

ORDINANCE NO. 91.92 (NEW SERIES)

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COUNTY SAN DIEGO

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SAN DIEGO 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. 63 – HILLVIEW ET AL

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 63– Hillview et al, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 63 – Hillview et al is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 63 – Hillview et al. 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. 5466 approved by the Board on March 20, 1979, that provided the procedure for County Service Area No. 63 – Hillview et al.

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 \$110.00 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) Each parcel of land shall be assigned one 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 FIDELITY
COUNTY COUNSEL
BY William J. Speck
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
Marion Egan, Deputy



Ordinance No. 9192 (New Series)
6/21/00 (18)

WEDNESDAY, DECEMBER 19, 1973

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 63 -- HILLVIEW ROAD
AND ORDERING MAXIMUM PROPERTY TAX RATE ELECTION

On motion of Supervisor Walsh, seconded by Supervisor Conde, the Board of Supervisors finds the Environmental Impact of the proposed County Service Area No. 63 - Hillview Road, insignificant and adopts the following resolution:

WHEREAS, on November 13, 1973, this Board adopted its resolution of intention to form County Service Area No. 63 -- Hillview 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 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 December 19, 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. 481062); 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; and

WHEREAS, in the judgment of this Board it is 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; and

WHEREAS, in the judgment of this Board it is advisable to call an election and submit to the electors of said county service area the question to establish the maximum property tax rate of said county service area; NOW THEREFORE

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(6)

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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.

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 type of extended county service to be performed within the boundaries of said county service area pursuant to said Chapter 2.2 of the Government Code is road improvement.

5. This Board finds in accordance with the Negative Declaration dated December 13, 1973, prepared with respect to the proposed formation of County Service Area No. 63 -- Hillview Road, that the formation would have an insignificant impact on the environment.

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. 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 is declared established without an election as a county service area and shall be designated County Service Area No. 63 -- Hillview Road, pursuant to Government Code Section 25210.18:

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Those portions of the South Half of Section 25, Township 10 South, Range 2 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, lying within the following described boundary:

1. Beginning at the Northeast Corner of the Southwest Quarter of said Section 25;
2. Thence Westerly along the North Line of the South Half of said Section 25 to the Northwest Corner of the Northeast Quarter of said Southwest Quarter;
3. Thence Southerly along the West Line of said Quarter-Quarter to the North Line of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of said Section 25;
4. Thence Easterly along said North Line to the East Line of said Southwest Quarter of the Northeast Quarter of the Southwest Quarter;
5. Thence Southerly along said East Line to the North Line of the Southeast Quarter of the Southwest Quarter of said Section 25;
6. Thence Westerly along said North Line to the West Line of said Quarter-Quarter, being also the Northwest Corner of Record of Survey 6090 filed in the office of the County Recorder of said County;
7. Thence Southerly along said West Line the Westerly Line of said Record of Survey 6090 to the South Line of the North Quarter of the South Quarter of said Section 25;
8. Thence Easterly along said South Line to the West Line of the East Quarter of the West Half of said Section 25;
9. Thence Southerly along said West Line to the North Line of the South Quarter of the South Half of said Section 25;
10. Thence Easterly along said South Line to the North and South Center Line of said Section 25;
11. Thence Southerly along said Center Line to the South Line of said Section 25;

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12. Thence Easterly along said South Line a distance of 472.36 feet to the West line of the East Half of the Southwest Quarter of the Southeast Quarter of said Section 25;
13. Thence Northerly along said West Line to the North Line of the South Half of the Southeast Quarter of the Southwest Quarter of said Southeast Quarter;
14. Thence Easterly along said North Line to the West Line of the Easterly 360 feet of said Southwest Quarter of the Southeast Quarter;
15. Thence Northerly along said West Line to the North Line of said Southeast Quarter of the Southwest Quarter of the Southeast Quarter;
16. Thence Easterly along said North Line to the East Line of West Half of said Southeast Quarter;
17. Thence Northerly along said East Line to the North Line of said Southeast Quarter;
18. Thence Westerly along said North Line to the Point of Beginning.

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IT IS FURTHER RESOLVED, ORDERED AND DETERMINED 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, ORDERED AND DETERMINED as follows:

1. An election be called and held on Tuesday, March 5, 1974 within the boundaries of County Service Area No. 63 -- Hillview Road 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. 63 -- Hillview Road be established at \$6.78 per \$100 of assessed valuation, the revenues of which will be used for road improvement 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. 63 -- Hillview Road 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 \$6.78 per \$100 of assessed valuation, the revenues of which will be used for road improvement, 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 19, 1973.

CHARLES J. SEXTON
Registrar of Voters

By _____

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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. 63 --- Hillview Road shall reimburse the County of San Diego in full for the service performed upon presentation of a bill for such service 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 19th day of December, 1973, by the following vote:

AYES: Supervisors Walsh, Brown, Conde and Bear

NOES: Supervisors None

ABSENT: Supervisor Taylor

APPROVED AS TO FORM:
MARTIN G. BERREY
County Counsel

Leuis P. Zollinger
Deputy
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LPZ/cac

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