

ORDINANCE NO. 9016 (NEW SERIES)

AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND
COLLECTING CHARGES ON THE TAX ROLL FOR MISCELLANEOUS
EXTENDED SERVICES PROVIDED BY PERMANENT ROAD DIVISION NO.
1003 – ALAMO WAY

The Board of Supervisors of the County of San Diego, acting on behalf of Permanent Road Division No. 1003 – Alamo Way ordains as follows:

Section 1. Purpose. Permanent Road Division No. 1003 – Alamo Way is authorized to provide the miscellaneous extended services of road improvement and maintenance. Streets and Highways Code Section 1179 and Government Code Section 25210.77a authorizes the Board to fix and collect charges for miscellaneous extended services provided by a Permanent Road Division to pay, in whole or in part, for the cost thereof. These sections further authorize the Board to collect such charges on the tax roll by adopting an Ordinance providing a procedure therefor. This Ordinance shall provide that procedure for Permanent Road Division No. 1003 – Alamo Way.

Section 2. Fixing of Charges. For the miscellaneous extended services relating to road improvement and maintenance, there is hereby fixed an annual maximum charge range of up to \$283 for each "unit" determined under Section 3 of this Ordinance. Any charges established by this Ordinance may be modified or amended by Resolution of the Board of Supervisors subject to the provisions of Article XIII of the California Constitution. Such charges shall be reviewed by staff annually and shall be fixed by substantially the following procedure:

(a) A budget shall be proposed for the fiscal year specifying the amounts required to provide the required level of those miscellaneous extended services proposed to be funded by charges in lieu of, or supplemental to, revenue obtained by the levy of taxes.

(b) The fund balance, revenues to be obtained by the levy of taxes and other revenues available to support the budget, shall be deducted from the amount of the proposed budget.

(c) The balance remaining shall be divided by the total number of units, as calculated under Section 3 of this Ordinance. The amount obtained from that calculation shall be the charge fixed for each unit.

(d) The charge per unit shall be fixed by Resolution adopted by the Board of Supervisors.

Section 3. Number of Units Determined. Units shall be assigned to each parcel in proportion to the estimated benefit received by that parcel and shall be calculated as follows:

- (a) Parcels not benefiting from the service shall not be assigned units of benefit
- (b) Unimproved Parcels shall be assigned one (1) unit(s) of benefit.
- (c) Each improved parcel shall be assigned one (1) additional unit(s) of benefit
- (d) Each commercial parcel shall be assigned one (1) additional unit(s) of benefit

Section 4. Preparation of Report, Hearing, and Transmission to Auditor.

(a) Once a year the Board of Supervisors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with the procedure set forth in this Ordinance authorizing collection of such charges on the tax roll. Such report shall be filed with the Clerk of the Board of Supervisors.

(b) Upon the filing of such report, the Clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The Clerk shall publish notice of such hearing as provided in Government Code Section 6066, prior to the date set for hearing, in a newspaper of general circulation printed and published in the County.

(c) At the time, date, and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may adopt, review, change, reduce or modify any charge and shall make its determination upon each charge as described in the report and, thereafter, by Resolution, shall confirm the report. Any change that increases the levy to property owners beyond that existing on July 1, 1996, or as subsequently approved pursuant to Article XIID of the California Constitution shall be submitted to property owners for approval in accordance with Article XIID of the California Constitution. Upon approval, the increased charge may be implemented. The report shall be transmitted to the Auditor no later than August 10 of the fiscal year in which the charges shall apply.

(d) The charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge may be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected

and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of County ad valorem property taxes shall be applicable to such charge except that if the real property to which such charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the charge confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED and ADOPTED this 23rd day of March, 1999.

Pam Slater

PAM SLATER
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 23rd day of March, 1999.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors



By *Marion Egan*
Marion Egan, Deputy

Ordinance No. 9016 (New Series)
3/23/99 (24)

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3-9-99

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RESOLUTION NO. 99-80
MARCH 23, 1999

RESOLUTION ESTABLISHING PERMANENT
ROAD DIVISION NO. 1003- ALAMO WAY

ON MOTION of Supervisor Jacob, seconded by Supervisor
Roberts, the following Resolution is adopted:

WHEREAS, on 2/2/99, this Board adopted its Resolution of Intention to form Permanent Road Division No. 1003 - Alamo Way, pursuant to the provisions of the Permanent Road Division Law, (Streets and Highways Code Section 1160 through 1197) to provide services herein described within the hereinafter described unincorporated territory, and ordered that a public hearing on the establishment of said proposed Permanent Road Division be held in the Chamber of this Board on March 23, 1999, at 9 a.m.; and

WHEREAS, the proposed Permanent Road Division ("Division") constitutes a "district" within the meaning of Article XIID of the State Constitution; and

WHEREAS, the Board of Supervisors intends to levy parcel charges within the Division as authorized by Streets and Highways Code Section 1179.5 and Government Code Section 25210.77a which charges constitute assessments within the meaning of Article XIID; and

WHEREAS, notice of said hearing was given, as required by law in accordance with Article XIID of the State Constitution and Government Code Section 53753; and

WHEREAS, said hearing was held at said time and place; in accordance with the provisions of Article XIID of the State Constitution and Government Code Section 53753.; and

WHEREAS, a majority protest in accordance with Article XIID and Government Code Section 53753 was not received at the conclusion of the hearing; and

WHEREAS, in the judgement of this Board it is advisable to establish the proposed Division; NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED as follows:

1. The services described in said Resolution of Intention, as hereinafter set forth, are road construction, improvement and maintenance or any one or combination thereof.

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2. A majority protest against the establishment of the Division and the proposed assessments within the meaning of Article XIID of the State Constitution and Government Code Section 53753 does not exist,
3. All protests made orally or in writing against the establishment of the Division, the amount of or allocation of assessments or the furnishing of specified services are denied.
4. The Board determined that the project was categorically exempt from CEQA according to Section 15061(b)(3) of the State of California Environmental Quality Act Guidelines.
5. The proceedings for the formation of said proposed Permanent Road Division are valid and in conformity with the requirement of the aforementioned Permanent Road Division Law, Article XIID of the State Constitution and Government Code Section 53753.
6. The following described territory in attached Exhibit A is declared established as a Permanent Road Division and shall be designated Permanent Road Division No. 1003 – Alamo Way pursuant to Streets and Highways Code Section 1160 through 1197.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William D. Smith

DATE 3-9-99

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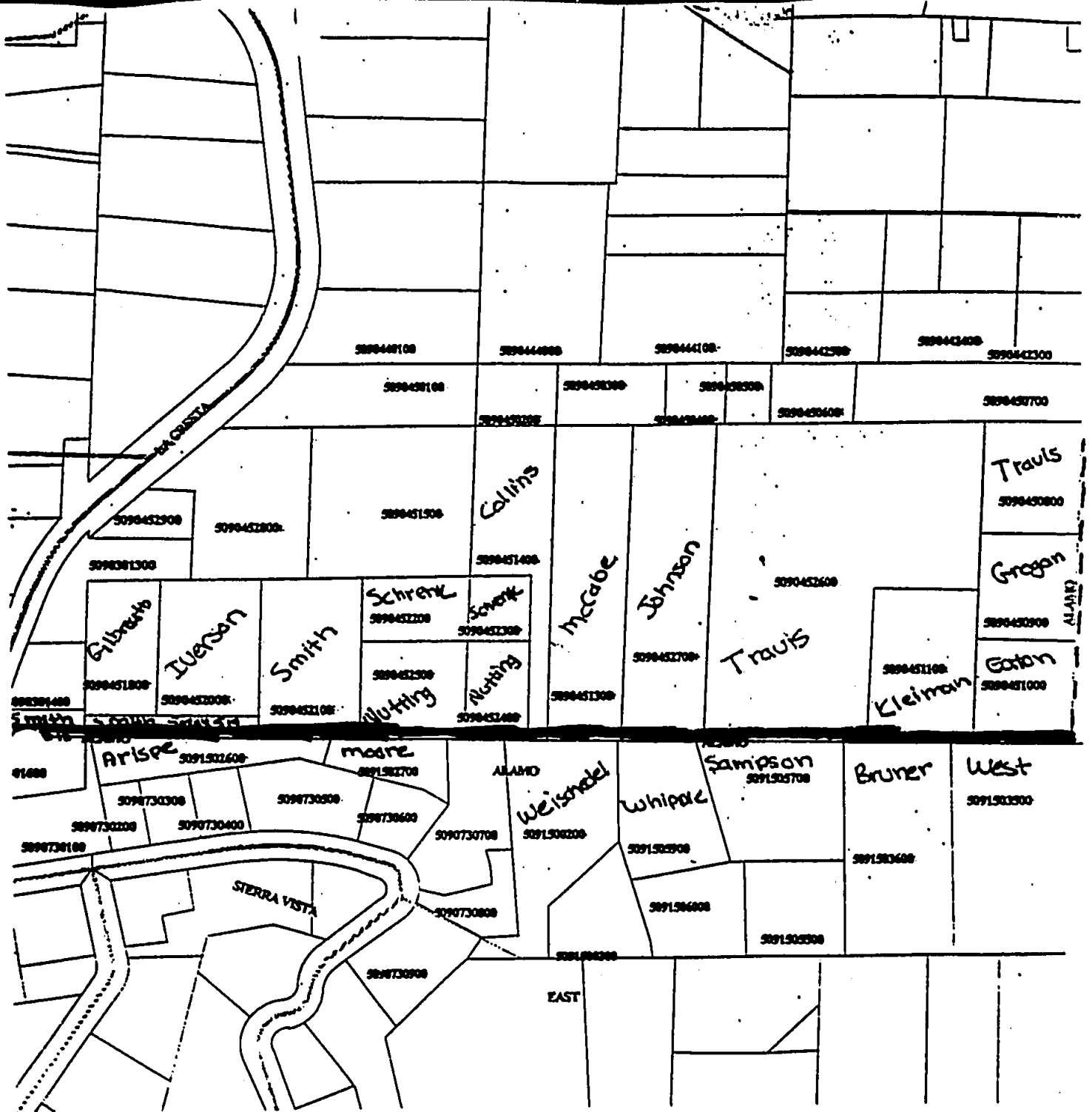


EXHIBIT A
PRD 1003 - ALAMO WAY

PROPERTIES WITHIN THE BOUNDARIES INDICATED HEREON ARE THOSE CONSIDERED TO BENEFIT BY THE FORMATION OF A PERMANENT ROAD DIVISION TO IMPROVE AND MAINTAIN ALAMO WAY IN EL CAJON.

SIGNED: _____

DATED: _____

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PASSED AND ADOPTED by the Board of Supervisors, County of San Diego, State of California, on this 23rd day of March, 1999, by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

STATE OF CALIFORNIA)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By Marion Egan
Marion Egan, Deputy



Resolution No. 99-80
3/23/99 (24)