

2 RESOLUTION NO. 2009-305

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 91 TO LANDSCAPING  
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF  
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE  
7 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 ANNEXATION OF STREET LIGHTING ZONE 91; ORDERING AN  
10 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 ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF  
13 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. 2009-304 on November 24, 2009  
16 initiating proceedings for the annexation of Street Lighting Zone 91 (hereinafter "Street Lighting  
17 Zone 91"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to  
18 Landscaping and Lighting Maintenance District No.89-1-Consolidated of the County of Riverside, State  
19 of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972  
20 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets  
21 and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a  
22 report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 91 and the  
23 assessments to be levied within Street Lighting Zone 91 each fiscal year beginning fiscal year 2010-11  
24 for providing electricity for streetlights within the public right-of-way within said Zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIIID of the  
26 California Constitution (hereinafter "Article XIIID:"), the Act, and Section 4000 of the Elections Code  
requiring voter approval of the proposed assessment to be levied by L&LMD No. 89-1-C for Street  
Lighting Zone 91; and

WHEREAS, the Board of Supervisors by Resolution No. 2009-304 directed the Director of the  
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

APPROVED COUNTY COUNSEL  
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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 sole owner of property within the proposed boundaries of Street Lighting  
6 Zone 91 as the applicant (the "Applicant") for these proceedings has executed a "Waiver and Consent  
7 Regarding Date of Assessment Ballot Election" allowing for the election to be held on January 12,  
8 2010; 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 annexation of Street Lighting Zone 91, and the assessments to be levied on parcels within  
13 Street Lighting Zone 91 beginning in fiscal year 2010-11;

14 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
15 Board of Supervisors in regular session assembled on November 24, 2009 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 annual assessment for fiscal year 2010-11 on all parcels within Street Lighting  
22 Zone 91 proposed to be annexed to L&LMD No. 89-1-C will be \$593.82 per acre.

23 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
24 annexation of Street Lighting Zone 91, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,  
25 and to levy and collect an annual assessment on all assessable lots and parcels of property within  
26 Street Lighting Zone 91 commencing with the fiscal year 2010-11 as set forth in the Report. The Report

1 expressly states that there are no parcels or lots within Street Lighting Zone 91 that are owned by a  
2 federal, state or other local governmental agency that will benefit from the services to be financed by  
3 the annual assessments. The annual assessments will be collected at the same time and in the same  
4 manner as property taxes are collected, and all laws providing for the collection and enforcement of  
5 property taxes shall apply to the collection and enforcement of said assessments.

6 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 91 is  
7 proposed to be annexed into L&LMD No. 89-1-C and shall include that property in the unincorporated  
8 area of the County as described and shown in Exhibit "A".

9 **Section 4. Description of Services to be Provided.** The service authorized for Street  
10 Lighting Zone 91 of L&LMD No. 89-1-C is the provision of electricity to all streetlights within the public  
11 right-of-way including incidental costs and expenses.

12 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
13 benefits from the annexation of Street Lighting Zone 91 of L&LMD No. 89-1-C will be \$593.82 per acre  
14 for fiscal year 2010-11. As stated in the Report, the total budget for Street Lighting Zone 91 for the  
15 fiscal year 2010-11 is \$2,310; there are 2 parcel(s) that are to be assessed that aggregate to 3.89  
16 acre(s). The annual assessment will be increased by the greater of two percent (2.0%) or the  
17 cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers for  
18 "electricity" ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan  
19 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of  
20 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it  
21 stands on March of each year over the base Index for March of 2009. Any increase larger than the  
22 greater of 2.0% or the CPI-U annual adjustment requires a majority approval of all the property owners  
23 within Street Lighting Zone 91. The Board of Supervisors will levy the assessment in each subsequent  
24 fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting  
25 Zone 91 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of  
26

1 this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the  
2 Clerk of the Board of Supervisors.

3       **Section 6.    The Property to be Annexed.** The property to be annexed into L&LMD No.  
4 89-1-C is Street Lighting Zone 91. The boundaries of Street Lighting Zone 91 are located within the  
5 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

6       **Section 7.    Report.** The Report, which is on file with the Clerk of the Board of Supervisors  
7 and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to  
8 the Report for a full and detailed description of the services, the boundaries of Street Lighting Zone 91,  
9 and the annual assessment to be levied upon assessable lots and parcels within Street Lighting  
10 Zone 91 proposed to be annexed to L&LMD No. 89-1-C.

11       **Section 8.    Public Hearing.** The question of whether Street Lighting Zone 91 shall be  
12 annexed into L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2010-11  
13 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on January 12,  
14 2010, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon  
15 Street, 1<sup>st</sup> Floor, Riverside, California.

16       **Section 9.    Majority Protest.** Each owner of record of property within Street Lighting  
17 Zone 91 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4  
18 of Article XIII D and Section 4000 of the California Elections Code. The assessment ballots are to be  
19 returned prior to the Public Hearing. L&LMD No. 89-1-C shall not impose assessments on property  
20 within the boundaries of Street Lighting Zone 91 if there is a majority protest with regard to the  
21 annexation of Street Lighting Zone 91. A majority protest exists if, upon the conclusion of the Public  
22 Hearing, the tabulation of the assessment ballots submitted in opposition to the annexation and  
23 assessment of Street Lighting Zone 91 exceeds the assessment ballots in favor of the annexation and  
24 assessment of Street Lighting Zone 91.

25       **Section 10.   Information.** Any property owner desiring additional information regarding Street  
26 Lighting Zone 91 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact

1 Ms. Judy A. Watterlond, Technical Engineering Unit Supervisor, Transportation Department of the  
2 County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501 or by telephone at  
3 (951) 955-6829.

4       **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
5 annexation of Street Lighting Zone 91 to L&LMD No. 89-1-C shall be given consistent with Section  
6 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of  
7 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be  
8 published once in an appropriate newspaper at least ten (10) days prior to the date of the Public  
9 Hearing that is January 12, 2010. Publication of this Resolution is to be effected by the Clerk of the  
10 Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices,  
11 as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of  
12 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within  
13 Street Lighting Zone 91 as shown on the last equalized assessment roll of the County. Mailing is to be  
14 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the  
15 Public Hearing on January 12, 2010.

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