

ORDINANCE NO. 9198 (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. 77 – MONTIEL TRUCK TRAIL**

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 77 – Montiel Truck Trail do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 77 – Montiel Truck Trail is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 77 – Montiel Truck Trail. 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. 6979 approved by the Board on July 2, 1985 (56) that provided the procedure for County Service Area No. 77 – Montiel Truck Trail.

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 \$12.00 or 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 shall be assigned 3 units of benefit.
- (b) Each parcel taking access 0- ½ mile from the beginning of the paved section up Montiel Truck Trail, will be assigned one additional unit of benefit.
- (c) Each parcel taking access ½ mile to 1 mile will be assigned two additional units.
- (d) Each parcel taking access 1-1½ miles will be assigned three additional benefit units.
- (e) Each parcel taking access 1½ - 2 miles will be assigned four additional benefit units.
- (f) Each parcel taking access 2 - 2½ miles will be assigned five additional benefit units.

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.

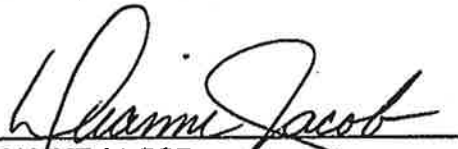
(d) Charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge may be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale 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 newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY William J. 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. 9198 (New Series)
6/21/00 (18)

1375

No. 19

WEDNESDAY, DECEMBER 17, 1975

RESOLUTION ESTABLISHING
COUNTY SERVICE AREA NO. 77 - MONTIEL TRUCK TRAIL
WITHOUT AN ELECTION AND ORDERING
MAXIMUM PROPERTY TAX RATE ELECTION

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

WHEREAS, on November 4, 1975, this Board adopted
its resolution of intention to form County Service Area
No. 77 - Montiel Truck Trail
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 des-
cribed 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 17, 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. 514627); 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 des-
cribed 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, 1976; 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

IT IS RESOLVED, ORDERED AND DETERMINED as follows:

CCMG:gvt

11/74

Conde
10 Dec 75

12-17-75# 19

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 legal description of the boundaries and 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 will be called and held on Tuesday, March 2, 1976 within the boundaries of County Service Area No. 77 - Montiel Truck Trail 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. 77 - Montiel Truck Trail be established at \$1.80 per \$100 of assessed valuation, the revenues of which will be used for road improvement and maintenance and for such other purposes as the county service area may lawfully expend money?"

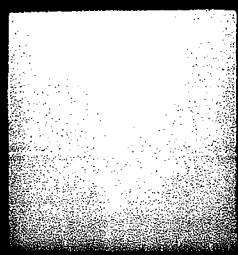
2. Pursuant to Revenue and Taxation Code Section 2287, this election shall be by mailed ballots because the use of mailed ballots for this election is less costly than other election procedures. This election shall not be consolidated with other elections as required by Revenue and Taxation Code Section 2289 because the election will be by mailed ballots.

3. 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 6061 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. 77 - Montiel Truck Trail of San Diego County that an election will be held on Tuesday, March 2, 1976, at which election there will be submitted to the qualified electors of said area the following question:

George
10 Dec 75
DEC 17 1975 #191



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 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 Board certifies, in accordance with Section 15064 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970 (Div. 6, Title 14, Cal.Admin. Code, commencing at § 15000), that it has reviewed and considered the information contained in the Negative Declaration prepared by the Local Agency Formation Commission.

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 (commencing with § 1301), 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. 77 -
Montiel Truck Trail
 pursuant to Government Code Section 25210.19:

George
10 Dec 75
 DEC 17 1975 #19 ;

All those portions of Sections 15, 21, 22, 23, and 28 in Township 16 South, Range 2 East, San Bernardino Base and Meridian, according to U. S. Government Survey, in the County of San Diego, State of California, described as follows:

Beginning at the Northwest corner of said Section 23;

1. Thence East along the North line thereof to the East line of the Northwest Quarter of the Northwest Quarter of said Section 23;
2. Thence South along said East line and along the East line of the Southwest Quarter of the Northwest Quarter of said Section, to the South line of the North 10 acres of said Southwest Quarter of the Northwest Quarter;
3. Thence West along said South line to the East line of Section 22, Township 16 South, Range 2 East, S.B.B. & M.;
4. Thence South along said East line to the East and West centerline of said Section 22;
5. Thence West along said centerline to the North and South centerline of said Section;
6. Thence South along said centerline to the North line of Section 27 of said Township and Range;
7. Thence West along said North line to the East line of the Northwest Quarter of the Northwest Quarter of said Section 27;
8. Thence South along said East line to the South line of said quarter-quarter;
9. Thence West along said South line and along the South line of the Northeast Quarter of the Northeast Quarter of Section 28 of said Township and Range, to the West line thereof;
10. Thence North along the West line of said Northeast Quarter of the Northeast Quarter to the South line of Section 21, Township 16 South, Range 2 East, S.B.B. & M.;

DEC 17 1975 #16

11. Thence West along said South line to the North and South centerline of said Section 21;
12. Thence North along said centerline to the South line of the North Half of the Southwest Quarter of said Section 21;
13. Thence West along said South line to the West line of said Section 21;
14. Thence North along said West line to the East and West centerline of said Section;
15. Thence East along said centerline to the West line of the Southeast Quarter of the Northwest Quarter of said Section 21;
16. Thence North along said West line to the North line thereof;
17. Thence East along said North line to the North and South centerline of said Section 21;
18. Thence North along said line to the North line of said Section 21;
19. Thence East along said North line and along the South line of Section 15 of said Township and Range to the North and South centerline of said Section 15;
20. Thence North along said centerline to the North line of the South Half of the Southeast Quarter of said Section 15;
21. Thence East along said North line to the East line of said Section;
22. Thence South along said East line to the Point of Beginning.

DEC 17 1975 #19

"Shall the maximum property tax rate of County Service Area 77 - Montiel Truck Trail be established at \$1.80 per \$100 of assessed valuation of property, the revenues of which will be used for road improvement and maintenance and for such other purposes as the county service area may lawfully expend money."

Pursuant to Revenue and Taxation Code Section 2288(a) and (e), the election shall be by mailed ballots.

BY ORDER OF THE BOARD OF SUPERVISORS of the County of San Diego dated December 17, 1975.

CHARLES J. SEXTON
Registrar of Voters

By _____

4. 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.

5. 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 January 16, 1976, in accordance with Elections Code Section 3715.

6. Pursuant to Elections Code Section 3785.5, rebuttal arguments, not exceeding 250 words, shall be permitted. Rebuttal arguments must be filed with the Registrar of Voters not more than 10 days after the final date for filing direct arguments.

7. 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.

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

9. County Service Area No. 77 - Montiel Truck Trail shall reimburse the County of San Diego in full for the services performed by the Registrar of Voters upon presentation of a bill for such services to said county service area, as required by Revenue and Taxation Code Section 2288(d).

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

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10 Dec 75

DEC 17 1975 #197

