

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, JULY 17, 2024**

MINUTE ORDER NO. 9

**SUBJECT: NOTICED PUBLIC HEARING:
PUBLIC HEARING TO CONFIRM FISCAL YEAR 2024-25 LEVIES FOR
PERMANENT ROAD DIVISION ZONES, COUNTY SERVICE AREAS AND
ZONES, SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ZONES, AND
STORMWATER MAINTENANCE ZONES (DISTRICTS: ALL)**

OVERVIEW

Special districts are created by residents of a community to deliver specialized services the local County or City does not provide. There are a variety of special districts, and each type is governed under different State laws. The County of San Diego (County), San Diego County Flood Control District (Flood Control District), and San Diego County Fire Protection District (Fire District) use special districts as a funding mechanism to provide services, such as fire protection, flood control protection, private road and landscape maintenance, parks, emergency communication, and paramedic services, across the unincorporated region and in six cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and San Diego) in San Diego County.

Services are primarily funded by property owners through assessments or special taxes that are collected through annual property tax bills, reducing the cost to ratepayers by eliminating the administrative costs from annual billing and payment collection. District boundaries were established at the time of formation by voters or as a condition of development. Services are primarily funded by parcels within each district's boundaries. The method for calculating how much each parcel pays varies based on the type of district and ordinances adopted when the districts were formed. The most common method for calculating the rate per parcel is based on a variety of factors, including land use, parcel acreage, or use type (single-family or multi-family). The assessments or special taxes cannot exceed the maximum amount in the adopted ordinance without an additional vote of the affected community. At the time of formation, some of the ordinances included cost escalators, tied to a specific cost index, to allow special districts to increase the maximum rate each year to keep pace with inflation. The most commonly used cost indices are the Consumer Price Index (CPI) which measures the cost of consumer goods, and the Construction Cost Index (CCI) which measures the cost of construction materials and labor.

Board of Supervisors Policy B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* (Board Policy B-29) directs departments to recover the full cost of services provided to agencies or individuals. Staff reviewed each district to determine if revenues were adequate for services or if rates should be increased or decreased based on the budget. Staff determined that the proposed rates for Fiscal Year (FY) 2024-25 are needed to fund services and to ensure compliance with Board Policy B-29. Rates are also necessary to maintain financial reserves to fund future services, facility repairs, improvements, or replacements. All proposed rates are in accordance with Articles XIII A-D of the California Constitution (Proposition 218), as amended to date. All proposed rates are within the maximum rates set forth in each district's adopted ordinance; and therefore, do not require voter approval from affected property owners. Under Proposition 218, voters must approve special district formations and the maximum amount that can be collected from property owners. Without the funds generated by assessments, services would be reduced, and maintenance would be deferred.

Permanent Road Division Zones (County District)

There are 67 Permanent Road Division (PRD) Zones managed by the County Department of Public Works (DPW). Forty-nine of the 67 PRD Zones levy property owner assessments or special taxes. The 18 PRD Zones that do not levy an assessment or special tax are funded by a portion of annual countywide property tax revenues that was allocated by formula to special districts as a result of Proposition 13 (1978) and subsequent legislation, including Assembly Bill 8 (1979). The revenue these PRD Zones receive is adequate for services planned in FY 2024-25. Private road maintenance services funded by these PRD Zones are provided in multiple unincorporated communities. The amount each parcel is charged is determined by factors such as the type of land use, parcel size, and the number of dwelling units, which is represented by “benefit units.” Benefit units are used to quantify the specific level of benefit each parcel receives from the services. Rates will remain the same in 45 of the 49 PRD Zones that levy property owner assessments or special taxes. Four proposed rate increases will fund multi-year maintenance plans for road resurfacing, culvert repairs, and future road replacements. One PRD Zone will have a rate increase based on voter approval. Three PRD Zones will have rate increases based on their approved cost escalators. The approved cost escalator for the three PRD Zones is the Los Angeles Construction Cost Index (CCI), which measures construction labor and materials costs and is frequently used to account for inflation for construction projects in the San Diego region, as Los Angeles is the closest region to have a CCI for these zones. The four (4) proposed rate increases are:

1. PRD Zone 104-Artesian Road is located in the unincorporated community of San Dieguito (District 3). The proposed rate will increase from \$9.00 to \$85.00 per benefit unit based on a property owner-approved rate increase, with the average single-family residence assigned 13.3 benefit units, or \$1,130.50 annually. The current revenues are insufficient to fund recommended and community supported maintenance and repairs. The additional revenue will help fund planned pavement repairs and ongoing road and culvert maintenance to maintain the roads and culverts in good condition.
2. PRD Zone 117-Legend Rock is located in the unincorporated community of Hidden Meadows (District 5). The proposed special tax will increase from \$1,586.54 to \$1,730.28 per parcel, based on the voter approved cost escalator. The increase is due to inflation, based on a 9.06% escalation in the Los Angeles CCI for 2023. Additional revenue will provide funding for planned road and culvert maintenance at current costs.
3. PRD Zone 133-Ranch Creek Road is located in the unincorporated community of Valley Center (District 5). The proposed rate will increase from \$1,595.64 to \$1,740.20 based on the voter approved cost escalator, with a single-family residence assigned one and a quarter benefit unit, for a total of \$2,175.26 annually. The increase is due to inflation, based on a 9.06% escalation in the Los Angeles CCI for 2023. Additional revenue will provide funding for planned road and culvert maintenance at current costs.
4. PRD Zone 1017-Kalbaugh/Haley/Toub Streets is located in the unincorporated community of Ramona (District 2). The proposed rate will increase from \$277.34 to \$302.47 based on a voter approved cost escalator, with a single-family residence assigned two benefit units, for a total of \$604.93 annually. The increase is due to inflation, based on a 9.06% escalation in the Los Angeles CCI for 2023. Additional revenue will provide funding for ongoing road maintenance at current costs.

County Services Areas (County District)

There are 10 County Services Areas (CSA) funded by assessments that are managed by multiple County departments based on the services provided. CSAs provide maintenance and operations for parks, landscaping, flood control, open space management, and emergency medical/paramedic services in multiple unincorporated communities and six incorporated cities (Del Mar, Solana Beach, Encinitas, Santee, and portions of Poway and the City of San Diego). Rates will remain the same in six of the 10 CSAs that levy assessments because revenues can fully fund planned services. The approved cost escalator for CSAs is the San Diego Consumer Price Index (CPI), which is based on a broad range of labor costs, goods, and services. Four rate increases are proposed, which are based on the voter-approved San Diego CPI increase of 3.80%:

1. CSA 83A-San Dieguito Local Parks District is managed by the Department of Parks and Recreation and provides park amenities and services in the unincorporated community of 4S Ranch (District 2). The proposed rate will increase from \$148.84 to \$154.49 per single-family residence. The increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023, with a voter-approved maximum cost escalator of 5%. It is anticipated that the additional revenue will be sufficient to fund increased costs for park maintenance and operations for FY 2024-25.
2. CSA 17-San Dieguito Emergency Medical Services is managed by San Diego County Fire and provides services to the cities of Del Mar, Solana Beach, Encinitas, and the City of San Diego communities of Del Mar Heights, and Del Mar Terrace, the unincorporated communities of Rancho Santa Fe, 4S Ranch, and a portion of Elfin Forest. (Districts 2 & 3). The proposed maximum annual special tax will increase from \$36.69 to \$38.08 per single-family residence. The increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023. The additional revenue will ensure the CSA has adequate working capital.
3. CSA 26 Zone A-Cottonwood Village is managed by DPW and provides open space fire-fuel management and landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$112.00 to \$116.26, per average single-family residence. The rate increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023. The increase will ensure the CSA can fund annual fire-break services and maintain adequate working capital.
4. CSA 26 Zone B-Monte Vista is managed by DPW and provides landscape maintenance services in the unincorporated community of Rancho San Diego (District 4). The proposed rate will increase from \$199.44 to \$200.00 per single-family residence. The 0.28% rate increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023 and the district's maximum rate of \$200.00. The increase will ensure the CSA can fund routine landscape maintenance services and maintain adequate working capital.

San Diego County Fire Protection District (Fire District)

There are 10 zones in the San Diego County Fire Protection District funded by assessments or special taxes managed by San Diego County Fire that provide funds to supplement the cost of fire protection and emergency medical services across multiple unincorporated communities. Rates will remain the same in nine of the 10 zones that levy assessments or special taxes because revenues are adequate to fully fund services; in addition, there is no voter approved cost price escalator for these nine zones. One rate increase is being proposed:

1. Fire District-Palomar Mountain provides services within the unincorporated community of Palomar Mountain (District 5). The proposed maximum annual special tax will increase from \$175.61 to \$180.88 per single-family residence. The increase is due to inflation, based on a 3.80% escalation in the San Diego CPI for 2023, with a voter approved maximum cost escalator of 3%. The additional revenue will be used to fund firefighting personnel and fire protection equipment and apparatus.

Flood Control District Stormwater Maintenance Zones (Flood Control District)

There are three Stormwater Maintenance Zones (SMZ) funded by assessments managed by the Flood Control District in DPW that provide maintenance of flood control facilities in multiple unincorporated communities. Rates will remain the same in two of the three zones that levy assessments because revenues can fully fund planned services. One rate increase is being proposed:

1. SMZ No. 4-4249-3-Lake Rancho Viejo is located in the unincorporated community of Fallbrook (District 5). The proposed special tax will increase from \$351.12 to \$405.65 per single-family residence, based on the voter approved cost escalator. The increase is due to inflation, based on a 15.53% escalation in the Los Angeles CCI from September 2022 to September 2023. The additional revenue will be used to provide funding for planned stormwater facility maintenance and operations.

This is a request for the Board to adopt resolutions to confirm assessments and special taxes and authorize levies for the 72 special districts administered by the County, the Fire District, and the Flood Control District. Upon adoption, the assessments and special taxes will be placed on the tax roll for FY 2024-25. These actions are discretionary after consideration of public testimony.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3), as activities outlined in CEQA Guidelines Section 15378, such as the establishment of government funding mechanisms without a commitment to any particular project, are exempt from CEQA review under Section 15378(b)(4) because the activity is the establishment of government funding mechanisms without a commitment to any particular project which may result in a significant impact on the environment.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES, ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT A)
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A-COTTONWOOD VILLAGE AND CSA 26B-MONTE VISTA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT B)

4. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136-SUNDANCE DETENTION BASIN, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT C)
5. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 26-RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128-SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A-SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH, ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT D)
6. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B-DEL MAR, H-SOLANA BEACH, AND F-POWAY, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT E)
7. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 17-SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT F)

Acting as the Board of Directors, San Diego County Fire Protection District:

1. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FIRE PROTECTION DISTRICT ACTING AS THE GOVERNING BODY OF THE SPECIAL ASSESSMENT SERVICE ZONES, ADOPTING SPECIAL ASSESSMENTS AND CONFIRMING REPORTS RE: SPECIAL ASSESSMENTS TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT G)

Acting as the Board of Directors, San Diego County Flood Control District:

1. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACTING AS THE GOVERNING BODY OF STORMWATER MAINTENANCE ZONES 3-4978-1 BLACKWOLF, 4-4249-3 LAKE RANCHO VIEJO, AND 3-5142-1 PONDEROSA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25. (ATTACHMENT H)

EQUITY IMPACT STATEMENT

Today's action continues the County's commitment to providing programs and services that enhance our communities. Assessments and special taxes fund services that include fire protection, flood control protection, private road maintenance, landscaping, parks, emergency communication, and paramedic services which improve the health and safety of our local communities.

SUSTAINABILITY IMPACT STATEMENT

Today's action to confirm special district assessments and taxes supports economic stability, promotes the health and well-being of citizens, and provides equitable access to County services. Maintaining roads in a timely manner prevents more costly maintenance in the future, contributing to economic sustainability. Fire protection, flood control protection, emergency communication and paramedic services protect the health and well-being of citizens and their properties. County parks provide citizens equitable access to outdoor recreation and nature opportunities. This action will help maintain a strong and resilient community.

FISCAL IMPACT

The proposed assessment revenues are included in Fiscal Year (FY) 2024-25 Operational Plan for the Departments of Public Works (DPW), Department of Parks and Recreation (DPR), Sheriff's Department, San Diego County Fire (County Fire), San Diego County Flood Control District (Flood Control District), and the San Diego County Fire Protection District (Fire District). The proposed rate increases for 10 special districts will result in increases in revenue from property owner assessments of \$168,502 for DPW, \$75,098 for County Fire, \$92,012 for DPR, \$2,145 for the Fire District, and \$15,486.52 in total for the Flood Control District. There is no proposed change in rates for 62 special districts. The funding source is the assessment levies on property owners within the identified districts. There will be no change in net General Fund cost and no additional staff years.

If the Board of Supervisors, acting on behalf of the County and other independent districts, does not adopt the resolutions, the proposed assessments and special taxes cannot be placed on the tax rolls for FY 2024-25. Without the funds generated by assessments, services for flood control protection, private road maintenance, parks, and landscape services would be reduced, and maintenance would be deferred. Fund balance would be leveraged to fill the gap for public safety communications systems, structural fire protection, and emergency medical services, which would impact the funding available for working capital.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO FLOOD CONTROL DISTRICT AGENDA NO. FL04 AND SAN DIEGO COUNTY FIRE PROTECTION DISTRICT AGENDA NO. FP01)

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors closed the Hearing, took action as recommended and adopted the following:

1. Resolution No. 24-093, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000 ZONES ADOPTING ASSESSMENTS AND SPECIAL TAXES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25;
2. Resolution No. 24-094, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS CSA 26A – COTTONWOOD VILLAGE AND CSA 26B – MONTE VISTA, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25;

3. Resolution No. 24-095, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA CSA 136 – SUNDANCE DETENTION BASIN, ADOPTING ASSESSMENTS AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25;
4. Resolution No. 24-096, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 26 – RANCHO SAN DIEGO LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 128 – SAN MIGUEL LOCAL PARK DISTRICT, COUNTY SERVICE AREA NO. 83, ZONE A – SAN DIEGUITO LOCAL PARK DISTRICT 4S RANCH ADOPTING CHARGES AND CONFIRMING REPORTS RE: LEVIES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25;
5. Resolution No. 24-097, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA NO. 135, ZONES B – DEL MAR, H – SOLANA BEACH, AND F – POWAY, ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25; and,
6. Resolution No. 24-098, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREAS NO. 17 – SAN DIEGUITO EMERGENCY MEDICAL SERVICES DISTRICT ADOPTING LEVIES AND CONFIRMING REPORTS RE: SPECIAL TAXES TO BE COLLECTED ON THE TAX ROLL FOR FISCAL YEAR 2024-25.

AYES: Anderson, Lawson-Remer, Montgomery Steppe, Desmond

ABSENT: Vargas

State of California)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

