

MHCSD ORDINANCE NO. 96-4

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT
ESTABLISHING A SPECIAL TAX FOR PUBLIC WORKS

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MOUNTAIN
HOUSE COMMUNITY SERVICES DISTRICT AS FOLLOWS:

SECTION 1. Establishment of Tax - Purposes. There is hereby established within the Mountain House Community Services District a special tax for the following purposes:

1.A. Public Works. Funding the capital and operating costs, including administrative costs, of providing public works services, including, but not limited to, flood control and prevention, stormwater and drainage, sewer services, water services, street lighting, utility undergrounding, and telecommunications services.

SECTION 2. Establishment of and Amount of Tax. The tax shall be initially established by the Board of Directors by resolution, and shall remain the same thereafter, provided that the Board of Directors in any year may re-establish the tax by resolution, provided that the tax shall not exceed the amount specified in Section 3 of this Ordinance.

SECTION 3. Tax Limits.

3.A. Developed Land. As used in this Ordinance, developed land means land for which a building permit has been issued by June 30 of the prior fiscal year. The maximum amount of tax for each separate parcel of developed land, as shown on the latest equalized assessment roll, in any fiscal year shall be:

3.A.1. \$0.48 per one hundred square feet or fraction thereof of the area within the living area of residential buildings and the total area within non-residential buildings or other structures; and

3.A.2. \$0.17 per one hundred square feet or fraction thereof of parcel area.

3.B. Undeveloped Land. As used in this Ordinance, undeveloped land means land for which a building permit has not yet been issued prior to June 30 of the prior fiscal year. The maximum amount of tax for each separate parcel of undeveloped land, as shown on the latest equalized assessment roll, in any fiscal year shall be \$1.00 per acre or fraction thereof.

3.C. Increase of Maximum. The maximum amounts set forth in Section 3.A. may be increased by 4.0% per year for each year after passage of this Ordinance.

SECTION 4. Collection. The taxes shall be collected by way of the tax bills of San Joaquin County, in the same manner as, and subject to the same penalties and procedures for collection of delinquencies, as San Joaquin County ad valorem property taxes.

SECTION 5. Liability. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the Community Services District, or any officer or employee thereof, a mandatory duty of care towards persons or property within the Community Services District or outside of the Community Services District so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6. Severance. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are severable. The Board of Directors hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 7. Approval of Voters. This Ordinance shall become effective only after approval of two-thirds or more of the voters of the Community Services District.

SECTION 8. Publication and Posting. Within fifteen (15) days after its final passage, the general manager of the Community Services District shall cause this Ordinance to be published and posted in the same manner as for cities as specified in section 36933(c)(1) of the California Government Code.

On a motion by Director Edward Simas seconded by Director William Sousa, the foregoing Ordinance was duly passed and adopted by the Board of Directors of the Mountain House Community Services District at a regular meeting thereof held on this 10th day of September, 1996, by the following vote, TO WIT:

AYES: SIMAS, SOUSA, MARENCO, CABRAL
NOES: NONE
ABSTENTIONS: BARBER
ABSENT: NONE

Robert J. Cabral

ROBERT J. CABRAL, Chairman
Board of Supervisors of the County
of San Joaquin, State of California
sitting as the Governing
Board of the Mountain House
Community Services District

ATTEST: LOIS M. SAHYOUN
Clerk of the Board of Supervisors
of the County of San Joaquin,
sitting as the Governing Board of
the Mountain House Community
Services District

By: *Mary Anne Chin*
Deputy Clerk

