

AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND
COLLECTING CHARGES ON THE TAX ROLL FOR PERMANENT
ROAD DIVISION NO. 1000, ZONE NO. 1017 – KALBAUGH/HALEY/TOUB STREETS

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 1017 – Kalbaugh/Haley/Toub Streets, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 1017 – Kalbaugh/Haley/Toub Streets (PRD 1017) is authorized to provide services of annual, one-time grading operations. Additional road maintenance and improvements may be performed when funds are available and as authorized by the Permanent Road Division Zone road committee. Any road maintenance or improvements that cannot be funded by the assessment remain the responsibility of property owners. These sections further authorize the Board to collect such charges on the tax roll by adopting the procedure set forth herein. The above recitals, and each of them, are true and correct.

Section 2. Fixing of Charges. There is hereby established an annual maximum assessment on each parcel of taxable property within PRD 1017 of up to \$326.22 per equivalent benefit unit (“EBU”) with all assessments subject to adjustment for annual increases in the cost of living based on the annual increase, if any, in the Los Angeles Construction Cost Index (“LACCI”) as published in the Engineering News Record, or any comparable index for the Southern California area should the LACCI cease to be available. Such charges shall be reviewed by staff annually and shall be fixed by the following procedure:

- (a) A budget shall be proposed for the fiscal year specifying amounts required to provide the required level of services proposed to be funded and the required level of services proposed to be funded by the assessments.
- (b) The fund balance and any revenues to be obtained from a source other than the assessment established by this Ordinance, shall be deducted from the amount of the proposed budget.
- (c) The balance remaining shall be apportioned to the total number of units subject to assessment in accordance with the rate and method of apportionment set forth in the Engineer’s Report dated December 2019 on file with the County of San Diego.

Section 3. 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 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 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 by 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 or extends the levy beyond the date or amounts approved by the property owners, shall be subject to approval in accordance with Article XIID of the California Constitution. Upon approval, the increased or extended 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 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.

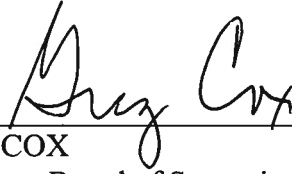
Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

Thomas L. Bosworth, Sr. Deputy

Ordinance No.: 10671 (N.S.)
Meeting Date: 06/02/2020 (09)

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 2nd day of June 2020.



GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 2nd day of June 2020.

ANDREW POTTER
Clerk of the Board of Supervisors

By



Grace Caro, Deputy

Ordinance No.: 10671 (N.S.)
Meeting Date: 06/02/2020 (09)

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ESTABLISHING SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 1017 – KALBAUGH/HALEY/TOUB STREETS

WHEREAS, pursuant to Streets and Highways Code Section 1162.6, the Board of Supervisors on February 9, 2000, adopted its Resolution Establishing the San Diego County Permanent Road Division No. 1000; ("Division") and whereas the Division includes the entire unincorporated area of the County; and

WHEREAS, the Board of Supervisors may establish zones within the Division for specific road projects with differing special taxes or parcel charges; and

WHEREAS, on April 7, 2020 the Board adopted its Resolution of Intention of the Board of Supervisors of the County of San Diego to form Permanent Road Division Zone No. 1017 – Kalbaugh/Haley/Toub Streets within the San Diego Countywide Permanent Road Division, pursuant to provisions of 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 a public hearing on the establishment of said proposed Permanent Road Division Zone be held in the Chamber of the Board on June 2, 2020, at 9 a.m.; and

WHEREAS, the proposed Permanent Road Division Zone ("Zone") 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 Zone as authorized by Streets and Highways Code Section 1179.5 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, 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 judgment of the Board it is advisable to establish the proposed Zone; NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED as follows:

1. Services described in said Resolution of Intention, as hereinafter set forth, are annual, one-time grading operations. Additional road maintenance and improvements may be performed when funds are available and as authorized by the Permanent Road Division Zone road committee. Any road maintenance or

improvements that cannot be funded by the assessment remain the responsibility of property owners.

2. A majority protest against establishment of the Zone and proposed assessments within the meaning of Article XIID, Section 4 of the State Constitution and Government Code Section 53753 does not exist.

3. All protests made orally or in writing against establishment of the Zone, amount of or allocation of assessments or furnishing of specified services are denied.

4. The Board determined the project was categorically exempt from the California Environmental Quality Act (CEQA) according to Section 15301 of the State CEQA Guidelines.

5. Proceedings for formation of said proposed Zone within the San Diego Countywide Permanent Road Division No. 1000 are valid and in conformity with requirements of the aforementioned Permanent Road Division Law, Article XIID, Section 4 of the State Constitution, and California Government Code Section 53753.

6. The following described territory in Attachment A is declared established as a Zone and shall be designated San Diego Countywide Permanent Road Division No. 1000, Zone No. 1017 – Kalbaugh/Haley/Toub Streets pursuant to Streets and Highways Code Section 1162.6.

APPROVED AS TO FORM AND LEGALITY

Thomas L. Bosworth, Sr. Deputy

Resolution No: 20-064
Meeting Date: 06/02/2020 (09)

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the above Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 2nd day of June 2020, by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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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 Resolution entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors

By: 
Grace Caro, Deputy



Resolution No. 20-064
Meeting Date: 06/02/2020 (09)