

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



ITEM
3.57
(ID # 6073)

MEETING DATE:

Tuesday, February 27, 2018

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution No. 2018-014 ordering the Annexation of Street Lighting Zone 117 (Mead Valley) into Landscaping and Lighting Maintenance District No. 89-1 Consolidated, District 1 [\$504 Annual]; L&LMD No. 89-1 C – 100%.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2018-014, Resolution of the County of Riverside ordering the annexation, and confirming the diagram and assessment of Street Lighting Zone 117 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and levying assessments on all assessable lots and parcels of land therein within the boundaries of Street Lighting Zone 117 for fiscal year 2018-19; and
2. Direct the Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Street Lighting Zone 117 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

ACTION: Policy


Patricia Romo, Director of Transportation

1/31/2018

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: February 27, 2018
xc: Transp., Auditor

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 504	\$ N/A	\$ 504
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: L&LMD No. 89-1-C – 100% There are no General Funds used in this project.			Budget Adjustment:	N/A
			For Fiscal Year:	18/19

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Landscaping and Lighting Maintenance Districts (L&LMD's) are formed for the purpose of creating a funding mechanism to pay for the installation and maintenance of landscaping, streetlights, traffic signals, drainage inlet water quality filters, decorative fencing, and other roadside features within the road right of way. Within an established L&LMD, zones are created for specific developments, a fee structure is developed specific to the features within that zone, and the zone is then assessed through a tax levy on annual basis for the installation and maintenance of the features within that particular zone.

L&LMD No. 89-1-C was formed in 1994, Resolution No. 94-389, and currently consists of 124 individual zones with different fee structures spread throughout Riverside County. The commercial property owner of Conditional Use Permit No. 03599, as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD No.89-1-C, creating Street Lighting Zone 117. The boundaries of Street Lighting Zone 117 will encompass the entire Conditional Use Permit No. 03599 and will include the maintenance and servicing of streetlights.

On December 5, 2017, a public hearing was held to receive all testimony regarding the annexation of Street Lighting Zone 117 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C"). After closing the public hearing, the Board of Supervisors directed the Director of Transportation, or his/her designee, to tally the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on December 6, 2017 at 10:00 a.m. in Conference Room C on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) was cast in favor of the annexation of Street Lighting Zone 117 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2018-014 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2018-19 for Street Lighting Zone 117 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2018-19.

Reference

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

At the direction of the County of Riverside Board of Supervisors, L&LMD No. 89-1-C was formed in 1994 by Resolution No. 94-389 authorizing the annexation of new zones into L&LMD No. 89-1-C for the purpose of levying assessments to pay for the installation and maintenance of landscaping, streetlights and other right-of-way approved improvements.

The zone specific Engineer's Report for fiscal year 2018-2019 was prepared in compliance with the requirement of Article 4, Chapter, 1, of the Landscaping and Lighting Act of 1972, which is Part 2, Division 15 of the California Streets and Highways Code. The County initiates annexation proceedings for the annual levy of assessments by passing a resolution, which proposes the new levy under the Landscaping and Lighting Act of 1972. This resolution also describes the improvements, describes the location of the zone within the District and finally orders an engineer, who is a registered professional engineer, certified by the State of California, to prepare and file a detailed report.

In November 1996, California voters passed Proposition 218, Right to Vote on Taxes Act which added Articles XIII C and XIII D to the California Constitution, new procedures must be followed to levy annual assessments under the Landscaping and Lighting Act of 1972. A County may levy annual assessments for an assessment district after complying with the requirements of the Landscaping and Lighting Act of 1972, and the provisions of Proposition 218 Right to Vote on Taxes Act.

Impact on Residents and Businesses

The new assessment is for the purpose of providing the maintenance and servicing of streetlights within public right-of-way.

Only the commercial property owners within the proposed boundaries of Street Lighting Zone 117, which are represented by Conditional Use Permit No. 03599, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram) are impacted by the cost of this annexation. By setting up an assessment for the maintenance of certain infrastructure required by the development, the County requires that the development pay for its maintenance impact, rather than the obligation falling upon public funding sources.

SUPPLEMENTAL:

Additional Fiscal Information

The proposed budget for fiscal year 2018-19 for Street Lighting Zone 117 is \$503.70. This will result in an assessment for fiscal year 2018-19 within Street Lighting Zone 117 of \$503.70 per parcel. Street Lighting Zone 117 includes one commercial parcel totalling 3.24 acres. 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 Customers for electricity (CPI-U), if any, as it stands as of March of each year over the base index for March of 2017.

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Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Location Map
- B. Exhibit A
- C. Resolution No. 2018-014



Gregory V. Priamos, Director County Counsel 2/1/2018

RESOLUTION NO. 2018-014

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING THE ANNEXATION OF STREET LIGHTING ZONE 117 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 117 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN WITHIN THE BOUNDARIES OF SAID ZONE FOR THE FISCAL YEAR 2018-19

WHEREAS, on October 17, 2017 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2017-163, pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention of the Board of Supervisors to order the annexation of Street Lighting Zone 117 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:00 a.m. on December 5, 2017 at the meeting room of the Board of Supervisors and requiring that the notice of the public hearing and assessment ballots be mailed to all owners of property within Street Lighting Zone 117 as shown on the equalized tax roll; and

WHEREAS, notice of said public hearing was duly published and mailed as required by Resolution No. 2017-163, Section 22626 of the Streets and Highways Code and Sections 53753 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of property within said Street Lighting Zone 117 as shown on the equalized tax roll; and

WHEREAS, at 9:00 a.m. on December 5, 2017, as set forth in Resolution No. 2017-163, the Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and considered all oral statements and all written protest or communications made or filed by any interested persons, closed the public hearing and directed the Director of Transportation, or his designee, as an impartial person having no vested interest in the annexation of Street Lighting Zone 117

FORM APPROVED COUNTY COUNSEL
BY Dale A. Gardner 2/1/18
DATE DALE A. GARDNER

1 to L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment
2 ballots that had been received prior to the close of the public hearing; and

3 **WHEREAS**, the tally of the assessment ballots show that assessment ballots were timely
4 received from the owner of 1 parcel out of a possible 1 parcels and that 1 parcel (100 percent of the
5 assessment ballots received) voted in favor of annexation of Street Lighting Zone 117 to L&LMD No.
6 89-1-C and the levy of an annual assessment in said Street Lighting Zone 117 beginning fiscal year
7 2018-19; and

8 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
9 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
10 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
11 constitute the levy of an assessment on all assessable lots and parcels of land within Street Lighting
12 Zone 117 of L&LMD No. 89-1-C beginning fiscal year 2018-19.

13 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
14 Board of Supervisors of the County in regular session on February 27, 2018 as follows:

15 **Section 1. Findings.** The Board of Supervisors finds:

- 16 (a) the proceeding recitals are correct;
- 17 (b) compliance has been had with all the requirements of the Landscaping and
18 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
19 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
20 Government Code;
- 21 (c) a majority protest to the annexation of, and annual assessment of, Street Lighting
22 Zone 117 of L&LMD No. 89-1-C has not been filed;
- 23 (d) the tally of the assessment ballots timely received was 100 percent voted in favor
24 of annexation of Street Lighting Zone 117 to L&LMD No. 89-1-C and the levy of
25 an annual assessment beginning fiscal year 2018-19, and 0 percent voted no;
- 26

- 1 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
2 annexation of Street Lighting Zone 117 to L&LMD No. 89-1-C;
- 3 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
4 diagram and assessment for Street Lighting Zone 117 of L&LMD No. 89-1-C
5 either as originally proposed or as changed by it; and
- 6 (g) the assessments to be levied on the assessable lots and parcels of land within
7 Street Lighting Zone 117 of L&LMD No. 89-1-C for the maintenance and servicing
8 of streetlights in said Street Lighting Zone 117 during the fiscal year 2018-19 as
9 contained in the report of the Director of Transportation which is on file with the
10 Clerk of the Board of Supervisors (hereinafter the "Report") are based on benefits
11 derived by such lots and parcels from the availability of such streetlights
12 improvements, and are not based upon the ownership of such lots and parcels.

13 **Section 2. Annexation.** Street Lighting Zone 117, as proposed to be annexed to
14 L&LMD No. 89-1-C, includes all the property subject to Conditional Use Permit No. 03599 in the County
15 of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into
16 L&LMD No. 89-1-C.

17 **Section 3. Improvements.** The improvements authorized for Street Lighting
18 Zone 117 of L&LMD No. 89-1-C are:

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

21 **Section 4. Confirmation of Report.** The Report and the assessment diagram and
22 the assessment of estimated costs for the maintenance and servicing of streetlights in Street Lighting
23 Zone 117 of L&LMD No. 89-1-C for fiscal year 2018-19 as contained in the Report are confirmed.

24 **Section 5. Levy of Assessment.** Pursuant to Section 22631 of the Streets and
25 Highways Code the adoption of this resolution constitutes the levy of the assessment for the
26 maintenance and servicing of streetlights in Street Lighting Zone 117 of L&LMD No. 89-1-C during fiscal

1 year 2018-19, as contained in the Report, and such assessment is levied. The Clerk of the Board of
2 Supervisors is directed to file a certified copy of this resolution, together with the diagram and
3 assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who,
4 pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll
5 opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

6 **Section 6. Effective Date.** This Resolution shall take effect from and after its date of
7 adoption.

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10 **ROLL CALL:**

11 **Ayes:** Jeffries, Tavaglione, Washington, Perez and Ashley
12 **Nays:** None
13 **Absent:** None

14 The foregoing is certified to be a true copy of a resolution duly
15 adopted by said Board of Supervisors on the date therein set forth.

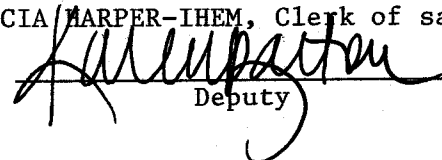
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KECIA HARPER-IHEM, Clerk of said Board
By  Deputy

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 117 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 317-110-039 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2018-19.

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

STREET LIGHTING ZONE 117

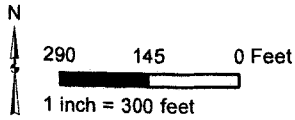
PORTION OF SECTION 12, T.4S., R.7W.

CONDITIONAL USE PERMIT NO. 03599

1 PARCEL

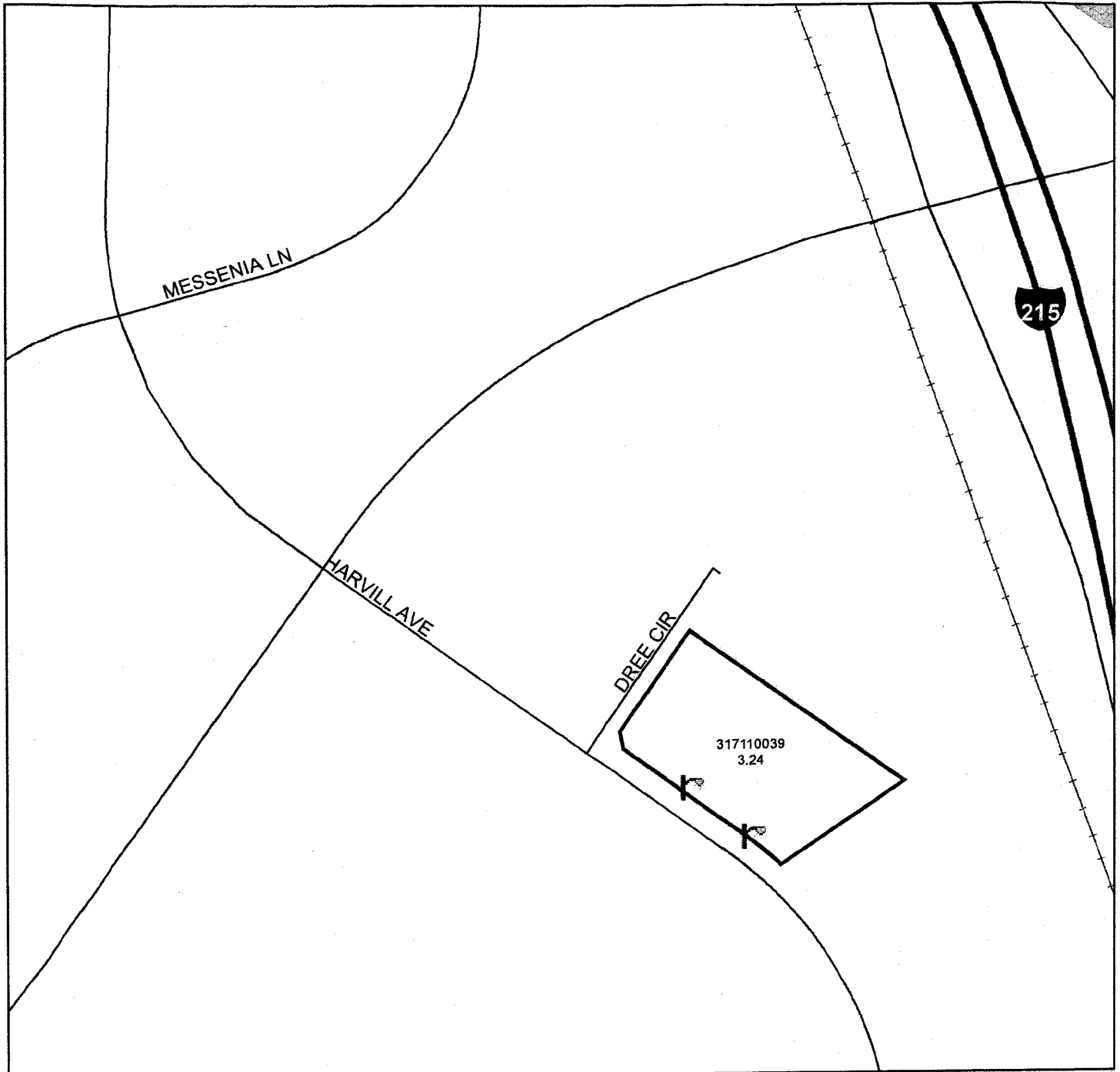


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ASSESSMENT DIAGRAM

Printed by bhahn on 7/28/2017



- DENOTES MAINTAINED STREETLIGHT
- STL ZONE 117 BOUNDARY