

ORDINANCE NO. 9610 (NEW SERIES)

AN ORDINANCE DETERMINING AND PROPOSING FOR
ADOPTION AN ANNUAL SPECIAL BENEFIT TAX FOR
STRUCTURAL FIRE PROTECTION AND EMERGENCY
MEDICAL SERVICES WITHIN THE BOUNDARIES
OF COUNTY SERVICE AREA NO. 110 - PALOMAR MOUNTAIN

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

Section 1. The Board does hereby determine and propose for adoption an annual Special Benefit Tax for structural fire protection services within the boundaries of County Service Area No. 110 of San Diego County, pursuant to Government Code Section 53978, to be levied on a parcel and class of improvement to property basis in amounts not to exceed the following schedule:

<u>Parcel</u>	<u>Maximum Special Benefit Tax</u>
Residential	\$120 per dwelling unit
Commercial, Industrial	\$180 per unit, maximum of \$180
Institutional, Recreational	\$180 per unit, maximum of \$180
Irrigated Farm	\$30 per parcel
Rural (non-irrigated)	\$30 per parcel
Unimproved Parcels	\$8.40 per parcel

In Fiscal Year 2005-06 and each fiscal year thereafter, the Board of Supervisors may direct the maximum Special Benefit Tax as stated in Section 1 to be increased by a percentage equal to the percentage increase of the adjusted Consumer Price Index measured between January 1 of the immediately preceding fiscal year and the preceding January 1 as determined for the San Diego area by the U.S. Department of Labor, not to exceed 3 percent. Increases greater than the increase of the Consumer Price Index shall not be made unless they are authorized by a two-thirds majority vote of voters casting ballots in the year for which such increases are proposed.

Section 2. Such charges shall be charged to any parcel to which fire protection services may be made available, whether or not such fire protection services are actually used upon such parcel, except such tax shall not be imposed upon a federal or state governmental agency or another local agency.

Section 3. Such charges shall be imposed for the purposes of obtaining, furnishing, operating, and maintaining fire protection equipment and apparatus, and for the purpose of paying salaries, insurance costs, and benefits to firefighting personnel.

Section 4. Pursuant to Government Code Section 53978, the Special Benefit Tax proposed by this Ordinance shall be submitted to the voters within the boundaries of County Service Area No. 110 – Palomar Mountain. The ballot proposition shall be worded as provided in the resolution of the Board of Supervisors calling the election within the County Service Area.

Section 5. This Ordinance shall become operative within County Service Area No. 110 on July 1, 2004, if the Special Benefit Tax proposed by this Ordinance is approved by two-thirds of the voters voting on the question of adoption of the Special Benefit Tax.

Section 6. If the proposition is approved, the Board of Supervisors shall establish schedules varying each of such Special Benefit Taxes according to value of benefits to each parcel and according to availability of fire suppression equipment, apparatus, and personnel to the affected parcel and improvement. However, the Special Benefit Tax shall not exceed the maximum charges set forth in Section 1 hereof.

Section 7. If any portion of this Ordinance be declared unconstitutional, invalid or otherwise unenforceable, the other provisions of this Ordinance shall remain in full force and effect.

Section 8. Pursuant to Government Code Section 25123, this Ordinance is effective immediately as an Ordinance relating to an election.

Section 9. Before the expiration of fifteen (15) days after its passage, this Ordinance shall be published once with names of members voting for and against the same, in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 5th day of November, 2003.