

ORDINANCE NO. 9163 (NEW SERIES)

AN ORDINANCE PROVIDING A PROCEDURE FOR FIXING AND  
COLLECTING CHARGES ON THE TAX ROLL FOR SERVICES AND  
CONTINUING IN EFFECT THE PREVIOUSLY APPROVED MAXIMUM  
CHARGE WITHIN SAN DIEGO COUNTYWIDE PERMANENT ROAD  
DIVISION NO. 1000, ZONE NO. 6 – PAUMA VALLEY

The Board of Supervisors of the County of San Diego, acting on behalf of San Diego Countywide Permanent Road Division No. 1000, Zone No. 6– Pauma Valley, ordains as follows:

Section 1. Purpose. San Diego Countywide Permanent Road Division No. 1000, Zone No. 6 – Pauma Valley is authorized to provide services of road improvement and maintenance. It is the successor in interest to County Service Area No. 6 – Pauma Valley. Streets and Highways Code Sections 1179 and 1162.6 and Government Code Section 25210.77a authorize the Board 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. These sections further authorize the Board to collect such charges on the tax roll by adopting an Ordinance providing a procedure therefor. This Ordinance replaces the prior Ordinance No. 6304 approved by the Board on June 1, 1982, that provided the procedure for County Service Area No. 6 – Pauma Valley.

Section 2. Fixing of Charges. For services related to road improvement and maintenance, there is hereby continued in effect an annual maximum charge of up to \$40.00 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 Supervisors subject to provisions of Article XIII 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 required level of those services proposed to be funded by charges in lieu of, or supplemental to, revenue obtained by the levy of taxes.

(b) The 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 total number of units, as calculated under Section 3 of this Ordinance. Amount obtained from that calculation shall be the charge fixed for each unit.

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

Section 3. Number of Units Determined. Units shall be assigned to each parcel in proportion to estimated benefit received by that parcel and shall be calculated as follows:

- (a) Parcels not benefiting from the service shall not be assigned units of benefit.
- (b) Each parcel containing less than 2 acres of land shall be assigned one unit of benefit.
- (c) Each parcel containing at least 2 acres but less than 4 acres of land shall be assigned 2 units of benefit.
- (d) Each parcel containing at least 4 acres but less than 8 acres of land shall be assigned 3 units of benefit.
- (e) Each parcel containing at least 8 acres of land or more shall be assigned 4 units of benefit.
- (f) Each parcel, which, according to assessor's records, has been improved shall be assigned one additional unit of benefit.

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 the 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 same newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of June, 2000.

PASSED, APPROVED and ADOPTED this 21<sup>ST</sup> day of June, 2000.

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DIANNE JACOB

Chairwoman of the Board of Supervisors of the  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 3rd day of July, 2000.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By Marion Egan  
Marion Egan, Deputy



Re the Establishment of )  
County Service Area No. )  
6 - Pauma Valley . . . . )

On motion of Supervisor Gibson, seconded by Supervisor Cozens, the following resolution is adopted:

WHEREAS, on August 30, 1966 (Item 85) this Board adopted its resolution of intention to form County Service Area No. 6 pursuant to the provisions of the County Service Area Law (Government Code Section 25210.1 and following) within the hereinafter described unincorporated territory, and ordered that a public hearing on the establishment of said proposed county service area be held in the Chamber of this Board on October 4, 1966 at 2:00 p.m.; and

WHEREAS, notice of said hearing was given as required by law as shown by the affidavit of publication on file herein (Document No. 379336); and

WHEREAS, said hearing was held at said time and place; all interested persons or taxpayers were heard for and against the establishment of the proposed county service area, the extent of the area, and the furnishing of the proposed types of services; all written protests were considered; and evidence was received that the services proposed to be provided are extended county services; NOW THEREFORE

IT IS FOUND, DETERMINED AND DECLARED as follows:

1. The services described in said resolution of intention and as hereinafter set forth are extended county services.

2. Written protests against the establishment of the area or the furnishing of any of the specified types of extended services within the proposed area were not received from 50% or more of the registered voters residing within the territory proposed to be included in the area or from the owners of one-half or more of the value of the land and improvements in said territory,

as shown by the last equalized assessment roll.

3. All protests made orally or in writing against the establishment of the area, the extent of the area, or the furnishing of specified types of extended services are denied.

4. The proceedings for the formation of said proposed county service area are valid and in conformity with the requirements of said County Service Area Law.

ACCORDINGLY, IT IS RESOLVED AND ORDERED as follows:

1. The hereinafter described territory is established as a county service area designated County Service Area No. 6 - Pauma Valley pursuant to the provisions of the County Service Area Law.

2. The types of extended county services to be performed within the boundaries of said county service area are road maintenance and construction.

3. The boundaries of said county service area are described as follows:

All those portions of Section 32, Township 9 South, Range 1 West, San Bernardino Base and Meridian according to United States Government Survey approved June 30, 1875 and of Section 5, Township 10 South, Range 1 West, San Bernardino Base and Meridian according to United States Government Survey approved April 10, 1886 in the County of San Diego, State of California; and of the Rancho Pauma according to map thereof attached to the record of the Patent in Book 1, page 67 of Patents filed in the Recorder's Office in said County and State, lying within the following described boundary:

1. Commencing at corner No. 1 of said Rancho being also a point which bears North  $31^{\circ}03'$  East (Record, North  $32^{\circ}$  East) 88.81 feet from the most Northerly corner of Tract 5 of the River Tract No. 1, according to Map No. 1451 filed in the Recorder's Office of said County;
2. Thence South  $31^{\circ}03'$  West along the boundary of said Rancho Pauma to the intersection thereof with the Southeasterly prolongation of that portion of the Northerly line of the State Highway which bears South  $69^{\circ}57'11''$  East according to plats thereof XI-SD-195C on file in the State Division of Highways Office in said County, said intersection being the True Point of Beginning of the herein described boundary;
3. Thence North  $69^{\circ}57'11''$  West 281.59 feet more or less to the Southeasterly line of land conveyed to Adolf Schoepe by deed recorded June 23, 1965, file No. 111755 in the Recorder's Office of said County;
4. Thence following the boundary of said conveyed land, the following bearings and distances:
  - a. North  $38^{\circ}00'40''$  East 686.54 feet;
  - b. North  $39^{\circ}19'30''$  East 429.41 feet;
  - c. North  $81^{\circ}34'50''$  East 251.93 feet;
  - d. North  $19^{\circ}03'20''$  West 617.72 feet; and
  - e. North  $32^{\circ}58'10''$  West to the West line of Lot 1 of said Section 35;
5. Thence Northerly along said West line to the North line of said Lot 1;
6. Thence Easterly along the North lines of Lots 1 and 8 of said Section 35 to the Northwesterly line of said Rancho Pauma;
7. Thence North  $49^{\circ}59'30''$  East along said boundary to the most Northerly corner of the 10.22 acre parcel as shown on Record of Survey Map No. 3308 filed in the Recorder's Office of said County;
8. Thence South  $59^{\circ}56'30''$  East 4,617.22 feet to an angle point in the Northeasterly line of parcels shown on Record of Survey No. 2618 filed in the Recorder's Office of said County;
9. Thence South  $53^{\circ}57'30''$  East 934.51 feet along said Northeasterly line to the Southeasterly line of said Record of Survey;
10. Thence South  $26^{\circ}56'40''$  West along said Southeasterly line to an intersection with a line drawn from the intersection of the North and South center line of said Section 32 with the Northwesterly line of said Rancho Pauma, to an angle point in the Southwesterly line of Parcel 1 according to Miscellaneous Map No. 179 filed in the Recorder's Office of said County, said angle point formed by a course bearing North  $74^{\circ}05'$  West 220 feet and a course bearing North  $77^{\circ}03'$  East 510.40 feet;

11. Thence South 77°03' West 510.40 feet;
12. Thence North 73°42' West 494.00 feet;
13. Thence South 73°04' West 1175.00 feet to the Pauma Indian Reservation as shown on said Miscellaneous Map No. 179;
14. Thence North 45°56' West 156.00 feet to the most Northerly corner of said Reservation;
15. Thence South 39°48' West (Record, South 40° West) along the Northerly line of said Reservation to an angle point therein, being corner No. 8 thereof;
16. Thence South 85° West along said Northerly line, being also the Southerly line of the Pauma Reservation Road according to Road Survey No. 1178 on file in the Surveyor's Office of said County, to a line which bears South 31°54'20" East from a point which is South 31°45' East 386.08 feet and North 58°15' East (Record) 3178 feet from the most Easterly corner of Lot 4, Block 3 of said River Tract No. 1, Map No. 1451;
17. Thence North 31°54'20" West 747.46 feet to said point;
18. Thence North 58°15' East (deed, North 58°18'45" East) 222 feet;
19. Thence North 31°45' West 386.08 feet to the boundary of said Record of Survey Map No. 2618;
20. Thence South 58°15' West 430 feet to an angle point in said boundary;
21. Thence North 31°45' West 1980 feet to the boundary of said Record of Survey Map No. 3308;
22. Thence South 58°15' West 1838.58 feet (Record, 1835.80 feet) to the most Southerly corner of the 17.54 acre parcel as shown on said Record of Survey Map No. 3308;
23. Thence North 53°47' West 360.16 feet along the boundary of said Record of Survey Map No. 3308 and continuing along said boundary the following bearings and distances:
  - a. South 69°54'20" West 295.18 feet;
  - b. North 31°45' West 266.50 feet;
  - c. South 58°15' West 209.47 feet to a line running parallel with and 20 feet Northerly measured at right angles from a portion of said boundary of said Record of Survey Map No. 3308;
24. Thence North 72°49'40" West 686.77 feet along said parallel line to a point on the Northeasterly line of State Highway 76 according to plats thereof XI-SD-195C on file in the State Division of Highways Office in said County;
25. Thence Northwesterly along said Northeasterly line to an angle point therein;
26. Thence North 20°10'10" East 39.58 feet along the boundary of said highway to an angle point therein;
27. Thence North 69°49'50" West 320.68 feet to the Northwesterly line of said Rancho Pauma;
28. Thence South 31°03' West (Record, South 32° West) to the True Point of Beginning.



IT IS FURTHER ORDERED that the Clerk of this Board record a certified copy of this resolution with the County Recorder and file certified copies of this resolution together with a map or plat showing the boundaries of said county service area with the State Board of Equalization and the County Assessor.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 4th day of October, 1966, by the following vote:

AYES: Supervisors Gibson, Boney, Dent, Austin, and Cozens

NOES: Supervisors None

ABSENT: Supervisors None

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STATE OF CALIFORNIA } ss  
County of San Diego }

I, HELEN KLECKNER, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said Board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is now on file in my office; that the same contains a full, true, and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors, this 4th day of October, 1966.

HELEN KLECKNER  
Clerk of the Board of Supervisors

By Florinda Clark Deputy

(SEAL)  
BMc:EW