

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



**ITEM: 3.37  
(ID # 14584)**

**MEETING DATE:**

Tuesday, March 23, 2021

**FROM:** TLMA-TRANSPORTATION:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:  
Adopt Resolution No. 2021-050 ordering the Annexation of Zone 215 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, French Valley, District 3. [\$6,341 Ongoing Cost - L&LMD No. 89-1-C 100%]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. 2021-050, Resolution of the Board of Supervisors of the County of Riverside ordering the annexation of Zone 215 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside and confirming the diagram and assessment for Zone 215 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 2021-22;
2. Direct the Clerk of the Board to immediately file the diagram and assessment, or a certified copy thereof, with the County Auditor-Controller in accordance with Section 22641 of the Streets and Highways Code; and
3. Direct the County Auditor-Controller to establish an interest-bearing sub-fund 20300 to receive deposits and interest thereon from Zone 215 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Sections 22655 and 22656 of the Streets and Highways Code.

**ACTION: Policy**

  
Mark Lancaster, Director of Transportation

2/22/2021

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**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: March 23, 2021  
xc: Transp., Auditor, COB

Kecia R. Harper

Clerk of the Board

By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 6,341	\$ 0	\$ 6,341
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> L&LMD No. 89-1-C – 100% There are no General Funds used in this project.			<b>Budget Adjustment:</b> N/A	
			<b>For Fiscal Year:</b> 21/22	

**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-Consolidated ("L&LMD No. 89-1-C") was formed in 1994, Resolution No. 94-389, and currently consists of 166 individual zones with different fee structures spread throughout Riverside County. The commercial property owner of Parcel Map No. 37404, as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD No.89-1-C, creating Zone 215. The boundaries of Zone 215 will encompass the entire Parcel Map No. 37404 and will include the maintenance and servicing of streetlights and traffic signals.

On January 26, 2021, a public hearing was held to receive all testimony regarding the annexation of Zone 215 to L&LMD No. 89-1-C. After closing the public hearing, the Board of Supervisors directed the Director of Transportation, or their 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 January 27, 2021 at 10:00 a.m. in Conference Room C on the 8<sup>th</sup> Floor of the County Administrative Center. The tabulation shows that votes representing 2 parcels out of a possible 2 were cast, and that 2 votes (or 100%) were cast in favor of the annexation of Zone 215 to L&LMD No. 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution No. 2021-050 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2021-22 for Zone 215 of L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2021-22.

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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 2021-22 was prepared in compliance with the requirement 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 and traffic signals within public right-of-way.

Only the commercial property owners within the proposed boundaries of Zone 215, which are represented by Parcel Map No. 37404, 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 2021-22 for Zone 215 is \$6,341. This will result in an assessment for fiscal year 2021-22 within Zone 215 of \$337 per acre. Zone 215 includes 2 commercial parcels totalling 18.81 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

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Urban Customers for electricity (CPI-U), if any, as it stands as of March of each year over the base index for March of 2021.

**Contract History and Price Reasonableness**

N/A

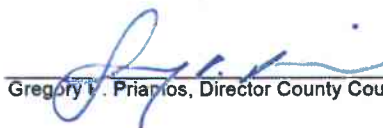
**ATTACHMENTS:**

- A. Location Map
- B. Exhibit A
- C. Resolution No. 2021-050



Jason Farin, Principal Management Analyst

3/17/2021



Gregory V. Priamos, Director County Counsel

3/10/2021

FORM APPROVED COUNTY COUNSEL  
BY: D.C. 2. 3/9/21  
DARREN C. ZIEGLER DATE

Board of Supervisors

County of Riverside

RESOLUTION NO. 2021-050

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING  
THE ANNEXATION OF ZONE 215 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT  
NO. 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE DIAGRAM  
AND ASSESSMENT FOR ZONE 215 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 2021-22

**WHEREAS**, on December 8, 2020 the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") adopted Resolution No. 2020-227, 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 Zone 215 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 9:30 a.m. on January 26, 2021 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 Zone 215 as shown on the equalized tax roll; and

**WHEREAS**, notice of said public hearing was duly published and mailed as required by Resolution No. 2020-227, Section 22588 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 Zone 215 as shown on the equalized tax roll; and

1       **WHEREAS**, at 9:30 a.m. on January 26, 2021, as set forth in Resolution No. 2020-227, the Board  
2 of Supervisors held a public hearing and afforded all interested persons an opportunity to be heard, and  
3 considered all oral statements and all written protest or communications made or filed by any interested  
4 persons, closed the public hearing and directed the Director of Transportation, or their designee, as an  
5 impartial person having no vested interest in the annexation of Zone 215 to L&LMD No. 89-1-C as  
6 required by Section 53753(e) of the Government Code to tabulate the assessment ballots that had been  
7 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 2 parcels out of a possible 2 parcels and that 2 parcels (100 percent of the  
10 assessment ballots received) voted in favor of annexation of Zone 215 to L&LMD No. 89-1-C and the  
11 levy of an annual assessment in said Zone 215 beginning fiscal year 2021-22; and

12       **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets  
13 and Highways Code, to adopt a resolution ordering the improvements and the annexation of Zone 215  
14 and confirming the diagram and assessment, either as originally proposed, or as changed by the Board  
15 of Supervisors, and the adoption of such a resolution shall constitute the levy of an assessment on all  
16 assessable lots and parcels of land within Zone 215 of L&LMD No. 89-1-C for fiscal year 2021-22.

17       **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
18 Board of Supervisors of the County in regular session on March 23, 2021 as follows:

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

- 20               (a)     the preceding recitals are correct;
- 21               (b)     compliance has been had with all the requirements of the Landscaping and  
22                       Lighting Act of 1972, being Part 2 (commencing with Section 22500) of Division  
23                       15 of the Streets and Highways Code, and Sections 53753 and 54954.6 of the  
24                       Government Code;
- 25               (c)     a majority protest to the annexation of, and annual assessment of, Zone 215 of  
26                       L&LMD No. 89-1-C has not been filed;



- 1 (d) the tabulation of the assessment ballots timely received was 100 percent voted in  
2 favor of annexation of Zone 215 to L&LMD No. 89-1-C and the levy of an annual  
3 assessment beginning fiscal year 2021-22, and 0 percent voted no;
- 4 (e) the Board of Supervisors may proceed to adopt a resolution ordering the  
5 annexation of Zone 215 to L&LMD No. 89-1-C;
- 6 (f) the Board of Supervisors may proceed to adopt a resolution confirming the  
7 diagram and assessment for Zone 215 of L&LMD No. 89-1-C either as originally  
8 proposed or as changed by it; and
- 9 (g) the assessments to be levied on the assessable lots and parcels of land within  
10 Zone 215 of L&LMD No. 89-1-C for the maintenance and servicing of streetlights  
11 and traffic signals improvements in said Zone 215 during the fiscal year 2021-22  
12 as contained in the report of the Director of Transportation which is on file with  
13 the Clerk of the Board of Supervisors (hereinafter the "Report") are based on  
14 benefits derived by such lots and parcels from the availability of such streetlights  
15 and traffic signals improvements, and are not based upon the ownership of such  
16 lots and parcels.

17 **Section 2. Annexation.** Zone 215, as proposed to be annexed to L&LMD No.  
18 89-1-C, which includes all the property subject to Parcel Map No. 37404 in the County of Riverside,  
19 State of California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD No.  
20 89-1-C.

21 **Section 3. Improvements.** The improvements authorized for Zone 215 of L&LMD  
22 No. 89-1-C are:

- 23 (a) Providing electricity to and the maintenance and servicing of  
24 streetlights and traffic signals within the public right-of-way including incidental  
25 costs and expenses.  
26

1                   **Section 4.    Confirmation of Report.** The Report and the assessment diagram and  
2 the assessment of estimated costs for the maintenance and servicing of streetlights and traffic signals  
3 improvements in Zone 215 of L&LMD No. 89-1-C for fiscal year 2021-22 as contained in the Report are  
4 confirmed.

5                   **Section 5.    Levy of Assessment.** Pursuant to Section 22594 of the Streets and  
6 Highways Code the adoption of this resolution constitutes the levy of the assessment for the  
7 maintenance and servicing of streetlights and traffic signals improvements in Zone 215 of L&LMD No.  
8 89-1-C during fiscal year 2021-22, as contained in the Report, and such assessment is levied. The Clerk  
9 of the Board of Supervisors is directed to file a certified copy of this resolution, together with the diagram  
10 and assessment contained in the Report with the County Auditor-Controller of the County of Riverside,  
11 who, pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County  
12 assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said  
13 assessment.

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

16  
17 ROLL CALL:

18 Ayes:                   Jeffries, Spiegel, Washington, Perez and Hewitt  
19 Nays:                   None  
20 Absent:                 None

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

24                   Kecia R. Harper, Clerk of said Board

25 By

  
Deputy



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

The boundaries of Zone 215 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 963-100-002 & 480-170-015 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2021-22.

