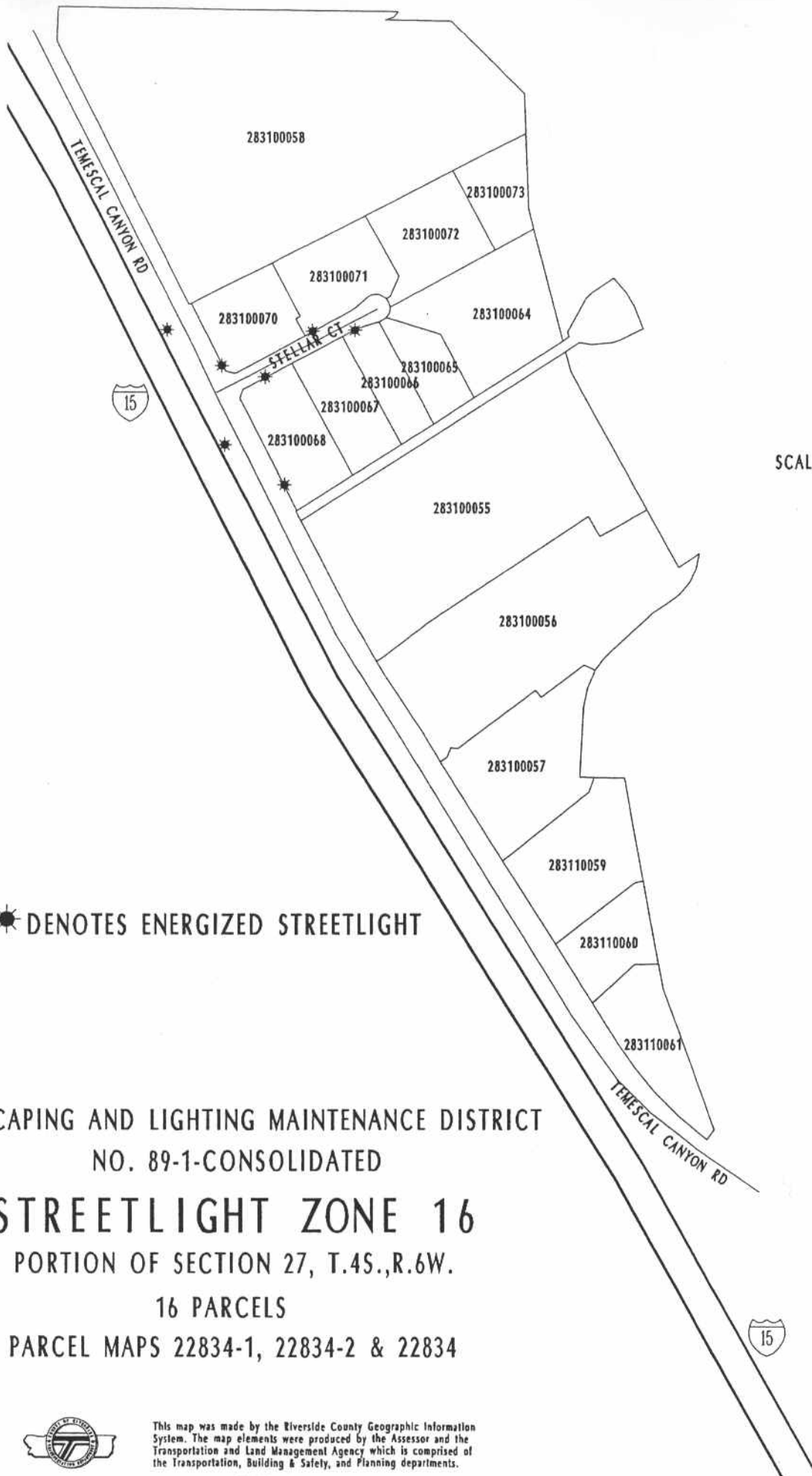
DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 16 proposed to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Parcels of Parcel Map No. 28834-2, in the County of Riverside, State of California as shown on Map recorded in Map Book 198, Pages 97-101, inclusive, all Records of the Recorder, Riverside County, California.

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 16 proposed to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of Parcels of Parcel Map No. 28834-2, in the County of Riverside, State of California as shown on Map recorded in Map Book 198, Pages 97-101, inclusive, all Records of the Recorder, Riverside County, California.



☼ DENOTES ENERGIZED STREETLIGHT

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED

STREETLIGHT ZONE 16

PORTION OF SECTION 27, T.4S., R.6W.

16 PARCELS

PARCEL MAPS 22834-1, 22834-2 & 22834



This map was made by the Riverside County Geographic Information System. The map elements were produced by the Assessor and the Transportation and Land Management Agency which is comprised of the Transportation, Building & Safety, and Planning departments.

NOVEMBER 24 2002