

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

266 A



**FROM:** TLMA - Transportation Dept.

**SUBMITTAL DATE:**  
October 9, 2013

**SUBJECT:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 109 (Woodcrest) District 1/District 1 [\$386]. Property owners in boundary 100%.

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

1. Resolution No. 2013-233 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 109 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and ordering preparation of the Engineer's Report regarding the proposed annexation of Street Lighting Zone 109.
2. Resolution No. 2013-234, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 109 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 streetlights; adopting the preliminary engineer's report; giving notice of and setting the time and place of the public hearing on the annexation of Street Lighting Zone 109, ordering a mailed ballot election; and directing notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution.

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner DATE: 10/11/13  
DALE A. GARDNER  
Departmental Concurrence

Juan C. Perez  
Director of Transportation and  
Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ \$0	\$ \$386	\$ N/A	\$ \$386	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ \$0	\$ \$0	\$ \$0	\$ \$0	

<b>SOURCE OF FUNDS</b> L&LMD No. 89-1-C – 100%	<b>Budget Adjustment:</b> N/A
There are no General Funds used in this project.	<b>For Fiscal Year:</b> 13/14

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

APPROVE

BY:   
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

3-62

OCT 12 5 35 PM '13

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

**FORM 11:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street Lighting Zone 109 (Woodcrest) District 1/District 1 [\$386].

**DATE:** October 9, 2013

**PAGE:** 2 of 3

**BACKGROUND:**

**Summary**

Adoption of Resolution No. 2013-233 appoints the Director of the Transportation Department, or his designee, as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 109 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2013-234 declares the Board of Supervisors' intention of ordering the annexation of Street Lighting Zone 109 to L&LMD No. 89-1-C. The annexation of Street Lighting Zone 109 to L&LMD No. 89-1-C will fund the maintenance and servicing of streetlights within public right-of-way located southerly of Mariposa Avenue in the Woodcrest area and includes one (1) commercial parcel.

Consistent with the Board of Supervisors' 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 December 10, 2013 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 109 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2013-234, 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 annexation and levy of the assessment exceed the ballots submitted in opposition of said annexation and levy, Street Lighting Zone 109 will be annexed to L&LMD No. 89-1-C.

There is only one individual/entity which owns all of the property within the proposed boundaries of Street Lighting Zone 109 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 December 10, 2013.

**Impact on Citizens and Businesses**

Only the property owners within the proposed boundaries of Street Lighting Zone 109, which are represented by Public Use Permit No. 00890, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram). The property owners within the proposed boundaries of Street Lighting Zone 109 have petitioned the County of Riverside to annex their property to L&LMD No. 89-1-C and understand that this annexation will result in an assessment on their property to fund the maintenance and servicing of the aforementioned improvements (streetlights).

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The proposed budget for fiscal year 2014-15 for Street Lighting Zone 109 is \$386.40 that will result in an assessment for fiscal year 2014-15 within Street Lighting Zone 109 of \$386.40 per parcel. The annual assessment may be adjusted annually by the greater of 2% or the cumulative percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U) for "electricity", if any, as it stands as of March of each year over the base index for March of 2013.

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

**FORM 11:** Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Street  
Lighting Zone 109 (Woodcrest) District 1/District 1 [\$386].

**DATE:** October 9, 2013

**PAGE:** 3 of 3

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

- A. Exhibit A
- B. Resolution No. 2013-233
- C. Resolution No. 2013-234
- D. Engineer's Report

**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 109 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 273-520-039 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2014-15.

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

**STREET LIGHTING ZONE 109**

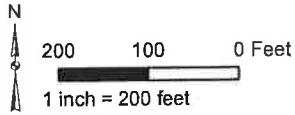
PORTION OF SECTION 35, T.3S., R.5W.

PUBLIC USE PERMIT NO. 00890

1 PARCEL



The County of Riverside assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes. County GIS and other sources should be queried for the most current information. Do not copy or reuse this map.



**ASSESSMENT DIAGRAM**

Printed by jpickeri on 8/22/2013



 DENOTES MAINTAINED STREETLIGHT

2 **RESOLUTION NO. 2013-233**

3 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING**  
4 **PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 109 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 AND ORDERING**  
7 **PREPARATION OF ENGINEER’S REPORT REGARDING SAID ANNEXATION**

8 **WHEREAS**, the Board of Supervisors (hereinafter the “Board of Supervisors”) of the County of  
9 Riverside (hereinafter the “County”) has been advised by the Riverside County Transportation  
10 Department (hereinafter “Department”) that said Department has received an application from the  
11 owner (the “Applicant”) of all the property within the unincorporated area of the County (hereinafter  
12 “Street Lighting Zone 109”), as shown and described in Exhibit “A”, which is attached hereto and made  
13 a part hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated  
14 (hereinafter “L&LMD No. 89-1-C”) of the County of Riverside, State of California, and the Board of  
15 Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation  
16 of Street Lighting Zone 109 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of  
17 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code  
18 (hereinafter, respectively, the “Act” and the “Street and Highways Code”); and

19 **WHEREAS**, such proceedings shall comply with the requirements of Article XIID of the  
20 California Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed  
21 assessment to be levied by L&LMD No. 89-1-C for Street Lighting Zone 109; and

22 **WHEREAS**, the Applicant has executed a “Waiver and Consent Regarding Date of Assessment  
23 Ballot Election” allowing for the election to be held on December 10, 2013; and

24 **WHEREAS**, the Director of the Department, or his designee, is a licensed and registered civil  
25 engineer, has expertise with respect to the formation and annexation of territory to landscaping and  
26 lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able

FORM APPROVED COUNTY COUNSEL  
BY: *Debra G. Johnson* 9/11/13  
DATE: 9/11/13  
SALEN, GARDNER

1 to serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of  
2 Street Lighting Zone 109 to L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
4 Board of Supervisors of the County of Riverside assembled in regular session on October 22, 2013 as  
5 follows:

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

8 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street Lighting  
9 Zone 109 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefore pursuant to the Act  
10 for the purpose of levying an annual assessment on all parcels within Street Lighting Zone 109 to pay  
11 the costs of the following services:

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

14 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting  
15 Zone 109 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as  
16 shown and described in Exhibit "A".

17 **Section 4. Report.** The Director of the Department, or his designee, is hereby  
18 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of  
19 Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code  
20 and Section 4 of Article XIIID of the California Constitution.

21 **Section 5. Effective date.** This Resolution shall take effect from and after its date of  
22 adoption.

2 RESOLUTION NO. 2013-234

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING  
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 109 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 THE ANNEXATION OF STREET LIGHTING ZONE 109 ; 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 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. 2013-233 on October 22, 2013  
16 initiating proceedings for the annexation of Street Lighting Zone 109 (hereinafter "Street Lighting Zone  
17 109"), 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 109 and the  
23 assessments to be levied within Street Lighting Zone 109 each fiscal year beginning fiscal year 2014-  
24 15 for the maintenance and servicing of streetlights within the public right-of-way within said Zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the  
26 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 L&LMD No. 89-1-C for Street  
Lighting Zone 109; and

WHEREAS, the Board of Supervisors by Resolution No. 2013-233 directed the Director of the  
Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL  
BY *Debra Johnson* 9/11/13  
DATE  
BY DAVID A. GARDNER



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 December 10, 2013; 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 Street Lighting Zone 109, and the assessments to be levied on parcels within  
11 Street Lighting Zone 109 beginning in fiscal year 2014-15;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
13 Board of Supervisors in regular session assembled on October 22, 2013 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 2014-15 on all parcels within Street Lighting  
20 Zone 109 will be \$386.40 per parcel.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the  
22 annexation of Street Lighting Zone 109, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,  
23 and to levy and collect an annual assessment on all assessable lots and parcels of property within  
24 Street Lighting Zone 109 commencing with the fiscal year 2014-15 as set forth in the Report. The  
25 Report expressly states that there are no parcels or lots within Street Lighting Zone 109 that are owned  
26 by a federal, state or other local governmental agency that will benefit from the services to be financed

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

4 **Section 3. Boundaries.** All the property within boundaries of Street Lighting Zone 109 is  
5 proposed to be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated  
6 area of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided .** The services authorized for Street  
8 Lighting Zone 109 of L&LMD No. 89-1-C are:

- 9 (a) Providing electricity to and the maintenance and servicing of streetlights within the public  
10 right-of-way including incidental costs and expenses.

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that  
12 benefits from the annexation of Street Lighting Zone 109 to L&LMD No. 89-1-C will be \$386.40 per  
13 parcel for fiscal year 2014-15. As stated in the Report, the total budget for Street Lighting Zone 109 for  
14 the fiscal year 2014-15 is \$386; there is 1 parcel that is to be assessed. Each succeeding fiscal year  
15 the special assessment may be subject to an annual adjustment that is the greater of two percent (2%)  
16 or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers  
17 "for electricity" ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan  
18 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of  
19 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the "Index" as  
20 it stands on March of each year over the base Index for March of 2013. Any increase larger than the  
21 greater of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in  
22 Street Lighting Zone 109. The Board of Supervisors will levy the assessment in each subsequent fiscal  
23 year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting  
24 Zone 109 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4  
25 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of  
26 the Clerk of the Board of Supervisors.

1           **Section 6.    The Property to be Annexed.** The property to be annexed to L&LMD No.  
2 89-1-C is Street Lighting Zone 109. The boundaries of Street Lighting Zone 109 are located within the  
3 unincorporated area of the 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 Street Lighting  
7 Zone 109, and the annual assessment to be levied upon assessable lots and parcels within Street  
8 Lighting Zone 109 proposed to be annexed to L&LMD No. 89-1-C.

9           **Section 8.    Public Hearing.** The question of whether Street Lighting Zone 109 shall be  
10 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2014-15  
11 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on December 10,  
12 2013, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon  
13 Street, 1<sup>st</sup> Floor, Riverside, California.

14           **Section 9.    Majority Protest.** Each owner of record of property within Street Lighting  
15 Zone 109 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4  
16 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be  
17 returned prior to the Public Hearing. The agency shall not impose an assessment if there is a majority  
18 protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition  
19 to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the  
20 ballots shall be weighted according to the proportional financial obligation of the affected property.

21           **Section 10. Information.** Any property owner desiring additional information regarding Street  
22 Lighting Zone 109 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact  
23 Ms. Joan Pickering, Engineering Technician II, Transportation Department of the County of Riverside,  
24 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by  
25 e-mail at [jpickeri@rctlma.org](mailto:jpickeri@rctlma.org).

26

1           **Section 11.   Notice of the Public Hearing.** Notice of Public Hearing with regard to the  
2 annexation of Street Lighting Zone 109 to L&LMD No. 89-1-C shall be given consistent with Section  
3 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of  
4 Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be  
5 published once in an appropriate newspaper at least ten (10) days prior to the date of the Public  
6 Hearing that is December 10, 2013. Publication of this Resolution is to be effected by the Clerk of the  
7 Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices,  
8 as 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 Street Lighting Zone 109 as shown on the last equalized assessment roll of the County. Mailing is to be  
11 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the  
12 Public Hearing on December 10, 2013.

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