

**ORDINANCE NO. 573**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE ESTABLISHING CHARGES FOR**  
**EXTENDED SERVICES PROVIDED IN COUNTY SERVICE AREAS**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

**Section 1. PURPOSE AND AUTHORITY.**

The purpose of this ordinance is to establish a procedure for the levy and collection of charges for extended governmental services provided in county service areas, under the authority of the County Service Area Law as set forth in Government Code Section 25210.1 et seq. The charges established hereunder shall be levied to pay in whole or in part the cost of providing such extended governmental services.

**Section 2. APPLICATION.**

This ordinance shall be applicable to the levying and collection of charges for service in all county service areas in the County of Riverside.

Except as otherwise provided herein, all parcels of real property within the boundaries of a county service area shall be subject to a charge for each extended service provided in the service area. Charges established hereunder shall be computed on the basis of benefit conferred to each parcel, without regard to the assessed value of such parcel.

**Section 3. ANNUAL SETTING OF CHARGES.**

- a. Each year, in conjunction with the hearings and proceedings for the adoption of the County budget, the Board of Supervisors shall cause to be prepared a written report which shall contain a list of the following:
  - 1) The extended services provided in the County by county service areas, and each county service area extending each such service.
  - 2) Each parcel of real property within each county service area, and which extended services each such parcel receives.
  - 3) The amount of charge to each such parcel for each extended service provided thereto.
- b. Upon the preparation and filing of such report with the Clerk of the Board of Supervisors, the Board shall direct the Clerk to publish a notice that such report has been filed, fixing a time, date and place for public hearing on the report. The notice shall be published as provided in Government Code Section 6066, and shall state that objections or protests to the report may be filed with the Clerk of the Board of Supervisors at any time until the conclusion of the hearing on the report.
- c. At the time, date and place given in the notice the Board of Supervisors shall hear and consider all objections and 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 by resolution adopt, revise, change, reduce, or modify any charge and shall make a determination upon each charge as described in the report.

**Section 4. ZONES WITHIN SERVICE AREAS.**

Notwithstanding any other provisions of this ordinance, the Board of Supervisors may establish zones within any service area with rates of charges for service varying with the extent of benefit to each zone derived from services provided to the property within each zone.

**Section 5. EXEMPTION OF PROPERTY LOCATED IN SPECIAL DISTRICT PROVIDING SAME SERVICE.**

Notwithstanding any other provision of this ordinance, any property included in a county service area which is also included in any special service district that provides the same service as the county

service area in which such property is located, shall be exempt from county service area charges for that service provided by both service agencies; and none of the funds derived from charges for such service upon other portions of the service area shall be expended within the area above exempted from charges for service. The provisions of this section shall not apply if the governing board of such special district in which the real property is located shall:

- a. enter an agreement with the svc area for the provision of the service in question; or
- b. make a finding that the level of service that would be provided by the service area is greater than that provided by such district, and that parcels concerned would benefit from the greater or supplemental service which could be provided by the service area, and consent to the service area providing the greater or supplemental service in the territory lying within both jurisdictions; or
- c. issue a finding that such real property is neither taxed or charged, nor receiving service from such district.

#### **Section 6. DETERMINATION OF CHARGES.**

a. **Determination of Level of Services.**

At the same time each fiscal year that the Board of Supervisors considers the budget for the County, it shall also determine the nature, extent and cost of the extended services to be provided by and within each service area and any zones therein, during the fiscal year for which the final budget of the County is adopted.

b. **Estimated Cost of Service.**

Each year at or before the time set for consideration and adoption of the County budget, each department of the County, as directed by the Board of Supervisors, shall prepare and submit to the County Auditor-Controller an estimate, accompanied by such supporting data as the Board may require, of the cost of providing the extended service as determined upon by the Board and committed to such department for estimate. The estimate shall be made in such form as is from time to time designated by the Board.

c. **Fixing Rates of Charges for Service.**

The rate of charge for each service to be provided in each service area shall be computed by dividing the net cost of each such service by the total number of parcels, with such service area receiving the particular service. Net cost shall be determined by deducting from the estimated cost for providing such service determined in Section 6b, the estimated amount of revenue from other sources of revenue to the county service area to be received during the fiscal year and the amount of any available surplus budgeted for such service within the service area, plus adding a due allowance for delinquency as fixed and determined by the Board.

#### **Section 7. DETERMINATION OF CHARGES FOR SEWER AND DOMESTIC WATER SERVICE.**

a. **Sewer Service**

A charge for sewerage service extended to a parcel, as distinct from an availability charge, which may also be levied, shall be based upon the number and type of dwelling or occupancy units located upon such parcel which in fact use sewerage service. In service areas, or zones thereof, in which parcels are provided both domestic water and irrigation water service, charges for sewer service maybe assessed, in whole or in part, upon the volume of domestic water consumed.

b. **Domestic Water**

A charge for domestic water service extended to a parcel, as distinct from an availability charge

or charge for the volume of water used, both of which may also be levied, may be based upon the number and type of metered dwelling or occupancy units located upon such parcel.

**c. Rates of Charge**

The specific classifications of such charges shall be set forth for each service area providing such services by resolution of the Board of Supervisors taking into account the varying uses made of such services and the varying costs of providing such services, among service areas. The rates of charge shall be established each year pursuant to Section 3 of this ordinance.

The rate of charge for sewer service shall be computed as follows:

- 1) In areas where charges are based on amount of domestic water consumed, by dividing the net cost of such sewer service in the service area, or zone thereof, by the volume of domestic water consumed;
- 2) In other areas, by dividing the net cost of such service in the service area, or zone thereof, by the total number of dwelling or occupancy units of each classification located in such service area or zone. The rate of charge for domestic water service shall be computed by dividing the net cost of such service apportionable to each classification of user in the service area, or zone thereof, by the total number of dwelling or occupancy units of each such classification within such service area or zone.

**d. Collection of charge**

The charges for service subject to this section, being in the nature of user fees, may be collected periodically if so provided by the resolution of the Board of Supervisors fixing the rate of charge, rather than as provided in Section 8 of this ordinance. Any charge under this section that is due and unpaid on the first day of the month before the month in which the Board of Supervisors is required by law to levy the general taxes for the County, may be placed on the tax bill of that parcel to which the service was extended, and shall thereafter be collected and enforced as provided in section 8 of this ordinance.

**Section 8. LEVY, COLLECTION AND ENFORCEMENT OF CHARGES FOR SERVICE.**

The charges as determined and levied pursuant to this ordinance, except as otherwise provided herein, shall be set forth separately on the bill for taxes levied against the respective parcels of land, and collected at the same time, in the same manner and by the same persons as the general taxes for the County; and shall become delinquent at the same time and be thereafter subject to the same delinquency penalties. When collected such charges shall be placed in the County Treasury to the credit of the county service area, or any zone thereof, from within which such charges were collected.

All laws applicable to the levy, collection and enforcement of County ad valorem property tax, and the duties of the several County officers charged with duties thereunder with respect to levying and collecting county taxes, not otherwise inconsistent with County Service Area Law or this ordinance, shall be applicable to the levy, collection and enforcement of charges for service established hereunder.

**Section 9. EXCEPTION TO LEVY, COLLECTION AND ENFORCEMENT PROVISIONS.**

Notwithstanding the provisions of Section 7, no charge established hereunder shall result in a lien against any parcel of real property if the parcel of 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 attached to such real property prior to the date on which the first installment of the charge for service would become delinquent. Such charge for service shall instead be transferred to the unsecured roll for collection; and the laws applicable to the collection and enforcement of County unsecured tax, not inconsistent with County Service Area Law or this ordinance, shall be applicable to the collection and enforcement of charges for service governed by this section.

**Section 10. DESIGNATION OF CHARGE FOR SERVICE ON TAX BILL.**

Charges for provision of extended governmental service by a county service area, as determined hereunder shall be set forth upon the tax bill issued by the County, and shall be separately stated thereon under a title "charges for extended services". Such statement shall also identify the County Service Area extending the service and the type of extended service provided in substantially the following form:

**County Service Area No. \_\_ (type of service) (amount of charge)**  
**County Service Area No. \_\_ (type of service) (amount of charge)**

or may be abbreviated if explanation of abbreviations used appear on the bill.

**Section 11. AVAILABILITY (STANDBY) CHARGES, WATER AND SEWER; EXCEPTIONS.**

- a. In addition to or in lieu of charges for service authorized hereunder, on or before the first day of July in each calendar year, the Board of Supervisors may fix a water or sewer availability charge, or both, of not to exceed five dollars (\$5.00) per acre per year for each whole acre of land, or five dollars (\$5.00) per year for each parcel of land less than an acre within a service area to which sewer or water service is made available for any purpose by the service area, whether the sewer or water is actually used or not. The Board may establish by resolution, upon hearing as provided herein, schedules varying such charge according, but not limited, to the land uses and the degree of availability or quantity of use of such water to the affected lands, the cost of transporting water or sewage and may restrict such charge to lands lying within one or more zones within such service area.

Funds derived from charges levied pursuant to this section shall be used within the service area, or zone thereof, from which they were collected to pay any or all of the costs and expenses of maintaining, operating, extending and repairing the waterworks or sewers of the service area and for the payment of interest and principal due on any bonds therefor for the ensuing fiscal year.

- b. Notwithstanding any provision contained herein to the contrary, no availability charge shall apply to:
- 1) land permanently dedicated exclusively to the public transportation of persons or property; or
  - 2) any parcel or contiguous parcels of land occupied by a person who for more than one year obtains substantially all of his water requirements for the parcel or contiguous parcels of land from rainfall, springs, streams, lakes, rivers or wells;
  - 3) any parcel that would qualify for exemption from charges for service under Section 5 of this ordinance subject to the provisions of that section.

**Section 12. COLLECTION AND ENFORCEMENT OF AVAILABILITY CHARGES.**

The amount of any availability charges levied pursuant to Section 10, shall be stated on the general County tax bill for taxes and charges levied against the respective parcel, and shall be designated thereon under the heading "charges for extended services," as provided in Section 9 of this ordinance, as an availability charge. Availability charges imposed under this ordinance shall be levied, collected and enforced at the same time and in the same manner as provided herein for the levy, collection and enforcement of charges for services.

**Section 13. URGENCY ORDINANCE, EFFECTIVE DATE.**

This ordinance is declared to be an urgency ordinance necessary to preserve the public peace, health and safety, and shall take effect immediately upon its adoption. The facts constituting such urgency are as follows:

1. California Constitution Article XIII A adopted June 6, 1978, radically limited County revenue from ad valorem taxation upon real property to the extent that it is not possible to sustain operation and provision of various necessary extended governmental services, including but not limited to water, sewer, police protection, fire protection, street lighting, road improvement, repair and maintenance, and refuse collection and disposal, which are necessary for the peace, health and safety of the people of the County of Riverside ;or
2. This ordinance complies with the directive of the California Legislature in Chapter 292 of the Statutes of 1978 that wherever possible local agencies shall finance the provision of services through use charges and fees;
3. The time within which this ordinance must be adopted in order to determine and fix charges in conjunction with the County budget hearings and thereafter collect said charges at the same time as the general County ad valorem taxes in order that the above referred services may continue to be provided, is not sufficient to adopt this ordinance as other than an urgency ordinance.

**Adopted:** 573 08/15/1978 (Eff: Urgency)