

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



ITEM
3.29
(ID # 8692)

MEETING DATE:

Tuesday, January 29, 2019

FROM : TLMA-TRANSPORTATION:

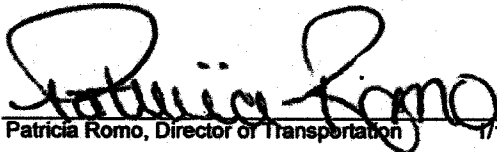
SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:

Adopt Resolution No. 2019-022 ordering the Annexation of Street Lighting Zone 124 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Mecca, District 4. [\$420 - L&LMD No. 89-1-C 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2019-022, Resolution of the Board of Supervisors of the County of Riverside ordering the annexation of Street Lighting Zone 124 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 124 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 2019-20; and
2. Direct the County Auditor-Controller's office to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Street Lighting Zone 124 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Sections 22655 and 22656 of the Streets and Highways Code.

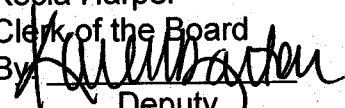
ACTION:


Patricia Romo, Director of Transportation 1/14/2019

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 29, 2019
xc: Transp., Auditor

Kecia Harper
Clerk of the Board
By 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$420	\$0	\$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:

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, 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 an annual basis for the installation and maintenance of the features within that particular zone.

L&LMD No. 89-1-Consolidated ("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. 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.

On December 11, 2018, a public hearing was held to receive all testimony regarding the annexation of Street Lighting Zone 124 into L&LMD No. 89-1-C. After closing the public hearing, the Board of Supervisors directed the Director of Transportation, or her designee, to tabulate the assessment ballots that had been received prior to the close of the hearing. The assessment ballots were to be tabulated on December 12, 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 5 parcels out of a possible 5 were cast, and that 5 votes (or 100%) was cast in favor of the annexation of Street Lighting Zone 124 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2019-022 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2019-20 for Street Lighting Zone 124 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2019-20.

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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 2019-20 was prepared in compliance with the requirements of Article 4, Chapter 1 of the Landscaping and Lighting Act of 1972, which is Part 2 of 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

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. 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

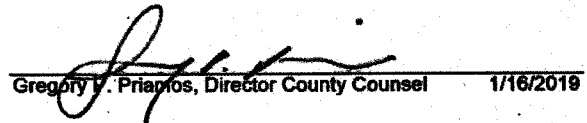
The proposed budget for fiscal year 2019-20 for Street Lighting Zone 124 is \$420.00. This will result in an assessment for fiscal year 2019-20 within Street Lighting Zone 124 of \$0.88 per acre. Street Lighting Zone 124 includes 5 commercial parcels totalling 479.30 acres. The annual assessment may 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-Electricity), if any, as it stands as of March of each year over the base index for March of 2019.

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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ATTACHMENTS:

- A. Location Map
- B. Exhibit A
- C. Resolution No. 2019-022


Scott Bruckner 1/18/2019


Gregory V. Priamos, Director County Counsel 1/16/2019

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3 **RESOLUTION NO. 2019-022**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
5 **THE ANNEXATION OF STREET LIGHTING ZONE 124 TO LANDSCAPING AND LIGHTING**
6 **MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND**
7 **CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 124 OF**
8 **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND**
9 **LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN**
10 **WITHIN THE BOUNDARIES OF SAID ZONE FOR THE FISCAL YEAR 2019-20**

11
12 **WHEREAS**, on September 25, 2018 the Board of Supervisors (hereinafter the "Board of
13 Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2018-160,
14 pursuant to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the
15 intention of the Board of Supervisors to order the annexation of Street Lighting Zone 124 to Landscaping
16 and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&LMD No. 89-1-C") of the
17 County pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section
18 22500) of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing
19 for 9:00 a.m. on December 11, 2018 at the meeting room of the Board of Supervisors and requiring that
20 the notice of the public hearing and assessment ballots be mailed to all owners of property within Street
21 Lighting Zone 124 as shown on the equalized tax roll; and

22 **WHEREAS**, notice of said public hearing was duly published and mailed as required by
23 Resolution No. 2018-160, Section 22588 of the Streets and Highways Code and Sections 53753 and
24 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of
25 property within said Street Lighting Zone 124 as shown on the equalized tax roll; and
26

FORM APPROVED COUNTY COUNSEL
BY MCT 15 JAN 2019
MICHAEL C THOMAS DATE

1 **WHEREAS**, at 9:00 a.m. on December 11, 2018, as set forth in Resolution No. 2018-160, the
2 Board of Supervisors held a public hearing and afforded all interested persons an opportunity to be
3 heard, and considered all oral statements and all written protest or communications made or filed by
4 any interested persons, closed the public hearing and directed the Director of Transportation, or her
5 designee, as an impartial person having no vested interest in the annexation of Street Lighting Zone 124
6 to L&LMD No. 89-1-C as required by Section 53753(e) of the Government Code to tabulate the
7 assessment ballots that had been received prior to the close of the public hearing; and

8 **WHEREAS**, the tabulation of the assessment ballots show that assessment ballots were timely
9 received from the owner of 5 parcels out of a possible 5 parcels and that 5 parcels (100 percent of the
10 assessment ballots received) voted in favor of annexation of Street Lighting Zone 124 to L&LMD No.
11 89-1-C and the levy of an annual assessment in said Street Lighting Zone 124 beginning fiscal year
12 2019-20; and

13 **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22594 of the Streets
14 and Highways Code, to adopt a resolution ordering the improvements and the annexation of Street
15 Lighting Zone 124 and confirming the diagram and assessment, either as originally proposed, or as
16 changed by the Board of Supervisors, and the adoption of such a resolution shall constitute the levy of
17 an assessment on all assessable lots and parcels of land within Street Lighting Zone 124 of L&LMD No.
18 89-1-C for fiscal year 2019-20.

19 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
20 Board of Supervisors of the County in regular session on January 29, 2019 as follows:

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

- 22 (a) the preceding recitals are correct;
- 23 (b) compliance has been had with all the requirements of the Landscaping and
24 Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division
25 15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the
26 Government Code;

- 1 (c) a majority protest to the annexation of, and annual assessment of, Street Lighting
2 Zone 124 of L&LMD No. 89-1-C has not been filed;
- 3 (d) the tabulation of the assessment ballots timely received was 100 percent voted in
4 favor of annexation of Street Lighting Zone 124 to L&LMD No. 89-1-C and the
5 levy of an annual assessment beginning fiscal year 2019-20, and 0 percent voted
6 no;
- 7 (e) the Board of Supervisors may proceed to adopt a resolution ordering the
8 annexation of Street Lighting Zone 124 to L&LMD No. 89-1-C;
- 9 (f) the Board of Supervisors may proceed to adopt a resolution confirming the
10 diagram and assessment for Street Lighting Zone 124 of L&LMD No. 89-1-C
11 either as originally proposed or as changed by it; and
- 12 (g) the assessments to be levied on the assessable lots and parcels of land within
13 Street Lighting Zone 124 of L&LMD No. 89-1-C for the maintenance and servicing
14 of streetlights in said Street Lighting Zone 124 during the fiscal year 2019-20 as
15 contained in the report of the Director of Transportation which is on file with the
16 Clerk of the Board of Supervisors (hereinafter the "Report") are based on benefits
17 derived by such lots and parcels from the availability of such streetlights
18 improvements, and are not based upon the ownership of such lots and parcels.

19 **Section 2. Annexation.** Street Lighting Zone 124, as proposed to be annexed to
20 L&LMD No. 89-1-C, which includes all the property subject to Conditional Use Permit No. 3635 in the
21 County of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is
22 annexed into L&LMD No. 89-1-C.

23 **Section 3. Improvements.** The improvements authorized for Street Lighting
24 Zone 124 of L&LMD No. 89-1-C are:

- 25 (a) Providing electricity to and the maintenance and servicing of streetlights within
26 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 in Street Lighting Zone 124 of L&LMD No. 89-1-C for fiscal year 2019-20 as contained in the Report are confirmed.

Section 5. Levy of Assessment. Pursuant to Section 22594 of the Streets and Highways Code the adoption of this resolution constitutes the levy of the assessment for the maintenance and servicing of streetlights in Street Lighting Zone 124 of L&LMD No. 89-1-C during fiscal year 2019-20, 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 assessment 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, Spiegel, Washington, Perez and Hewitt
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.

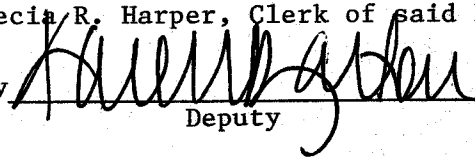
Kecia R. Harper, Clerk of said Board
By 
Deputy

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.

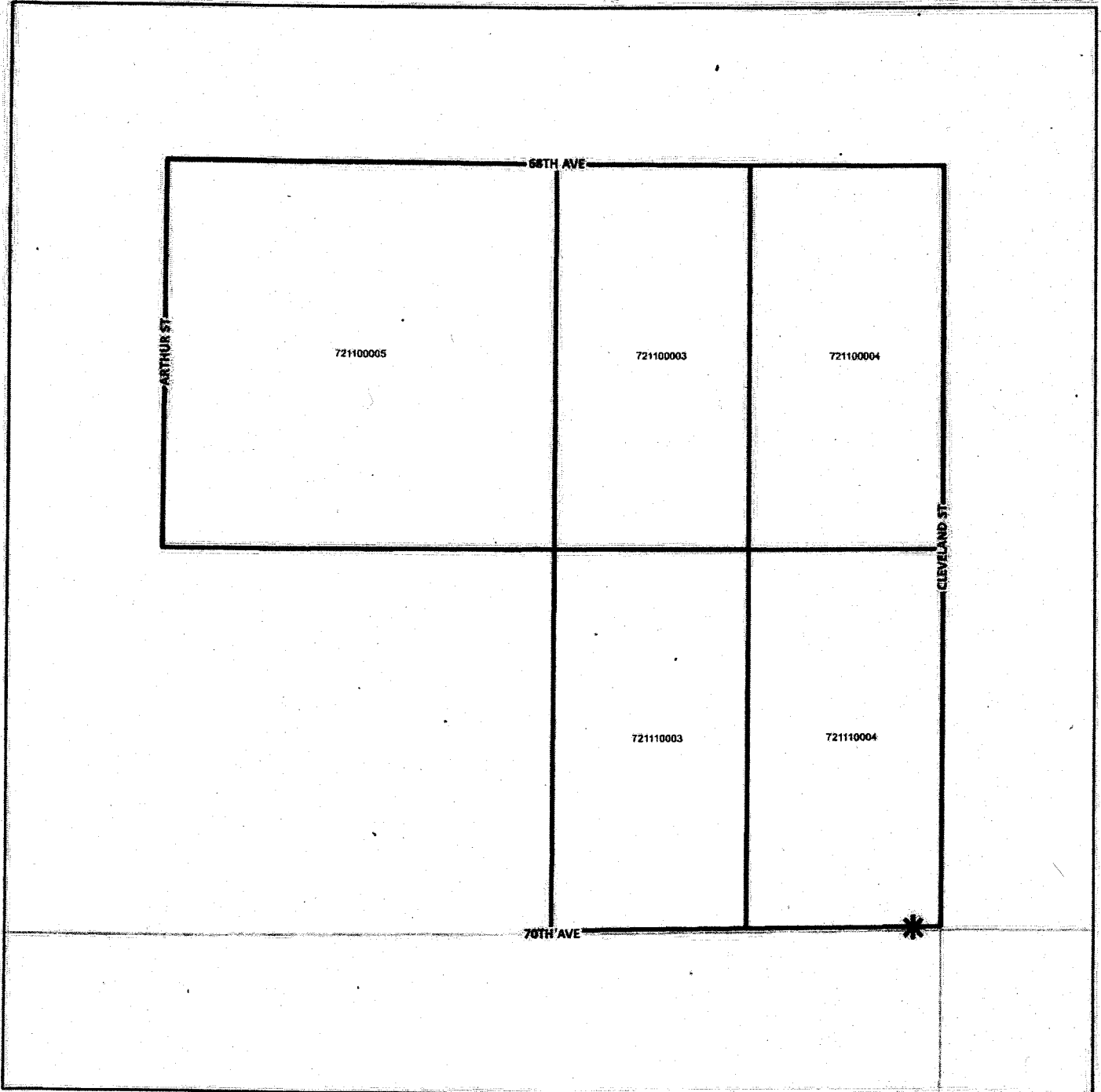
CONDITION USE PERMIT NO. 03635



5 PARCELS



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ASSESSMENT DIAGRAM



-  DENOTES MAINTAINED ROW STREETLIGHT
-  DENOTES ZONE BOUNDARY

