

ORDINANCE NO. 9219 (NEW SERIES)

RECEIVED
COUNTY SAN DIEGO
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SPECIAL DISTRICT

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. 126 – SANDHURST WAY

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 126 – Sandhurst Way, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 126 – Sandhurst Way is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 126 – Sandhurst Way. 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. 7805 approved by the Board on August 14, 1990, that provided the procedure for County Service Area No. 126 – Sandhurst Way.

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 \$487.00 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.

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 the service shall not be assigned units of benefit.
- (b) Each parcel containing less than 6 acres of land shall be assigned one unit of benefit.
- (c) Each parcel containing over 6 acres shall be assigned 2 units of benefit.
- (d) Each parcel, which, according to assessor's records, has been improved shall be assigned one additional unit of benefit.
- (e) Parcels with direct access to Sandhurst Way shall be assigned 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 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 same newspaper of general circulation published in the County of San Diego.

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APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William D. Smith
SENIOR DEPUTY

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
Marion Egan, Deputy



Ordinance No. 9219 (New Series)
6/21/00 (18)

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 126 - SANDHURST WAY

ON MOTION of Supervisor Bailey , seconded by Supervisor Bilbray, the following resolution is adopted:

WHEREAS, on July 3, 1990, this Board adopted its Resolution of Intention to form County Service Area No. 126 - Sandhurst Way, pursuant to the provisions of the County Service Area Law, Chapter 2.2 (commencing with Section 25210.1) of Part 2, Division 2 of Title 3 of the Government Code to provide the type or types of extended County services herein described within the hereinafter described unincorporated territory, and ordered that a public hearing on the establishment of said proposed County Service Area be held in the Chamber of this Board on August 7, 1990 at 9 a.m.; and

WHEREAS, notice of said hearing was given, as required by law, as shown by the affidavit of publication of file herein (Document No. 733885); and

WHEREAS, said hearing was held at said time and place; all interested persons or taxpayers were heard for and against the establishment of the proposed County Service Area, the extent of the area and the furnishing of the proposed types of services; all written protests were considered; and evidence was received that the services proposed to be provided are extended County services; and

WHEREAS, the Local Agency Formation Commission of San Diego County (pursuant to Government Code Section 56000, et seq.) has reviewed and approved the establishment of the County Service Area to include the territory herein described for the purpose of providing the extended services herein proposed; and

WHEREAS, in the judgment of this Board it is advisable to establish the proposed County Service Area without an election in order to expedite the formation process and permit the provision of the extended services herein proposed at the earliest possible date; NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED as follows:

1. The services described in said Resolution of Intention, as hereinafter set forth, are extended County services.
2. Written protests against the establishment of the area or the furnishing of any of the specified types of extended services within the proposed area were not received from 50 percent or more of the registered voters residing within the territory proposed to be included in the area or from the owners of one-half or more of the value of the land and improvements in the territory to be included in the area, as shown by the last equalized assessment roll, as described in Government Code Section 25210.17a.
3. All protests made orally or in writing against the establishment of the area, the extent of the area or the furnishing of specified types of extended services are denied.

8/7/90 #11

AUG 14 1990

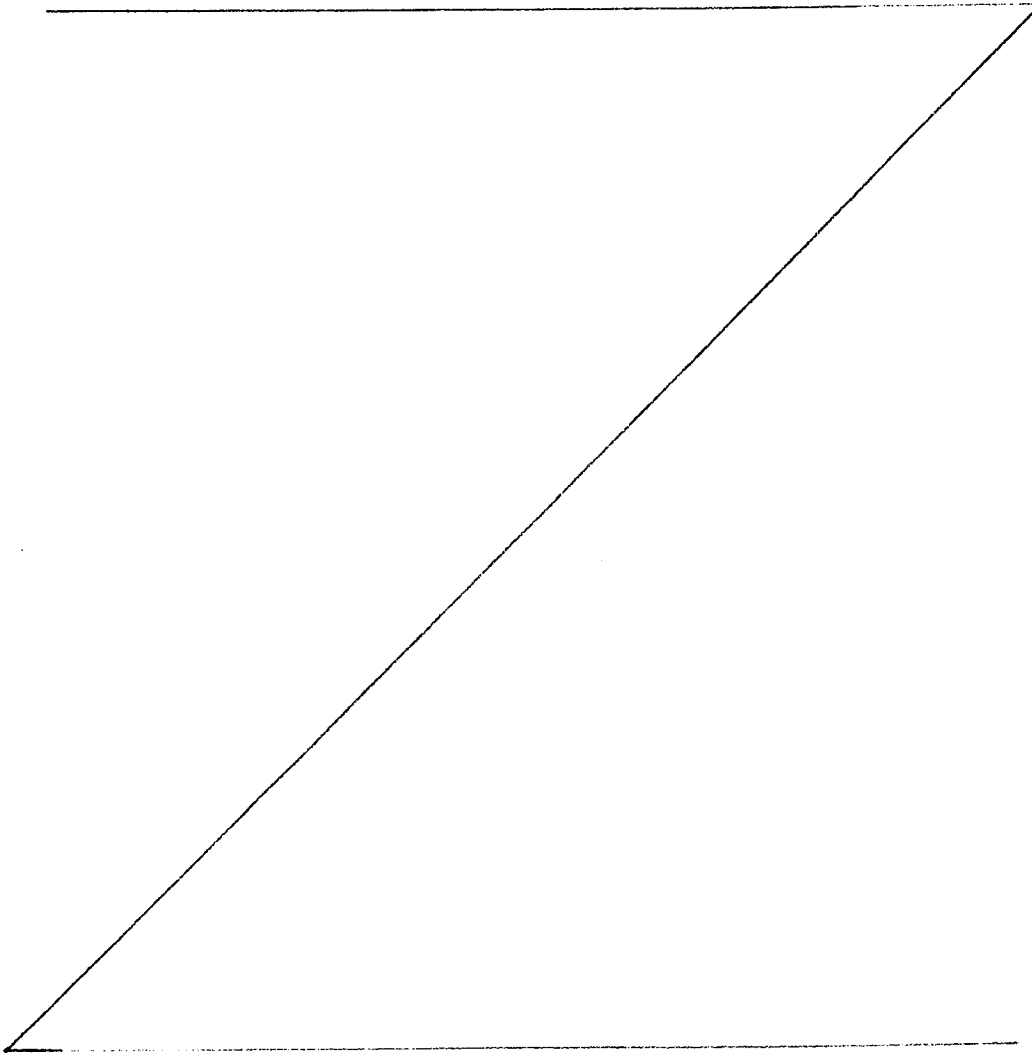
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4. The type of extended County services to be performed within the boundaries of said County Service Area pursuant to said Chapter 2.2 of the Government Code are road improvement and maintenance.

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

6. The proceedings for the formation of said proposed County Service Area are valid and in conformity with the requirements of the aforementioned County Service Area Law.

7. The following described territory is declared established without an election as a County Service Area and shall be designated County Service Area No. 126 - Sandhurst Way, pursuant to Government Code Section 25210.18.



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IT IS FURTHER ORDERED that the Clerk of this Board immediately transmit a certified copy of this resolution along with a remittance to cover the fees required by Government Code Section 54902.5 to the Executive Officer of the Local Agency Formation Commission of San Diego County, so that the Executive Officer may make the filings required by Government Code Section 57200 and by Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

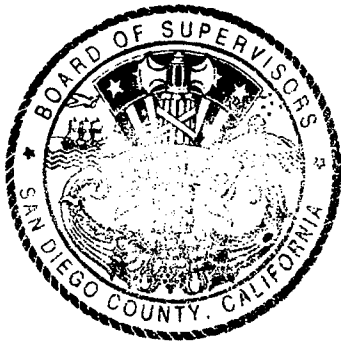
PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 7th day of August, 1990, by the following vote:

AYES: Supervisors Bilbray, Bailey, Golding, Williams, and MacDonald
NOES: Supervisors None
ABSENT: Supervisors None

STATE OF CALIFORNIA)
County of San Diego)ss.

I, KATHRYN A. NELSON, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote herein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 10th day of August, 1990



KATHRYN A. NELSON
Clerk of the Board of Supervisors
By Maria A. Tiscareno
Deputy

APPROVED AND FORWARDED AS DEPUTY CLERK
OF THE BOARD OF SUPERVISORS

William E. Smith

6-20-90

8/7/90 #11

AUG 14 1990

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No. 11B

TUESDAY, AUGUST 7, 1990

RESOLUTION DECLARING
SANDHURST WAY
TO BE A PUBLIC ROAD,
DECLARING SAID ROAD NOT COUNTY
HIGHWAY AND NOT ACCEPTED INTO
COUNTY MAINTAINED ROAD SYSTEM

ON MOTION of Supervisor Bailey, seconded by Supervisor Bilbray, the following resolution is hereby adopted:

WHEREAS, the Board of Supervisors of the County of San Diego has received evidence (Board Document No. 733885) that a certain road, located in County Service Area No. 126 - Sandhurst Way as said road lies on the ground this date, has been used by the public as a road for a period of more than five (5) years, with full knowledge of the owners, without asking or receiving permission to do so and without objection being made by anyone; and

WHEREAS, it is necessary and desirable that said road be declared public road so as to permit the County Service Area to expend County Service Area funds for the improvement and continuing maintenance of said road; NOW THEREFORE

IT IS RESOLVED, ORDERED AND DETERMINED as follows:

1. The Board of Supervisors of the County of San Diego hereby finds that Sandhurst Way located in County Service Area No. 126 - Sandhurst Way, as said road lies on the ground this date, has been used by the public as a road for a period of more than five (5) years, with full knowledge of the owners, without asking or receiving permission to do so and without objection being made by anyone.

2. The Board of Supervisors hereby declares that said road is a Public Road.

3. The Board of Supervisors hereby declares that said road is not accepted into the County Maintained Road System and the County of San Diego is not obligated to maintain such road unless at some future time they are accepted by this Board into the County Maintained Road System.

4. County Service Area No. 126 - Sandhurst Way shall assume responsibility for maintenance of said road only if a sufficient service charge is established for the service area to provide this maintenance.

AUG 14 1990

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PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego,
State of California, this 7th day of August, 1990, by the following vote:

AYES: Supervisors Bilbray, Bailey, Golding, Williams, and MacDonald
NOES: Supervisors None
ABSENT: Supervisors None

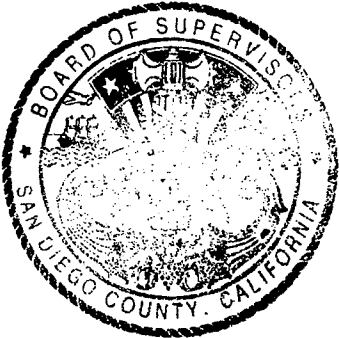
STATE OF CALIFORNIA)
County of San Diego) ss.

I, KATHRYN A. NELSON, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote herein stated, which original resolution is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 10th day of August, 1990.

KATHRYN A. NELSON
Clerk of the Board of Supervisors

Maria A. Tiscareno
By Maria A. Tiscareno
Deputy



8/7/90 #11

AUG 14 1990

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William G. Smith
7-2-90



COUNTY OF SAN DIEGO

CHIEF ADMINISTRATIVE OFFICE
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA 92101-2472
TELEPHONE (619) 531-5250 • LOCATION CODE 730

AGENDA ITEM

BOARD OF SUPERVISORS

BRIAN P. BILBRAY
FIRST DISTRICT
GEORGE F. BAILEY
SECOND DISTRICT
SUSAN GOLDING
THIRD DISTRICT
LEON L. WILLIAMS
FOURTH DISTRICT
JOHN MACDONALD
FIFTH DISTRICT

SUBJECT: Formation of County Service Area (CSA) No. 126 - Sandhurst Way in the Escondido Area

SUPV DIST: 5

SUMMARY OF REQUEST:

Owners of fifty-six (56) percent of the parcels within the proposed County Service Area (CSA) signed a petition to request initiation of proceedings to form County Service Area (CSA) No. 126 - Sandhurst Way. The service to be provided by the CSA is the improvement and maintenance of 2,650 feet of Sandhurst Way extending westerly from Indian Creek Way. The CSA formation was approved by the Local Agency Formation Commission (LAFCO) on June 4, 1990.

Your Board must set and hold a public hearing to establish CSA No. 126 - Sandhurst Way. To accomplish the road improvement, it is necessary for the Board to adopt an ordinance providing a procedure for fixing and collecting charges on the tax roll for CSA 126, and authorize the transfer of \$36,000 from the CSA Revolving Fund for engineering, administration, and formation costs.

CHIEF ADMINISTRATIVE OFFICER'S RECOMMENDATION:

1. Adopt a Resolution of Intention to Establish County Service Area No. 126 - Sandhurst Way which sets August 7, 1990 as the date of the required public hearing.
2. At the conclusion of the public hearing, it is recommended that your Board:
 - a. Adopt a Resolution "Establishing County Service Area No. 126 - Sandhurst Way, and certify that your Board agrees that the road is categorically exempt from CEQA according to Section 15301(c) of the State CEQA Guidelines. (CONTINUED)

FISCAL IMPACT:

The funding source is the County Service Area Revolving Fund. If approved, this request will result in \$ 36,000 current year cost, no annual cost and will require no additional staff years.

BOARD POLICY(IES) APPLICABLE: A-76 Sunset Review

PREVIOUS RELEVANT BOARD ACTION: Not Applicable

ORIGINATING DEPARTMENT: Public Works

Ordinance having been introduced on 8/7/90, Board Order No. 11, ON MOTICN of Supervisor Bailey, seconded by Supervisor MacDonald, the Board of Supervisors adopts Ordinance No. 7805 (New Series), by following vote:

AYES: Filbray, Bailey, Golding,
Williams, MacDonald

KATHRYN A. NELSON
Clerk of the Board
of Supervisors

By *Care Arena*
Deputy

AUG 14 1990 No. 54