

ORDINANCE NO. 9191 (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. 60 – RIVER DRIVE

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 60 – River Drive do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 60 – River Drive is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 60 – River Drive. 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. 6337 approved by the Board on June 1, 1982 (132) that provided the procedure for County Service Area No. 60 – River Drive.

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 \$20.00 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 service shall not be assigned units of benefit.
- (b) Each parcel that contains less than 5 acres of land shall be assigned one unit of benefit.
- (c) Each parcel which contains at least 5 acres of land, but less than 10 acres of land shall be assigned two units of benefit.
- (d) Each parcel which contains 10 or more acres of land shall be assigned three units of benefit.
- (e) Each improved parcel according to Assessor's records shall be assigned one 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 San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of June, 2000.

RESOLUTION RESCINDING PRIOR ACTION AND  
ESTABLISHING COUNTY SERVICE AREA  
NO. 60 -- RIVER DRIVE  
WITHOUT AN ELECTION AND ORDERING  
MAXIMUM PROPERTY TAX RATE ELECTION

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

WHEREAS, the Local Agency Formation Commission of San Diego County, pursuant to Government Code Section 54773, et seq., on August 6, 1973 reviewed and approved the establishment of the County Service Area No. 60 -- River Drive to include the territory herein described for the purpose of providing the extended services herein proposed; and

WHEREAS, on October 9, 1973, this Board adopted its resolution of intention to form the county service area 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 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 November 14, 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. 479524); 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, on November 14, 1973 at the conclusion of said hearing, pursuant to the provisions of Government Code Section 25210.18, this Board established said county service area subject to confirmation by the voters and called a special election to be held on Tuesday, March 5, 1974 at which election the qualified electors of said area were to vote on confirmation of the order establishing the county service area and the establishment of the maximum property tax rate; and

TUESDAY, DECEMBER 18, 1973

WHEREAS, in the judgment of this Board it is now advisable to establish the proposed county service area without an election in order to complete the necessary filings pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5, of the Government Code on or before January 1, 1974; NOW THEREFORE

IT IS RESOLVED AND ORDERED that the resolution of this Board adopted on November 14, 1973 whereby County Service Area No. 60 -- River Drive was established subject to confirmation by the voters and a special election called to confirm the order of establishment and to establish the maximum property tax rate for said county service area is hereby rescinded.

IT IS FURTHER RESOLVED AND ORDERED as follows:

1. The services described in the resolution of intention and 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.
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 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.
5. The formation of this county service area is not subject to the environmental impact evaluation process inasmuch as it is not a project as defined in Section 15037 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970 (Div. 6, Title 14, Cal. Admin. Code, commencing at Section 15000).
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.

AP7 12/18/73

DEC 18 1973

(40)

TUESDAY, DECEMBER 18, 1973

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 at a rate not to exceed the maximum property tax rate authorized by Chapter 3, Part 4 of Division 1 of the Revenue and Taxation Code.

8. The following described territory, which description has been modified pursuant to the directions of the Local Agency Formation Commission, is declared established without an election as a county service area and shall be designated County Service Area No. 60 -- River Drive pursuant to Government Code Section 25210.18:

TUESDAY, DECEMBER 18, 1973

All those portions of Sections 12 and 13, Township 15 South, Range 4 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey and lying within the following described boundary line:

1. Beginning at the Northwest corner of the East Half of the Northeast Quarter of said Section 13;
2. thence Southerly along the West line of the East Half of said Northeast Quarter to the East and West center line of said Section 13;
3. thence Easterly along said East and West center line to the East Quarter corner of said Section 13 and the East line of said Section;
- 3a thence Southerly along said East line to the Northeast corner of Parcel 21 as shown on Licensed Survey Map No. 240 filed in the County Recorder's office of said County;
- 3b thence Westerly along the Northerly line of said Parcel 21 and along the Northerly line of Parcel 22 to the Westerly line thereof;
- 3c thence Southeasterly along said Westerly line and the prolongation thereof to the Southerly line of 40 foot wide River Drive;
- 3d thence North  $83^{\circ}07'$  East along said line to the East line of said Section 13;
4. thence Southerly along said East line to a point which is distant thereon 150 feet Northerly from the Southeast corner of said Section 13;
5. thence North  $89^{\circ}40'$  West 283 feet to the Northeasterly line of Road Survey 507 filed in the County Engineer's Office of said County;
6. thence generally Northwesterly along said Northeasterly line to the West line of the East Half of the Southeast Quarter of said Section 13;
7. thence Northerly along said West line to the Southerly line of said River Drive;
8. thence Northwesterly along said Southerly line to the South line of the Southwest Quarter of the Northeast Quarter of said Section 13;

DEC 18 1973 (40)

TUESDAY, DECEMBER 18, 1973

9. thence Westerly along said South line to the East line of the Westerly one-third of the Southwest Quarter of the Northeast Quarter of said Section 13;
10. thence Northerly along said Easterly line to the South line of the Northwest Quarter of the Northeast Quarter of said Section 13;
11. thence Westerly along said South line to the North and South center line of said Section 13;
12. thence Northerly along said North and South center line to the North Quarter corner of said Section 13, being also a point on the South line of said Section 12;
13. thence Easterly along said South line to a point distant thereon 330 feet Westerly from the intersection with a line which begins at the Southeast corner of said Section 12, thence runs North  $75^{\circ}52'38''$  West 1423.01 feet to a point "A", thence runs due East 305.91 feet, and thence runs due South 375 feet more or less to said intersection;
14. thence North  $0^{\circ}08'$  West 170 feet;
15. thence South  $88^{\circ}25'$  West 91.00 feet;
16. thence North  $66^{\circ}38'$  East 84.62 feet;
17. thence North  $12^{\circ}25'$  East 221.64 feet;
18. thence North  $7^{\circ}43'$  West 83.73 feet;
19. thence North  $26'10''$  East 146.31 feet;
20. thence North  $81^{\circ}30'$  East 108.61 feet;
21. thence South  $77^{\circ}$  East 138.41 feet;
22. thence South  $52'$  East 190.35 feet;
23. thence due South 329.09 feet;
24. thence due West 150 feet;
25. thence due South 175 feet more or less to the North line of said Section 13;
26. thence Westerly along said North line to the point of beginning.

DEC 18 1973 (40)



TUESDAY, DECEMBER 18, 1973

IT IS FURTHER RESOLVED AND ORDERED that the Clerk of the 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 Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

IT IS FURTHER RESOLVED AND ORDERED as follows:

1. An election be called and held on Tuesday, March 5, 1974 within the boundaries of County Service Area No. 60 -- River Drive at which election there shall be submitted to the qualified electors of said county service area the following question as authorized by Section 2265 and Article 6 (commencing with Section 2285), Chapter 3, Part 4 of Division 1 of the Revenue and Taxation Code:

"Shall the maximum property tax rate of County Service Area No. 60 -- River Drive be established at \$4.60 per \$100 of assessed valuation, the revenues of which will be used for road improvement and maintenance and such other purposes as the county service area may lawfully expend money?"

2. Notice, in substantially the form hereinafter set forth, shall be published by the Registrar of Voters pursuant to Section 2605 of the Elections Code and Section 6061 of the Government Code in a newspaper of general circulation circulating within said county service area:

#### NOTICE OF ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of County Service Area No. 60 -- River Drive of San Diego County that an election will be held on Tuesday, March 5, 1974, at which election there will be submitted to the qualified electors of said area by mailed ballot the question of whether the maximum tax rate of the said area shall be established at \$4.60 per \$100 of assessed valuation, the revenues of which will be used for road improvement and maintenance and such other purposes as the county service area may lawfully expend money.

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

CHARLES J. SEXTON  
Registrar of Voters

By \_\_\_\_\_

287 12/13/73

DEC 18 1973 (40)

TUESDAY, DECEMBER 18, 1973

3. The notice hereinabove set forth and published as provided herein shall constitute the notice of this election and no other publication or posting shall be required.

4. This election shall be governed by Article 6 (commencing with Section 2285), Chapter 3, Part 4 of Division 1 of the Revenue and Taxation Code.

5. The election shall be by mailed ballots, and because an election by mailed ballots is more expeditiously conducted if not consolidated with other elections, this election shall not be consolidated.

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

7. County Service Area No. 60 -- River Drive shall reimburse the County of San Diego in full for the service performed upon presentation of a bill for such services to said county service area, as required by Revenue and Taxation Code Section 2288(d).

8. The Clerk of this Board shall immediately transmit a copy of this resolution to the Registrar of Voters of the County of San Diego.

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

AYES: Supervisors Walsh, Conde, Bear and Taylor

NOES: Supervisor Brown

ABSENT: Supervisors None

APPROVED AS TO FORM:  
ROBERT G. BERREY  
County Counsel

BY *Lewis P. Zollinger*  
Deputy

12/19/73

LPZ/cac

DEC 18 1973

(40)

-5-