

ORDINANCE NO. 9916 NEW SERIES)

AN ORDINANCE DETERMINING AND PROPOSING FOR
ADOPTION AN ANNUAL SPECIAL BENEFIT TAX FOR
STRUCTURAL FIRE PROTECTION SERVICE WITHIN THE
BOUNDARIES OF COUNTY SERVICE AREA NO. 112

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 service within the boundaries of County Service Area No. 112 of San Diego County, pursuant to Government Code Section 53978, to be levied on a parcel, class of improvement to property and land use basis in amounts not to exceed the following schedule:

<u>Parcel, Class of Improvement To Property, Use of Property</u>	<u>Maximum Special Benefit Tax</u>
Legal Parcel (Residential, Multi-Unit Attached Residential, Commercial, Industrial, Institutional, Agricultural Building Over 2,000 square feet)	\$100.00 per parcel

For the purposes of Fire Protection Fee, all the above listed parcels shall be considered equal and shall not be subject to separate calculations.

There will also be a review each fifth anniversary date, and an adjustment made in the assessment based on the increase in Consumer Price Index for the San Diego area as determined by the U.S. Department of Labor. Maximum increase for each of these reviews will not exceed \$10.00.

Section 2. Such charges shall be charged to any parcel to which fire protection service may be made available, whether or not such fire protection service is 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. Each fifth anniversary date, beginning in Fiscal Year 2012-2013, 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 each of these reviews will not exceed \$5. Increases greater than the increase of the Consumer Price Index shall not be made unless they are authorized by a two-thirds vote of the voters casting ballots in the year for which such increases are proposed.

Section 5. 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. 112 – Campo. 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 6. This Ordinance shall become operative within County Service Area No. 112 on July 1, 2008, 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 7. If the proposition is approved, the Board of Supervisors shall establish schedules varying each of such Special Benefit Tax 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 8. 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 9. Pursuant to Government Code Section 25123, this Ordinance is effective immediately as an Ordinance relating to an election.

Section 10. 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 Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED THIS 30th day of January, 2008