

ORDINANCE NO. 9180 (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. 24 – MT. WHITNEY 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. 24 – Mt. Whitney Road, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 24 – Mt. Whitney 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. 24 – Mt. Whitney 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. 6799 approved by the Board on June 19, 1984, that provided the procedure for County Service Area No. 24 – Mt. Whitney 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 \$122 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 containing less than 5.00 acres shall be assigned one (1) unit of benefit.
- (c) Each parcel containing at least 5.00 acres and less than 10.00 acres of land shall be assigned two (2) units of benefit.
- (d) Each parcel containing 10.00 or more acres shall be assigned four (4) units of benefit.
- (e) Each parcel of land with an assessed value shall be assigned one (1) 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 XIIID of the California Constitution shall be submitted to property owners for approval in accordance with Article

XIIB 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.

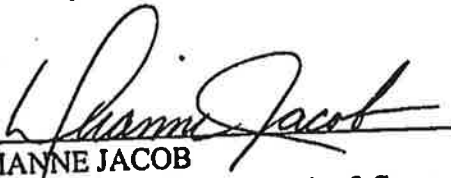
Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with names of the members voting for and against the same in the San Diego Commerce newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William D. Smith
SENIOR DEPUTY

5/25/00

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. 9180 (New Series)
6/21/00 (18)

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Resolution Establishing County Service)
Area No. 24 - Mt. Whitney Road)

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

WHEREAS, on August 18, 1970, this Board adopted its resolution of intention to form County Service Area No. 24 - Mt. Whitney 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 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 October 6, 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. 432102); and

WHEREAS, at said time and place said hearing was continued to October 21, 1970 at 2:00 p.m. and at said continued hearing 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. 432760);

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. 24 - Mt. Whitney 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 portion of Section 19, Township 12 South, Range 2 West, San Bernardino Base and Meridian according to United States Government Survey approved December 14, 1885, in the County of San Diego, State of California, lying within the following described boundary:

1. Beginning at the Southeast corner of Lot 3 of said Section 19 being also the South quarter corner of said Section;
2. thence South $89^{\circ}43'50''$ West 1323.27 feet along the South line of said Section 19 to the Southwest corner of said Lot 3;
3. thence North $0^{\circ}03'21''$ West 2094.96 feet to the North line of the South 782.68 feet of the North half of said Lot 3;
4. thence North $89^{\circ}44'39''$ East 334.5 feet more or less to the East line of the West quarter of said Lot 3;
5. thence South $0^{\circ}02'53''$ West 565 feet more or less along said East line to the North line of the South 5 acres of the East three-quarters of the North half of said Lot 3;
6. thence North $89^{\circ}44'39''$ East 1000.80 feet along said North line to the East line of said Lot 3;
7. thence South $0^{\circ}21'54''$ West 1529.83 feet along said East line to 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 21st day of October, 1970, by the following vote:

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

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STATE OF CALIFORNIA, }
County of San Diego, } ss.

I, PORTER D. CREMANS, 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 therein 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 23rd day of October, 1970.

DLC:DBL

PORTER D. CREMANS
Clerk of the Board of Supervisors.

By Sara Drew
Deputy.

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