

ORDINANCE NO. 9699 (NEW SERIES)

ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR STORMWATER MAINTENANCE ZONE 3-5142-1 OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT

The Board of Directors of the San Diego County Flood Control District, with regard to Stormwater Maintenance Zone 3-5142-1, ordains as follows:

Section 1. Purpose. Stormwater Maintenance Zone 3-5142-1 of the San Diego County Flood Control District is authorized to provide the maintenance and administrative services for which it is formed to the specified Best Management Practices (BMPs) Improvements located within its boundary. By provisions of Article XIID of the California Constitution and the San Diego County Flood Control Act (Act) Section 17.5, the Board is authorized to fix and collect charges for maintenance and administrative services provided by a Flood Control District 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 therefore.

Section 2. Fixing of Charges. For services related to Stormwater Maintenance Zone 3-5142-1 Best Management Practices (BMPs) Improvements maintenance and administration, there is hereby in effect an annual maximum charge of up to \$25,884, as well as an annual Engineering News Record Construction Cost Index (CCI) adjustment based on the annual average of over-the-year percent change provided by the Engineering News Record for 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 Directors subject to provisions of Article XIID 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 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 specifically dedicated to the zone, if any, and other zone specific 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 this calculation shall be the charge fixed for each unit.

(d) Charge per unit shall be fixed by Resolution adopted by the Board of Directors.

Section 3. Number of Units Determined. Units shall be assigned to each parcel relative to its estimated impervious surface, which determines runoff. The “units” of benefit assigned will be in proportion to the 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 vacant parcel shall be assigned one (1) unit of benefit.
- (c) Each improved residential parcel shall be assigned (1) unit of benefit.
- (d) Each commercial or industrial parcel shall be assigned (1) unit of benefit.

Section 4. Preparation of Report, Hearing, and Transmission to Auditor.

(a) Once a year the Board of Directors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving benefit from the particular maintenance and administration services provided to 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 Directors.

(b) Upon filing of such report, the Clerk shall fix a time, date, and place for a hearing thereon and for filing objections or protests thereto. The Clerk shall publish notice of such hearing as provided in San Diego Flood Control District Act, Section 17.5, 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 Directors 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 Directors 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 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 procedures 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 purchase 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 a newspaper of general circulation published in the County of San Diego.

Section 6. Operative Date. This ordinance shall become operative upon the recording of the final map for T.M. 5142-1.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2004.