

ORDINANCE NO. 9795 (NEW SERIES)

AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND COLLECTING
CHARGES ON THE TAX ROLL FOR SERVICES WITHIN
SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000,
ZONE NO. 1016 – EL SERENO 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. 1016 – El Sereno Way, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 1016 – El Sereno Way is authorized to provide services of road improvement and maintenance. By provision of Article XIID of the California Constitution, Streets & Highways Code Sections 1179 and 1162.6, and Government Code Section 25210.77a the Board is authorized 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. In implementing these provisions of law, the Board approved an engineer's report ("Engineer's Report") dated March 15, 2006, on file with the County of San Diego Department of Public Works and incorporated herein by reference. These sections further authorize the Board to collect such charges on the tax roll by adopting an Ordinance providing a procedure therefor.

Section 2. Fixing of Charges. For services related to road improvement and maintenance, there is hereby in effect an annual maximum charge of up to \$3,661.12 for each "equivalent benefit unit" (or "EBU") 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 XIID of the California Constitution. Such charges shall be reviewed by staff annually and shall be fixed by the following procedure:

(a) A budget shall be proposed for the fiscal year specifying amounts required to provide the desired level of those services proposed to be funded by charges in lieu of, or supplemental to, revenue obtained by the levy of taxes.

(b) 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 the total number of EBU's, as calculated under Section 3 of this Ordinance. Amount obtained from this calculation shall be the charge fixed for each EBU.

(d) Consistent with Government Code Section 53739(b)(1), the charge per EBU may be adjusted annually in accordance with the voter-approved cost-indexing provisions contained in the Engineer's Report.

(e) The charge per EBU shall be fixed by Resolution adopted by the Board of Supervisors.

Section 3. Number of EBU's Determined. EBU's shall be assigned to each parcel in proportion to estimated benefit received by that parcel, and shall be calculated in accordance with the voter-approved methodology contained in the Engineer's Report. Parcels not benefiting from service shall be assigned zero (0) EBU's. Consistent with Government Code Section 53750(h)(3) and in conformance with the voter-approved methodology contained in the Engineer's Report, the EBU's assigned to a parcel may be adjusted from time to time to account for changes in density, intensity, or nature of the use of land.

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 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.

PASSED, APPROVED AND ADOPTED this 2nd day of August 2006