

ORDINANCE NO. 9169 (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. 11D – CIMARRON TERRACE

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 11D – Cimarron Terrace, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 11D – Cimarron Terrace is authorized to provide the miscellaneous extended services of road improvement and maintenance. It is the successor in interest to County Service Area No. 11D – Cimarron Terrace. 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. 6313 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 11D – Cimarron Terrace.

Section 2. Fixing of Charges. For the miscellaneous extended services related to road improvement and maintenance, there is hereby continued in effect an annual maximum charge of up to \$85 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 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 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.

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) Each parcel of land shall be assigned one (1) unit of benefit.
- (c) Each improved parcel according to assessor's records shall be assigned one (1) additional unit 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 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.

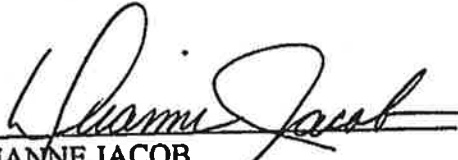
(c) At the time, date, and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may adopt, review, change, reduce or modify 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.

PASSED, APPROVED and ADOPTED this 21ST day of June, 2000.

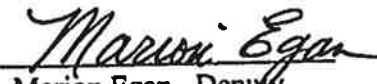

DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

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 3rd day of July, 2000.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Marion Egan, Deputy



Ordinance No. 9169 (New Series)
6/21/00 (18)

Item 17
Ref: CO(A)70-34

RESOLUTION OF LOCAL AGENCY FORMATION COMMISSION
APPROVING CIMARRON TERRACE ANNEXATION TO
COUNTY SERVICE AREA NO. 11 - BERNARDO ROAD AND
THE FORMATION OF ZONE D.

On motion of Commissioner Scheidle, seconded by
Commissioner Doan, the following resolution is adopted:

WHEREAS, the Board of Supervisors of the County of San Diego on behalf of County Service Area No. 11 - Bernardo Road (hereinafter referred to as the District) filed with this Commission a certified copy of a resolution of application for the annexation of territory to said District and the formation of Zone D within said County Service Area, consisting of all the territory proposed to be annexed, adopted by the Board of Supervisors of the County of San Diego acting as the governing board of said District May 12, 1970, as Resolution No. 52, pursuant to the District Reorganization Act of 1965 (Gov. Code, § 56000 et seq.); and

WHEREAS, the executive officer of this Commission has filed his report on said proposed annexation and formation of Zone D, which report has been considered by this Commission, NOW THEREFORE

BE IT RESOLVED THAT THIS COMMISSION HEREBY FINDS, DETERMINES AND ORDERS as follows as provided in Government Code, Section 56250 et seq.:

1. The territory proposed to be annexed (hereinafter referred to as the Territory) is as described in Exhibit A attached hereto.
2. The description of the boundaries of the Territory is definite and certain.
3. The description of the boundaries of the Territory conforms to lines of assessment and ownership.
4. All owners of land within the Territory have not consented in writing to the proposed annexation.

5. The District is a resident-voter district and a benefit district.

6. The Territory is inhabited.

7. The change of organization does not constitute a minor boundary change.

8. The reason for this proposal is to provide the annexed Territory with the miscellaneous extended services provided to other areas within the service area, to wit: road repair and maintenance.

9. The Territory proposed to be annexed is hereby designated the CIMARRON TERRACE ANNEXATION.

10. The Commission hereby approves the proposed annexation subject to the following terms and conditions:

The establishment of a zone, Zone D, within the county service area consisting of all the territory proposed to be annexed hereinafter described with a tax rate varying with the extent of benefit to the Zone derived from services provided to the property within the Zone as provided in Government Code Section 25210.8.

11. The Commission hereby designates the County of San Diego as the conducting district and directs the Board of Supervisors of said County to initiate annexation proceedings in compliance with this resolution.

12. The executive officer of this Commission is directed to file and mail certified copies of this resolution as required by law.

PASSED AND ADOPTED by the Local Agency Formation Commission of the County of San Diego this 6th day of July, 1970, by the following vote:

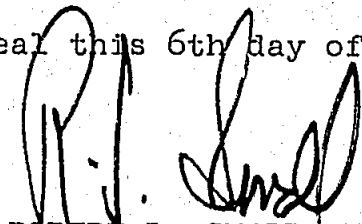
- AYES: Commissioners Hartman, Morgan, Scheidle, and Doan
- NOES: Commissioners None
- ABSENT: Commissioners None
- ABSTAINING: Commissioners None

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STATE OF CALIFORNIA }
 COUNTY OF SAN DIEGO }

I, ROBERT L. SMALL, Executive Officer of the Local Agency Formation Commission of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution adopted by said Commission, at its regular meeting on July 6, 1970, which original resolution is now on file in my office; that same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and seal this 6th day of July, 1970.



ROBERT L. SMALL, Executive Officer
 Local Agency Formation Commission
 County of San Diego