

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



ITEM
9.6
(ID # 8375)

MEETING DATE:

Tuesday, December 11, 2018

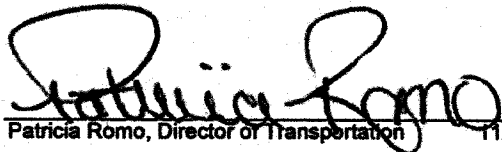
FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Public Hearing on the Annexation of Street Lighting Zone 124 to Landscaping
and Lighting Maintenance District No. 89-1-Consolidated, Mecca, District 4.
[\$420 - 100% L&LMD No. 89 1 C]

RECOMMENDED MOTION: That the Board of Supervisors:

1. With regard to the annexation of Street Lighting Zone 124 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 her designee, who the Board of Supervisors 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, December 12, 2018 in Conference Room C on the 8th Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California. Staff is directed to cause the appropriate resolution, based on the election tally, to be prepared and returned to the Board of Supervisors for its consideration.

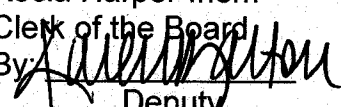
ACTION:


Patricia Romo, Director of Transportation 11/8/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, 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: December 11, 2018
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$420	N/A	\$420
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: 19/20	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 2018-160 adopted September 25, 2018, the Board of Supervisors noticed a public hearing for December 11, 2018, to receive testimony regarding the Annexation of Street Lighting Zone 124 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated (L&LMD No. 89-1-C). Annexation of Street Lighting Zone 124 will fund the maintenance and servicing of streetlights within public rights-of-way located Northerly of 70th Avenue and westerly of Cleveland Street in the Mecca area and includes 5 commercial parcels totalling 479.30 acres.

On September 26, 2018 a notice of the public hearing and information sheet, a mail-in ballot, an impartial analysis, and a copy of Resolution No. 2018-160 was mailed to all property owners within Street Lighting Zone 124, 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. 2018-160 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. 2018-160 on the official bulletin board customarily used by the Board of Supervisors for the posting of notices and in two (2) other public locations within the County.

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 124, which are represented by Conditional Use Permit No. 3635, as described in the attached Exhibit "A" (a two page exhibit containing a description and diagram) are impacted by the cost of this annexation. The property owners within the proposed boundaries of Street Lighting Zone 124 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).

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

SUPPLEMENTAL:

Additional Fiscal Information

The proposed budget for fiscal year 2019-20 for Street Lighting Zone 124 is \$420.00. This will result in an assessment for fiscal year 2019-20 within Street Lighting Zone 124 of \$0.88 per acre. 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 for electricity (CPI-U), if any, as it stands as of March of each year over the base index for March of 2019.

ATTACHMENTS:

Exhibit A


Scott Bruckner 12/2/2018


Gregory T. Priamos, Director County Counsel 11/29/2018



OFFICE OF THE
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

November 26, 2018

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

TEL: (951) 368-9229
E-MAIL: legals@pe.com

RE: NOTICE OF PUBLIC HEARING: RESOLUTION 2018-160 STL 124

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, November 29, 2018.**

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

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

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

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

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, December 11, 2018 at 9:30 a.m.** or as soon as possible thereafter, to consider the following:

RESOLUTION NO. 2018-160

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 124 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 THE ANNEXATION OF STREET LIGHTING ZONE 124 ; 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. 2018-159 on September 25, 2018 initiating proceedings for the annexation of Street Lighting Zone 124 (hereinafter "Street Lighting Zone 124"), 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 Street Lighting Zone 124 and the assessments to be levied within Street Lighting Zone 124 each fiscal year beginning fiscal year 2019-20 for the maintenance and servicing of streetlights 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 Street Lighting Zone 124; and

WHEREAS, the Board of Supervisors by Resolution No. 2018-159 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 December 11, 2018; and

WHEREAS, it is necessary that the Board of Supervisors adopt a resolution of intention pursuant to Section 22587 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22588 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the annexation of Street Lighting Zone 124, and the assessments to be levied on parcels within Street Lighting Zone 124 beginning in fiscal year 2019-20;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors in regular session assembled on September 25, 2018 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 XIIIID and may, therefore, be approved by the Board of Supervisors;
- (c) The annual assessment for fiscal year 2019-20 on all parcels within Street Lighting Zone 124 will be \$0.88 per acre.

Section 2. Intent. The Board of Supervisors hereby declares its intention to order the annexation of Street Lighting Zone 124, 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 Street Lighting Zone 124 commencing with the fiscal year 2019-20 as set forth in the Report. The Report expressly states that there are no parcels or lots within Street Lighting Zone 124 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 the boundaries of Street Lighting Zone 124 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 authorized for Street Lighting Zone 124 of L&LMD No. 89-1-C are:

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

Section 5. Amount to be Levied. The assessment to be levied upon each parcel that benefits from the annexation of Street Lighting Zone 124 to L&LMD No. 89-1-C will be \$0.88 per acre for fiscal year 2019-20. As stated in the Report, the total budget for Street Lighting Zone 124 for the fiscal year 2019-20 is \$420.00; there are 5 parcels that are to be assessed that aggregate to 479.30 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 for electricity ("CPI-U-Electricity") for the Riverside-San Bernardino-Ontario California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPI-U-Electricity 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 2019. Any increase larger than the greater of 2% or the CPI-U-Electricity annual adjustment requires a majority approval of all the property owners in Street Lighting Zone 124. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 124 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 Street Lighting Zone 124. The boundaries of Street Lighting Zone 124 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 Street Lighting Zone 124, and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 124 proposed to be annexed to L&LMD No. 89-1-C.

Section 8. Public Hearing. The question of whether Street Lighting Zone 124 shall be annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2019-20 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on December 11, 2018, 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 Street Lighting Zone 124 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 Street Lighting Zone 124 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact Ms. Brigitte Hahn, Senior Engineering Technician, Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6263, or by e-mail at bhahn@rctlma.org.

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Street Lighting Zone 124 to L&LMD No. 89-1-C shall be given consistent with Sections 22608 and 22588 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 December 11, 2018. 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 Street Lighting Zone 124 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 December 11, 2018.

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

(INSERT EXHIBIT A)

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 September 25, 2018.

Kecia Harper-Ihem, Clerk of said Board

By: Karen Barton, 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.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the hearing.

Dated: November 26, 2018.

Kecia Harper-Ihem, Clerk of the Board

By: Karen Barton, Board Assistant

EXHIBIT "A"

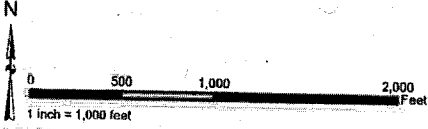
DESCRIPTION OF BOUNDARIES

The boundaries of Street Lighting Zone 124 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 721-100-003, 721-100-004, 721-100-005, 721-110-003, 721-110-004 as shown on the Assessment Roll in the County of Riverside, State of California in Fiscal Year 2018-19.

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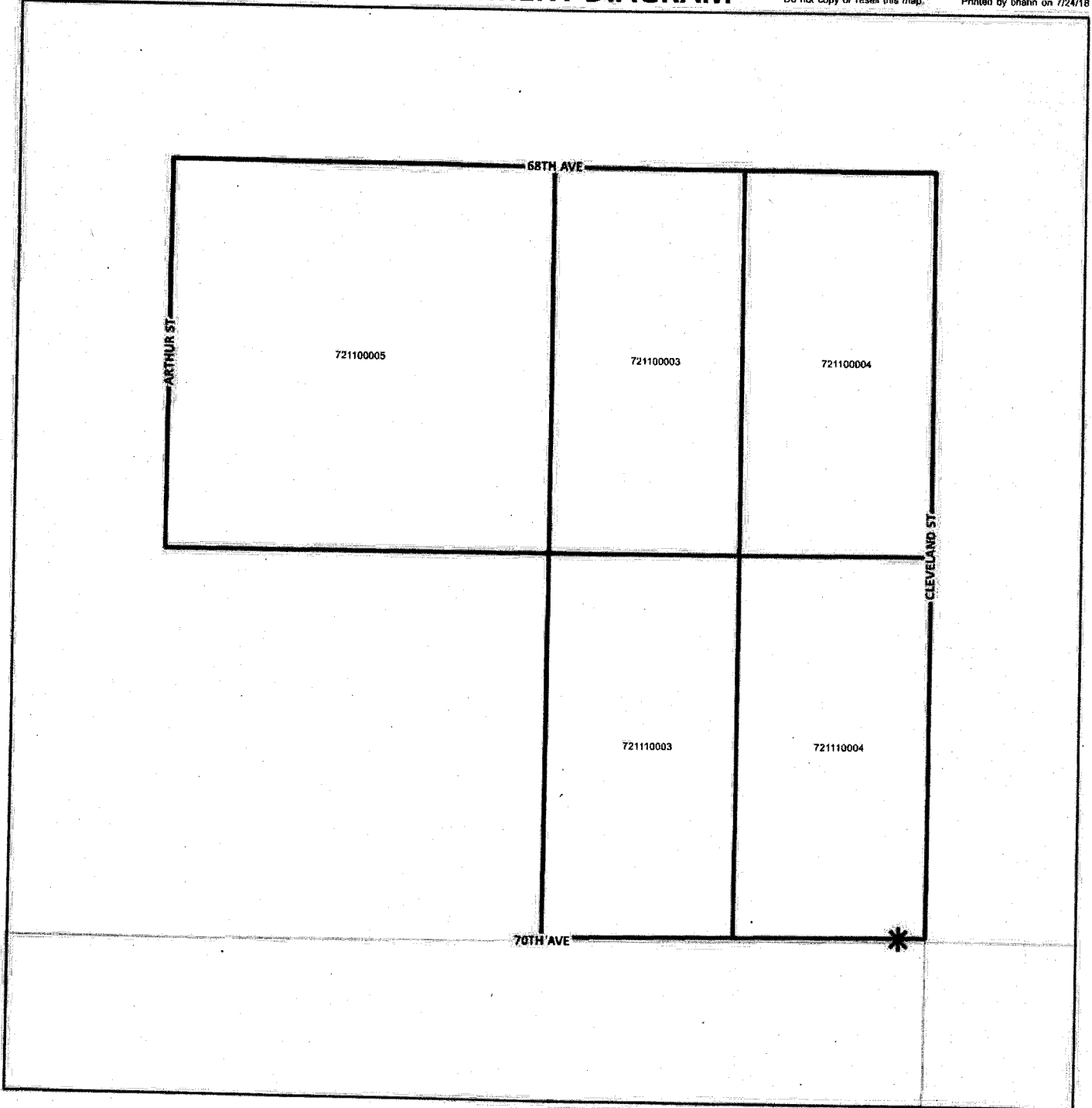
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

STREET LIGHT ZONE 124
PORTION(S) OF SECTION 18, 19, & 20, T.7S., R.10E.
CONDITION USE PERMIT NO. 03635
5 PARCELS



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 resell this map. Printed by bhahn on 7/24/18

ASSESSMENT DIAGRAM



* DENOTES MAINTAINED ROW STREETLIGHT

□ DENOTES ZONE BOUNDARY

THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
11/29/18	0011206319		PE Riverside	4 x 298 Li	1,549.60

Invoice text: Resolution 2018-160

*Transp.
3.20 9/25/18*

Placed by: Karen Lynn Barton

Legal Advertising Memo Invoice

BALANCE DUE
1,549.60

SALES/CONTACT INFORMATION		ADVERTISER INFORMATION		
	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
Nick Eller 951-368-9229	11/29/2018	5209148	5209148	BOARD OF SUPERVISORS



THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
11/29/2018	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
1,549.60	0011206319	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 'PO BOX 1147'
 RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP
 dba The Press-Enterprise
 PO Box 65210
 Colorado Springs, CO 80962-5210

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Resolution 2018-160 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

11/29/2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: November 29, 2018
At: Riverside, California


Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011206319-01

P.O. Number:

Ad Copy:

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, December 11, 2018 at 9:30 a.m.** or as soon as possible thereafter, to consider the following:

RESOLUTION NO. 2018-160

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 124 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 STREET LIGHTS; 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 124; 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. 2018-159 on September 25, 2018 initiating proceedings for the annexation of Street Lighting Zone 124 (hereinafter "Street Lighting Zone 124"), 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. 891C") 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 Street Lighting Zone 124 and the assessments to be levied within Street Lighting Zone 124 each fiscal year beginning fiscal year 2019-20 for the maintenance and servicing of streetlights 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. 891C for Street Lighting Zone 124; and

WHEREAS, the Board of Supervisors by Resolution No. 2018-159 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 December 11, 2018; and

WHEREAS, it is necessary that the Board of Supervisors adopt a resolution of intention pursuant to Section 22587 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section 22588 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the annexation of Street Lighting Zone 124, and the assessments to be levied on parcels within Street Lighting Zone 124 beginning in fiscal year 2019-20;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors in regular session assembled on September 25, 2018 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 2019-20 on all parcels within Street Lighting Zone 124 will be \$0.88 per acre.

Section 2. Intent. The Board of Supervisors hereby declares its intention to order the annexation of Street Lighting Zone 124, 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 Street Lighting Zone 124 commencing with the fiscal year 2019-20 as set forth in the Report. The Report expressly states that there are no parcels or lots within Street Lighting Zone 124 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 the boundaries of Street Lighting Zone 124 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 authorized for Street Lighting Zone 124 of L&LMD No. 89-1-C are:

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

Section 5. Amount to be Levied. The assessment to be levied upon each parcel that benefits from the annexation of Street Lighting Zone 124 to L&LMD No. 891C will be \$0.88 per acre for fiscal year 2019-20. As stated in the Report, the total budget for Street Lighting Zone 124 for the fiscal year 2019-20 is \$420,000; there are 5 parcels that are to be assessed that aggregate to 479.30 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 for electricity ("CPIU-Electricity") for the Riverside-San Bernardino-Ontario California Standard Metropolitan Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of Labor. The annual CPIU-Electricity 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 2019. Any increase larger than the greater of 2% or the CPIU-Electricity annual adjustment requires a majority approval of all the property owners in Street Lighting Zone 124. The Board of Supervisors will levy the assessment in each subsequent fiscal year until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 124 of L&LMD No. 891C. 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. 891C is Street Lighting Zone 124. The boundaries of Street Lighting Zone 124 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 Street Lighting Zone 124, and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 124 proposed to be annexed to L&LMD No. 89-1-C.

Section 8. Public Hearing. The question of whether Street Lighting Zone 124 shall be annexed to L&LMD No. 89-1-C and an annual assessment levied beginning in fiscal year 2019-20 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on December 11, 2018, 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 Street Lighting Zone 124 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article XIII D 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 Street Lighting Zone 124 of L&LMD No. 891C, the Report, or the proposed assessment is to contact Ms. Brigitte Hahn, Senior Engineering Technician, Transportation Department of the County of Riverside, 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 9519556263, or by email at bhahn@rcflma.org.

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Street Lighting Zone 124 to L&LMD No. 891C shall be given consistent with Sections 22608 and 22588 of the Streets and Highways Code and Section 4 of Article XIII D. 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 December 11, 2018. 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 XIII D and Section 4000 of the California Elections Code to all owners of record of property within Street Lighting Zone 124 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 December 11, 2018.

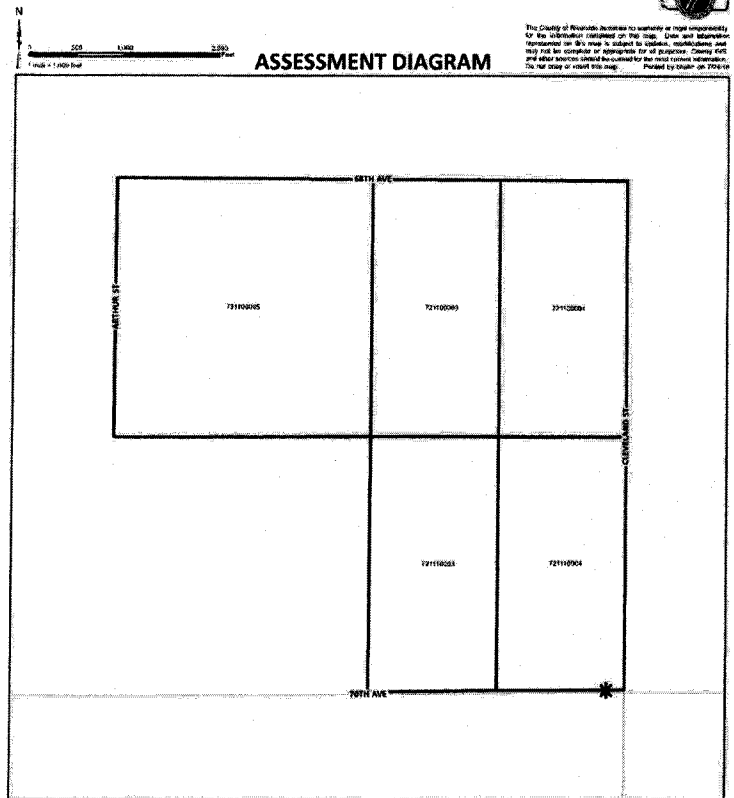
Section 12. Effective Date. This Resolution shall take effect from and after its date of adoption.

**EXHIBIT 'A'
DESCRIPTION OF BOUNDARIES**

The boundaries of Street Lighting Zone 124 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 721-100-003, 721-100-004, 721-100-005, 721-110-003, 721-110-004 as shown on the Assessment Roll in the County of Riverside, State of California in Fiscal Year 2018-19.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

STREET LIGHT ZONE 124
PORTION(S) OF SECTION 18, 19, & 20, T.7S., R.10E.
CONDITION USE PERMIT NO. 03635
5 PARCELS



* DENOTES MAINTAINED ROW STREETLIGHT
□ DENOTES ZONE BOUNDARY

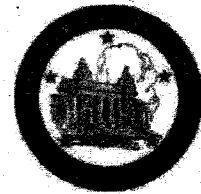
ROLL CALL:
AYES: Jeffries, Tavaglione, Washington, Perez, and Ashley
NAYS: None
ABSENT: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on September 25, 2018.

Kecia Harper-Ihern, Clerk of said Board
By: Karen Barton, 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.

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



ITEM
3.20
(ID # 7743)

MEETING DATE:

Tuesday, September 25, 2018

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution No. 2018-159 and Resolution No. 2018-160 to Initiate Proceedings for the Annexation of Street Lighting Zone 124 (Mecca) to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, District 4 [\$420] L&LMD No. 89 1 C – 100%; (Set for Public Hearing on December 11, 2018) (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2018-159 a Resolution of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 124 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 124; and,
2. Adopt Resolution No. 2018-160, a Resolution of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 124 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 124, ordering an assessment ballot proceeding conducted by mail, and directing the mailing of the notice of public hearing and the assessment ballot; and,

Continued on page 2

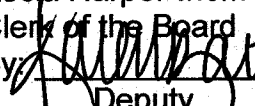
ACTION:


Patricia Romo, Director of Transportation 9/5/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries; seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above resolutions are adopted as recommended, and that the matter is set for public hearing on Tuesday, December 11, 2018, at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: September 25, 2018
xc: Transp., COB(2)

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

RECOMMENDED MOTION: That the Board of Supervisors:

3. Set the public hearing for December 11, 2018 on the annexation of Street Lighting Zone 124, order a mailed assessment ballot proceeding, and direct notice of the public hearing and ballot be mailed pursuant to Article XIID of the California Constitution. (Clerk to Advvertise)

COST	\$0	\$420	\$420	\$420
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: 19/20	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Landscaping and Lighting Maintenance Districts (L&LMDs) are formed for the purpose of creating a funding mechanism to pay for the installation and maintenance of landscaping, streetlights, traffic signals, runoff catch basin 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 an 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 138 individual zones with different fee structures spread throughout Riverside County. The commercial property owner of Conditional Use Permit No. 3635, 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 124. The boundaries of Street Lighting Zone 124 will encompass the entire Conditional Use Permit No. 3635 and will include the maintenance and servicing of streetlights.

Adoption of Resolution No. 2018-159 appoints the Director of the Transportation Department, or her designee, as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 124 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2018-160 declares the Board of Supervisors' intention of ordering the annexation of Street Lighting Zone 124 to L&LMD No. 89-1-C. The annexation of Street Lighting Zone 124 to L&LMD No. 89-1-C will fund the maintenance and servicing of streetlights within a public right-of-

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

way located north of 70th Avenue and west of Cleveland Street in the Mecca area and includes 5 commercial parcels totalling 479.30 acres.

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 9:00 a.m. on December 11, 2018 to receive testimony for and against the proposed assessment. Each property owner within the proposed Street Lighting Zone 124 will receive a notice of the public hearing and mail-in ballot, an impartial analysis, a copy of Resolution No. 2018-160, 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 124 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 124 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 11, 2018.

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 2019-20 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, creating new procedures that 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

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

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

Only the commercial property owners within the proposed boundaries of Street Lighting Zone 124, which are represented by Conditional Use Permit No. 3635, 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.

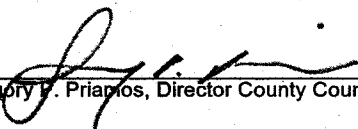
SUPPLEMENTAL:

Additional Fiscal Information

The proposed budget for fiscal year 2019-20 for Street Lighting Zone 124 is \$420. This will result in an assessment for fiscal year 2019-20 within Street Lighting Zone 124 of \$0.88 per acre. 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 for electricity (CPI-U-Electricity), if any, as it stands as of March of each year over the base index for March of 2019.

ATTACHMENTS:

Location Map
Exhibit A
Resolution No. 2018-159
Resolution No. 2018-160
Engineer's Report



Gregory P. Priamos, Director County Counsel 9/17/2018