

2 RESOLUTION NO. 2009-131

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF ZONE 126 TO LANDSCAPING AND LIGHTING
5 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE
6 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE MAINTENANCE
7 AND SERVICING OF FOSSIL FILTERS; ADOPTING THE PRELIMINARY ENGINEER'S REPORT;
8 GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE
9 ANNEXATION OF ZONE 126; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A
10 MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
11 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO ARTICLE XIIRD OF THE CALIFORNIA
12 CONSTITUTION AND SECTION 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. 2009-130 on November 24, 2009
15 initiating proceedings for the annexation of Zone 126 (hereinafter "Zone 126"), as described and shown
16 in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting
17 Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter
18 "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"),
19 which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code
20 (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the
21 "Report") regarding the proposed annexation of Zone 126 and the assessments to be levied within
22 Zone 126 each fiscal year beginning fiscal year 2010-11 for the the maintenance and servicing of fossil
23 filters within the public right-of-way within said Zone; and

24 WHEREAS, such proceedings shall comply with the requirements of Article XIIRD of the
25 California Constitution (hereinafter "Article XIIRD."), the Act, and Section 4000 of the Elections Code
26 requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Zone 126;
and

WHEREAS, the Board of Supervisors by Resolution No. 2009-130 directed the Director of the
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY *Alina Gardner* DATE 10/27/09
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1 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
2 Street and Highways Code and Section 4 of Article XIID; and

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

5 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment
6 Ballot Election" allowing for the election to be held on January 12, 2010; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention
8 pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to
9 Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said
10 Report, the annexation of Zone 126, and the assessments to be levied on parcels within Zone 126
11 beginning in fiscal year 2010-11;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors in regular session assembled on November 24, 2009 as follows:

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

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the
17 Streets and Highways Code and Section 4 of Article XIID and may, therefore, be
18 approved by the Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2010-11 on all parcels within Zone 126 proposed
20 to be annexed to L&LMD No. 89-1-C will be \$8.52 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Zone 126, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and
23 collect an annual assessment on all assessable lots and parcels of property within Zone 126
24 commencing with the fiscal year 2010-11 as set forth in the Report. The Report expressly states that
25 there are no parcels or lots within Zone 126 that are owned by a federal, state or other local
26 governmental agency that will benefit from the services to be financed by the annual assessments. The

1 annual assessments will be collected at the same time and in the same manner as property taxes are
2 collected, and all laws providing for the collection and enforcement of property taxes shall apply to the
3 collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within boundaries of Zone 126 is proposed to be
5 annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated area of the
6 County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided.** The maintenance and servicing of
8 fossil filters authorized for Zone 126 of L&LMD No. 89-1-C are:

- 9 (a) The maintenance and servicing of fossil filters within the public right-of-way including the
10 removal of petroleum hydrocarbons and other pollutants from water runoff.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that
12 benefits from the annexation of Zone 126 of L&LMD No. 89-1-C will be \$8.52 per acre for fiscal year
13 2010-11. As stated in the Report, the total budget for Zone 126 for the fiscal year 2010-11 is \$1,116;
14 there are 4 parcels that are to be assessed that aggregate to 130.53 acres. The annual assessment will
15 be increased by the greater of two percent (2.0%) or the cumulative percentage increase, if any, in the
16 Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange
17 County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor
18 Statistics of the United States Department of Labor. The annual CPI-U adjustment will be based on the
19 cumulative increase, if any, in the Index as it stands on March of each year over the base Index for
20 March of 2009. Any increase larger than the greater of 2.0% or the CPI-U annual adjustment requires a
21 majority approval of all the property owners within Zone 126. The Board of Supervisors will levy the
22 assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for
23 the dissolution of Zone 126 of L&LMD No. 89-1-C. The annual assessment will fund the services
24 described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report
25 on file in the Office of the Clerk of the Board of Supervisors.

26

1 **Section 6. The Property to be Annexed.** The property to be annexed into L&LMD No.
2 89-1-C is Zone 126. The boundaries of Zone 126 are located within the unincorporated area of the
3 County and are described and shown in the Report and Exhibit "A".

4 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors
5 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to
6 the Report for a full and detailed description of the services, the boundaries of Zone 126, and the
7 annual assessment to be levied upon assessable lots and parcels within Zone 126 proposed to be
8 annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Zone 126 shall be annexed into
10 L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11 shall be
11 considered at a public hearing (hereinafter the "Public Hearing") to be held on January 12, 2010, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street,
13 1st Floor, Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Zone 126 is to receive
15 by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIIID and
16 Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the
17 Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property within the boundaries of
18 Zone 126 if there is a majority protest with regard to the annexation of Zone 126. A majority protest
19 exists if, upon the conclusion of the Public Hearing, the tabulation of the assessment ballots submitted
20 in opposition to the annexation and assessment of Zone 126 exceeds the assessment ballots in favor
21 of the annexation and assessment of Zone 126.

22 **Section 10. Information.** Any property owner desiring additional information regarding
23 Zone 126 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Judy A.
24 Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the County of
25 Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at
26 (951) 955-6829.

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Zone 126 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the
3 Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall
4 give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in
5 an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is
6 January 12, 2010. Publication of this Resolution is to be effected by the Clerk of the Board of
7 Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
8 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
9 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
10 Zone 126 as shown on the last equalized assessment roll of the County. Mailing is to be made by the
11 Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public
12 Hearing on January 12, 2010.

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