

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

541



FROM: Economic Development Agency

SUBMITTAL DATE:
June 26, 2006

SUBJECT: Formation of Wildomar Landscape Maintenance District (LMD) 2006-1

RECOMMENDED MOTION: That the Board of Supervisors adopt the following Resolutions:

1. Resolution No. 2006-261, a Resolution of the County of Riverside initiating proceedings for the formation of Wildomar LMD 2006-1 and ordering preparation of the Engineer's Report regarding the formation of Wildomar LMD 2006-1; and
2. Resolution No. 2006-262, a Resolution of the County of Riverside declaring its intent to form Wildomar LMD 2006-1 for landscape maintenance of four county-owned public parks in the County of Riverside pursuant to the Landscaping and Lighting Act of 1972; giving notice of and setting the time and place of the public hearing on the formation of the Wildomar LMD 2006-1; ordering an assessment ballot proceeding; and directing notice of the public hearing and assessment ballot be mailed pursuant to Article XIID of the California Constitution and Section 4000 of the Elections Code.

BACKGROUND: Resolution No. 2006-261 designates Albert A. Webb Associates as the engineer that will prepare the report regarding the formation of Wildomar LMD 2006-1 for the Economic Development Agency.

Departmental Concurrence

RZ: JC:DL:SH:BB:MF
S:\Shared\CSA\Wildomar LMD\Frm 11 - LMD Formation.doc

Robin Zimpfer
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2006-2007

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature

James J. Bryant

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: **District:** 1 **Agenda Number:**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

3.30
Form 11 (Rev 06/2003)

BACKGROUND (continued):

Resolution No. 2006-262 declares the Board's intention to form Wildomar LMD 2006-1. Formation of Wildomar LMD 2006-1 will fund the operation and maintenance costs of public parks in the Wildomar area. Maintenance and servicing of landscape improvements will be in the following parks: Marna O'Brien Park, Heritage Park, Windsong Park and a new 10-acre park.

The proposed budget of Fiscal Year 2006-2007 for Wildomar LMD 2006-1 is \$192,415 and results in an assessment for Fiscal Year 2006-2007 within Wildomar LMD 2006-1 of \$28 per parcel or equivalent dwelling unit. The stated annual assessment may be adjusted annually by the greater of 2% or the cumulative percentage increase in the CPI-U, if any, as it stands as of March of each year over the base index for March of 2006. The annual assessment increase derived from the application of the foregoing formula is referred to as the "Standard Annual Adjustment."

In addition to the Standard Annual Adjustment, beginning in the fiscal year in which the landscape maintenance improvements of the public parks are completed, the annual assessments may be further increased to reflect the full maintenance costs. For the fiscal year in which the landscape maintenance improvements of all four public parks are completed, the annual assessment may be increased to an amount of \$45, adjusted for inflation. The Standard Annual Adjustment will be applied to this increased assessment in all subsequent fiscal years following the year in which the landscape maintenance improvements of the public parks are completed. Under the formation, neither the assessment increases based on the Standard Annual Adjustment nor the further increases associated with the completion of the landscape maintenance improvements of the public parks will require any further approval of the landowners within Wildomar LMD 2006-1 boundaries.

Consistent with the Board's direction regarding compliance with Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, the attached resolutions have been prepared, and a public hearing is scheduled for 9:30 a.m. on August 29, 2006, to receive testimony for and against the proposed assessment. Each property owner within the Wildomar LMD 2006-1 will receive a notice of the public hearing and assessment ballot and an information sheet.

Ballots must be returned prior to the conclusion of the public hearing. If at a time designated for the tabulation of the ballots, the ballots submitted in favor of the annexation and levy of the assessment exceed the ballots submitted in opposition of said formation and levy, Wildomar LMD 2006-1 shall be formed and authorized to levy an assessment for services.

2 RESOLUTION NO. 2006-261

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**
5 **PROCEEDINGS FOR THE FORMATION OF WILDOMAR LMD 2006-1 FOR LANDSCAPING**
6 **MAINTENANCE SERVICES AT PUBLIC PARKS IN THE WILDOMAR AREA OF THE COUNTY OF**
7 **RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING**
8 **PREPARATION OF ENGINEER'S REPORT REGARDING SAID FORMATION**

9 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
10 Riverside (hereinafter the "County") has been advised by the Community Services Division of the
11 Riverside County Economic Development Agency (hereinafter "Department") that said Department
12 has determined it necessary to form a Landscape Maintenance District in the unincorporated area of
13 the County (hereinafter "Wildomar") as shown and described in Exhibit "A," which is attached hereto
14 and made a part hereof, which will be named Wildomar Landscaping Maintenance District No. 2006-1
15 (hereinafter "Wildomar LMD 2006-1") of the County of Riverside, State of California, and the Board of
16 Supervisors has determined that it is necessary and desirable to initiate proceedings for the formation
17 of Wildomar LMD 2006-1 pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing
18 with Section 22500) of Division 15 of Streets and Highways Code (hereinafter, respectively, the "Act"
19 and the "Street and Highways Code"); and

20 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the
21 California Constitution and Section 4000 of the Elections Code requiring voter approval of the
22 proposed assessment to be levied by Wildomar LMD 2006-1 for park maintenance; and

23 **WHEREAS**, Albert A. Webb Associates has expertise with respect to the formation of districts
24 for landscaping and lighting maintenance and the levying of assessments for said purposes and
25 therefore is able to serve as the designated engineer (hereinafter the "Engineer") for the County with
26 regard to the formation of Wildomar LMD 2006-1.

1 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
2 Board of Supervisors of the County of Riverside assembled in regular session on July 11,
3 2006 as follows:

4 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all
5 the above recitals are true and correct.

6 **Section 2. Formation.** The Board of Supervisors proposes to form Wildomar LMD
7 2006-1 and to initiate and conduct proceedings therefore pursuant to the Act for the purpose of levying
8 an annual assessment on all parcels within Wildomar, as shown on Exhibit "A," to pay the costs of the
9 following services relative to Marna O'Brien Park, Heritage Park, Windsong Park, and Wildomar Park
10 East within the proposed boundaries of Wildomar LMD 2006-1:

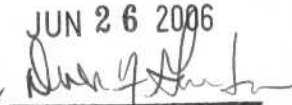
- 11 (a) The furnishing of services and materials for the ordinary and usual maintenance,
12 operation, and servicing of the landscaping appurtenances including repair, removal
13 or replacement, providing for the life and growth, health, and beauty of the
14 landscaping; and
15 (b) The removal of trimmings, rubbish, debris, and other solid waste, together with the
16 necessary incidental expenses.

17 **Section 3. Boundaries and Designation.** The boundaries of Wildomar that
18 are proposed to be formed as Wildomar LMD 2006-1 shall include all of the property as shown and
19 described in Exhibit "A."

20 **Section 4. Report.** The Board of Supervisors designates Albert A. Webb
21 Associates ("Webb") as the designated Engineer on behalf of the Department and orders Webb, the
22 designated Engineer, to prepare and file a report with the Clerk of the Board of Supervisors in
23 accordance with Section 22565 et. Seq. of the Streets and Highways Code and Section 4 of Article
24 XIIID of the California Constitution.

25 **Section 5. Effective Date.** This Resolution shall take effect from and after its
26 date of adoption.

FORM APPROVED
COUNTY COUNSEL

JUN 26 2006
BY 

Wildomar LMD 2006-1 Exhibit "A"

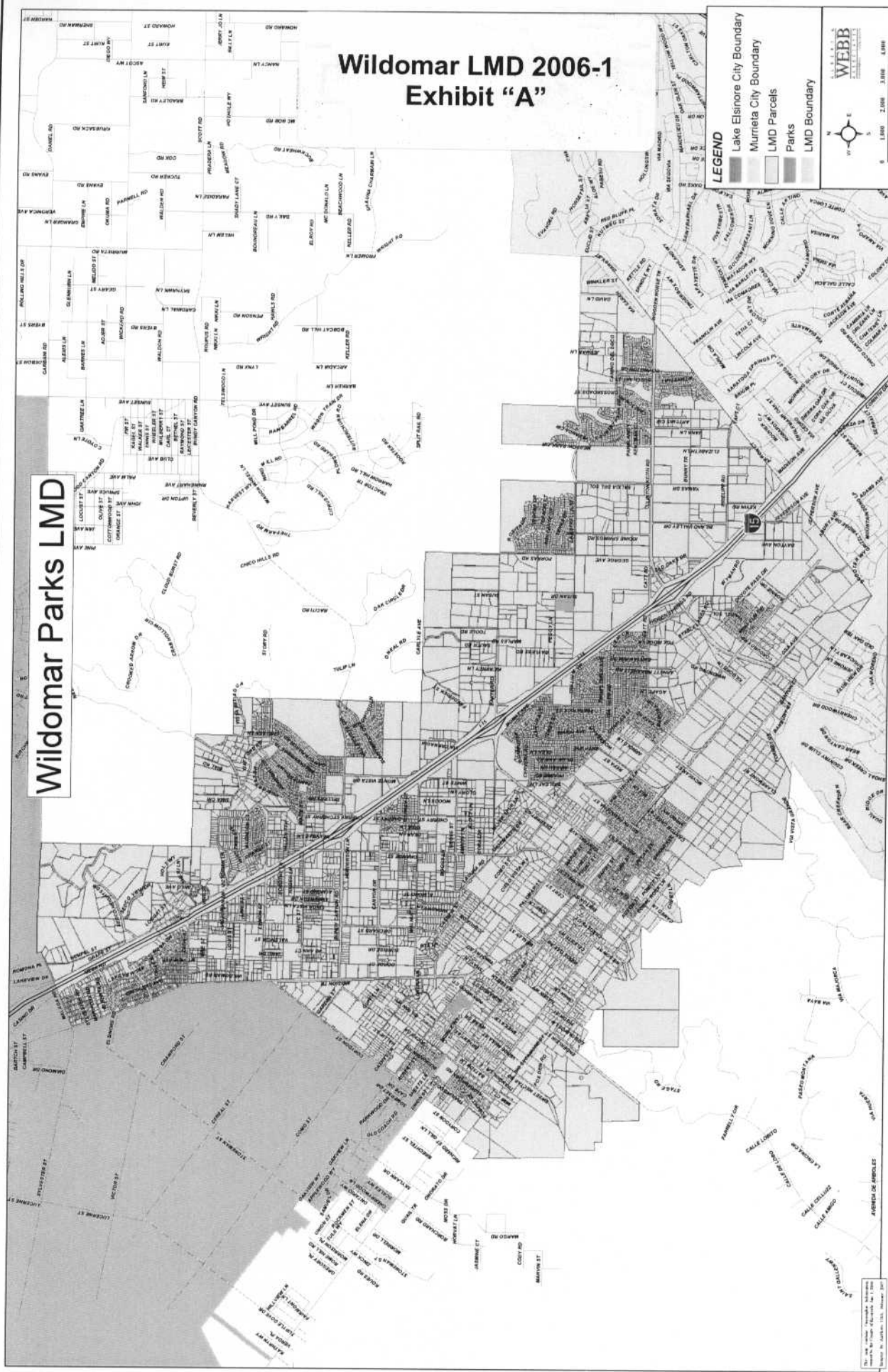
Wildomar Parks LMD

LEGEND

- Lake Elsinore City Boundary
- Murrieta City Boundary
- LMD Parcels
- Parks
- LMD Boundary

0 1000 2000 3000 4000 Feet

WEBB
ENGINEERS & ARCHITECTS



This map was prepared for the City of Wildomar, California, by Webb Engineers & Architects, Inc. on 10/11/06. The City of Wildomar is the owner of this map. All other rights reserved.

2 RESOLUTION NO. 2006-262

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE FORMATION OF WILDOMAR LMD 2006-1 FOR LANDSCAPING
5 MAINTENANCE SERVICES AT FOUR COUNTY-OWNED PUBLIC PARKS WITHIN THE
6 WILDOMAR AREA OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND
7 LIGHTING ACT OF 1972 FOR THE MAINTENANCE AND SERVICING OF LANDSCAPING; GIVING
8 NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 FORMATION OF WILDOMAR LMD 2006-1; ORDERING AN ASSESSMENT PROCEEDING; AND
10 DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE
11 MAILED PURSUANT TO ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION
12 4000 OF THE ELECTIONS CODE

13 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
14 Riverside (hereinafter the County) has adopted Resolution No. 2006-261 on July 11, 2006 initiating
15 proceedings for the formation of Wildomar LMD 2006-1 (hereinafter "Wildomar LMD 2006-1"), as
16 described and shown in Exhibit "A", which is attached hereto and incorporated herein, in order to
17 furnish services and materials for the ordinary and usual maintenance, operation and servicing of
18 landscaping for four county-owned, public parks within the unincorporated Wildomar area of the County
19 of Riverside, State of California, (hereinafter "Wildomar") pursuant to the Landscaping and Lighting Act
20 of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the
21 Streets and Highways Code (hereinafter the "Streets and Highways Code"), and ordering the
22 preparation of a report (hereinafter the "Report") regarding the proposed formation of Wildomar LMD
23 2006-1 and the assessments to be levied within the boundaries of Wildomar LMD 2006-1 each fiscal
24 year beginning fiscal year 2006-07 for the maintenance of landscaping within Marna O'Brien Park,
25 Heritage Park, Windsong Park, and Wildomar Park East all within Wildomar LMD 2006-1; and

26 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the
California Constitution (hereinafter "Article XIID:") the Act and Section 4000 of the Elections Code
requiring voter approval of the proposed assessment to be levied by Wildomar LMD 2006-1 for park
maintenance; and

WHEREAS, the Board of Supervisors by Resolution No. 2006-261 designated Albert A. Webb

1 Associates as the designated engineer on behalf of the Department (hereinafter the "Engineer"), to
2 prepare and file the Report with the Clerk of the Board of Supervisors in accordance with Section
3 22565 et. Seq. of the Street and Highways Code and Section 4 of Article XIID; and

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

6 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
7 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
8 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
9 Report, the formation of Wildomar LMD 2006-1, and the assessments to be levied on parcels within
10 Wildomar LMD 2006-1 beginning in fiscal year 2006-07;

11 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
12 Board of Supervisors in regular session assembled on July 11, 2006 as follows:

13 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

14 (a) The foregoing recitals are true and correct;

15 (b) The Report contains all matters required by Sections 22565 through 22574 of the
16 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the
17 Board of Supervisors;

18 (c) The annual assessment for fiscal year 2006-07 on all parcels within Wildomar
19 proposed to be formed as Wildomar LMD 2006-1 will be \$28.00 per parcel or EDU;

20 (d) Beginning in the fiscal year in which the landscape maintenance improvements
21 for all four public parks are completed, the annual assessment and all subsequent annual assessments
22 will be increased accordingly. The annual assessment may be increased to an amount not to exceed
23 \$45.00 per parcel or EDU, adjusted for inflation, in the fiscal year in which the landscape maintenance
24 improvements for the public parks are completed as detailed in the Report. Subsequent annual
25 assessments may be increased, without regard to the \$45.00 per parcel or EDU ceiling, in accordance
26 with the standard annual adjustment formula outlined in Section 5 of this Resolution.

1 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
2 formation of Wildomar LMD 2006-1, as described and shown in Exhibit "A", and to levy and collect an
3 annual assessment on all assessable lots and parcels of property within Wildomar commencing with
4 the fiscal year 2006-07 as set forth in the Report. The Report expressly states that there are no parcels
5 or lots within Wildomar LMD 2006-1 that are owned by a federal, state or other local governmental
6 agency that will benefit from the services to be financed by the annual assessments. The annual
7 assessments will be collected at the same time and in the same manner as property taxes are
8 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
9 collection and enforcement of said assessments.

10 **Section 3. Boundaries.** All the property within boundaries of Wildomar LMD 2006-1 is
11 proposed to be included within and formed as Wildomar LMD 2006-1 and shall include that property in
12 the unincorporated area of the County as described and shown in Exhibit "A".

13 **Section 4. Description of Services to be Provided.** The landscape maintenance service
14 and improvements authorized for Wildomar LMD 2006-1 are in respect of Marna O'Brien Park, Heritage
15 Park, Windsong Park, and Wildomar Park East, all within the boundaries of Wildomar LMD 2006-1 and
16 include:

17 (a) The furnishing of services and materials for the ordinary and usual maintenance,
18 operation, and servicing of the landscaping appurtenances including repair, removal or replacement,
19 providing for the life and growth, health, and beauty of the landscaping; and

20 (b) The removal of trimmings, rubbish, debris, and other solid waste, together with the
21 necessary incidental expenses.

22 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel or EDU
23 that benefits from the formation of Wildomar LMD 2006-1 will be \$28.00 per parcel or EDU for fiscal
24 year 2006-07. As stated in the Report, the total budget for Wildomar LMD 2006-1 for fiscal year 2006-
25 07 is \$192,415.00; there are 6,858 EDUs that are to be assessed. The stated annual assessment
26 amount may be adjusted annually by the greater of two percent (2.0%) or the cumulative percentage

1 | increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-
2 | Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the
3 | Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U adjustment will
4 | be based on the cumulative increase, if any, in the Index as it stands on March of each year over the
5 | base Index for March of 2006. The annual assessment increase derived from the application of the
6 | foregoing formula is referred to as the "Standard Annual Adjustment." In addition to the Standard
7 | Annual Adjustment, beginning in the fiscal year in which the landscape maintenance improvements for
8 | all four public parks are completed, the annual assessments may be further increased to an amount not
9 | to exceed \$45.00 per parcel or EDU, adjusted for inflation. The Standard Annual Adjustment will be
10 | applied to this increased assessment in all subsequent fiscal years following the year in which the
11 | landscape maintenance improvements for all four public parks are completed without regard to the
12 | \$45.00 per parcel or EDU, inflation adjusted, assessment ceiling required during the fiscal year the
13 | landscape maintenance improvements for all four public parks were first completed. Except for
14 | assessment increases associated with the completion of the landscape maintenance improvements for
15 | all four public parks, and assessment increases resulting from the application of the Standard Annual
16 | Adjustment, any other increase in the annual assessment requires a majority approval of all the
17 | property owners within Wildomar LMD 2006-1. The Board of Supervisors will levy the assessment in
18 | each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution
19 | of Wildomar LMD 2006-1. The annual assessment will fund the services described in Section 4 of this
20 | Resolution. For further particulars, reference is to be made to the Report on file in the Office of the
21 | Clerk of the Board of Supervisors.

22 | **Section 6. The Property to be Formed.** The property to be formed as Wildomar LMD
23 | 2006-1 is all of the parcels within the boundaries of Wildomar LMD 2006-1. All such parcels are
24 | located within the unincorporated area of the County. The boundaries of Wildomar LMD 2006-1 and
25 | the parcels included within Wildomar LMD 2006-1 are described and shown in the Report and Exhibit
26 | "A".

1 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
2 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
3 the Report for a full and detailed description of the services, the boundaries of Wildomar LMD 2006-1,
4 and the annual assessment to be levied upon assessable lots and parcels within Wildomar LMD 2006-
5 1.

6 **Section 8. Public Hearing.** The question of whether Wildomar LMD 2006-1 shall be formed
7 and an annual assessment levied beginning with fiscal year 2006-07 shall be considered at a public
8 hearing (hereinafter the "Public Hearing") to be held on August 29, 2006 at 9:30 a.m. at the meeting
9 room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside, California.

10 **Section 9. Majority Protest.** Each owner of record of property within the boundaries of
11 the proposed Wildomar LMD 2006-1 is to receive by mail an assessment ballot that shall conform to the
12 requirements of Section 4 of Article XIID and Section 4000 of the California Elections Code. The
13 assessment ballots are to be returned prior to the close of the Public Hearing. Wildomar LMD 2006-1
14 shall not impose assessments on property within the boundaries of Wildomar LMD 2006-1 if there is a
15 majority protest with regard to the formation of Wildomar LMD 2006-1. A majority protest exists if, upon
16 the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted in opposition to
17 the formation and assessment of Wildomar LMD 2006-1 exceeds the assessment ballots in favor of the
18 formation and assessment of Wildomar LMD 2006-1.

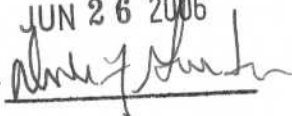
19 **Section 10. Information.** Any property owner desiring additional information regarding
20 Wildomar LMD 2006-1, the Report, or the proposed assessment is to contact Bill Brown, CSA
21 Operations Manager, Community Services Division of the Riverside County Economic Development
22 Agency, 1157 Spruce Street, Riverside, California, 92507 or by telephone at (951) 955-8916.

23 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
24 formation of Wildomar LMD 2006-1 shall be given consistent with Section 22626 of the Streets and
25 Highways Code and Sections 53753 and 54954.6 of the Government Code. The Clerk of the Board of
26 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be

1 published once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing
2 that is August 29, 2006. Publication of this Resolution is to be effected by the Clerk of the Board of
3 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
4 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
5 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
6 Wildomar LMD 2006-1 as shown on the last equalized assessment roll of the County. Mailing is to be
7 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the
8 Public Hearing on August 29, 2006.

9 **Section 12. Effective Date.** This Resolution shall take effect from and after its date of
10 adoption.






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21 FORM APPROVED
COUNTY COUNSEL


22 JUN 26 2006
23 BY 
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Wildomar LMD 2006-1 Exhibit "A"

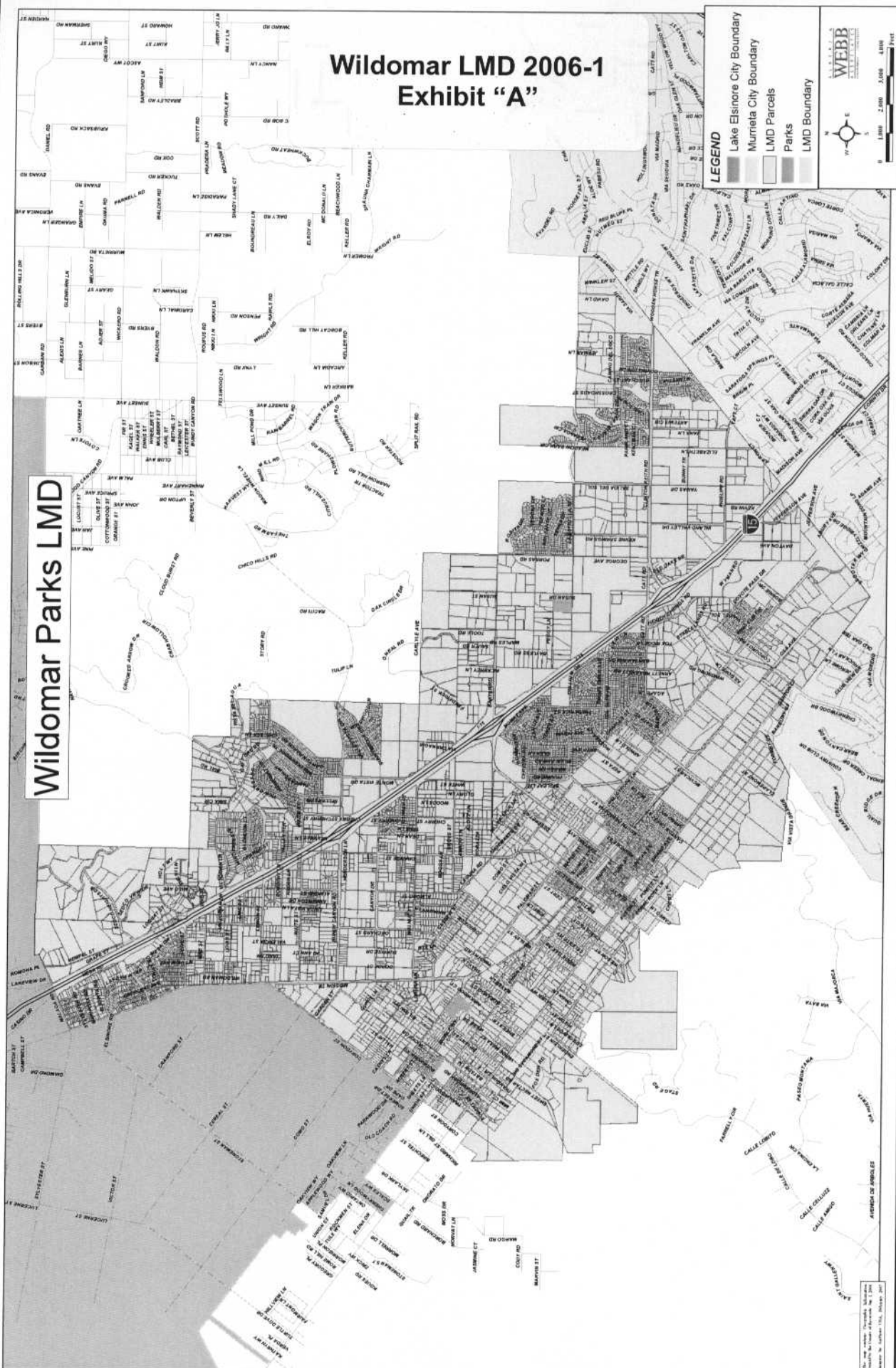
Wildomar Parks LMD

LEGEND

-  Lake Elsinore City Boundary
-  Murietta City Boundary
-  LMD Parcels
-  Parks
-  LMD Boundary



Scale: 0 1.000 2.000 3.000 4.000 Feet



Map of Wildomar, California, prepared by Webb Engineering, Inc. for the City of Wildomar, California, 2006.