

ORDINANCE NO. 0100 (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. 55 – RAINBOW CREST 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. 55 – Rainbow Crest Road, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 55 – Rainbow Crest 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. 55 – Rainbow Crest 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. 6336 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 55 – Rainbow Crest 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 \$70 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 which contains less than 20 acres of land shall be assigned one (1) unit of benefit.
- (c) Each parcel which contains at least 20 acres of land but less than 80 acres of land shall be assigned two (2) units of benefit.
- (d) Each parcel which contains 80 or more acres of land shall be assigned four (4) units of benefit.
- (e) 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

XIIID 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.

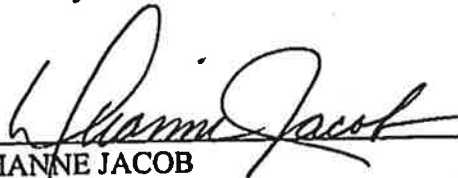
Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with names of the members voting for and against the same in the San Diego Commerce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

5/25/06

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

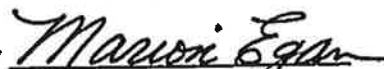

DIANNE JACOB
Chairwoman of the Board of Supervisors of the
County of San Diego, State of California

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. 9190 (New Series)
6/21/00 (18)

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 55 - RAINBOW CREST ROAD
SUBJECT TO CONFIRMATION OF VOTERS,
AND ORDERING MAXIMUM PROPERTY TAX RATE ELECTION

ON MOTION of Supervisor Taylor, seconded by Supervisor Walsh,
the following resolution is adopted:

WHEREAS, on July 31, 1973, this Board adopted its resolution of intention to form County Service Area No. 55 - Rainbow Crest Road pursuant to the provisions of the County Service Area Law, Chapter 2.2 (commencing with § 25210.1) of Part 2, Division 2 of Title 5 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 September 5, 1973, which date was reset by this Board on August 16 to September 18, 1973, 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. 476551); 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 54773 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; 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% 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.

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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 the aforementioned County Service Area Law.

5. The hereinafter described territory is declared established as a county service area, subject to confirmation by the voters of the proposed area on the question of establishment of such area, and shall be designated County Service Area No. 55 - Rainbow Crest Road _____, pursuant to Government Code Section 25210.18.

6. 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 improvement and maintenance

7. 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.

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

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Those portions of Sections 17, 19, 20 and 21, all in Township 9 South, Range 2 West, San Bernardino Meridian, in the unincorporated area of the County of San Diego, State of California, according to Official Plat thereof, described as follows:

Beginning at the North Quarter corner of said Section 19;

- (1) thence Easterly along the North line of said Section 19 to the corner common to Sections 17, 18, 19 and 20;
- (2) thence Northerly along the Westerly line of said Section 17 to the Northwest corner of the South Half of the Northwest Quarter of said Section 17;
- (3) thence Easterly along the Northerly line of said South Half of Northwest Quarter to the North-South center line of said Section 17;
- (4) thence Northerly along said North-South center line to the North line of said Section 17;
- (5) thence Easterly along said North line to the Northeast corner of said Section 17;
- (6) thence Southerly along the Easterly line of said Section 17 to the corner common to Sections 16, 17, 20 and 21;
- (7) thence Easterly along the Northerly line of said Section 21 to the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 21;
- (8) thence Southerly along the Easterly line of said Northwest Quarter of Northwest Quarter to the North line of the South Half of the Northwest Quarter of said Section 21;
- (9) thence Easterly along said North line to the North-South center line of said Section 21;
- (10) thence Southerly along said North-South center line to the South line of said Section 21;
- (11) thence Westerly along said South line to the Southwest corner of the East Half of the Southwest Quarter of said Section 21;
- (12) thence Northerly along the West line of said East Half of Southwest Quarter to the South line of the Northwest Quarter of said Section 21;

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- (13) thence Westerly along said South line to the line common to said Sections 20 and 21;
- (14) thence Northerly along said common line to the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 20;
- (15) thence Westerly along the South line of said Northeast Quarter of Northeast Quarter to the East line of the West Half of the Northeast Quarter of said Section 20;
- (16) thence Southerly along said East line to the South line of the Northeast Quarter of said Section 20;
- (17) thence Westerly along said South line to the North-South center line of said Section 20;
- (18) thence Southerly along said North-South center line to the South line of said Section 20;
- (19) thence Westerly along said South line to the Southwest corner of the East Half of the Southwest Quarter of said Section 20;
- (20) thence Northerly along the Westerly line of said East Half of Southwest Quarter to the Southeast corner of the East Half of the Northwest Quarter of the Southwest Quarter of said Section 20;
- (21) thence Westerly along the Southerly line of said East Half of Northwest Quarter of Southwest Quarter to the Southwest corner thereof;
- (22) thence Northerly along the Westerly line of said East Half of Northwest Quarter of Southwest Quarter to the Southerly line of the Northwest Quarter ~~of the Northwest Quarter~~ of said Section 20;
- (23) thence Westerly along said Southerly line to an intersection with the line common to Sections 19 and 20, said point of intersection being the Southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 19;
- (24) thence Westerly along the Southerly line of said Southeast Quarter of Northeast Quarter to the Southwest corner thereof;
- (25) thence Northerly along the Westerly line of said Southeast Quarter of Northeast Quarter to the Southerly line of the North Half of the Northeast Quarter of said Section 19;
- (26) thence Westerly along said Southerly line to the North-South center line of said Section 19;
- (27) thence Northerly along said North-South center line to the point of beginning.

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9. A special election is hereby called to be held on Tuesday, December 11, 1973, within the boundaries of the proposed county service area at which election there shall be submitted to the qualified electors of said area the following question as authorized by Government Code Section 25210.18a and Revenue and Taxation Code Section 2169(a):

"Shall the order adopted on September 18, 1973, by the Board of Supervisors of the County of San Diego establishing County Service Area No. 55 - Rainbow Crest Road be confirmed and shall the maximum property tax rate of the county service area be established at \$2.60 per \$100 of assessed valuation of property, the revenues of which will be used for _____ road improvement and maintenance

_____, and for such other purposes for which the county service area may lawfully expend money?"

10. Pursuant to Elections Code Section 3712, the Clerk of this Board shall cause a Notice of Election to be published in accordance with the provisions of Elections Code Section 2605 and Government Code Section 6066 in Fallbrook Enterprise, a newspaper of general circulation published in the County of San Diego. Said Notice shall be given in substantially the following form:

NOTICE OF ELECTION

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Diego has called a special election to be held on Tuesday, December 11, 1973, within the territory contained within the boundaries of the proposed County Service Area No. 55 - Rainbow Crest Road for the purpose of submitting to the qualified electors within such territory the following question:

"Shall the order adopted on September 18, 1973, by the Board of Supervisors of the County of San Diego establishing County Service Area No. 55 - Rainbow Crest Road be confirmed and shall the maximum property tax rate of the county service area be established at \$2.60 per \$100 of assessed valuation of property, the revenues of which will be used for _____ road improvement and maintenance

_____, and for such other purposes for which the county service area may lawfully expend money?"

Pursuant to Elections Code Section 14620.5, because there are 30 or less persons registered to vote in the area, there will be no polling places in this election and qualified voters shall vote by absent voter ballots or vote at the Office of the Registrar of Voters, 5555 Overland Avenue, San Diego, California, 92123 on election day.

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BY ORDER OF THE BOARD OF SUPERVISORS of the County of San Diego dated September 18, 1973

PORTER D. CREMANS
Clerk of the Board of Supervisors

By Beatrice Mitchell

11. Written arguments for and against the proposal, not to exceed 300 words in length, may be filed with the Registrar of Voters no later than November 9, 1973, in accordance with Elections Code Section 3715.

12. Pursuant to Government Code Section 25210.18a, the election shall be held and conducted by the County and the ballots canvassed in accordance with the provisions of Article 1 (commencing with § 3700) of Chapter 2, Division 4 of the Elections Code.

13. The Registrar of Voters shall render all necessary and appropriate services in connection with the calling, holding and conducting of this special election.

14. Pursuant to Government Code Section 25210.18a and Revenue and Taxation Code Sections 2169(a) and (e), this Board shall adopt a resolution either (i) confirming the prior declaration of establishment of the area and finally establishing the area with a maximum property tax rate of \$2.60 per \$100, of assessed valuation of property, if a majority of the votes cast upon such question are in favor; or (ii) determining the prior declaration of establishment defeated by failure to receive the required vote, in which case the county services found by the Board to be extended county services shall not thereafter be provided to the area from general funds of the County.

APPROVED AS TO FORM:
ROBERT G. BERREY
County Counsel

BY *Lewis P. Jollinger*
8/27/73 Deputy

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 18th day of September, 1973, by the following vote:

AYES: Supervisors Walsh, Brown, Conde and Taylor
NOES: Supervisors None
ABSENT: Supervisor Bear