

**ORDINANCE NO. 2019-02**

**AN ORDINANCE OF THE CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT  
TO READOPT AND REPUBLISH THE ROAD MAINTENANCE CHARGE  
FOR THE FISCAL YEAR 2019-2020**

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT AS FOLLOWS:

**SECTION 1.0 RELATIONSHIP TO PAST ORDINANCES**

Ordinance Numbered Ordinance 2018-06 is hereby readopted and replaced with Ordinance 2019-02 setting the same fees for the Fiscal Year 2019-2020.

**SECTION 2.0 PREAMBLE:**

The Board of Directors finds and declares that presently dedicated monies are inadequate to fund acceptable and uninterrupted maintenance of the District maintained roads and deem needed elements of charge to be for personnel, materials, and supplies, equipment repair and replacement, operations and equipment, lease purchases, and capital reserve accounts, The Board further finds and declares that, the charges hereby fixed are in relation to the benefits received by those charged, and that the charges do not exceed the actual costs incurred by the District. The Board may adopt the fee by resolution. This Ordinance is adopted in accordance with Government Code 61621 and all other applicable provisions of law.

**SECTION 3.0 DEFINITIONS:**

- A. DISTRICT MAINTAINED ROAD SYSTEM refers to the roads adopted by resolution of the California Valley Community Services District Board of Directors for maintenance.
- B. TIER 1 LOTS include those lots which abut roads in the District Maintained Road System.
- C. TIER 2 LOTS include those lots which abut all other roads in the District.
- D. DISTRICT SHALL MEAN THE California Valley Community Services District.
- E. LOTS, as used in the Ordinance, are those lots as shown on the original Record of Survey of California Valley, and additions thereafter, filed with the County Recorder's Office.

**SECTION 4.0 COLLECTION OF CHARGES:**

All charges, penalties and interest, whether or not delinquent, will be collected in the same manner, by the same person, and at the same time as the property taxes for the California Valley Community Services District for the forthcoming fiscal year, as follows:

The District shall prepare a written report, which shall be filed in the District Office. The report shall contain a description of each parcel of real property and the amount of the charge for each parcel for the year. Notice of hearing shall be in writing sent to each property and shall state that the charges will be collected on the San Luis Obispo Tax Roll.

At the same time stated in the notice, the Board shall hear and consider all objections or protest, if any to the report. Thereafter, the Board may adopt, revise, change, or modify the report and overrule any or all objections thereto. The Board's determination on each charge, delinquency, penalty, and interest identified in the report shall be final.

Following the Board's hearing, by July 10, 2019, or other date as designated by the County Auditor, the District shall file with the County Auditor a copy of the report signed by the District Board President, stating the Board adopted the report. The District shall request the County Auditor to include the amount of charges, including penalties, interest and delinquencies, on the bills for taxes levied against the properties identified in the report, and the SLO County Auditor to charge an additional \$2.00 fee to each parcel for performing this collection service.

**SECTION 5.0 CHARGES, PENALTIES, AND INTEREST:**

The following charges shall apply:

**TIER 1: \$33.00 PER YEAR**

**TIER 2: \$29.70 PER YEAR**

The Road Maintenance charge shall be imposed on an annual basis and shall cover the period from 12:01am on the first day of July of each year to 12:00 Midnight on the thirtieth day of the following June of each year. For each annual Road Maintenance Charge, the parcel tier status for any parcel within the District shall be that parcel's status as of 12:01 A.M. on the first day of January immediately preceding the date of levy each year.

**PENALTIES AND INTEREST.** Penalties, interest and recording of liens are imposed by the County according to their rate and policy for delinquent taxes.

**SECTION 6.0 CUMULATIVE REMEDIES:**

All remedies set forth herein for the collection and enforcement of charges, penalties, interest, and delinquencies are cumulative and may be pursued alternatively, or consecutively.

**SECTION 7.0 IMMEDIATE EFFECT:**

This Ordinance shall take effect immediately upon its adoption, and shall be posted in (3) public places in the District within ten days after adoption with the names of the Board members voting for and against the Ordinance and shall remain posted thereafter for at least (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the San Luis Tribune.

**SECTION 8.0 RECOVERY OF ATTORNEY'S FEES AND COSTS:**

In the event the District is required to bring legal action to enforce any provision of this Ordinance, including, but not limited to, the collection of charges, penalties, interest, or delinquencies, or to defend application of this Ordinance, the District shall be entitled to recover its reasonable attorney's fees, interest, court costs, and other costs incurred by the District in such action.

**SECTION 9.0 SEVERABILITY:**

The Board of Directors of the California Valley Community Services District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more of the sections, sentences, clauses, or phrases be declared unconstitutional. If any provision of the Ordinance or application thereof to any person or circumstance

is held invalid, the remainder of this Ordinance or the application of such provision to other person or circumstances shall not be affected thereby.

**SECTION 10.0 CEQA STATEMENT**

The adoption of Road Maintenance Charges is not a project pursuant to the Public Resources Code and therefore is exempt from CEQA.

**SECTION 11.0 INCONSISTENT PROVISIONS:**

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms and conditions of any prior District Ordinances, Resolutions, Rules, or Regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof, and such inconsistent and conflicting provisions of prior Ordinances, Resolutions, Rules, and Regulations are hereby repealed.

On Motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, the foregoing Ordinance is hereby adopted on: \_\_\_\_\_, 2019 by the following roll call vote, to wit:

AYES:

NAYES:

ABSTAIN:

ABSENT:

Signed: \_\_\_\_\_

Ruth Legaspi, President CVCS

Signed: \_\_\_\_\_

Carrie York, General Manager CVCS

APPROVED AS TO FORM:

Signed: \_\_\_\_\_

Michael Seitz, District Legal Counsel