

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



213A

FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
June 7, 2012

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated,
Annexation of Zone 165 (East Hemet).

RECOMMENDED MOTION: That the Board:

With regard to the annexation of Zone 165 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, conduct the public hearing and, after closing the public hearing, direct the Director of Transportation, or his designee, who the Board finds to be an impartial person as that term is used in Section 53753(e) of the Government Code, to tally all ballots received prior to the close of the public hearing. All ballots received prior to the close of the public hearing will be tallied at 10:00 a.m. on Wednesday, June 20, 2012 in Conference Room C on the 8th Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California. Staff is directed to

Juan C. Perez
Director of Transportation

MH:jp

FORM APPROVED COUNTY COUNSEL
BY: DALE A. GARDNER DATE: 5/22/12
Departmental Concurrence

FINANCIAL DATA	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:	2011-12
SOURCE OF FUNDS: Landscaping and Lighting Maintenance District No. 89-1-Consolidated – 100%				Positions To Be Deleted Per A-30 <input type="checkbox"/>
There are no General Funds used in this project.				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: June 19, 2012
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref. 05/01/12, 3.33 | **District:** 3/3 | **Agenda Number:**

9.7

The Honorable Board of Supervisors

RE: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Annexation of Zone 165 (East Hemet).

June 7, 2012

Page 2 of 2

cause the appropriate resolution, based on the election tally, to be prepared and returned to the Board for its consideration.

BACKGROUND: Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 2012-087 adopted May 1, 2012, the Board of Supervisors noticed a public hearing for June 19, 2012, to receive testimony regarding the annexation of Zone 165 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). Annexation of Zone 165 will fund the remote monitoring of the irrigation activity on Caltrans ROW and ensuring the maintenance and servicing of dormant parkway landscaping within public rights-of-way located southerly of SH-74/Florida Ave and at the intersection of Columbia St and SH-74/Florida Ave in the East Hemet area and includes 1 commercial parcel totalling 0.67 acres.

Per Caltrans requirements, parkway landscaping improvements located in Caltrans right-of-way shall be maintained in perpetuity. The maintenance and servicing of parkway landscaping on SH-74/Florida Ave will be the responsibility of the property owners within Zone 165, per their signed maintenance agreement with the County of Riverside Transportation Department (Agreement for Maintenance of Parkways (ICI), dated 07/20/11). Should the property owners default on this agreement, the maintenance and servicing of the parkway landscaping will transfer to L&LMD No. 89-1-C, and the dormant annual assessment for such services will become active.

On May 12, 2012 a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2012-087, and an information sheet was mailed to all property owners within Zone 165, proposed for annexation to L&LMD No. 89-1-C. Pursuant to the notice, all ballots must be returned prior to the conclusion of the public hearing.

Notice of the public hearing was also given by publication of a certified copy of Resolution No. 2012-087 in an appropriate newspaper at least ten (10) days prior to the public hearing date and by posting a certified copy of the Resolution No. 2012-087 on the official bulletin board customarily used by the Board of Supervisors for the posting of notices and in two other public locations within the County.



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS

1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147

PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

June 4, 2012

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

FAX: (951) 368-9018
E-MAIL: legals@pe.com

RE: NOTICE OF PUBLIC HEARING: RESOLUTION 2012-087 ZONE 165

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, June 6, 2012.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

3.33b of 05-01-12

06-19-2012
9.7

Gil, Cecilia

From: mtinajero@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>
Sent: Monday, June 04, 2012 9:25 AM
To: Gil, Cecilia
Subject: Re: [Legals] FOR PUBLICATION: Res. 2012-087 Zone 165

Received for publication on June 6. Proof with cost to follow.

On Mon, Jun 4, 2012 at 8:51 AM, Gil, Cecilia <CCGIL@rcbos.org> wrote:

Good Morning! Attached is a Notice of Public Hearing, for publication on Res. 2012-087 Zone 165, for publication on Wednesday, June 6, 2012. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
[951-955-8464](tel:951-955-8464)

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NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor, County Administrative Center, Board of Supervisors Chambers, 4080 Lemon Street, Riverside, on **Tuesday, June 19, 2012 at 9:30 a.m.** to consider the following:

RESOLUTION NO. 2012-087

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF ZONE 165 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 CALSENSE CONTROLLER SUBSCRIPTION AND MONITORING AND DORMANT PARKWAY LANDSCAPING; ADOPTING THE PRELIMINARY ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNEXATION OF ZONE 165; ORDERING AN ASSESSMENT PROCEEDING; ORDERING A MAILED BALLOT ELECTION; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2012-086 on May 1, 2012 initiating proceedings for the annexation of Zone 165 (hereinafter "Zone 165"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside, State of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Zone 165 and the assessments to be levied within Zone 165 each fiscal year beginning fiscal year 2012-13 for the maintenance and servicing of the subscription and monitoring of a Calsense controller and ensuring the maintenance and servicing of dormant parkway landscaping within the public right-of-way 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 proposed assessment to be levied by L&LMD No. 89-1-C for Zone 165; and

WHEREAS, the Board of Supervisors by Resolution No. 2012-086 directed the Director of the Transportation Department, or his designee (hereinafter the "Engineer"), to prepare and file the Report with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the Street and Highways Code and Section 4 of Article XIID; and

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

WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment Ballot Election" allowing for the election to be held on June 19, 2012; and

WHEREAS, it is necessary that the Board of Supervisors adopt a resolution of intention pursuant to Section 22624 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22626 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the annexation of Zone 165, and the assessments to be levied on parcels within Zone 165 beginning in fiscal year 2012-13;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors in regular session assembled on May 1, 2012 as follows:

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

- (a) The foregoing recitals are true and correct;
- (b) The Report contains all matters required by Sections 22565 through 22574 of the Streets and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the Board of Supervisors;
- (c) The annual assessment for fiscal year 2012-13 on all parcels within Zone 165 will be \$556.62 per acre.
- (d) Beginning in the fiscal year in which the dormant services become active, the annual assessment and all subsequent annual assessments may be increased accordingly, as detailed in Section 5 of this Resolution.

Section 2. Intent. The Board of Supervisors hereby declares its intention to order the annexation of Zone 165, as described and shown in Exhibit "A", to L&LMD No. 89-1-C, and to levy and collect an annual assessment on all assessable lots and parcels of property within Zone 165 commencing with the fiscal year 2012-13 as set forth in the Report. The Report expressly states that there are no parcels or lots within Zone 165 that are owned by a federal, state or other local governmental agency that will benefit from the services to be financed by the annual assessments. The annual assessments will be collected at the same time and in the same manner as property taxes are collected, and all laws providing for the collection and enforcement of property taxes shall apply to the collection and enforcement of said assessments.

Section 3. Boundaries. All the property within boundaries of Zone 165 is proposed to be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area of the County as described and shown in Exhibit "A".

Section 4. Description of Services to be Provided . The services associated with the maintenance and servicing of the subscription and monitoring of a Calsense controller and ensuring the maintenance and servicing of dormant parkway landscaping authorized for Zone 165 of L&LMD No. 89-1-C are:

- (a) The maintenance and servicing of landscaping within the public right-of-way including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass, and other ornamental vegetation; and
- (b) The maintenance and servicing of irrigation and electrical facilities associated with the landscaping, including but not limited to electricity for operation of the irrigation system, communication associated with central irrigation control, and water for irrigation.

Section 5. Amount to be Levied. The assessment to be levied upon each parcel that benefits from the annexation of Zone 165 to L&LMD No. 89-1-C will be \$556.62 per acre for fiscal year 2012-13. As stated in the Report, the total budget for Zone 165 for the fiscal year 2012-13 is \$373; there is 1 parcel that is to be assessed that aggregates to 0.67 acres.

Each succeeding fiscal year the special assessment may be subject to an annual adjustment that is the greater of two percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers ("CPI-U") for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor. The annual "CPI-U" adjustment will be based on the cumulative increase, if any, in the "Index" as it stands on March of each year over the base Index for March of 2012. Any increase larger than the greater of 2% or the "CPI-U" annual adjustment requires a majority approval of all the property owners in Zone 165. 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 dormant services become active, the annual assessments may be further increased. For the fiscal year in which the dormant maintenance and servicing of the dormant parkway landscaping on SH-74/Florida Ave becomes active, the annual assessment may be increased by \$2,906.56 per acre which when added to the assessment for the Calsense controller subscription will result in an aggregate assessment of \$3,463.18 per acre, adjusted for inflation; as detailed in the Report. The Standard Annual Adjustment will

be applied to this increased assessment in all subsequent fiscal years following the year in which the dormant services became active without regard to the \$3,463.18 per acre, inflation adjusted, assessment ceiling.

Except for assessment increases associated with the dormant services becoming active, and assessment increases resulting from the application of the Standard Annual Adjustment, any other increase in the annual assessment requires a majority approval of all the property owners within Zone 165. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Zone 165 of L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this Resolution. For further particulars, reference is to be made to the Report on file in the Office of the Clerk of the Board of Supervisors.

Section 6. The Property to be Annexed. The property to be annexed to L&LMD No. 89-1-C is Zone 165. The boundaries of Zone 165 are located within the unincorporated area of the County and are described and shown in the Report and Exhibit "A".

Section 7. Report. The Report, which is on file with the Clerk of the Board of Supervisors and which has been presented to the Board of Supervisors, is hereby approved. Reference is made to the Report for a full and detailed description of the services, the boundaries of Zone 165, and the annual assessment to be levied upon assessable lots and parcels within Zone 165 proposed to be annexed to L&LMD No. 89-1-C.

Section 8. Public Hearing. The question of whether Zone 165 shall be annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2012-13 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on June 19, 2012, at 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor, Riverside, California.

Section 9. Majority Protest. Each owner of record of property within Zone 165 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIID and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior to the Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

Section 10. Information. Any property owner desiring additional information regarding Zone 165 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Joan Pickering, Engineering Technician II, Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6748, or by e-mail at jpickeri@rctlma.org.

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Zone 165 to L&LMD No. 89-1-C shall be given consistent with Section 22626 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution to be published once in an appropriate newspaper at least ten (10) days prior to the date of the Public Hearing that is June 19, 2012. Publication of this Resolution is to be effected by the Clerk of the Board of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of Article XIID and Section 4000 of the California Elections Code to all owners of record of property within Zone 165 as shown on the last equalized assessment roll of the County. Mailing is to be made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the Public Hearing on June 19, 2012.

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

EXHIBIT "A"
DESCRIPTION OF BOUNDARIES

The boundaries of Zone 165 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 438-230-027 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2012-13



ROLL CALL:

AYES: Buster, Tavaglione, Stone, Ashley

NAYS: None

ABSENT: Benoit

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on May 1, 2012.

Kecia Harper-Ihem, Clerk of said Board
By: Cecilia Gil, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public hearing or may appear and be heard in support of or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: June 4, 2012

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

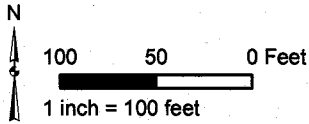
ZONE 165

PORTION OF SECTION 12, T.5S., R.W.
CONDITIONAL USE PERMIT NO. 03622

1 PARCEL

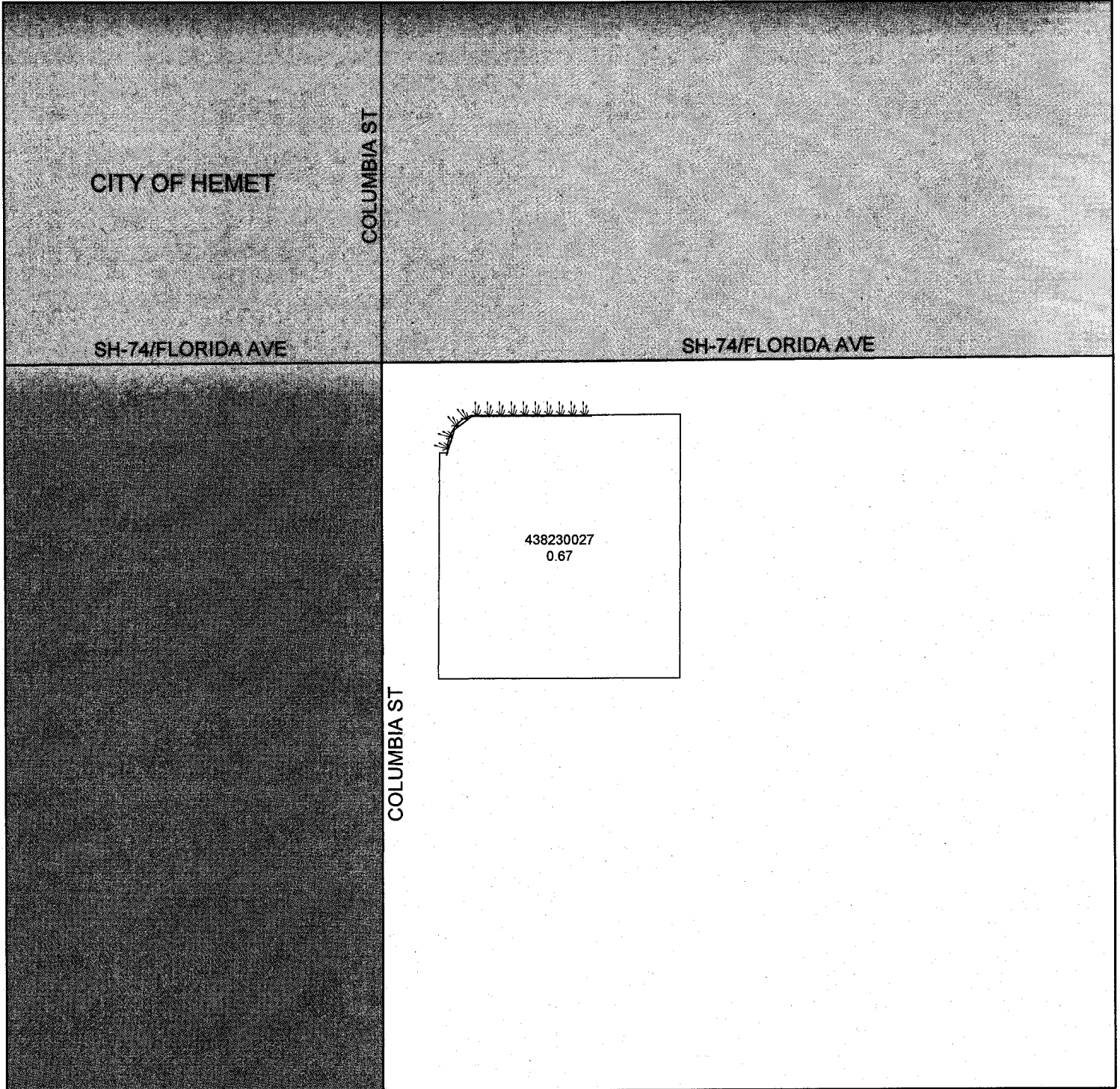


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ASSESSMENT DIAGRAM

Printed by jpickeri on 4/12/12



 DENOTES DORMANT LANDSCAPED AND MAINTAINED PARKWAY