

ORDINANCE NO. 9129 (NEW SERIES)

AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR SERVICES AND CONTINUING IN EFFECT THE PREVIOUSLY APPROVED MAXIMUM CHARGE WITHIN SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 1005 – EDEN VALLEY

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 1005 – Eden Valley, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 1005 – Eden Valley is authorized to provide services of road improvement and maintenance. It is the successor in interest to Permanent Road Division No. 1005-Eden Valley. Streets and Highways Code Sections 1179 and 1162.6 and Government Code Section 25210.77a authorize the Board to fix and collect charges for services provided by a Permanent Road Division Zone 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 replaces the prior Ordinance No. 9068 approved by the Board on August 3, 1999, that provided the procedure for Permanent Road Division No. 1005 – Eden Valley.

Section 2. Fixing of Charges. For services related to road improvement and maintenance, there is hereby continued in effect an annual maximum charge of up to \$505 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 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 amounts required to provide the required level of those 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 proposed budget.

(c) The balance remaining shall be divided by total number of units, as calculated under Section 3 of this Ordinance. 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.

2/15/00 (44)

Assessment rate maximum for this district is the rate in effect in Fiscal Year 1996-97. Any rate higher than that must have been approved by a weighted majority approval under Proposition 218.

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

- (a) Parcels not benefiting from service shall not be assigned units of benefit.
- (b) Unimproved parcels shall be assigned one (1) unit of benefit.
- (c) Each improved parcel shall be assigned one (1) additional unit of benefit.
- (d) Each agricultural parcel shall be assigned .2 additional unit(s) of benefit per acre.
- (e) Each commercial parcel shall be assigned .5 additional unit(s) of benefit per acre.

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 service and 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 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 charges shall apply.

(d) 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 names of the members voting for and against the same in the San Diego Commerce newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY CLERK

BY William F. Swell
SENIOR DEPUTY 1-25-00

PASSED, APPROVED and ADOPTED this 15th day of February, 2000.

DIANNE JACOB
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 25th day of February, 2000.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By Marion Egan
Marion Egan, Deputy



RESOLUTION NO. 99-220
August 3, 1999

RECEIVED
COUNTY SAN DIEGO
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SPECIAL DISTRICT

RESOLUTION ESTABLISHING PERMANENT
ROAD DIVISION NO. 1005 – EDEN VALLEY

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

WHEREAS, on April 20, 1999, this Board adopted its Resolution of Intention to form Permanent Road Division No. 1005 – Eden Valley, 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 June 8, 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.

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. 1005 – Eden Valley Lane pursuant to Streets and Highways Code Section 1160 through 1197.

APPROVED AS TO FORM AND LEGALITY
CITY OF SAN FRANCISCO

By: William D. Gault
DATE: 7/22/95

Passed and adopted by the Board of Supervisors, County of San Diego, State of California, on the 3rd day of August, 1999, by the following vote, to wit:

AYES: Cox, Jacob, Slater, Roberts, Horn
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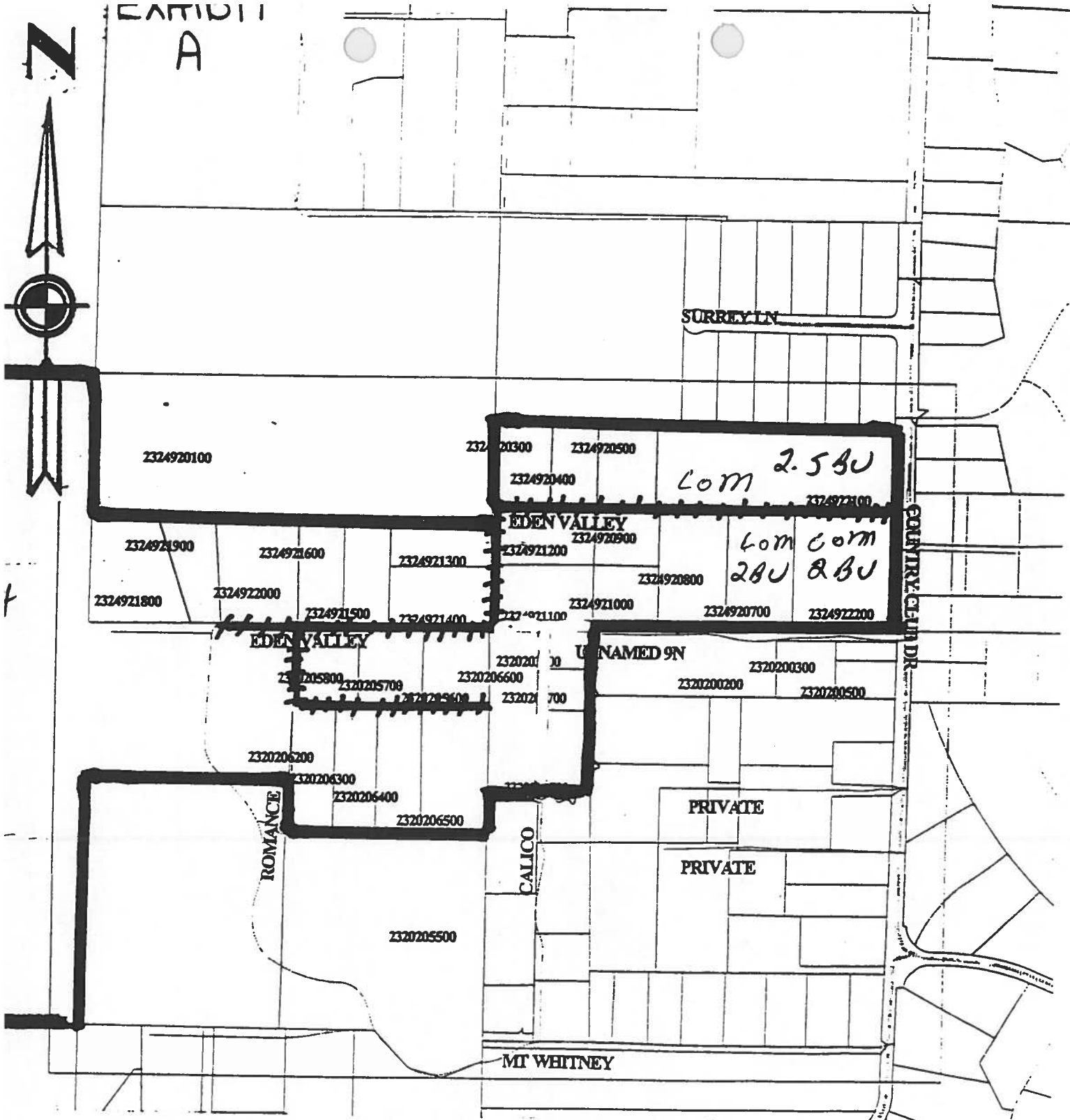
STATE OF CALIFORNIA)
County of San Diego)^{SS}

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





PROPERTIES WITHIN THE BOUNDARIES INDICATED HEREON ARE THOSE CONSIDERED TO BENEFIT BY THE FORMATION OF A PERMANENT ROAD DIVISION TO IMPROVE AND MAINTAIN EDEN VALLEY LANE AND ROMANCE ROAD.

SIGNED: Janice Mills
(CHAIRPERSON)

DATED: September 1998

Eden Valley Lane
Romance Road
1005

————— BOUNDARY
////// ROAD IMPROVEMENT