

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



**ITEM
3.38
(ID # 7094)**

MEETING DATE:
Tuesday, June 19, 2018


FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution No. 2018-103 ordering the Annexation of Zone 197 (Green Acres) into Landscaping and Lighting Maintenance District No. 89-1 Consolidated, District 3 [\$1,474 Annual]; L&LMD No. 89 1 C – 100%.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2018-103, Resolution of the Board of Supervisors of the County of Riverside ordering the annexation of Zone 197 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, confirming the diagram and assessment of Zone 197 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 Zone 197 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 Zone 197 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 5/17/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione 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: June 19, 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	\$1474.00	\$0	\$1474.00
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:	No
			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. 03579 S2, as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD No.89-1-C, creating Zone 197. The boundaries of Zone 197 will encompass the entire Conditional Use Permit No. 03579 S2 and will include the maintenance and servicing of streetlights and dormant parkway landscaping.

On February 27, 2018, a public hearing was held to receive all testimony regarding the annexation of Zone 197 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 February 28, 2018 at 10:00 a.m. in Conference Room C on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 3 parcels out of a possible 3 were cast, and that 3 votes (or 100%) were cast in favor of the annexation of Zone 197 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2018-103 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2018-19 for Zone 197 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.

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Reference

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, the location of the zone within the District and finally orders 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 and dormant parkway landscaping within public right-of-way.

Only the residential/commercial property owners within the proposed boundaries of Zone 197, which are represented by Conditional Use Permit No. 03579 S2, 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 Zone 197 is \$1,474.00. This will result in an assessment for fiscal year 2018-19 within Zone 197 of \$492.00 per parcel. Zone 197 includes 3 commercial parcels. 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 (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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ATTACHMENTS:

- A. Location Map
- B. Exhibit A
- C. Resolution No. 2018-103



Gregory V. Priaplos, Director County Counsel 6/4/2018

2 **RESOLUTION NO. 2018-103**

3
4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
5 **THE ANNEXATION OF ZONE 197 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**
6 **NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM**
7 **AND ASSESSMENT FOR ZONE 197 OF LANDSCAPING AND LIGHTING MAINTENANCE**
8 **DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE**
9 **LOTS AND PARCELS OF LAND THEREIN WITHIN THE BOUNDARIES OF SAID ZONE FOR THE**
10 **FISCAL YEAR 2018-19**

11 **WHEREAS**, on December 12, 2017 the Board of Supervisors (hereinafter the "Board of
12 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2017-179,
13 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the
14 intention of the Board of Supervisors to order the annexation of Zone 197 to Landscaping and Lighting
15 Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the County pursuant
16 to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
17 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for 9:00 a.m. on
18 February 27, 2018 at the meeting room of the Board of Supervisors and requiring that the notice of the
19 public hearing and assessment ballots be mailed to all owners of property within Zone 197 as shown on
20 the equalized tax roll; and

21 **WHEREAS**, notice of said public hearing was duly published and mailed as required by
22 Resolution No. 2017-179, Section 22626 of the Streets and Highways Code and Sections 53753 and
23 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of
24 property within said Zone 197 as shown on the equalized tax roll; and

25 **WHEREAS**, at 9:00 a.m. on February 27, 2018, as set forth in Resolution No. 2017-179, the
26 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 Zone 197 to L&LMD No.

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 6-3-18
DATE
SYNTHIA M. GUNZEL

1 89-1-C as required by Section 53753(e) of the Government Code to tally the assessment ballots that
2 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 3 parcels out of a possible 3 parcels and that 3 parcels (100 percent of the
5 assessment ballots received) voted in favor of annexation of Zone 197 to L&LMD No. 89-1-C and the
6 levy of an annual assessment in said Zone 197 beginning fiscal year 2018-19; and

7 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets
8 and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally
9 proposed, or as changed by the Board of Supervisors, and the adoption of such a resolution shall
10 constitute the levy of an assessment on all assessable lots and parcels of land within Zone 197 of
11 L&LMD No. 89-1-C beginning fiscal year 2018-19.

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
13 Board of Supervisors of the County in regular session on June 19, 2018 as follows:

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

- 15 (a) the proceeding recitals are correct;
- 16 (b) compliance has been had with all the requirements of the Landscaping and
17 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
18 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
19 Government Code;
- 20 (c) a majority protest to the annexation of, and annual assessment of, Zone 197 of
21 L&LMD No. 89-1-C has not been filed;
- 22 (d) the tally of the assessment ballots timely received was 100 percent voted in favor
23 of annexation of Zone 197 to L&LMD No. 89-1-C and the levy of an annual
24 assessment beginning fiscal year 2018-19, and 0 percent voted no;
- 25 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
26 annexation of Zone 197 to L&LMD No. 89-1-C;

1 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
2 diagram and assessment for Zone 197 of L&LMD No. 89-1-C either as originally
3 proposed or as changed by it; and

4 (g) the assessments to be levied on the assessable lots and parcels of land within
5 Zone 197 of L&LMD No. 89-1-C for the maintenance and servicing of streetlights
6 and dormant parkway landscaping improvements in said Zone 197 during the
7 fiscal year 2018-19 as contained in the report of the Director of Transportation
8 which is on file with the Clerk of the Board of Supervisors (hereinafter the
9 "Report") are based on benefits derived by such lots and parcels from the
10 availability of such streetlights and dormant parkway landscaping improvements,
11 and are not based upon the ownership of such lots and parcels.

12 **Section 2. Annexation.** Zone 197, as proposed to be annexed to L&LMD No.
13 89-1-C, includes all the property subject to Conditional Use Permit No. 03579 S2 in the County of
14 Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into
15 L&LMD No. 89-1-C.

16 **Section 3. Improvements.** The improvements authorized for Zone 197 of L&LMD
17 No. 89-1-C are:

18 (a) The maintenance and servicing of landscaping within the public right-of-way
19 including the trimming, fertilizing, weeding and replanting of trees, shrubs, grass,
20 and other ornamental vegetation; and

21 (b) The maintenance and servicing of irrigation and electrical facilities associated with
22 the landscaping, including but not limited to electricity for operation of the irrigation
23 system and water for irrigation; and

24 (c) Providing electricity to and the maintenance and servicing of streetlights within
25 the public right-of-way including incidental costs and expenses.
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Section 4. Confirmation of Report. The Report and the assessment diagram and the assessment of estimated costs for the maintenance and servicing of streetlights and dormant parkway landscaping improvements in Zone 197 of L&LMD No. 89-1-C for fiscal year 2018-19 as contained in the Report are confirmed.

Section 5. Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways Code the adoption of this resolution constitutes the levy of the assessment for the maintenance and servicing of streetlights and dormant parkway landscaping improvements in Zone 197 of L&LMD No. 89-1-C during fiscal year 2018-19, as contained in the Report, and such assessment is levied. The Clerk of the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County Tax Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

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

ROLL CALL:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

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

KECIA HARPER-IHEM, Clerk of said Board
By *[Signature]*
Deputy

EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

The boundaries of Zone 197 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 458-103-037, 038 & 039 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2017-18.

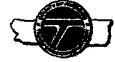
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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

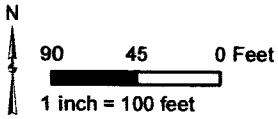
ZONE 197

PORTION OF SECTION 15, T.5S., R.2W.
CONDITIONAL USE PERMIT NO. 03579

3 PARCELS

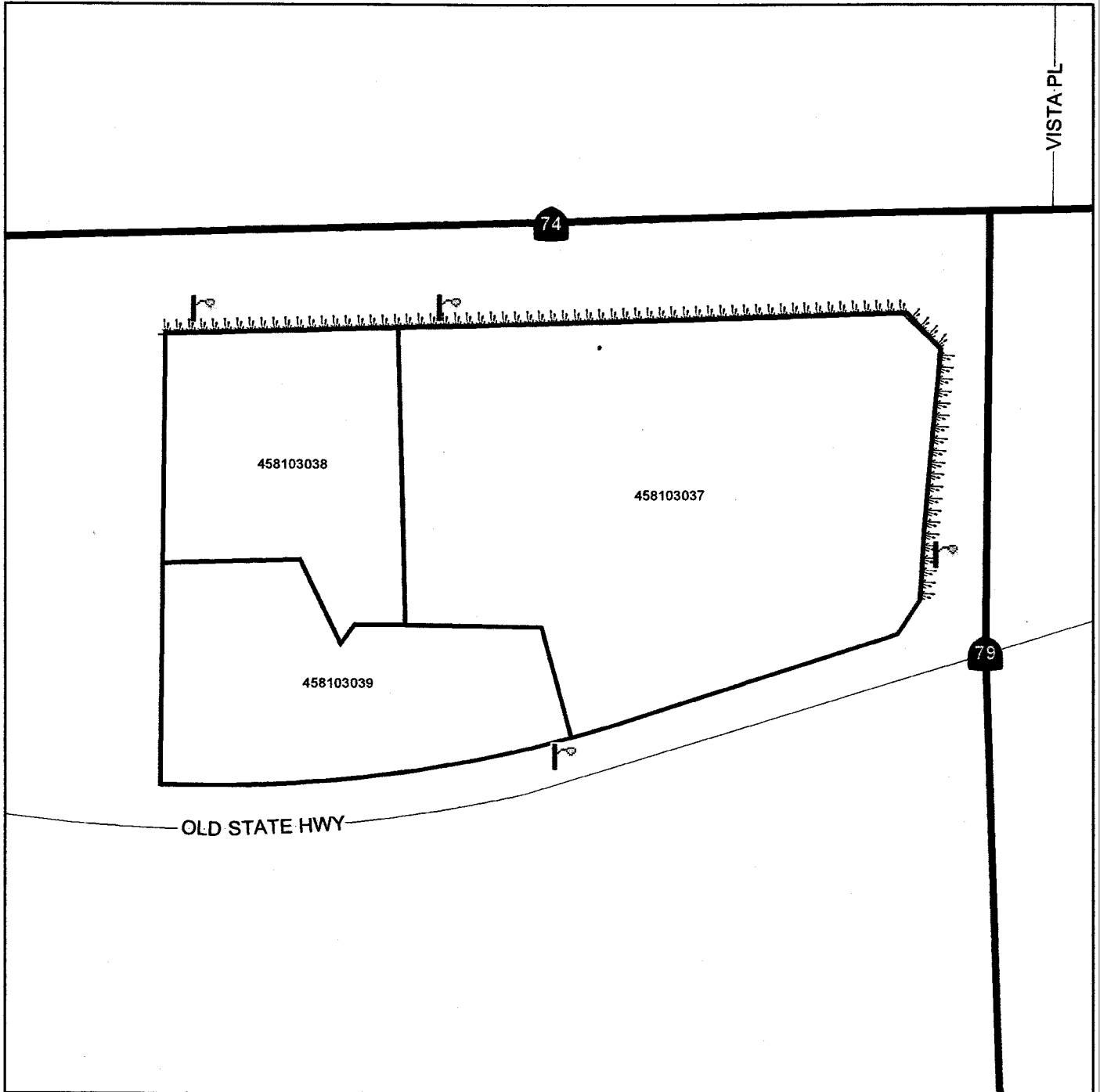


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ASSESSMENT DIAGRAM

Printed by bhahn on 8/15/2017



ZONE 197 BOUNDARY

DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES MAINTAINED STREETLIGHT

Location Map



CITY OF
HEMET

CORTLAND LN

JUNIPER SPRINGS RD

BEVERLY DR

ZONE 197

TRUELSON AVE

OLD STATE HWY

EL CENTRO AVE

GREEN AVE

CORTRILE AVE

RICHMOND RD

79

STETSON AVE

74

