

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



**ITEM: 3.97
(ID # 25589)**

MEETING DATE:
Tuesday, July 30, 2024

FROM : TLMA-TRANSPORTATION

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution Number 2024-009 ordering the Annexation of Zone 242 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated, Bermuda Dunes, District 4. [\$14,614 Ongoing Cost - L&LMD Number 89-1-C 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution Number 2024-009, Resolution of the Board of Supervisors of the County of Riverside ordering the annexation of Zone 242 to Landscaping and Lighting Maintenance District Number 89-1-Consolidated of the County of Riverside and confirming the diagram and assessment for Zone 242 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 2024-2025;
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 242 of Landscaping and Lighting Maintenance District Number 89-1-Consolidated; in accordance with Sections 22655 and 22656 of the Streets and Highways Code.

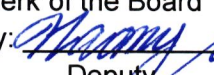
ACTION:Policy


Dennis Acuna, Director of Transportation 7/16/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Gutierrez, 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 Gutierrez
Nays: None
Absent: None
Date: July 30, 2024
xc: Trans., Auditor-Controller

Kimberly A. Rector
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	\$ 14,614	\$ 0	\$ 0	\$ 14,614
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: L&LMD Number 89-1-C – 100% There are no General Funds used in this project.			Budget Adjustment: N/A	
			For Fiscal Year: 24/25	

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 residential property owner of TTM37735, as described in the attached Exhibit "A", has petitioned the County to annex their property into L&LMD Number 89-1-C, creating Zone 242. The boundaries of Zone 242 will encompass the entire TTM37735 and will include the maintenance and servicing of streetlights and parkway landscaping.

Pursuant to the Landscaping and Lighting Act of 1972 and Resolution Number 2024-008 adopted May 21, 2024, as Item 3.54 and on July 9, 2024 as Agenda Item 19.3, a public hearing was held to receive all testimony regarding the annexation of Zone 242 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 July 10, 2024 at 10:00 a.m. in Conference Room B on the 8th Floor of the County Administrative Center. The tabulation shows that votes representing 1 condominium parcel with 18 units out of a possible 1 were cast, and that 1 vote(s) (or 100%) were cast in favor of the annexation of Zone 242 to L&LMD Number 89-1-C and the levy and enrollment of the special assessment.

Adoption of Resolution Number 2024-009 confirms the assessment levy as indicated in the Engineer's Report for fiscal year 2024-2025 for Zone 242 of L&LMD Number 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll for fiscal year 2024-2025.

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

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 2024-2025 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 parkway landscaping within public right-of-way.

Only the residential property owners within the proposed boundaries of Zone 242, which are represented by TTM37735, 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 2024-2025 for Zone 242 is \$14,614. This will result in an assessment for fiscal year 2024-2025 within Zone 242 of \$812 per unit. Zone 242 includes 18 condos totalling 3.58 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 (CPI-U), if any, as it stands as of March of each year over the base index for March of 2024.

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Location Map
- B. Exhibit A
- C. Resolution Number 2024-009



Jason Farin, Principal Management Analyst 7/24/2024



Aaron Gettis, Chief of Deputy County Counsel 7/17/2024

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3 **RESOLUTION NUMBER 2024-009**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING**
5 **THE ANNEXATION OF ZONE 242 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**
6 **NUMBER 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE**
7 **DIAGRAM AND ASSESSMENT FOR ZONE 242 OF LANDSCAPING AND LIGHTING**
8 **MAINTENANCE DISTRICT NUMBER 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON**
9 **ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN WITHIN THE BOUNDARIES OF**
10 **SAID ZONE FOR THE FISCAL YEAR 2024-2025**

11
12 **WHEREAS**, on May 21, 2024 the Board of Supervisors (hereinafter the "Board of Supervisors")
13 of the County of Riverside (hereinafter the "County") adopted Resolution Number 2024-008, 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 Zone 242 to Landscaping and Lighting
16 Maintenance District Number 89-1-Consolidated (hereinafter "L&LMD Number 89-1-C") of the County
17 pursuant to the Landscaping and Lighting Act of 1972, being Part 2 (commencing with Section 22500)
18 of Division 15 of the Streets and Highways Code, and giving notice of and setting a public hearing for
19 9:30 a.m. on July 9, 2024 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
21 Zone 242 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 2024-008, 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 Zone 242 as shown on the equalized tax roll; and
26

FORM APPROVED COUNTY COUNSEL
BY: *Stephanie K. Nelson* 7/17/24
STEPHANIE K. NELSON DATE

1 **WHEREAS**, at 9:30 a.m. on July 9, 2024, as set forth in Resolution Number 2024-008, 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 Zone 242 to L&LMD
6 Number 89-1-C as required by Section 53753(e) of the Government Code to tabulate the assessment
7 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 condominium parcel with 18 units out of a possible 1 parcel and that 1
10 parcel (100 percent of the assessment ballots received) voted in favor of annexation of Zone 242 to
11 L&LMD Number 89-1-C and the levy of an annual assessment in said Zone 242 beginning fiscal year
12 2024-2025; 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 242
15 and confirming the diagram and assessment, either as originally proposed, or as changed by the
16 Board of Supervisors, and the adoption of such a resolution shall constitute the levy of an assessment
17 on all assessable lots and parcels of land within Zone 242 of L&LMD Number 89-1-C for fiscal year
18 2024-2025.

19 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the
20 Board of Supervisors of the County in regular session on July 30, 2024 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;

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- (c) a majority protest to the annexation of, and annual assessment of, Zone 242 of L&LMD Number 89-1-C has not been filed;
- (d) the tabulation of the assessment ballots timely received was 100 percent voted in favor of annexation of Zone 242 to L&LMD Number 89-1-C and the levy of an annual assessment beginning fiscal year 2024-2025, and zero percent voted no;
- (e) the Board of Supervisors may proceed to adopt a resolution ordering the annexation of Zone 242 to L&LMD Number 89-1-C;
- (f) the Board of Supervisors may proceed to adopt a resolution confirming the diagram and assessment for Zone 242 of L&LMD Number 89-1-C either as originally proposed or as changed by it; and
- (g) the assessments to be levied on the assessable lots and parcels of land within Zone 242 of L&LMD Number 89-1-C for the maintenance and servicing of streetlights and parkway landscaping improvements in said Zone 242 during the fiscal year 2024-2025 as contained in the report of the Director of Transportation which is on file with the Clerk of the Board of Supervisors (hereinafter the "Report") are based on benefits derived by such lots and parcels from the availability of such streetlights and parkway landscaping improvements, and are not based upon the ownership of such lots and parcels.

Section 2. Annexation. Zone 242, as proposed to be annexed to L&LMD Number 89-1-C, which includes all the property subject to TTM37735 in the County of Riverside, State of California as described in Exhibit "A" attached hereto, shall be and is annexed into L&LMD Number 89-1-C.

Section 3. Improvements. The improvements authorized for Zone 242 of L&LMD Number 89-1-C are:

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- (a) The maintenance and servicing of landscaping within the public right-of-way including the trimming, fertilizing, weeding, and replanting of trees, shrubs, grass, and other ornamental vegetation; and
- (b) Providing electricity to and the maintenance and servicing of streetlights within the public right-of-way including incidental costs and expenses.

Section 4. Confirmation of Report. The Report and the assessment diagram and the assessment of estimated costs for the maintenance and servicing of streetlights and parkway landscaping improvements in Zone 242 of L&LMD Number 89-1-C for fiscal year 2024-2025 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 and parkway landscaping improvements in Zone 242 of L&LMD Number 89-1-C during fiscal year 2024-2025, 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.

2
3 RESOLUTION NO. 2024-009

4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE ORDERING
5 THE ANNEXATION OF ZONE 242 TO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT
6 NUMBER 89-1-CONSOLIDATED OF THE COUNTY OF RIVERSIDE AND CONFIRMING THE
7 DIAGRAM AND ASSESSMENT FOR ZONE 242 OF LANDSCAPING AND LIGHTING
8 MAINTENANCE DISTRICT NUMNER 89-1-CONSOLIDATING AND LEVYING ASSESSMENTS ON
9 ALL ASSESSABLE LOTS AND PARCELS OF LAND THERIN WITHIN THE BOUNDARIES OF
10 SAID ZONE FOR THE FISCAL YEAR 2024-2025

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12 ROLL CALL:

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14 Ayes: Jeffries, Washington, Spiegel, Perez, and Gutierrez
15 Nays: None
16 Absent: None
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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.

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22 KIMBERLY A. RECTOR, Clerk of said Board

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24 By: _____


Deputy

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EXHIBIT "A"

DESCRIPTION OF BOUNDARIES

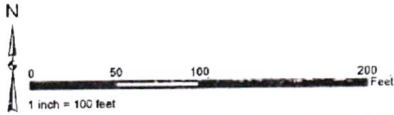
The boundaries of Zone 242 to be annexed into Landscaping and Lighting Maintenance District Number: 89-1-Consolidated, of the County of Riverside, County of Riverside, are coterminous with the boundaries of APN 607-312-037 as shown on Assessment Roll in the County of Riverside, State of California in Fiscal Year 2024-2025.

LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED

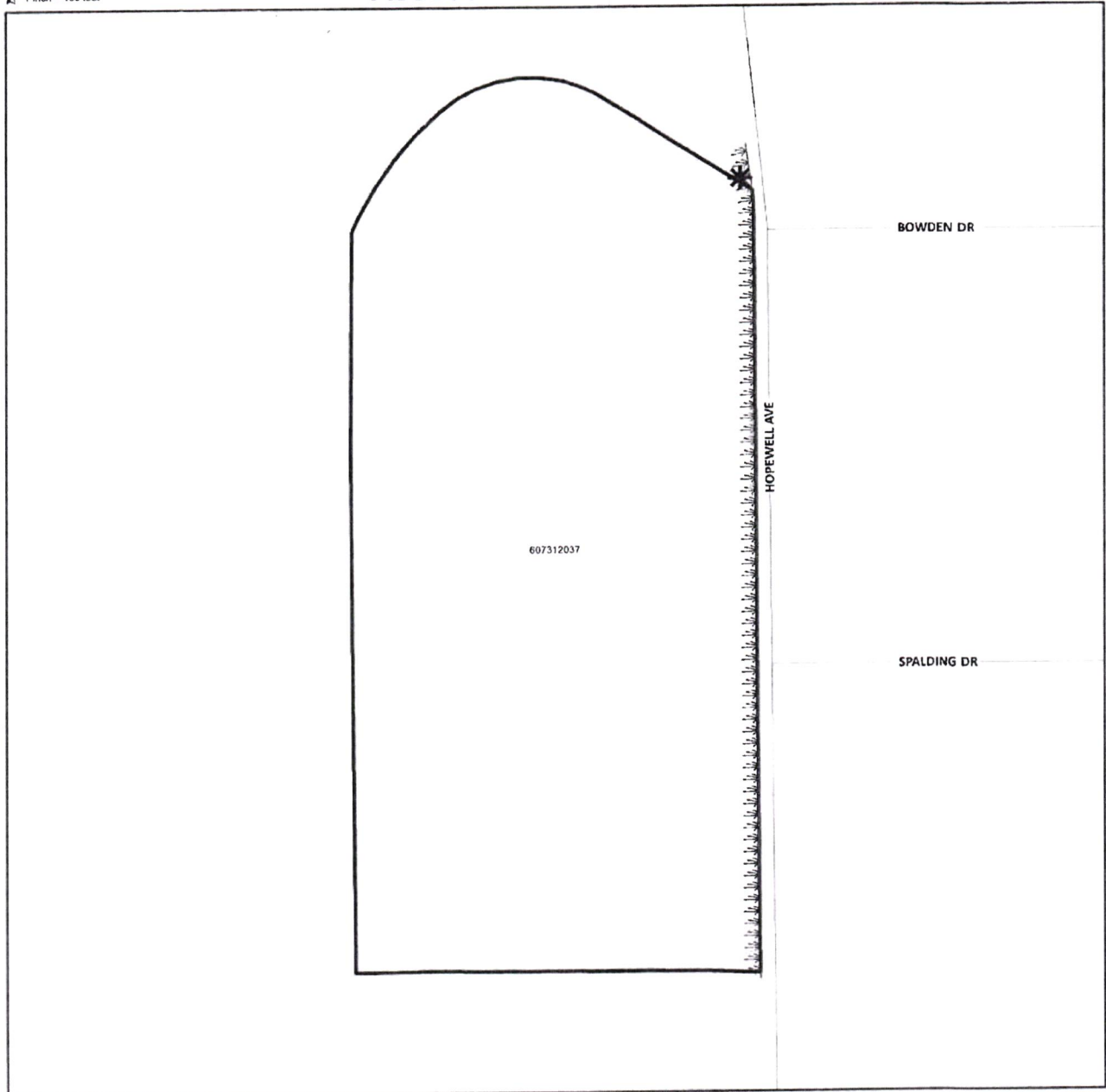
ZONE 242
PORTION(S) OF SECTION 8, T.5S., R.7E.
TENTATIVE TRACT MAP NO. 37735
1 PARCEL (18 CONDOMINIUMS)



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 BHAAH on 4/1/2024



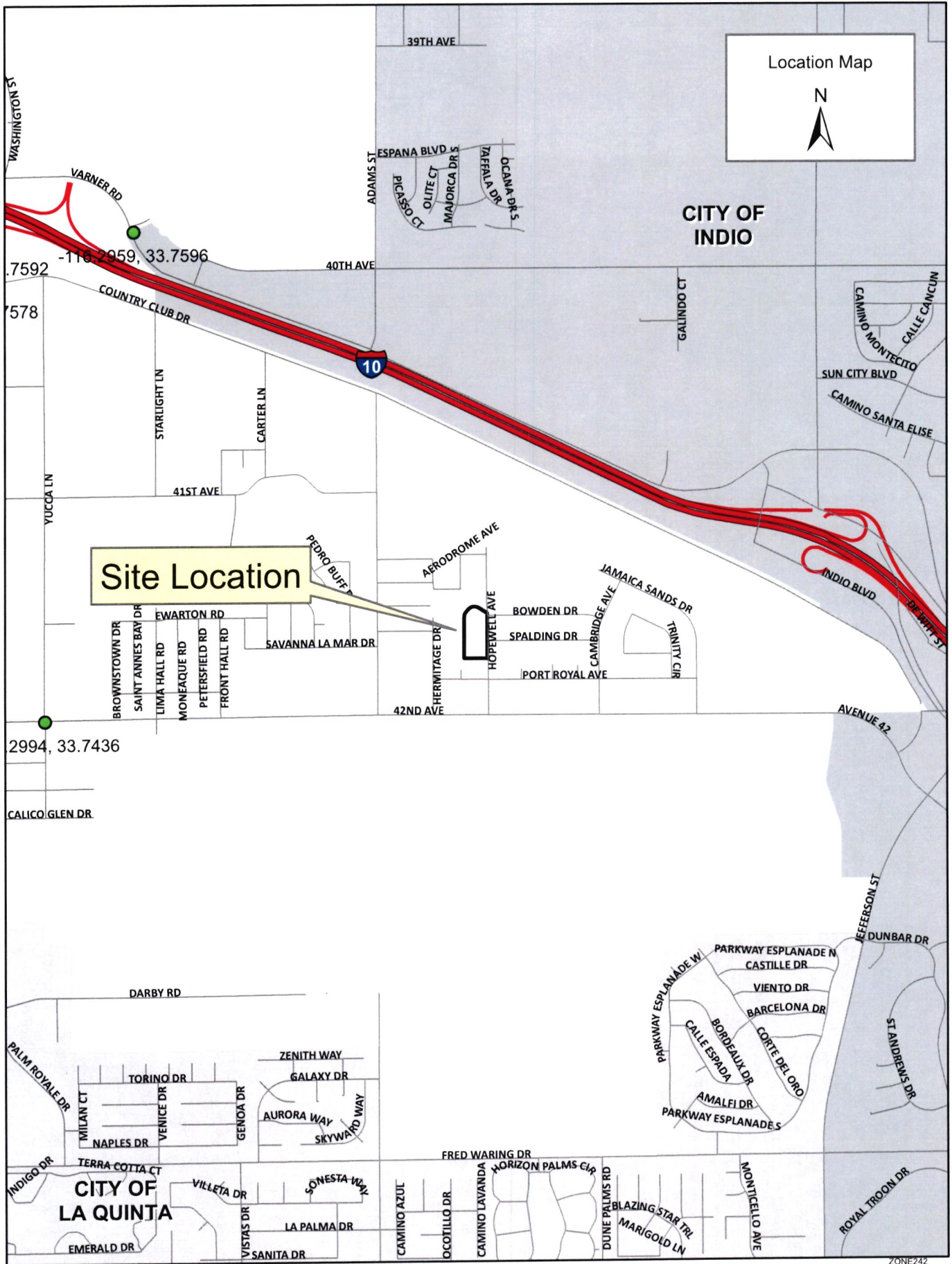
ASSESSMENT DIAGRAM



DENOTES LANDSCAPED AND MAINTAINED PARKWAY

DENOTES MAINTAINED ROW STREETLIGHT

DENOTES ZONE BOUNDARY



Location Map

N

Site Location