

ORDINANCE NO. 2974

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS TO PAY FOR THE COSTS OF PROVIDING FLOOD CONTROL SERVICES IN ZONE 17 OF THE DISTRICT.

The Board of Supervisors of the Monterey County Flood Control and Water Conservation District, State of California, do ordain as follows:

ARTICLE 1. General.

Section 1. Title

This ordinance shall be known as the "Flood Control Benefit Assessment Ordinance - Zone 17" of the Monterey County Flood Control and Water Conservation District.

Section 2. Purpose.

Zone 17 of the Monterey County Flood Control and Water Conservation District proposes to maintain and to make improvements on flood protection systems of channels, culverts, tide gates, and other improvements upon which the lives and property of Zone 17 residents depend. It is necessary that these improvements be kept in a safe and effective condition and be improved upon. The purpose of the benefit assessment is to provide sufficient revenues to keep the existing flood protection system in a safe and effective condition, to make improvements thereon and to enable the District to respond to flood emergencies. The state legislature has authorized the District to levy an assessment on each parcel of property

within the District, or any zone thereof, on the basis of estimated benefits. Since Zone 17 services are necessitated by storm water runoff, the Board finds that the most equitable basis upon which to levy the assessment is in proportion to the storm water runoff attributable to the area and land use of each parcel of real property within the District, and generally as shown on the tax rolls. This ordinance is, for Zone 17 of the District, the ordinance referred to in the California Government Code, Sections 54710-54715, inclusive.

ARTICLE 2. Definitions.

Section 1.

Unless otherwise specifically provided or required by the context, the following terms have these meanings in this flood control benefit assessment ordinance.

Section 2.

"District" or "Flood Control District" means the Monterey County Flood Control and Water Conservation District.

Section 3.

"Board of Supervisors" or "Board" means the Board of Supervisors of the Monterey County Flood Control and Water Conservation District.

Section 4.

"Zone" means a zone established by the Board pursuant to the provisions of the District Act.

Section 5.

"District Act" means the Monterey County Flood Control and Water Conservation District Act, Stats. of 1947, Chapter 699 as amended.

Section 6.

"District Engineer" means the District Engineer of the Monterey County Flood Control and Water Conservation District.

Section 7.

"Parcel of real property" means a parcel of real property as shown on the tax rolls of the County of Monterey, State of California.

Section 8.

"Consumer price index" means the Consumer Price Index San Francisco-Oakland, California, All Urban Consumers ("CPI-U"), all items (1967=100) issued from time to time by the Bureau of Labor Statistics or successor agency, or any other measure hereinafter employed by the Bureau or successor in lieu of such price index that measures the cost of living for all urban consumers in the San Francisco-Oakland, California greater bay area.

ARTICLE 3. Procedures for Levy of Benefit Assessments.

Section 1. Report.

The District Engineer shall prepare a written report for the first fiscal year for which a flood control benefit assessment is to be levied, and shall file the report with

the Clerk of the Board of Supervisors.

Section 2. Content of Report.

The report shall contain the following information:

- (1) A description of the service proposed to be financed through the revenue derived from the assessment.
- (2) A description of each lot or parcel of property proposed to be subject to the benefit assessment. The assessor's parcel number shall be a sufficient description of the parcel.
- (3) The amount of the proposed assessment for each parcel.
- (4) The basis and schedule of the assessment.

Section 3. Duties of the Clerk of Board of Supervisors.

Upon receiving and filing the report, the Clerk shall fix a time, date, and place for a hearing upon the report. Prior to the date of the hearing, a notice of the hearing shall be published pursuant to Section 6066 of the California Government Code and at least three copies of the notice shall be posted at public places within Zone 17 of the District.

Section 4. Hearing.

The Board shall hear the matter as scheduled, or as postponed or continued for good cause. At the hearing, the Board shall hear and consider all protests. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report and thereafter, by resolution, shall confirm the assessments.

Such confirming resolution shall be adopted no later than August 15 in the fiscal year during which the assessment is to be levied and collected.

Section 5. Corrections to Report.

Thereafter the District Engineer may correct assessments in the same manner as assessor's or assessee's errors may be corrected but based only upon any or all of the following:

- a. changes or corrections in ownership of a parcel;
- b. changes or corrections of address of an owner of a parcel;
- c. subdivision of an existing parcel;
- d. changes or corrections in use of all or part of a parcel;
- e. changes or corrections in the computation of the area of a parcel;
- f. as to railroad right-of-way properties only, changes or corrections with respect to the amount of benefit received from the flood control services rendered.

Corrections to the report are not valid unless and until approved by the Board. Corrections must be made within four years of the date of the resolution confirming the assessment.

Section 6. Copy to Auditor-Controller.

The Clerk shall immediately file certified copies of the final determination of assessments and confirming resolution with the Auditor-Controller of the County of Monterey.

Section 7. Submission of Assessment to Voters.

The proposition shall be submitted to the eligible voters within Zone 17 and shall take effect upon approval by a majority vote of the voters voting on the proposition.

The Board may annually thereafter determine the cost of the service which is financed by the assessment and, by ordinance or resolution, determine and impose the assessment.

Section 8. Collection of Benefit Assessment.

The benefit assessment for each parcel set forth in the final determination by the Board shall appear as a separate item on the tax bill. The confirmed benefit assessment shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes.

Section 9. Applicable Law.

All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such benefit assessment except as otherwise provided herein or in the California Government Code Sections 54705 through 54717, inclusive.

Section 10. Invalidation of Deadline.

Failure to meet the time limits set forth in this Ordinance for whatever reason shall not invalidate any benefit assessment levied hereunder.

Article 4. Flood Control Benefit Assessment Levied.

Section 1. Flood Control Benefit Assessment Levied;
Operative Date.

No flood control benefit assessment is imposed upon a federal, state, or local governmental agency. Except as provided in the preceding sentence, a flood control benefit assessment is levied on each parcel of real property in Zone 17 of the District for the purposes stated in the report and in this Ordinance. Except for the minimum assessment for each parcel as hereinafter indicated, the assessment for each parcel is computed by determining its area and land use category and then applying the hereinafter stated rate. All land in Zone 17 of the District is divided into the following six land use categories:

<u>Assessment Group Code</u>	<u>Land Use Category</u>
A	Commercial or industrial purposes.
B	Institutional purposes, such as churches, schools, and hospitals, and for apartments or other multiple living unit residential purposes such as mobile home parks, in excess of four units.
C	Single-family residential purposes on parcels of one quarter acre or smaller, or for multiple living residential purposes containing not more than four units and on parcels of one quarter acre or smaller. Those portions of Group C land exceeding one quarter acre are assessed at Group E, F, and G rates depending upon usage.
E	Vacant land not in its undisturbed natural state, used for agriculture, open space, salt ponds or similiar purposes, and which is tilled, planted, farmed, or irrigated.
F	Vacant land in its undisturbed natural state, not tilled, planted, farmed, or irrigated, although it may be grazed if otherwise undisturbed.

G Marsh and wetlands if undisturbed and subject to periodic inundation.

The benefit assessment for the 1984 - 1985 fiscal year for Zone 17 of the District is with respect to each land use defined above, the following:

<u>Assessment Group Code</u>	<u>Land Use Category</u>	<u>Assessment Per Acre</u>
A	Commercial or industrial purposes.	\$ 9.60
B	Institutional purposes, such as churches, schools, and hospitals, and for apartments or other multiple living unit residential purposes such as mobile home parks, in excess of four units.	\$ 7.20
C	Single-family residential purposes on parcels of one quarter acre or smaller, or for multiple living residential purposes containing not more than four units and on parcels of one quarter acre or smaller. Those portions of Group C land exceeding one quarter acre are assessed at Group E, F, and G rates depending upon usage.	\$ 9.60
E	Vacant land not in its undisturbed natural state, used for agriculture, open space, salt ponds or similar purposes, and which is tilled, planted, farmed, or irrigated.	\$ 4.80
F	Vacant land in its undisturbed natural state, not tilled, planted farmed, or irrigated, although it may be grazed if otherwise undisturbed.	\$ 2.40
G	Marsh and wetlands if undisturbed and subject to periodic inundation.	\$.12

The minimum area for which a parcel of land in any land use category would be assessed is 1/4 acre.

Thereafter, in subsequent fiscal years the assessment levied hereby may increase by a percentage not greater than the percentage increase in the consumer price index, measured between February of the immediately preceding fiscal year and the preceding February.

Before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for or against the same in the "Salinas Californian", a newspaper published in said County of Monterey.

ARTICLE 5. Miscellaneous.

Section 1. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, then such unconstitutional or otherwise invalid part shall not effect the validity of the remaining sections or portions of the ordinance, and this Board of Supervisors hereby declares that it would have passed this ordinance irrespective of the fact that any one or more of said sections, subsections, sentences, clauses, or phrases would be declared unconstitutional or otherwise invalid.

ADOPTED by the Board of Supervisors of the Monterey
County Flood Control and Water Conservation District, State
of California, on February 28, 1984, by the following
vote, to wit:

AYES: Supervisors Del Piero, Shipnuck, Petrovic, Moore
and Peters.

NOES: None.

ABSENT: None.


Chairman of the Board of Supervisors

ATTEST:

ERNEST A. MAGGINI
Clerk of said Board

By Nancy Lusk
Deputy