

ORDINANCE NO. 9194 (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. 70 – EL CAMINO CORTO

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 70 – El Camino Corto do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 70 – El Camino Corto is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 70 – El Camino Corto. 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. 6340 approved by the Board on June 1, 1982 (135) that provided the procedure for County Service Area No. 70 – El Camino Corto.

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 \$33.00 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 containing not more than 2.49 acres of land shall be assigned one benefit unit.
- (c) Each parcel containing at least 2.5 acres of land shall be assigned two benefit units.
- (d) Each parcel having direct access to the road(s) to be constructed, improved or maintained by this Permanent Road Division shall be assigned one additional benefit unit.
- (e) Each improved parcel according to Assessor's Records, shall be assigned one additional benefit unit.

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 21st day of June, 2000.

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 70 - EL CAMINO CORTO
SUBJECT TO CONFIRMATION OF VOTERS,
AND ORDERING MAXIMUM PROPERTY TAX RATE ELECTION

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

WHEREAS, on January 14, 1975, this Board adopted its resolution of intention to form County Service Area No. 70 - El Camino Corto 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 February 19, 1975, 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. 500411); 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.

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. Pursuant to Article 4 of this Board's Procedures for Environmental Impact Review (California Environmental Quality Act of 1970), the Board finds in accordance with the Negative Declaration dated September 12, 1974, prepared with respect to the proposed annexation and the project designated La Cresta County Service Area, Log No. 468 that the project would have an insignificant impact on the environment.

6. 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. 70 - El Camino Corto, pursuant to Government Code Section 25210.18.

7. 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

8. 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 (commencing with § 2201), Part 4 of Division 1 of the Revenue and Taxation Code.

9. The boundaries of said County Service Area are described as follows:

All that portion of the Southwest Quarter of Section 35, Township 15 South, Range 1 East, San Bernardino Base and Meridian, according to U. S. Government Survey, in the County of San Diego, State of California, described as follows:

1. Beginning at the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 35;
2. Thence Westerly along the South line of said quarter-quarter, 962.55 feet;
3. Thence North $36^{\circ}57'20''$ East, 799.88 feet;
4. Thence North $13^{\circ}05'50''$ East 490.00 feet more or less to the northwesterly corner of land conveyed to DePuydt by deed recorded May 2, 1968, as File Page No. 73626 of Official Records in the County Recorder's Office of said County.
5. Thence North $89^{\circ}59'30''$ West, 165.08 feet;
6. Thence North $1^{\circ}00'30''$ East to the East and West center line of said Section 35;
7. Thence Easterly along said line to a point distant 714.10 feet Easterly from the Northwest corner of the East half of the Southwest Quarter of said Section.
8. Thence South, 305.00 feet;
9. Thence West to a line drawn parallel with and 450.00 feet Easterly from the Westerly line of said East Half of the Southwest Quarter of Section 35.
10. Thence South $1^{\circ}00'30''$ West 291.00 feet;
11. Thence South $89^{\circ}49'$ West, 200.00 feet;
12. Thence South $1^{\circ}00'30''$ West, 250.00 feet.
13. Thence South $42^{\circ}46'25''$ East to the center line of Road Survey No. 1236. Map on file in the County Engineer's Office of said County;
14. Thence Southwesterly along said center line to the South line of the Northeast Quarter of the Southwest Quarter of said Section 35;
15. Thence Westerly along said South line to the point of beginning.

10. An election is hereby called to be held on May 27,
1975, 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 2286(a):

"Shall the order adopted on February 19, 1975, by
the Board of Supervisors of the County of San Diego
establishing County Service Area No. 70 - El Camino
Corto be confirmed
and shall the maximum property tax rate of the county service
area be established at \$5.29 per \$100 of assessed valuation
of property, the revenues of which will be used for _____
road improvement and continuing maintenance
_____, and for
such other purposes for which the county service area may
lawfully expend money?"

11. Notice, in substantially the form hereinafter set
forth, shall be published by the Registrar of Voters pursuant
to Elections Code Section 2605 and Government Code Section
6066 in El Cajon Californian
_____, a newspaper of general circulation
published in the County of San Diego:

NOTICE OF ELECTION

NOTICE IS HEREBY GIVEN that the Board of Supervisors of
the County of San Diego has called an election to be held on
Tuesday, May 27, 1975, within the territory
contained within the boundaries of the proposed County Service
Area No. 70 - El Camino Corto
for the purpose of submitting to the qualified electors within
such territory the following question:

"Shall the order adopted on February 19, 1975, by
the Board of Supervisors of the County of San Diego
establishing County Service Area No. 70 - El Camino
Corto be confirmed
and shall the maximum property tax rate of the county
service area be established at \$ 5.29 per \$100 of assessed
valuation of property, the revenues of which will be used
for road improvement and continuing maintenance

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

Pursuant to Revenue and Taxation Code Sections 2288(a) and (e), because there are 250 or fewer qualified voters eligible to vote in the area, the election shall be by mailed ballot.

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.

BY ORDER OF THE BOARD OF SUPERVISORS of the County of San Diego dated February 19, 1975.

CHARLES J. SEXTON
Registrar of Voters

By _____

12. Written arguments for and against the question, not to exceed 300 words in length, may be filed with the Registrar of Voters no later than April 18, 1975, in accordance with Elections Code Section 3715.

13. 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.

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

15. This election shall not be consolidated with other elections as required by Revenue and Taxation Code Section 2289 and Elections Code Section 2504 because no other elections are being conducted in said area on the date set for this election.

16. Pursuant to Government Code Section 25210.18a, 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 \$ 5.29 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.

17. The Clerk of this Board shall immediately transmit a copy of this resolution to the Registrar of Voters.

Gomg
5/1/75

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 19th day of February, 1975, by the following vote:

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

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STATE OF CALIFORNIA) ss.
County of San Diego)

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 19th day of February, 1975.

PORTER D. CREMANS
Clerk of the Board of Supervisors

By Beatrice Mitchell
Deputy

SEAL