

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



ITEM: 3.67  
(ID # 22314)

**MEETING DATE:**  
Tuesday, August 01, 2023

**FROM :** TLMA-TRANSPORTATION:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:  
Adopt Resolution Number 2023-207 ordering the Annexation of Street Lighting Zone 158 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated, Romoland, District 3. [\$1,288 Ongoing Cost - L&LMD Number 89-1-C 100%]

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

1. Adopt Resolution Number 2023-207, Resolution of the Board of Supervisors of the County of Riverside ordering the annexation of Street Lighting Zone 158 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated of the County of Riverside and confirming the diagram and assessment for Street Lighting Zone 158 of Landscaping and Lighting Maintenance District Number 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 2023-24;

**Continued on page 2**

**ACTION:Policy**

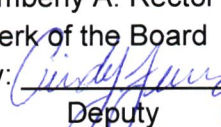
  
Mark Lancaster, Director of Transportation 7/21/2023

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Spiegel, Perez, Washington, and Gutierrez  
Nays: None  
Absent: None  
Date: August 1, 2023  
xc: Trans., Auditor

Kimberly A. Rector  
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:

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 Street Lighting Zone 158 of Landscaping and Lighting Maintenance District Number 89-1-Consolidated; in accordance with Sections 22655 and 22656 of the Streets and Highways Code.

<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	\$ 1,288	\$ 0	\$ 1,288
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> L&LMD Number 89-1-C – 100% There are no General Funds used in this project.			<b>Budget Adjustment:</b> N/A	
			<b>For Fiscal Year:</b> 23/24	

**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 Number 89-1-Consolidated ("L&LMD Number 89-1-C") was formed in 1994, Resolution Number 94-389, and currently consists of 166 individual zones with different fee structures spread throughout Riverside County. The commercial property owner of Parcel Map Number 37787 (TPM37787) & Plot Plan Number 190035 (PPT190035), as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD Number 89-1-C, creating Street Lighting Zone 158. The boundaries of Street Lighting Zone 158 will encompass the entire TPM37787 & PPT190035 and will include the maintenance and servicing of streetlights.

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

On June 27, 2023, a public hearing was held to receive all testimony regarding the annexation of Street Lighting Zone 158 to L&LMD Number 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 June 28, 2023 at 10:00 a.m. in Conference Room B on the 8<sup>th</sup> Floor of the County Administrative Center. The tabulation shows that 1 vote representing 1 parcel out of a possible 1 were cast, and that 1 vote (or 100%) were cast in favor of the annexation of Street Lighting Zone 158 to L&LMD Number 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution Number 2023-207 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2023-24 for Street Lighting Zone 158 of L&LMD Number 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2023-24.

**Reference**

At the direction of the County of Riverside Board of Supervisors, L&LMD Number 89-1-C was formed in 1994 by Resolution Number 94-389 authorizing the annexation of new zones into L&LMD Number 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 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.



**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
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Only the residential/commercial property owners within the proposed boundaries of Street Lighting Zone 158, which are represented by TPM37787 & PPT190035, 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 special benefits.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The proposed budget for fiscal year 2023-24 for Street Lighting Zone 158 is \$1,288. This will result in an assessment for fiscal year 2023-24 within Street Lighting Zone 158 of \$77 per acre. Street Lighting Zone 158 includes totalling 16.78 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), if any, as it stands as of March of each year over the base index for March of 2023.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

- A. Location Map
- B. Exhibit A
- C. Resolution Number 2023-207

  
\_\_\_\_\_  
Jason Farin, Principal Management Analyst      7/26/2023

  
\_\_\_\_\_  
Aaron Gettis, Deputy County Counsel      7/21/2023

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3 **RESOLUTION NUMBER 2023-207**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**  
5 **THE ANNEXATION OF STREET LIGHTING ZONE 158 TO LANDSCAPING AND LIGHTING**  
6 **MAINTENANCE DISTRICT NUMBER 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE**  
7 **AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 158 OF**  
8 **LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NUMBER 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 2023-24**

11  
12 **WHEREAS**, on May 9, 2023 the Board of Supervisors (hereinafter the "Board of Supervisors")  
13 of the County of Riverside (hereinafter the "County") adopted Resolution Number 2023-022, pursuant  
14 to Section 22608 and Section 22585 et seq. of the Streets and Highways Code, declaring the intention  
15 of the Board of Supervisors to order the annexation of Street Lighting Zone 158 to Landscaping and  
16 Lighting Maintenance District Number 89-1-Consolidated (hereinafter "L&LMD Number 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 9:30 a.m. on June 27, 2023 at the meeting room of the Board of Supervisors and requiring that the  
20 notice of the public hearing and assessment ballots be mailed to all owners of property within Street  
21 Lighting Zone 158 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 Number 2023-022, Section 22588 of the Streets and Highways Code and Sections 53753  
24 and 54954.6 of the Government Code and the assessment ballots were timely mailed to all owners of  
25 property within said Street Lighting Zone 158 as shown on the equalized tax roll; and  
26

FORM APPROVED COUNTY COUNSEL  
BY: *Caroline K. Monroy* 7-21-23  
DATE  
BY: CAROLINE K. MONROY



1           **WHEREAS**, at 9:30 a.m. on June 27, 2023, as set forth in Resolution Number 2023-022, 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 their  
5 designee, as an impartial person having no vested interest in the annexation of Street Lighting Zone 158  
6 to L&LMD Number 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 1 parcel out of a possible 1 parcel and that 1 parcel (100 percent of the  
10 assessment ballots received) voted in favor of annexation of Street Lighting Zone 158 to L&LMD Number  
11 89-1-C and the levy of an annual assessment in said Street Lighting Zone 158 beginning fiscal year  
12 2023-24; and

13           **WHEREAS**, the Board of Supervisors may proceed, pursuant to Section 22631 of the Streets  
14 and Highways Code, to adopt a resolution ordering the improvements and the annexation of Zone 158  
15 and confirming the diagram and assessment, either as originally proposed, or as changed by the Board  
16 of Supervisors, and the adoption of such a resolution shall constitute the levy of an assessment on all  
17 assessable lots and parcels of land within Street Lighting Zone 158 of L&LMD Number 89-1-C for fiscal  
18 year 2023-24.

19           **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the  
20 Board of Supervisors of the County in regular session on August 1, 2023 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 158 of L&LMD Number 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 158 to L&LMD Number 89-1-C and  
5 the levy of an annual assessment beginning fiscal year 2023-24, and 0 percent  
6 voted no;
- 7 (e) the Board of Supervisors may proceed to adopt a resolution ordering the  
8 annexation of Street Lighting Zone 158 to L&LMD Number 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 158 of L&LMD Number 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 158 of L&LMD Number 89-1-C for the maintenance and  
14 servicing of streetlights in said Street Lighting Zone 158 during the fiscal year  
15 2023-24 as contained in the report of the Director of Transportation which is on  
16 file with the Clerk of the Board of Supervisors (hereinafter the "Report") are based  
17 on benefits derived by such lots and parcels from the availability of such  
18 streetlights improvements, and are not based upon the ownership of such lots  
19 and parcels.

20 **Section 2. Annexation.** Street Lighting Zone 158, as proposed to be annexed to  
21 L&LMD Number 89-1-C, which includes all the property subject to Parcel Map Number 37787 & Plot  
22 Plan Number 190035 in the County of Riverside, State of California as described in Exhibit "A" attached  
23 hereto, shall be and is annexed into L&LMD Number 89-1-C.

24 **Section 3. Improvements.** The improvements authorized for Street Lighting  
25 Zone 158 of L&LMD Number 89-1-C are:  
26

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

3 **Section 4. Confirmation of Report.** The Report and the assessment diagram and  
4 the assessment of estimated benefits and costs for the maintenance and servicing of streetlights in  
5 Street Lighting Zone 158 of L&LMD Number 89-1-C for fiscal year 2023-24 as contained in the Report  
6 are confirmed.

7 **Section 5. Levy of Assessment.** Pursuant to Section 22594 of the Streets and  
8 Highways Code the adoption of this resolution constitutes the levy of the assessment for the  
9 maintenance and servicing of streetlights in Street Lighting Zone 158 of L&LMD Number 89-1-C during  
10 fiscal year 2023-24, as contained in the Report, and such assessment is levied. The Clerk of the Board  
11 of Supervisors is directed to file a certified copy of this resolution, together with the diagram and  
12 assessment contained in the Report with the County Auditor-Controller of the County of Riverside, who,  
13 pursuant to Section 22645 of the Streets and Highways Code, shall enter on the County assessment  
14 roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.


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

17 ROLL CALL:

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

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

23 KIMBERLY A. RECTOR, Clerk of said Board

24 By:   
25 Deputy

26 08.01.2023 3.67



**EXHIBIT "A"**

**DESCRIPTION OF BOUNDARIES**

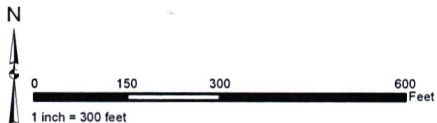
The boundaries of Street Lighting Zone 158 to be annexed into Landscaping and Lighting Maintenance District No. 89-1-Consolidated, of the County of Riverside, County of Riverside, are coterminous with the boundaries of APN 457-350-035 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2023-24.

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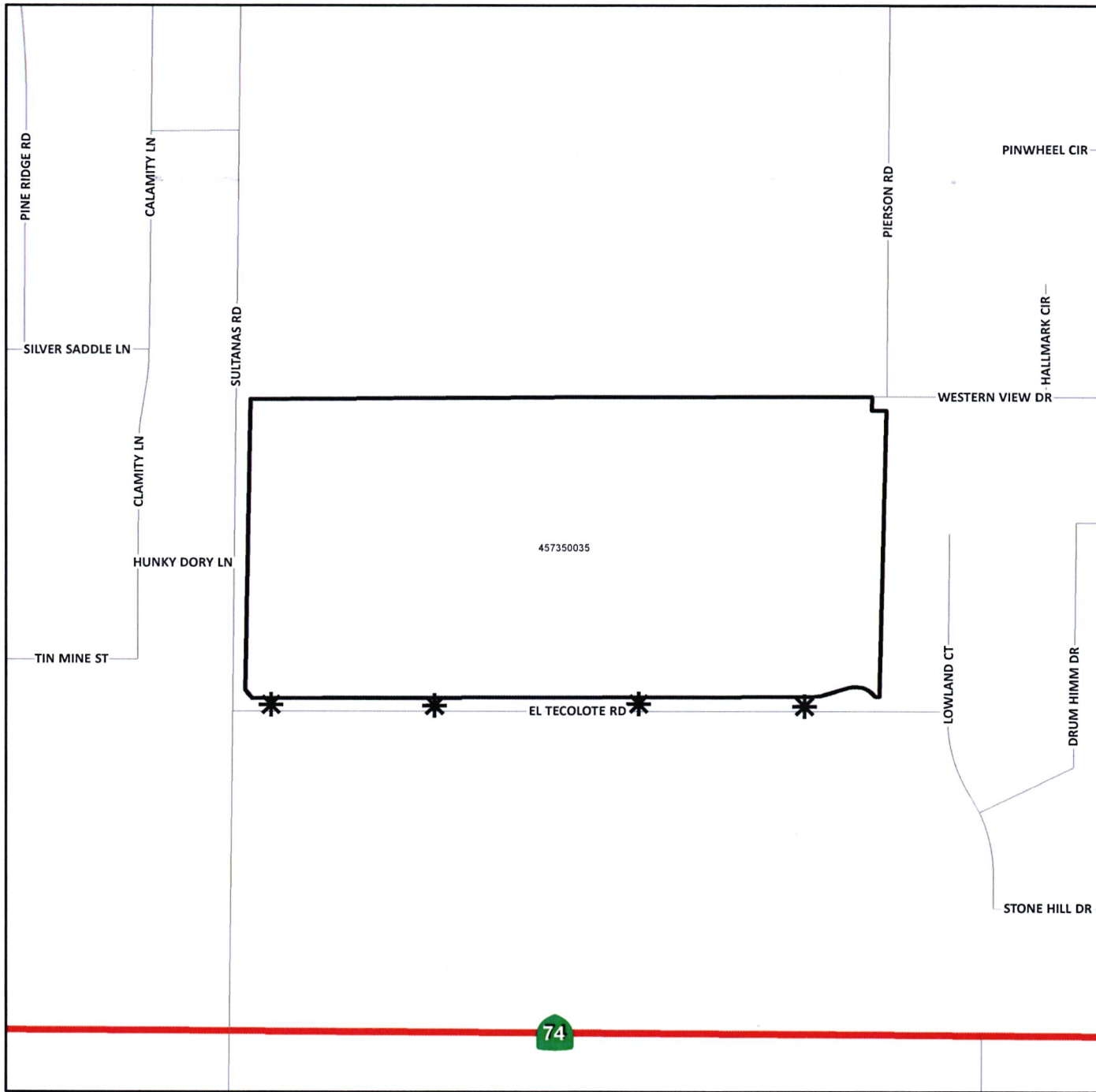
**STREET LIGHT ZONE 158**  
PORTION(S) OF SECTION 7, T.5S., R.2W.  
PARCEL MAP NO. 37787 & PLOT PLAN NO. 190035  
1 PARCEL



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**ASSESSMENT DIAGRAM**



\* DENOTES MAINTAINED ROW STREETLIGHT

▭ DENOTES ZONE BOUNDARY