

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



ITEM: 3.49
(ID # 20629)

MEETING DATE:

Tuesday, December 13, 2022

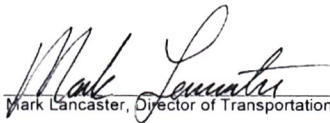
FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution No. 2022-043 and Resolution No. 2022-044 to Initiate proceedings for the Annexation of Street Lighting Zone 156 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Mead Valley, District 1. [\$638 Ongoing Cost - L&LMD No. 89-1-C 100%]
(Set for Public Hearing on January 31, 2023) (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2022-043 a Resolution of the Board of Supervisors of the County of Riverside initiating proceedings for the annexation of Street Lighting Zone 156 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside pursuant to the Landscaping and Lighting Act of 1972 and ordering preparation of the Engineer's Report regarding said annexation;
2. Adopt Resolution No. 2022-044, a Resolution of the Board of Supervisors of the County of Riverside declaring its intent to order the annexation of Street Lighting Zone 156 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 156, ordering an assessment ballot proceeding conducted by mail, and directing the 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; and
3. Set the public hearing on the annexation of Street Lighting Zone 156 for January 31, 2023, 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 Advertise)

ACTION: Set for Hearing, Policy


Mark Lancaster, Director of Transportation

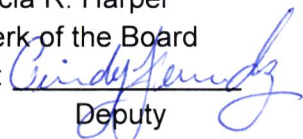
11/21/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing on Tuesday, January 31, 2023, at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, and Hewitt
Nays: None
Absent: Perez
Date: December 13, 2022
xc: Trans., COBs/ZM

Kecia R. 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	\$638	\$0	\$638
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: 2023/24	

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 166 individual zones with different fee structures spread throughout Riverside County. The commercial property owner of Plot Plan Transmitted No. 180025 (PPT180025), 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 156. The boundaries of Street Lighting Zone 156 will encompass the entire PPT180025 and will include the maintenance and servicing of streetlights.

Adoption of Resolution No. 2022-043 appoints the Director of the Transportation Department, or their designee, as the Engineer to prepare a Report regarding the proposed annexation of Street Lighting Zone 156 to Landscaping and Lighting Maintenance District No. 89-1-Consolidated ("L&LMD No. 89-1-C").

Resolution No. 2022-044 declares the Board of Supervisors' intention of ordering the annexation of Street Lighting Zone 156 to L&LMD No. 89-1-C. The annexation of Street Lighting Zone 156 to L&LMD No. 89-1-C will fund the maintenance and servicing of streetlights within public right-of-way located north of Martin Street, south of Perry Street, east of Seaton Avenue and west of Harvill Avenue in the Mead Valley area and includes one commercial parcel totalling 10.00 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 9:30 a.m. on January 31, 2023 to receive testimony for and against the proposed assessment. Each property owner

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

within the proposed Street Lighting Zone 156 will receive a notice of the public hearing and mail-in assessment ballot, an impartial analysis, a copy of Resolution No. 2022-044, and an information sheet.

Assessment ballots must be returned prior to the conclusion of the public hearing. If, at the time designated for the tabulation of the assessment ballots, the assessment ballots submitted in favor of the annexation and levy of the assessment exceed the assessment ballots submitted in opposition of said annexation and levy, Street Lighting Zone 156 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 156 and said property owner has executed a "Waiver and Consent Regarding Date of Assessment Ballot Proceeding" allowing for the proceeding and public hearing to be held on January 31, 2023.

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 2023-24 was prepared in compliance with the requirement of Article 4, Chapter 1, of the Landscaping and Lighting Act of 1972, which is Part 2, Division 15 of the California Streets and Highways Code. The County initiates annexation proceedings for the annual levy of assessments by passing a resolution, which proposes the new levy under the Landscaping and Lighting Act of 1972. This resolution also describes the improvements, describes the location of the zone within the District and finally orders an engineer, who is a registered professional engineer, certified by the State of California, to prepare and file a detailed report.

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

Impact on Residents and Businesses

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

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Only the commercial property owners within the proposed boundaries of Street Lighting Zone 156, which are represented by PPT180025, 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 2023-24 for Street Lighting Zone 156 is \$638. This will result in an assessment for fiscal year 2023-24 within Street Lighting Zone 156 of \$70 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 2022.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Location Map

Exhibit A

Resolution No. 2022-043

Resolution No. 2022-044

Engineer's Report



Jason Farin, Principal Management Analyst 12/7/2022



Aaron Gettis, Deputy County Counsel 12/1/2022

2 RESOLUTION NO. 2022-043

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE INITIATING
4 PROCEEDINGS FOR THE ANNEXATION OF STREET LIGHTING ZONE 156 TO LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND ORDERING
7 PREPARATION OF ENGINEER'S REPORT REGARDING SAID ANNEXATION

8 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
9 Riverside (hereinafter the "County") has been advised by the Riverside County Transportation
10 Department (hereinafter "Department") that said Department has received an application from the owner
11 (the "Applicant") of all the property within the unincorporated area of the County (hereinafter "Street
12 Lighting Zone 156"), as shown and described in Exhibit "A", which is attached hereto and made a part
13 hereof, to be annexed to Landscaping and Lighting Maintenance District No. 89-1-Consolidated
14 (hereinafter "L&LMD No. 89-1-C") of the County of Riverside, State of California, and the Board of
15 Supervisors has determined that it is necessary and desirable to initiate proceedings for the annexation
16 of Street Lighting Zone 156 to L&LMD No. 89-1-C pursuant to the Landscaping and Lighting Act of 1972,
17 Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code (hereinafter,
18 respectively, the "Act" and the "Streets and Highways Code"); and

19 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California
20 Constitution and Section 4000 of the Elections Code requiring voter approval of the proposed assessment
21 to be levied by L&LMD No. 89-1-C for Street Lighting Zone 156; and

22 WHEREAS, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment
23 Ballot Proceeding" allowing for the proceeding to be held on January 31, 2023; and

24 WHEREAS, the Director of the Department, or their designee, is a licensed and registered civil
25 engineer, has expertise with respect to the formation and annexation of territory to landscaping and
26 lighting maintenance districts and the levying of assessments for said purposes and, therefore, is able to

FORM APPROVED COUNTY COUNSEL
BY Caroline K. Monroy 12/22
CAROLINE K. MONROY DATE

1 serve as the engineer (hereinafter the "Engineer") for the County with regard to the annexation of Street
2 Lighting Zone 156 to L&LMD No. 89-1-C.

3 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board
4 of Supervisors of the County of Riverside assembled in regular session on December 13, 2022 as follows:

5 **Section 1. Recitals.** The Board of Supervisors hereby finds and determines that all
6 the above recitals are true and correct.

7 **Section 2. Annexation.** The Board of Supervisors proposes to annex Street Lighting
8 Zone 156 to L&LMD No. 89-1-C and to initiate and conduct proceedings therefor pursuant to the Act for
9 the purpose of levying an annual assessment on all parcels within Street Lighting Zone 156 to pay the
10 costs of the following services:

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

13 **Section 3. Boundaries and Designation.** The boundaries of Street Lighting
14 Zone 156 that are proposed to be annexed to L&LMD No. 89-1-C shall include all of the property as
15 shown and described in Exhibit "A".

16 **Section 4. Report.** The Director of the Department, or their designee, is hereby
17 designated Engineer and is ordered to prepare and file a report with the Clerk of the Board of Supervisors
18 in accordance with Sections 22608 and 22585 et. seq. of the Streets and Highways Code and Section 4
19 of Article XIID of the California Constitution.

20 **Section 5. Effective date.** This Resolution shall take effect from and after its date of
21 adoption.

2
3 RESOLUTION NO. 2022-043

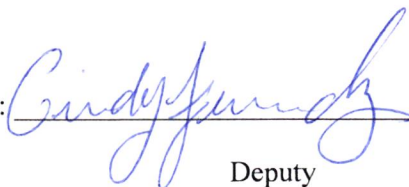
4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
5 RIVERSIDE INITIATING PROCEEDINGS FOR THE ANNEXATION OF
6 STREET LIGHTING ZONE 156 TO LANDSCAPING AND LIGHTING
7 MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
8 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF
9 1972 AND ORDERING PREPARATION OF ENGINEER'S REPORT
10 REGARDING SAID ANNEXATION

11
12 ROLL CALL:

13
14 Ayes: Jeffries, Spiegel, Washington, and Hewitt
15 Nays: None
16 Absent: Perez
17
18

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

21
22 KECIA R. HARPER, Clerk of said Board

23
24 By:  _____
25 Deputy

2 RESOLUTION NO. 2022-044

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING
4 ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 156 TO LANDSCAPING
5 AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE COUNTY OF
6 RIVERSIDE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR THE
7 MAINTENANCE AND SERVICING OF STREETLIGHTS; ADOPTING THE PRELIMINARY
8 ENGINEER'S REPORT; GIVING NOTICE OF AND SETTING THE TIME AND PLACE OF THE
9 PUBLIC HEARING ON THE THE ANNEXATION OF STREET LIGHTING ZONE 156 ; ORDERING AN
10 ASSESSMENT PROCEEDING; ORDERING AN ASSESSMENT BALLOT PROCEEDING
11 CONDUCTED BY MAIL; AND DIRECTING NOTICE OF THE PUBLIC HEARING AND THE
12 ASSESSMENT BALLOT TO BE MAILED PURSUANT TO SAID ACT AND ARTICLE XIID OF THE
13 CALIFORNIA CONSTITUTION AND SECTION 4000 OF THE ELECTIONS CODE

14 WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of
15 Riverside (hereinafter the "County") has adopted Resolution No. 2022-043 on December 13, 2022
16 initiating proceedings for the annexation of Street Lighting Zone 156 (hereinafter "Street Lighting Zone
17 156"), as described and shown in Exhibit "A", which is attached hereto and incorporated herein, to
18 Landscaping and Lighting Maintenance District No. 89-1-Consolidated of the County of Riverside, State
19 of California, (hereinafter "L&LMD No. 89-1-C") pursuant to the Landscaping and Lighting Act of 1972
20 (hereinafter the "Act"), which is Part 2 (commencing with Section 22500) of Division 15 of the Streets and
21 Highways Code (hereinafter the "Streets and Highways Code"), and ordering the preparation of a report
22 (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 156 and the
23 assessments to be levied within Street Lighting Zone 156 each fiscal year beginning fiscal year 2023-24
24 for the maintenance and servicing of streetlights within the public right-of-way within said zone; and

25 WHEREAS, such proceedings shall comply with the requirements of Article XIID of the California
26 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 156;
and

WHEREAS, the Board of Supervisors by Resolution No. 2022-043 directed the Director of the
Transportation Department, or their designee (hereinafter the "Engineer"), to prepare and file the Report

FORM APPROVED COUNTY COUNSEL
BY: *Caroline K. Monroy* 12/13/22
CAROLINE K. MONROY DATE

DEC 13 2022 3.49

1 with the Clerk of the Board of Supervisors in accordance with Sections 22608 and 22585 et. seq. of the
2 Streets and Highways Code and Section 4 of Article XIID; and

3 **WHEREAS**, said Engineer has filed the Report with the Clerk of the Board of Supervisors and the
4 Report has been presented to and considered by the Board of Supervisors; and

5 **WHEREAS**, the Applicant has executed a "Waiver and Consent Regarding Date of Assessment
6 Ballot Proceeding" allowing for the proceeding to be held on January 31, 2023; and

7 **WHEREAS**, it is necessary that the Board of Supervisors adopt a resolution of intention pursuant
8 to Section 22587 of the Streets and Highways Code, which fixes and gives notice, pursuant to Section
9 22588 of the Streets and Highways Code, of the time and place of a public hearing on said Report, the
10 annexation of Street Lighting Zone 156, and the assessments to be levied on parcels within Street
11 Lighting Zone 156 beginning in fiscal year 2023-24;

12 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board
13 of Supervisors in regular session assembled on December 13, 2022 as follows:

14 **Section 1. Findings.** The Board of Supervisors, after reviewing the Report, finds that:

- 15 (a) The foregoing recitals are true and correct;
- 16 (b) The Report contains all matters required by Sections 22565 through 22574 of the Streets
17 and Highways Code and Section 4 of Article XIID and may, therefore, be approved by the
18 Board of Supervisors;
- 19 (c) The annual assessment for fiscal year 2023-24 on all parcels within Street Lighting
20 Zone 156 will be \$70 per acre.

21 **Section 2. Intent.** The Board of Supervisors hereby declares its intention to order the
22 annexation of Street Lighting Zone 156, as described and shown in Exhibit "A", to L&LMD No. 89-1-C,
23 and to levy and collect an annual assessment on all assessable lots and parcels of property within Street
24 Lighting Zone 156 commencing with the fiscal year 2023-24 as set forth in the Report. The Report
25 expressly states that there are no parcels or lots within Street Lighting Zone 156 that are owned by a
26 federal, state or other local governmental agency that will benefit from the services to be financed by the

1 annual assessments. The annual assessments will be collected at the same time and in the same manner
2 as property taxes are collected, and all laws providing for the collection and enforcement of property
3 taxes shall apply to the collection and enforcement of said assessments.

4 **Section 3. Boundaries.** All the property within the boundaries of Street Lighting Zone 156 is
5 proposed to be annexed to L&LMD No. 89-1-C and shall include that property in the unincorporated area
6 of the County as described and shown in Exhibit "A".

7 **Section 4. Description of Services to be Provided .** The services authorized for Street
8 Lighting Zone 156 of L&LMD No. 89-1-C are:

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

11 **Section 5. Amount to be Levied.** The assessment to be levied upon each parcel that benefits
12 from the annexation of Street Lighting Zone 156 to L&LMD No. 89-1-C will be \$70 per acre for fiscal year
13 2023-24. As stated in the Report, the total budget for Street Lighting Zone 156 for the fiscal year 2023-
14 24 is \$638; there is 1 parcel that is to be assessed that aggregates to 9 acres. Each succeeding fiscal
15 year the special assessment may be subject to an annual adjustment that is the greater of two percent
16 (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for all Urban Consumers
17 for electricity ("CPI-U") for the Riverside-San Bernardino-Ontario California Standard Metropolitan
18 Statistical area ("Index") published by the Bureau of Labor Statistics of the United States Department of
19 Labor. The annual CPI-U adjustment will be based on the cumulative increase, if any, in the Index as it
20 stands on March of each year over the base Index for March of 2022. Any increase larger than the greater
21 of 2% or the CPI-U annual adjustment requires a majority approval of all the property owners in Street
22 Lighting Zone 156. The Board of Supervisors will levy the assessment in each subsequent fiscal year
23 until the Board of Supervisors undertakes proceedings for the dissolution of Street Lighting Zone 156 of
24 L&LMD No. 89-1-C. The annual assessment will fund the services described in Section 4 of this
25 Resolution. For further particulars, reference is to be made to the Report on file in the Office of the Clerk
26 of the Board of Supervisors.

1 **Section 6. The Property to be Annexed.** The property to be annexed to L&LMD No. 89-1-C
2 is Street Lighting Zone 156. The boundaries of Street Lighting Zone 156 are located within the
3 unincorporated area of the County and are described and shown in the Report and Exhibit "A".

4 **Section 7. Report.** The Report, which is on file with the Clerk of the Board of Supervisors and
5 which has been presented to the Board of Supervisors, is hereby approved. Reference is made to the
6 Report for a full and detailed description of the services, the boundaries of Street Lighting Zone 156, and
7 the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 156
8 proposed to be annexed to L&LMD No. 89-1-C.

9 **Section 8. Public Hearing.** The question of whether Street Lighting Zone 156 shall be
10 annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2023-24 shall
11 be considered at a public hearing (hereinafter the "Public Hearing") to be held on January 31, 2023, at
12 9:30 a.m. at the meeting room of the Board of Supervisors of the County at 4080 Lemon Street, 1st Floor,
13 Riverside, California.

14 **Section 9. Majority Protest.** Each owner of record of property within Street Lighting Zone 156
15 is to receive by mail an assessment ballot that shall conform to the requirements of Section 4 of Article
16 XIID and Section 4000 of the California Elections Code. The assessment ballots are to be returned prior
17 to the Public Hearing. The agency shall not impose an assessment if there is a majority protest. A majority
18 protest exists if, upon the conclusion of the hearing, assessment ballots submitted in opposition to the
19 assessment exceed the assessment ballots submitted in favor of the assessment. In tabulating the
20 assessment ballots, the assessment ballots shall be weighted according to the proportional financial
21 obligation of the affected property.

22 **Section 10. Information.** Any property owner desiring additional information regarding Street
23 Lighting Zone 156 of L&LMD No. 89-1-C, the Report, or the proposed assessment is to contact
24 Ms. Brigitte Hahn, Senior Engineering Technician, Transportation Department of the County of Riverside,
25 4080 Lemon Street, 8th Floor, Riverside, California, 92501, or by telephone at 951-955-6263, or by e-mail
26 at bhahn@rivco.org.

1 **Section 11. Notice of the Public Hearing.** Notice of Public Hearing with regard to the
2 annexation of Street Lighting Zone 156 to L&LMD No. 89-1-C shall be given consistent with Sections
3 22608 and 22588 of the Streets and Highways Code and Section 4 of Article XIID. The Clerk of the
4 Board of Supervisors shall give notice of the Public Hearing by causing a certified copy of this Resolution
5 to be published once in an appropriate newspaper at least ten (10) days prior to the date of the Public
6 Hearing that is January 31, 2023. Publication of this Resolution is to be effected by the Clerk of the Board
7 of Supervisors. Notice shall also be given by mailing first-class, postage prepaid, those notices, as
8 prepared by County Counsel, assessment ballot and information sheets as required by Section 4 of
9 Article XIID and Section 4000 of the California Elections Code to all owners of record of property within
10 Street Lighting Zone 156 as shown on the last equalized assessment roll of the County. Mailing is to be
11 made by the Engineer and deposited with the U. S. Post Office at least forty-five (45) days prior to the
12 Public Hearing on January 31, 2023.

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

14 ROLL CALL:

15 Ayes: Jeffries, Spiegel, Washington, and Hewitt
16 Nays: None
17 Absent: Perez

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

20 KECIA R. HARPER, Clerk of said Board

21 By:  _____

22 Deputy

23 12.13.2022 3.49

THE PRESS-ENTERPRISE

KEEP YOUR EYES ON THE 'PRISE

pe.com

3512 14 Street
Riverside, California 92501
(951) 368-9229
neller@scng.com

County of Riverside - Clerk of the Board
PO Box 1147
Riverside, California 92502

<i>Account Number:</i>	5209148
<i>Ad Order Number:</i>	0011577654
<i>Customer's Reference/PO Number:</i>	
<i>Publication:</i>	The Press-Enterprise
<i>Publication Dates:</i>	01/20/2023
<i>Total Amount:</i>	\$1336.64
<i>Payment Amount:</i>	\$0.00
<i>Amount Due:</i>	\$1336.64
<i>Notice ID:</i>	eWOTNiXdzYnZf1d9mzcb
<i>Invoice Text:</i>	NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY 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 Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, January 31, 2023 at 9:30 a.m., or as soon as possible thereafter, to consider the following: RESOLUTION NO. 2022-044 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 156 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 156 ; ORDERING AN ASSESSMENT PROCEEDING; ORDERING AN ASSESSMENT BALLOT PROCEEDING CONDUCTED BY MAIL; 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. 2022-043 on December 13, 2022 initiating proceedings for the annexation of Street Lighting

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

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 Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, January 31, 2023 at 9:30 a.m., or as soon as possible thereafter, to consider the following:

RESOLUTION NO. 2022-044

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE DECLARING ITS INTENT TO ORDER THE ANNEXATION OF STREET LIGHTING ZONE 156 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 156; ORDERING AN ASSESSMENT PROCEEDING; ORDERING AN ASSESSMENT BALLOT PROCEEDING CONDUCTED BY MAIL; 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

County of Riverside - Clerk of the Board

PO Box 1147

Riverside, California 92502

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011577654

FILE NO. 0011577654

PROOF OF PUBLICATION

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of 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:

01/20/2023

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

Date: January 20, 2023.

At: Riverside, California

Signature

WHEREAS, the Board of Supervisors (hereinafter the "Board of Supervisors") of the County of Riverside (hereinafter the "County") has adopted Resolution No. 2022-043 on December 13, 2022 Initiating proceedings for the annexation of Street Lighting Zone 156 (hereinafter "Street Lighting Zone 156"), 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 "Streets and Highways Code"), and ordering the preparation of a report (hereinafter the "Report") regarding the proposed annexation of Street Lighting Zone 156 and the assessments to be levied within Street Lighting Zone 156 each fiscal year beginning fiscal year 2023-24 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 156; and

WHEREAS, the Board of Supervisors by Resolution No. 2022-043 directed the Director of the Transportation Department, or their 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 Streets 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 Proceeding" allowing for the proceeding to be held on January 31, 2023; 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 156, and the assessments to be levied on parcels within Street Lighting Zone 156 beginning in fiscal year 2023-24;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors in regular session assembled on December 13, 2022 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 2023-24 on all parcels within Street Lighting Zone 156 will be \$70 per acre.

Section 2. Intent. The Board of Supervisors hereby declares its intention to order the annexation of Street Lighting Zone 156, 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 156 commencing with the fiscal year 2023-24 as set forth in the Report. The Report expressly states that there are no parcels or lots within Street Lighting Zone 156 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 156 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 156 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 156 to L&LMD No. 89-1-C will be \$70 per acre for fiscal year 2023-24. As stated in the Report, the total budget for Street Lighting Zone 156 for the fiscal year 2023-24 is \$638; there is 1 parcel that is to be assessed that aggregates to 9 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") 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 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 2022. Any increase larger than the greater of 2% or the CPI U annual adjustment requires a majority approval of all the property owners in Street Lighting Zone 156. 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 156 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 156. The boundaries of Street Lighting Zone 156 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 156, and the annual assessment to be levied upon assessable lots and parcels within Street Lighting Zone 156 proposed to be annexed to L&LMD No. 89-1-C.

Section 8. Public Hearing. The question of whether Street Lighting Zone 156 shall be annexed to L&LMD No. 89-1-C and an annual assessment levied beginning with fiscal year 2023-24 shall be considered at a public hearing (hereinafter the "Public Hearing") to be held on January 31, 2023, 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 156 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, assessment ballots submitted in opposition to the assessment exceed the assessment ballots submitted in favor of the assessment. In tabulating the assessment ballots, the assessment 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 156 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@rlvco.org.

Section 11. Notice of the Public Hearing. Notice of Public Hearing with regard to the annexation of Street Lighting Zone 156 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 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 January 31, 2023. 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 156 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 January 31, 2023.

Section 12. Effective Date. This Resolution shall take effect from and

