

ORDINANCE NO. 9199 (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. 78 – GARDENA WAY

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 78 – Gardena Way do ordain as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 78 – Gardena Way is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 78 – Gardena Way. 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. 6346 approved by the Board on June 1, 1982 (141) that provided the procedure for County Service Area No. 78 – Gardena Way.

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 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) Parcels not benefiting from service shall not be assigned units of Benefit.
- (b) Each parcel having direct access to the road to be improved or maintained by this Permanent Road Division shall be assigned one unit of benefit.
- (c) Each improved parcel 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 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. 78 - GARDENA WAY
WITHOUT AN ELECTION AND ORDERING
MAXIMUM PROPERTY TAX RATE ELECTION

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

WHEREAS, on March 9, 1976, this Board adopted its resolution of intention to form County Service Area No. 78 - Gardena Way 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 April 21, 1976 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. 520415); 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 permit the work program of road improvement to be commenced at the earliest possible date; 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:

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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 § 2201), 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. 78 -
Gardena Way

pursuant to Government Code Section 25210.18:

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All that portion of the County of San Diego, State of California being a portion of Lots 21, 22, 23 and 24 of Block C of Winter Gardens, according to Map Number 1987, filed in the Recorders Office of said County, more particularly described as follows:

1. Beginning at the Northeast corner of said Lot 24, also being the Northeast corner of Record of Survey Map Number 1456, filed in the Recorders Office of said county;
2. Thence South $0^{\circ}03'22''$ East along the East line of said Block C to the Southeast corner of Lot 21 of Block C;
3. Thence West along the South line of Lot 21, a distance of 241 feet;
4. Thence Northerly along a line parallel to the East line of Block C a distance of 15 feet;
5. Thence Westerly, parallel with the South line of Lot 21, a distance of 150 feet;
6. Thence Northerly parallel with the Easterly line of Block C a distance of 115 feet;
7. Thence Westerly along a line parallel with the Southerly line of Lot 21 to a point distant 410 feet Westerly of the Easterly line of Blocks C;
8. Thence Northerly along a line parallel to the Easterly line of Block C, 70 feet more or less to the Southerly line of said Lot 22;
9. Thence Easterly along said Southerly line of Lot 22 to a point distant 390 feet Westerly of the Easterly line of said Block C;

10. Thence Northerly along a line parallel to the Easterly line of said Block C to a point on a line distant 100 feet Southerly and parallel with the Northerly line of said Lot 22;
11. Thence Westerly along said parallel line to a point 265 feet Easterly of the Westerly line of said Lot 22;
12. Thence Northwesterly in a straight line to a point on the Northerly line of Lot 22 distant 265 feet Easterly of the Northwest corner thereof;
13. Thence Easterly along the South line of said Lot 23 to a point distant 379.74 feet more or less Westerly of the Easterly line of Block C;
14. Thence Northerly along a line parallel with the Easterly line of Block C to a line parallel with and 100 feet Northerly of the Southerly line of said Lot 23;
15. Thence Westerly along said parallel line 90 feet;
16. Thence Northerly along a line parallel with the Easterly line of said Block C to the South line of said Lot 24;
17. Thence Westerly along said South line to a point distant 127.69 feet Easterly of the Westerly line of Lot 24;
18. Thence Northerly along a line parallel with the Easterly line of Block C to a point on a line 63.34 feet Northerly measured along the West line of Lot 24 and parallel with the South line thereof;
19. Thence Westerly along said parallel line to the Easterly line of Winter Gardens Boulevard, said Easterly line being 50 feet Easterly of the center line of Road Survey number 1714, on file in the County Engineer's Office of said county;
20. Thence Northerly along the Easterly line of said Winter Gardens Boulevard to the Northerly line of Lot 24;
21. Thence Easterly along said Northerly line to the Northeast corner of Lot 24 and the point of beginning.

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, July 13, 1976 within the boundaries of County Service Area No. 78 - Gardena Way 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. 78 - Gardena Way be established at \$4.92 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. 78 - Gardena Way of San Diego County that an election will be held on Tuesday, July 13, 1976, at which election there will be submitted to the qualified electors of said area the following question:

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14 Apr 76

"Shall the maximum property tax rate of County Service Area 78 - Gardena Way be established at \$4.92 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 April 21, 1976.

R.T. DENNY
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 May 28, 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. 78 - Gardena Way 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.

Gerry
14 Apr 76

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 21st day of April, 1976, by the following vote:

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

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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 21st day of April, 1976.

PORTER D. CREMANS
Clerk of the Board of Supervisors

By Beatrice Mitchell
Deputy

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