

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

913A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
September 29, 2008

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated,  
Consideration of New Improvements for Street Lighting Zone 78 (Valle Vista).

**RECOMMENDED MOTION:** That the Board adopt the following Resolutions:

Resolution No. 2008-428 a Resolution of the County of Riverside initiating proceedings to consider New Improvements for Street Lighting Zone 78 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding said New Improvement.

Resolution No. 2008-429, a Resolution of the County of Riverside declaring its intent to order a New Improvement for Street Lighting Zone 78 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act

Juan C. Perez  
Director of Transportation

JAW:jp

FORM APPROVED COUNTY COUNSEL  
BY DALE A. GARDNER  
DATE 7/19/08

Departmental Concurrence

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2008-09
<b>SOURCE OF FUNDS:</b> Landscaping and Lighting Maintenance District No. 89-1-Consolidated – 100%				<b>Positions To Be Deleted Per A-30</b> <input type="checkbox"/>
				<b>Requires 4/5 Vote</b> <input type="checkbox"/>

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

APPROVE  
BY:   
Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.

District: 3

Agenda Number:

3.42

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Consideration of  
New Improvements for Street Lighting Zone 78 (Valle Vista).

September 29, 2008

Page 2 of 2

of 1972 for the maintenance and servicing of streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the New Improvement for Street Lighting Zone 78, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

**BACKGROUND:** Adoption of Resolution No. 2008-428 appoints the Director of the Transportation Department as the Engineer to prepare a Report regarding the proposed New Improvements for Street Lighting Zone 78 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2008-429 declares the Board's intention of ordering a New Improvement for Street Lighting Zone 78 of L&LMD No. 89-1-C. The New Improvements for Street Lighting Zone 78 of L&LMD No. 89-1-C are for the provision of electricity for one additional streetlight within public right-of-way located southerly of SH 74/Florida Ave in the Valle Vista area and includes 1 commercial parcel, totaling 12.19 acre(s).

The proposed additional assessment for fiscal year 2009-10 on all parcels within Street Lighting Zone 78 is \$27.06 per acre for the New Improvement of the provision of electricity for one additional streetlight. This is in addition to an existing assessment of \$79.90 that provides for the energy costs of three previously annexed streetlights and will result in a total assessment per acre of \$106.96. 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 2008.

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 scheduled for 9:30 a.m. on November 25, 2008 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 78 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2008-429, 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 ballots submitted in favor of the New Improvement and levy of the assessment exceed the ballots submitted in opposition of said New Improvement and levy, the New Improvement will be instituted for Street Lighting Zone 78 of L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Location and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election and public hearing to be held on November 25, 2008.

**RESOLUTION NO. 2008-428**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING PROCEEDINGS TO CONSIDER NEW IMPROVEMENT FOR STREET LIGHTING ZONE 78 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT REGARDING SAID NEW IMPROVEMENT**

**WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has by the adoption of Resolution No. 2008-125 on March 11, 2008, annexed Street Lighting Zone 78, as shown and described in Exhibit "A", which is attached hereto and made a part hereof, of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter, respectively, "Street Lighting Zone 78" and "L&LMD No. 89-1-C") of the County of Riverside, State of California, pursuant to the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code (hereinafter, respectively, the "Act" and the Streets and Highways Code"); and

**WHEREAS**, the Board of Supervisors has been advised by the Transportation Department (hereinafter "Department") of the County that said Department has received a request from the owner of the property within Street Lighting Zone 78 that the Board of Supervisors initiate proceedings pursuant to Section 22620 et seq. of the Streets and Highways Code to allow for a new improvement to be provided by Street Lighting Zone 78; and

**WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed new improvement and the resulting increase in the assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 78; and

**WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on November 25, 2008; and



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 78 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 551-220-069 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2009-10.

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

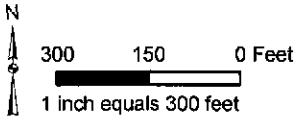
**STREET LIGHTING ZONE 78**

PORTION OF SECTION 7, T.5S., R.1E.

PLOT PLAN NO. 18786 - 1 PARCEL

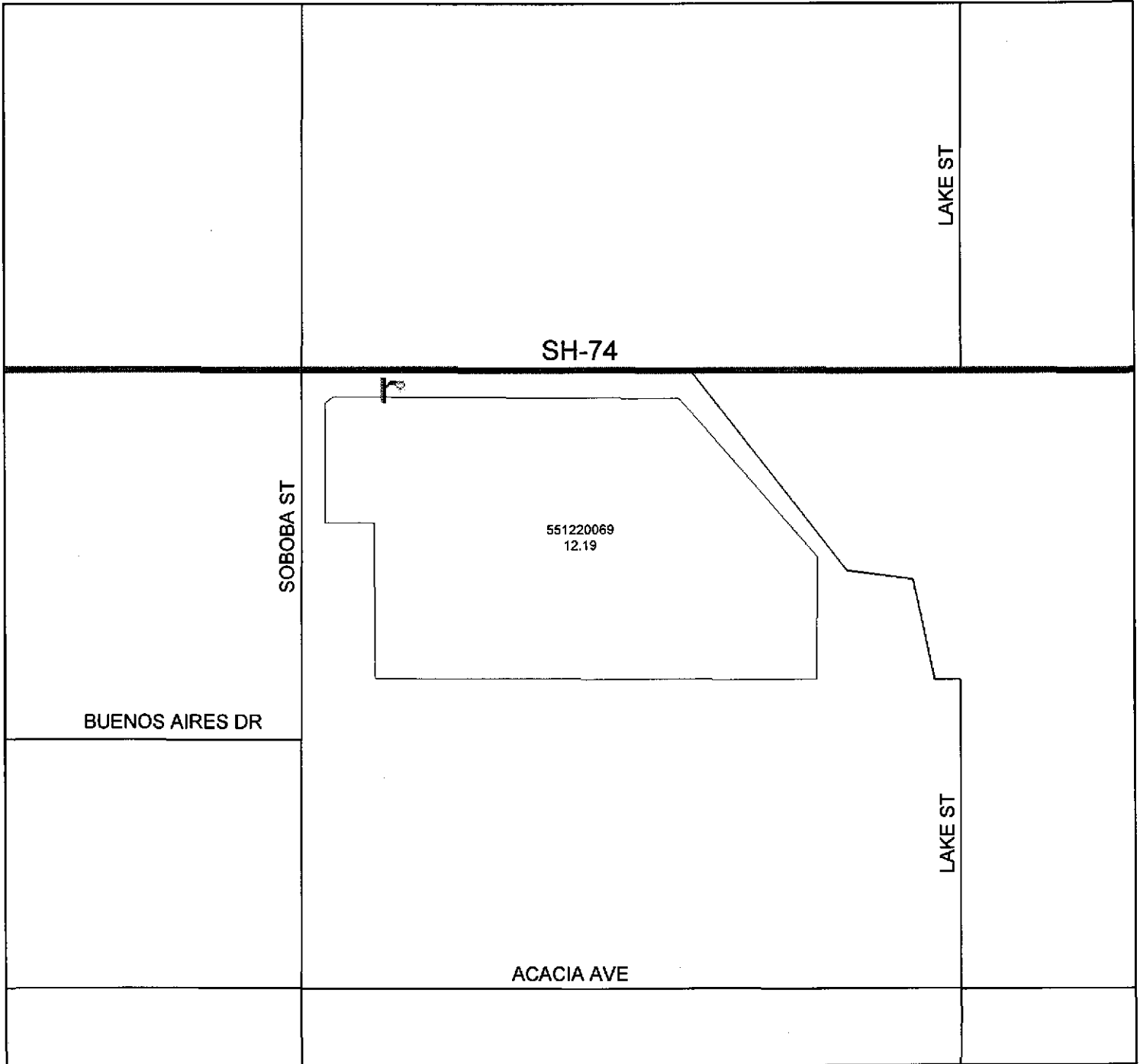


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**ASSESSMENT DIAGRAM**

Printed by jpickeri on 9/5/08



 DENOTES MAINTAINED STREETLIGHT

2 **RESOLUTION NO. 2008-429**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING**  
4 **ITS INTENT TO ORDER A NEW IMPROVEMENT FOR STREET LIGHTING ZONE 78 OF**  
5 **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE**  
6 **COUNTY OF RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR**  
7 **THE MAINTENANCE AND SERVICING OF STREETLIGHTS; ADOPTING THE PRELIMINARY**  
8 **ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE**  
9 **PUBLIC HEARING ON THE NEW IMPROVEMENT FOR STREET LIGHTING ZONE 78; ORDERING**  
10 **AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING**  
11 **NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED**  
12 **PURSUANT TO SAID ACT AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND**  
13 **SECTION 4000 OF THE ELECTIONS CODE**

14 **WHEREAS**, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of  
15 Riverside (hereinafter the "County") has adopted Resolution No. 2008-428 on October 7, 2008 initiating  
16 proceedings to consider the addition of the the provision of electricity for an additional streetlight  
17 (hereinafter the "New Improvement") within the public right-of-way of Street Lighting Zone 78 as  
18 described and shown in Exhibit "A", which is attached hereto and incorporated herein, of Landscaping  
19 and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State of California,  
20 (hereinafter, respectively, "Street Lighting Zone 78" and "L&LMD No. 89-1-C") pursuant to the  
21 Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section  
22 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"),  
23 and ordering the preparation of a report (hereinafter the "Report") regarding said New Improvement to  
24 Street Lighting Zone 78 and the additional assessments to be levied within Street Lighting Zone 78  
25 each fiscal year beginning fiscal year 2009-10 for the New Improvement within the public right-of-way  
26 within said Zone; and

**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 additional assessment to be levied by L&LMD No. 89-1-C for Street  
Lighting Zone 78; and

1           **WHEREAS**, the Board of Supervisors by Resolution No. 2008-428 directed the Director of the  
2 Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report  
3 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the  
4 Street and Highways Code and Section 4 of Article XIID; and

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

7           **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment  
8 Ballot Election" allowing for the election to be held on November 25, 2008; and

9           **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention  
10 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to  
11 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said  
12 Report, the New Improvement, and the additional assessments to be levied on parcels within Street  
13 Lighting Zone 78 beginning in fiscal year 2009-10;

14           **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
15 Board of Supervisors in regular session assembled on October 7, 2008 as follows:

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

- 17           (a)    The foregoing recitals are true and correct;
- 18           (b)    The Report contains all matters required by Sections 22565 through 22574 of the  
19               Streets and Highways Code and Section 4 of Article XIID and may, therefore, be  
20               approved by the Board of Supervisors;
- 21           (c)    The additional assessment for fiscal year 2009-10 on all parcels within Street Lighting  
22               Zone 78 will be \$27.06 per acre for the New Improvement and result in a total  
23               assessment per acre of \$106.96.

24           **Section 2.    Intent.** The Board of Supervisors hereby declares its intention to order the New  
25 Improvement for Street Lighting Zone 78 of L&LMD No. 89-1-C, and to levy and collect an annual  
26 assessment on all assessable lots and parcels of property within Street Lighting Zone 78 commencing

1 with the fiscal year 2009-10 as set forth in the Report. The Report expressly states that there are no  
2 parcels or lots within Street Lighting Zone 78 that are owned by a federal, state or other local  
3 governmental agency that will benefit from the services to be financed by the annual assessments. The  
4 annual assessments will be collected at the same time and in the same manner as property taxes are  
5 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the  
6 collection and enforcement of said assessments.

7 **Section 3. Boundaries.** All the property within the boundaries of Street Lighting Zone 78 of  
8 L&LMD No. 89-1-C are proposed to be annually assessed for the New Improvement and shall include  
9 that property in the unincorporated area of the County as described and shown in Exhibit "A".

10 **Section 4. Description of New Improvement.** Streetlights and improvements authorized  
11 for Street Lighting Zone 78 of L&LMD No. 89-1-C are:

- 12 (a) Providing electricity to all streetlights within the public right-of-way including incidental  
13 costs and expenses.

14 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
15 benefits from the New Improvement for Street Lighting Zone 78 of L&LMD No. 89-1-C will be \$27.06  
16 per acre and will result in an aggregate assessment per acre of \$106.96 for fiscal year 2009-10. As  
17 stated in the Report, the total budget for the New Improvement for the fiscal year 2009-10 is \$330.00;  
18 there are 1 parcels that are to be assessed that aggregate to 12.19 acres. The aggregate annual  
19 assessment will be increased by the greater of two percent (2.0%) or the cumulative percentage  
20 increase, if any, in the Consumer Price Index for all Urban Consumers for "electricity" ("CPI-U") for the  
21 Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index")  
22 published by the Bureau of Labor Statistics of the United States Department of Labor. The annual  
23 CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it stands on March of  
24 each year over the base Index for March of 2008. Any increase larger than the greater of 2.0% or the  
25 CPI-U annual adjustment requires a majority approval of all the property owners within Street Lighting  
26 Zone 78. The Board of Supervisors will levy the aggregate assessment in each subsequent fiscal year

1 until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 78 of  
2 L&LMD No. 89-1-C. The aggregate annual assessment will fund, in part, the New Improvement  
3 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report  
4 on file in the Office of the Clerk of the Board of Supervisors.

5 **Section 6. Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
6 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
7 the Report for a full and detailed description of the New Improvement for Street Lighting Zone 78, and  
8 the increase in the annual assessment to be levied upon assessable lots and parcels within Street  
9 Lighting Zone 78 of L&LMD No. 89-1-C as a result of the New Improvement.

10 **Section 7. Public Hearing.** The question of whether the New Improvement should be  
11 provided for Street Lighting Zone 78 of L&LMD No. 89-1-C and an increase in the annual assessment  
12 levied should occur beginning with fiscal year 2009-10 shall be considered at a public hearing  
13 (hereinafter the "Public Hearing") to be held on November 25, 2008, at 9:30 a.m. at the meeting room of  
14 the Board of Supervisors of the County at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

15 **Section 8. Majority Protest.** Each owner of record of property within Street Lighting  
16 Zone 78 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4  
17 of Article XIIID and Section 4000 of the California Elections Code. The assessment ballots are to be  
18 returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose the increased assessment on  
19 property within the boundaries of Street Lighting Zone 78 if there is a majority protest with regard to the  
20 provision of the New Improvement. A majority protest exists if, upon the conclusion of the Public  
21 Hearing, the tabulation of the assessment ballots submitted in opposition to the New Improvement and  
22 increased assessment exceeds the assessment ballots in favor of providing the New Improvement and  
23 the increased assessment for Street Lighting Zone 78.

24 **Section 9. Information.** Any property owner desiring additional information regarding the  
25 New Improvement for Street Lighting Zone 78 of L&LMD No. 89-1-C, the Report, or the proposed  
26 increase in assessment is to contact Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor,

1 Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside,  
2 California, 92501 or by telephone at (951) 955-6829.

3       **Section 10. Notice of the Public Hearing.** Notice of Public Hearing with regard to the New  
4 Improvement for Street Lighting Zone 78 of L&LMD No. 89-1-C shall be given consistent with Section  
5 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of  
6 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be  
7 published once in *The Press Enterprise* at least ten (10) days prior to the date of the Public Hearing  
8 that is November 25, 2008. Publication of this Resolution is to be effected by the Clerk of the Board of  
9 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as  
10 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of  
11 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within  
12 Street Lighting Zone 78 as shown on the last equalized assessment roll of the County. Mailing is to be  
13 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the  
14 Public Hearing on November 25, 2008.

15       **Section 11. Effective Date.** This Resolution shall take effect from and after its date of  
16 adoption.

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24 FORM APPROVED COUNTY COUNSEL  
BY: DALE A. GARDNER 7/17/08  
DATE

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 78 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside are coterminous with the boundaries of APN 551-220-069 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2009-10.

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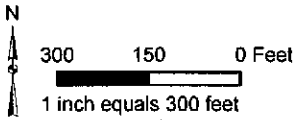
# STREET LIGHTING ZONE 78

PORTION OF SECTION 7, T.5S., R.1E.

PLOT PLAN NO. 18786 - 1 PARCEL

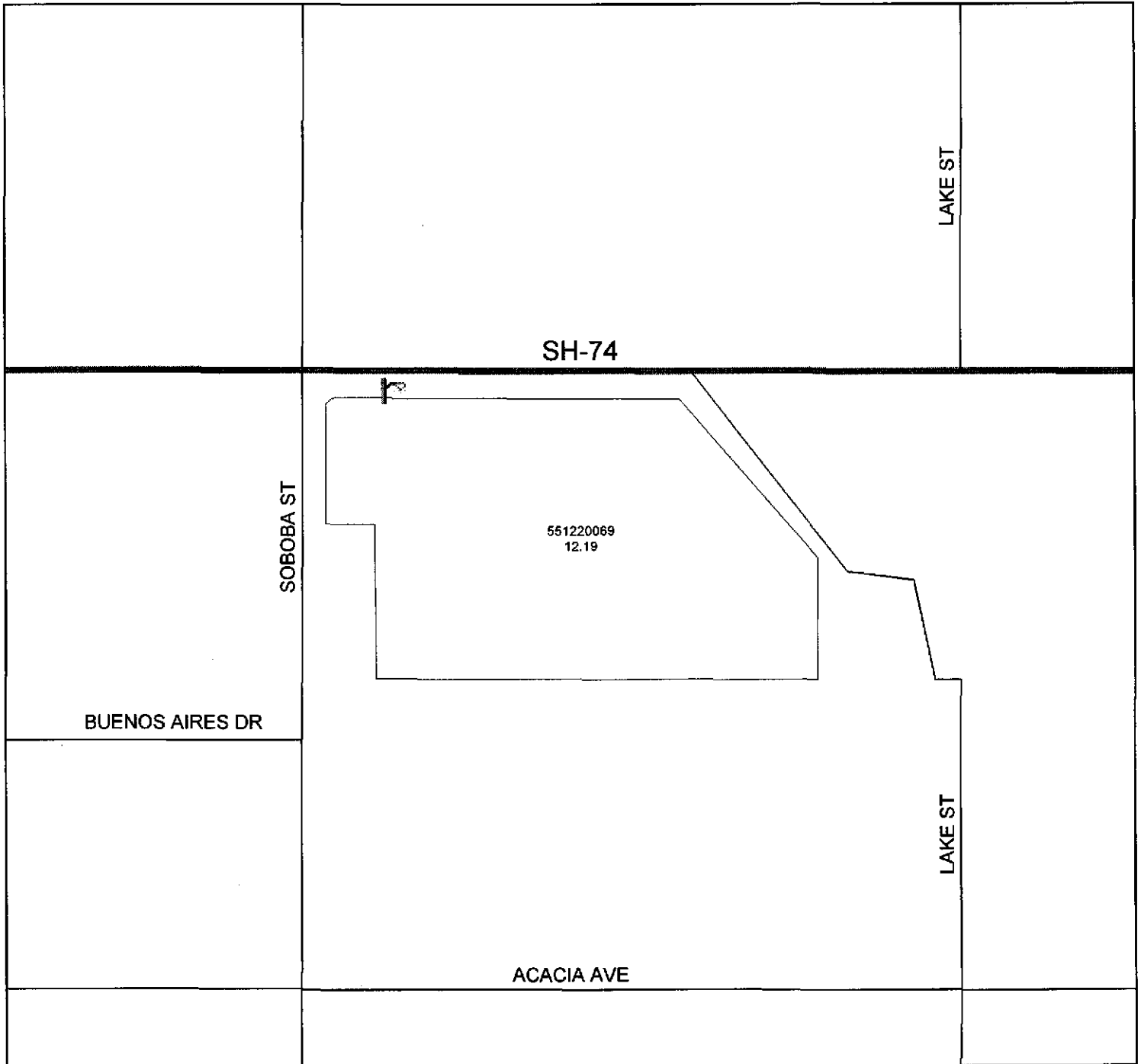


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## ASSESSMENT DIAGRAM

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 DENOTES MAINTAINED STREETLIGHT