

ORDINANCE NO. 2626

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND LEVY
OF BENEFIT ASSESSMENTS TO PAY FOR THE COSTS OF PROVIDING
FLOOD CONTROL SERVICES IN CERTAIN ZONES 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" of the Monterey County Flood Control and Water Conservation District.

Section 2. Purpose.

The Flood Control District maintains a flood protection system of channels, pumping plants, storm drains, and other improvements upon which the lives and property of District residents depend. It is necessary that these improvements be kept in a safe and effective condition. The purpose of the benefit assessment is to supplement other available but limited revenues sufficiently to keep the existing flood protection system in a safe and effective condition, to enable the District to respond to emergencies and to perform maintenance and repair, and for general service to the public. 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 the District 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 the District, the ordinance referred to in Government Code § 60401.

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 issued by the U. S. Bureau of Labor Statistics, all items, all urban consumers, for San Francisco-Oakland. For February, 1980, the consumer price index was 240.7.

ARTICLE 3. Procedure for Levy of Benefit Assessments.

Section 1. Report.

The District Engineer shall prepare a written report for each 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 a description of each parcel of real property and the amount of the assessment for each parcel, and shall estimate the cost not otherwise offset by other available revenue of providing flood control services within the District or any zone thereof during the ensuing year. The assessment shall be levied on the basis of estimated benefits which may be determined on the basis of proportionate storm water runoff for each parcel.

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 § 6066 of the Government Code and at least three copies of the notice shall be posted at public places within 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. 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 8. 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 Government Code §§ 60400 through 60406, inclusive.

Section 9. 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 the following zones 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 the District is divided into five land use categories:

- Group A: Land used for commercial or industrial purposes.
- Group B: Land used for 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.
- Group C: Land used for 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 or Group F rates depending upon usage.
- Group E 1. Vacant land not in its undisturbed natural state, used for agriculture, open space, or similar purposes, and which is tilled, planted, farmed, or irrigated; salt ponds; wetlands and marshlands not subject to periodic inundation.
- Group F: Vacant land in its undisturbed natural state, not tilled, planted, farmed, or irrigated, although it may be grazed if otherwise undisturbed; wetlands and marshlands if undisturbed and subject to periodic inundation.

The benefit assessment for the 1980-1981 fiscal year for each zone of the District in which such an assessment is levied is, with respect to each land use defined above, the following:

ZONE	LAND USE									
	GROUP A Commercial & Industrial (\$/acre) (min. assess/ parcel(\$))		GROUP B Instt. & Apts. (\$/acre) (min. assess/ parcel(\$))		GROUP C Single-fam. Residential (1/4 acre or less		GROUP E Agricultural (\$/acre) (min. assess/ parcel(\$))		GROUP F Undisturbed (\$/acre) (min. assess/ parcel (\$))	
1	17.12	4.28	12.84	3.21	2.14	4.28	1.07	2.14	0.54	
3	5.60	1.40	4.20	1.05	0.70	1.40	0.35	0.70	0.18	
5	26.00	9.00	27.00	6.75	4.50	9.00	2.25	4.50	1.13	
8	20.45	5.12	15.36	3.84	2.56	5.12	1.28	2.56	0.64	
9	21.12	5.28	15.84	3.96	2.64	5.28	1.32	2.64	0.66	
12	7.68	1.92	5.76	1.44	0.96	1.92	0.48	0.96	0.24	

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.

This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once with the names of the members voting for or against the same in the Salinas Californian, a newspaper published in said County of Monterey.

Consumer Price Index
 U & Cities Ave = 11.3% raise (2-80=236.4, 2-81=263.2)
 & P - Oakland = 8.2% raise (2-80=240.7, 2-81=260.5)

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 affect the validity of the remaining sections or portions of the ordinance, and this Board of Supervisors hereby declare 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 May 20, 1980, by the following vote:

AYES: Supervisors Blohm, Shipnuck, Petrovic, Moore and Farr.

NOES: None.

ABSENT: None.



Chairman of the Board of Supervisors

ATTEST:

ERNEST A. MAGGINI
Clerk of said Board

By /s/ Anne Arii
Deputy