

**ORDINANCE NO. 9272**

**AN ORDINANCE AMENDING ARTICLE XXXI  
OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO  
PUBLIC IMPROVEMENT AND ASSESSMENT PROCEEDINGS**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: The Board of Supervisors finds and determines that this Ordinance will establish a new sunset date for Article XXXI of the San Diego County Administrative Code and provide grammatical changes within the Article.

Section 2: Article XXXI of the San Diego County Administrative Code is hereby amended to read as follows:

**SEC. 610.DEFINITIONS.**

Improvement - the word "improvement" shall mean construction of any public improvement or acquisition of any property for public use or both, pursuant to any improvement act which provides for a special assessment.  
Cross reference(s) -- **Definitions, § 20 et seq.**

**SEC. 611.PROCEDURE AUTHORIZED.**

Before the Board adopts any resolution ordering any improvement, a public hearing may be held and a finding and determination made by the Board as provided herein that public convenience and necessity require the same. If such procedure is not so followed, and if such finding and determination is not made pursuant thereto, the requirements, if any, otherwise prescribed by the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Div. 4, Streets and Highways Code) and Article XIII, Section 17 of the Constitution shall be complied with before any such resolution may be adopted.

**SEC. 612.ORDER TO HOLD HEARING -- DETERMINATION OF NATURE OF WORK.**

The Board may order and hold a public hearing to find and determine whether public convenience and necessity require any such improvements. Before ordering such hearing, the Board shall determine in general the nature, location and extent of such proposed improvement or acquisition. Reference may be made to one or more plans, profiles, specifications, maps or plats for description of the improvement and for all particulars relative thereto, which plans, profiles,

specifications, maps or plats shall be on file with the Clerk of the Board and open to inspection.

### **SEC. 613.DESCRPTION OF DISTRICT.**

The Board shall also generally define the boundaries or extent of the district or lands to be specially assessed to pay all or any part of the cost of the proposed improvement.

The district may be described by:

- (a) Stating the exterior boundaries thereof, or
- (b) Giving a description thereof according to any official or recorded map or maps, or
- (c) Referring to a plat or map on file in the office of the Clerk of the Board which shall indicate by a boundary line the territory to be included in the assessment district, and which shall govern for all details as to the extent of the district.

### **SEC. 614.TIME, PLACE AND NOTICE OF HEARING.**

The Board shall fix a time and place of public hearing on the question of whether public convenience and necessity require such improvement and shall order such hearing to be held by the Board.

The Board shall also prescribe reasonable notice of hearing to be given by publication and posting, which notice shall satisfy the minimum requirements provided by this Article. In prescribing such notice reference may be made to this Article for particulars.

### **SEC. 615.PUBLICATION OF NOTICE.**

The Clerk of the Board shall cause notice of such hearing to be published twice in a newspaper of general circulation printed and published in the County. The first publication shall be not less than ten days prior to the date of such hearing.

### **SEC. 616.POSTING OF NOTICE.**

The Director of Public Works shall cause notice of such hearing to be conspicuously posted along the line of the contemplated work, at not more than 300 feet in distance apart, but not less than three in all, or when the work to be

done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed.

If the work is chargeable upon a district, copies of the notice shall also be posted on all open streets within the district, at not more than 300 feet in distance apart on each street so posted, but no proceeding shall ever be held invalid for failure to post any street if this section has been substantially complied with.

In every case all posting must be completed at least ten days before the date set for hearing protests or objections.

### **SEC. 617.FORM AND CONTENTS OF NOTICE.**

Such notice shall, in legible characters, state briefly the work proposed, designating by its short title or otherwise the act or procedure resolution under which the project or improvement is proposed to be undertaken; that the costs thereof or a part of such costs shall be assessed against lands to be benefited thereby; the day, hour and place of the hearing; that the Board proposes to find and determine whether public convenience and necessity require the improvement; and that after such finding the proposed improvement may be ordered without further debt limitation or majority protest proceedings. Other pertinent matters may be included in the notice.

### **SEC. 618.PROTESTS.**

At the time set for the hearing, protests may be made by any person interested who objects to the determination by the Board that public convenience and necessity require the improvement, or to the ordering of such improvement, without further proceedings for majority protest or debt limitations.

### **SEC. 619.HEARING -- DECISION -- EFFECT.**

The hearing may be continued from time to time. After conclusion thereof, and prior to adoption of a resolution ordering the improvement, the Board shall consider and pass upon all protests filed and all matters presented, and its decision thereon shall be final and conclusive.

If, by such decision, the Board finds and determines by no less than a four-fifths vote of all members thereof that public convenience and necessity require such improvement, the Board may thereafter, in accordance with the improvement act or procedure resolution specified or designated for the project, adopt a resolution ordering the improvement substantially as proposed, or as modified, altered or changed by order of the Board as authorized by the improvement act or procedure resolution for the project.

After such finding and determination by the Board, provisions of law for debt limitation and majority protest, as mentioned in Article XIII, Section 17 of the California Constitution, shall not apply, and it shall not be necessary for the Board to prepare or to cause to be prepared, hear, notice for hearing, or report the hearing of any report thereon as to such improvement, except as may be required by the law or procedure resolution for the conduct of the improvement proceedings.

**SEC. 620.COMBINED HEARING AUTHORIZED.**

The hearing required by this Article may be a separate hearing or may be combined and held concurrently with the hearing required by the improvement act or resolution of intention pursuant to which the improvement proceeding is proposed.

**SEC. 621.COMBINED NOTICE AUTHORIZED.**

Notice of hearing required by this Article to be given by posting may be by posting a separate notice, or may be by stating the necessary matters in a notice of hearing of protests posted pursuant to such improvement act or resolution of intention.

Publication of notice of hearing as required herein may be by publishing a separate notice, or by setting forth necessary recitals therefor in the resolution of intention, if published, or in such other notice of hearing of protests as may be published pursuant to such improvement act or resolution of intention.

In any event, there must be both posting and publication of notice of hearing in the manner, and for not less than the time required herein; and the time, place and purpose of this hearing must be stated in such notice, all as required by the act under which the work is to be performed.

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