

ORDINANCE NO. 9176 (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. 20 – DAILY ROAD

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 20 – Daily Road, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 20 – Daily Road is authorized to provide the miscellaneous extended services of road improvement and maintenance. It is the successor in interest to County Service Area No. 20 – Daily Road. 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. 6320 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 20 – Daily Road.

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 \$40 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 containing less than 2 and one-half acres of land shall be assigned one (1) unit of benefit.
- (c) Each parcel of land containing at least 2 and one-half acres but less than 5 acres of land shall be assigned two (2) units of benefit.
- (d) Each parcel of land containing at least 5 acres but less than 10 acres of land shall be assigned three (3) units of benefit.
- (e) Each parcel of land containing at least 10 acres but less than 20 acres of land shall be assigned four (4) units of benefit.
- (f) Each parcel containing 20 acres of land or more shall be assigned five (5) units of benefit.
- (g) Each parcel which, according to assessor's records, has been improved 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.

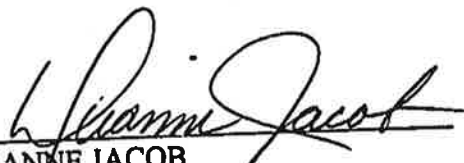
(d) Charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge may be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale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

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William J. Smith
SENIOR DEPUTY 8/25/00

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



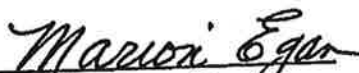
DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

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. 9176 (New Series)
6/21/00 (18)

ADJOURNED REGULAR AND REGULAR MEETINGS
WEDNESDAY, JULY 15, 1970

The Board of Supervisors meets in adjourned regular and regular meetings this 15th day of July 1970. The meetings are called to order at 9:20 a.m., there being present Supervisors Harry F. Scheidle, Vice Chairman, Jack Walsh and William A. Craven; also Porter D. Cremans, Clerk; Supervisors Henry A. Boney, Chairman, and De Graff Austin being absent.

No. 1

Resolution Establishing County Service
 Area No. 20-Daily Road }

On motion of Supervisor Walsh, seconded by Supervisor
Scheidle, the following resolution is adopted:

WHEREAS, on May 19, 1970, this Board adopted its resolution of
 intention to form County Service Area No. 20-Daily Road, 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 5
 of the Government Code) within the hereinafter described unincor-
 porated 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 June 23, 1970, at 2:00 p.m.; and

WHEREAS, notice of said hearing was given, as required by law,
 as shown by the affidavit of publication on file herein (Document No.
428440); and

WHEREAS, said hearing was continued to July 15, 1970, at
 8:30 a.m.; and 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 the County of
 San Diego has heretofore reviewed and approved the establishment of
 said area (Board of Supervisors Document No. 426942); NOW THEREFORE

IT IS FOUND, DETERMINED AND DECLARED 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% 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.

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.

4. The proceedings for the formation of said proposed county service area are valid and in conformity with the requirements of said County Service Area Law.

ACCORDINGLY, IT IS RESOLVED AND ORDERED as follows:

1. The hereinafter described territory is established as a county service area designated County Service Area No. 20 - Daily Road, pursuant to the provisions of the County Service Area Law.

2. The types 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 repair and maintenance.

3. Except where funds are otherwise available from service charges collected pursuant to Section 25210.77a of the Government Code, a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such county service area.

4. The boundaries of said county service area are described as follows:

All that area within the County of San Diego, State of California, lying within the following described boundary line:

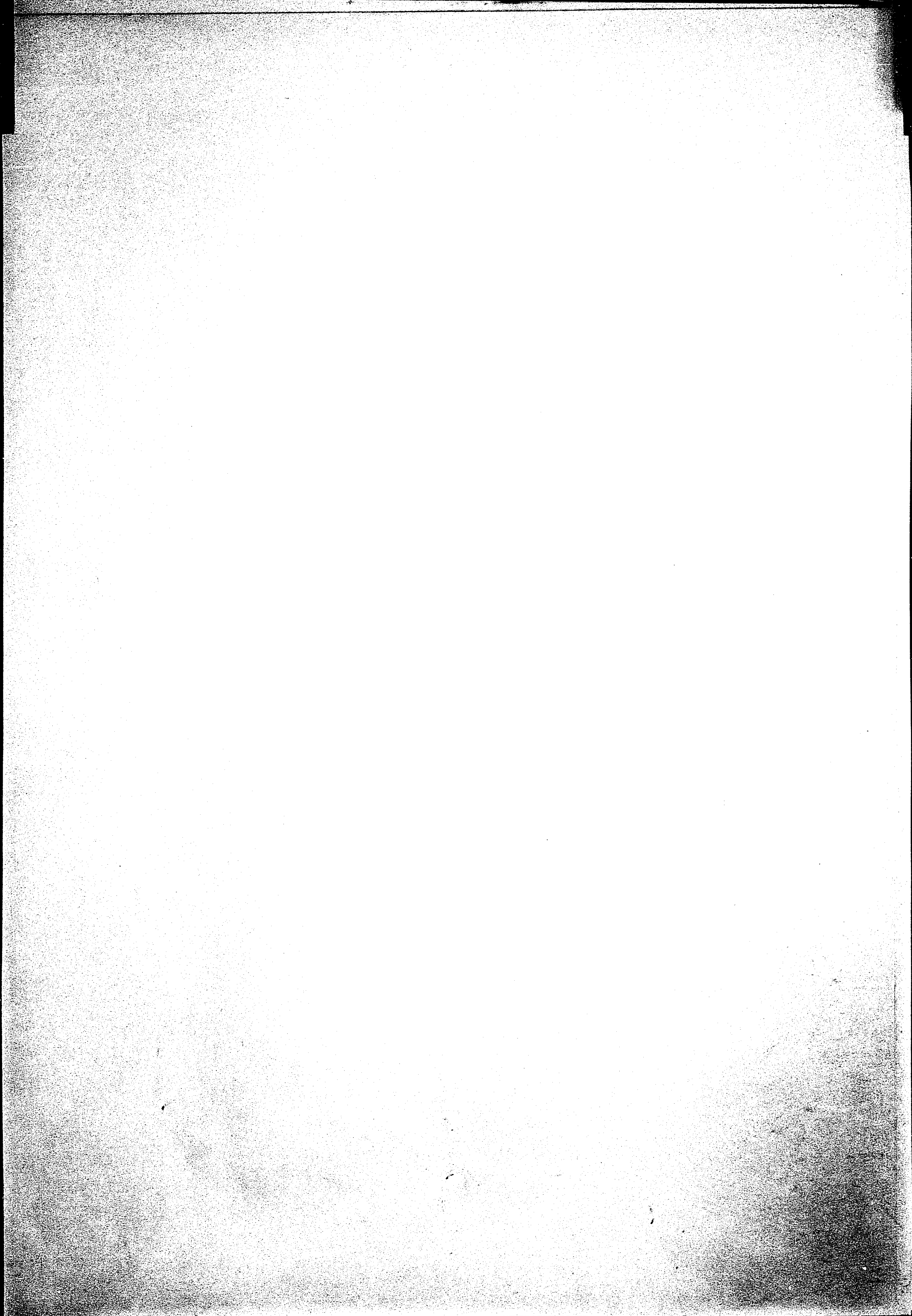
1. Beginning at the Northeast corner of Lot 2 (Northwest quarter of the Northeast quarter) of Section 4, Township 9 South, Range 4 West, San Bernardino Base and Meridian according to United States Government Survey;
2. thence Southerly the East line of said Lot 2 and along the East line of the West half of the East half of said Section 4 to the South line of the North half of the South half of said Section 4;
3. thence Westerly along said South line to the center line of De Luz Road according to New Survey No. 130 on file in the Office of the County Engineer of said County;
4. thence generally Northwesterly, Westerly and Southwesterly along said center line to said South line of the North half of the South half of said Section 4;
5. thence Westerly along said South line and along the South line of the Northeast quarter of the Southeast quarter of Section 5 of said Township and Range to the Southwest corner of said Northeast quarter of the Southeast quarter;
6. thence Northerly along the East line of the West half of the East half of said Section 5 to the South line of Section 32, Township 8 South, Range 4 West, San Bernardino Base and Meridian;
7. thence Easterly along said South line to the West line of the East half of the Southeast quarter of said Section 32;
8. thence Northerly along said West line to the East and West center line of said Section 32;
9. thence Easterly along said East and West center line to the West line of Section 33 of said Township 8 South, Range 4 West;
10. thence Northerly along said West line to the South line of the Northwest quarter of the Northwest quarter of said Section 33;
11. thence Easterly along said South line to the East line of said quarter-quarter;
12. thence Northerly along said East line to the North line of said Section 33;

13. thence Easterly along said North line to the North and South center line of said Section 33;
14. thence Southerly along said North and South center line to the South line of the North half of the Northeast quarter of said Section 33;
15. thence Easterly along said South line to the West line of Section 34 of said Township;
16. thence Northerly along said West line and along the West line of Section 27 of said Township to the North line of the South half of the Southwest quarter of said Section 27;
17. thence Easterly along said North line to the West line of the Southeast quarter of said Section 27;
18. thence Northerly along said East line to the North line of said Southeast quarter;
19. thence Easterly along said North line to the West line of fractional Section 26 of said Township;
20. thence Northerly along said West line to the Northeasterly line of Lot 4 of said Section 25;
21. thence Southeasterly along said Northeasterly line and along the Northeasterly line of Lot 3 of said Section 26 to the North and South center line of said Section 26;
22. thence Southerly along said North and South center line to the South line of the North half of the Southwest quarter of said Section 26;
23. thence Westerly along said South line to the East line of said Section 27;
24. thence Southerly along said East line and along the East line of Section 34 of said Township 8 South, Range 4 West, to the South line of Said Section 34;
25. thence Westerly along said South line and along the South line of Section 33 of said Township to the Northeast corner of aforesaid Lot 2 of Section 4 of said Township 9 South, Range 4 West, and the POINT OF BEGINNING.

IT IS FURTHER ORDERED that the Clerk of this Board file with the Assessor of the County of San Diego and with the State Board of Equalization a certified copy of this resolution and order together with a map or plat indicating the boundaries of the territory to be established by this order, as provided in Chapter 8 (commencing with § 54900) of 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 15th day of July, 1970, by the following vote:

AYES: Supervisors Walsh, Scheidle and Craven
 NOES: Supervisors None
 ABSENT: Supervisors Boney and Austin



All that area within the County of San Diego, State of California, lying within the following described boundary line:

1. Beginning at the Northeast corner of Lot 2 (Northwest quarter of the Northeast quarter) of Section 4, Township 9 South, Range 4 West, San Bernardino Base and Meridian according to United States Government Survey;
2. thence Southerly the East line of said Lot 2 and along the East line of the West half of the East half of said Section 4 to the South line of the North half of the South half of said Section 4;
3. thence Westerly along said South line to the center line of De Luz Road according to New Survey No. 130 on file in the Office of the County Engineer of said County;
4. thence generally Northwesterly, Westerly and Southwesterly along said center line to said South line of the North half of the South half of said Section 4;
5. thence Westerly along said South line and along the South line of the Northeast quarter of the Southeast quarter of Section 5 of said Township and Range to the Southwest corner of said Northeast quarter of the Southeast quarter;
6. thence Northerly along the East line of the West half of the East half of said Section 5 to the South line of Section 32, Township 8 South, Range 4 West, San Bernardino Base and Meridian;
7. thence Easterly along said South line to the West line of the East half of the Southeast quarter of said Section 32;
8. thence Northerly along said West line to the East and West center line of said Section 32;
9. thence Easterly along said East and West center line to the West line of Section 33 of said Township 8 South, Range 4 West;
10. thence Northerly along said West line to the South line of the Northwest quarter of the Northwest quarter of said Section 33;
11. thence Easterly along said South line to the East line of said quarter-quarter;
12. thence Northerly along said East line to the North line of said Section 33;

13. thence Easterly along said North line to the North and South center line of said Section 33;
14. thence Southerly along said North and South center line to the South line of the North half of the Northeast quarter of said Section 33;
15. thence Easterly along said South line to the West line of Section 34 of said Township;
16. thence Northerly along said West line and along the West line of Section 27 of said Township to the North line of the South half of the Southwest quarter of said Section 27;
17. thence Easterly along said North line to the West line of the Southeast quarter of said Section 27;
18. thence Northerly along said East line to the North line of said Southeast quarter;
19. thence Easterly along said North line to the West line of fractional Section 26 of said Township;
20. thence Northerly along said West line to the Northeasterly line of Lot 4 of said Section 26;
21. thence Southeasterly along said Northeasterly line and along the Northeasterly line of Lot 3 of said Section 26 to the North and South center line of said Section 26;
22. thence Southerly along said North and South center line to the South line of the North half of the Southwest quarter of said Section 26;
23. thence Westerly along said South line to the East line of said Section 27;
24. thence Southerly along said East line and along the East line of Section 34 of said Township 8 South, Range 4 West, to the South line of said Section 34;
25. thence Westerly along said South line and along the South line of Section 33 of said Township to the Northeast corner of aforesaid Lot 2 of Section 4 of said Township 9 South, Range 4 West, and the POINT OF BEGINNING.

IT IS FURTHER ORDERED that the Clerk of this Board file with the Assessor of the County of San Diego and with the State Board of Equalization a certified copy of this resolution and order together with a map or plat indicating the boundaries of the territory to be established by this order, as provided in Chapter 8 (commencing with § 54900) of 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 15th day of July, 1970, by the following vote:

AYES: Supervisors Walsh, Scheidle and Craven

NOES: Supervisors None

ABSENT: Supervisors Boney and Austin