

ORDINANCE NO. 98-2

AN ORDINANCE OF THE RANCHO MURIETA
COMMUNITY SERVICES DISTRICT ADDING
CHAPTER 16A TO THE DISTRICT CODE
ESTABLISHING A SPECIAL TAX FOR THE
PROVISION OF DRAINAGE SERVICES WITHIN
THE DISTRICT SUBJECT TO THE APPROVAL OF
THE VOTERS

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT, Rancho Murieta, Sacramento County, California, as follows:

Section 1. Chapter 16A is hereby added to the District Code to read as follows:

CHAPTER 16A

Section 1.00. Findings.

The Board of Directors of the District hereby finds and declares that the District's ability to continue to provide drainage services depends on the availability of funds to support these services. The drainage services are essential to the maintenance and use of the properties within the District. Adequate and properly maintained drainage facilities are necessary to the public health, safety and welfare of the property and people within the District. The special tax levied herein, if approved by a two-thirds vote of the voters, will provide for a special and secure funding source to continue to provide drainage services.

Section 2.00. Authority.

This special tax is levied under each of the following authorities:

Government Code section 61615 which provides the District with the power to tax for the purpose of carrying out the operations of the District, Government Code section 61615.1 which authorizes the District to impose special taxes pursuant to Government Code section 50075, et seq.; Government Code section 50075 through section 50077 which authorizes special districts, among others, to impose special taxes; Government Code section 61622 which authorizes the District to perform all acts necessary to carry out fully the provisions of the Community Services District law; and Article XIII of the California Constitution. This tax is based, to the extent practicable, upon the cost of providing drainage services to the properties within the District and is not an ad valorem property tax.

Section 3.00. Drainage Tax.

If approved by the voters, commencing July 1, 1998, property within the District shall be assessed a monthly drainage tax. The maximum monthly tax rates shall be as follows:

Monthly Maximum Special
Tax Rates

LAND USE

Base Year 1998-99

DEVELOPED PROPERTY

Maximum rates will increase at
2% per year

Residential

-Metered Developed	Per Lot	\$ 3.45
-Unmetered Developed	Per Lot	\$ 3.45
-The Villas	Per Lot	\$ 2.30
-Murieta Village	Per Lot	\$ 2.30

Total Residential

-Retail	Per Acre	\$17.28
-Industrial/Warehouse	“	\$18.36
-Light Industrial	“	\$14.04
-Office	“	\$16.20
-Landscaped Areas (golf course & park site)	“	\$ 3.24
-Equine Complex	“	\$ 1.25
-RMCC (club house & parking)	“	\$ 0.00
-Airport	“	\$ 1.44
-Geyer Property	“	\$10.80

UNDEVELOPED PROPERTY

Uses Drainage System

-Residential and Non-Residential	Per Acre	\$2.16
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Does Not Use Drainage System

-Winncrest Lakeview	“	\$0.00
-PTF Crest	“	\$0.00
-PTF Green	“	\$0.00
-PTF N of Cosumnes	“	\$0.00

Charges for property and/or units not identified herein shall be determined by the Board based upon the total actual cost of providing drainage services to that property or unit, not to exceed the maximum charge per lot, acre, or building square foot for property identified herein.

For the fiscal year beginning July 1, 1998 and annually thereafter, the District Board shall set the actual security tax for the applicable fiscal year. The actual security tax set by the Board shall not exceed the maximum tax rate set forth in this section as adjusted pursuant to section 5.00 of this Ordinance. If necessary to meet expenses, the Board may adjust the actual tax rate during a fiscal year so long as the actual tax rate does not exceed the maximum allowable tax rate.

Section 4.00. Collection.

The Drainage Tax shall be collected with other monthly District taxes, fees and/or charges and shall be subject to the same penalties for non-payment as other monthly District taxes, fees and/or charges.

Section 5.00. Annual Adjustment of Maximum Tax Rates.

Commencing July 1, 1999 and each July 1 thereafter, the maximum tax rates specified in Section 3.00 shall be increased by two percent (2%) per year. The General Manager of the District shall maintain a current schedule of maximum tax rates based on the yearly increase specified herein and shall make the same available to any interested party upon request.

Section 6.00. Disposition of Revenue.

Revenues collected under the provisions of this Ordinance shall be deposited in a special fund called the Drainage Tax fund and shall be used only for the provision of drainage services within the District.

(a) Drainage services include:

- (1) Operation and maintenance of the drainage system, including but not limited to, culverts, constructed and natural channels, pipes, catch basins, including those below the grate on private streets, manholes, pump stations, floodways and all other appropriate facilities.
- (2) Replacement, reconstruction, and expansion of the drainage system as necessary to serve or safeguard properties within the District.

(b) Revenues may be used to defray any and all costs for the provision of drainage services within the District, including but not limited to:

1. Power costs;
2. Provision of Customer services;
3. Administration;
4. Employee costs;
5. Overhead;
6. Debt Service;
7. Engineering expenses;
8. Legal expenses;
9. Charges and assessments in lieu of taxes; and
10. Other incidental costs of providing the services listed above.

Section 7.00. Effective Date.

This Ordinance shall take effect July 1, 1998.

Section 8.00. Suspension of Drainage Fee.

Upon the effective date of the levying of the tax established by the ordinance, the District shall suspend the collection of the drainage fee established in and collected under District Code Chapter 16. To the extent that a property or property owner is or becomes legally exempt from payment of the tax established in this Ordinance, such property and/or property owner shall remain subject to and shall pay the drainage fee established in and collected under District Code Chapter 16; and, to the extent, that drainage fee shall remain in effect.

Section 9.00. Appeals.

Any taxpayer aggrieved by the amount of this tax shall file a written appeal with the General Manager stating the grounds for the appeal. The General Manager shall meet with the taxpayer; they may agree to a resolution of the appeal or set the matter for determination by the Board. The Board may adopt rules for the timing, filing and hearing of appeals under this Ordinance.

Section 10.00. Severability.

If any sentence, clause, article, section, subsection, phrase or portion of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of the District hereby declare that they would have adopted the remainder of this Ordinance, including each sentence, clause, article, section, subsection, phrase or portion of this Ordinance, irrespective of the invalidity of any other sentence, clause, article, section, subsection, phrase or portion of this Ordinance.

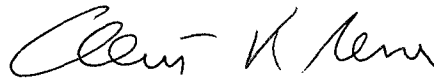
PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District, Sacramento County, California, at a meeting duly held on January 21, 1998, by the following roll call vote:

Ayes: Thurston, Sevier, Menicucci, Stevens and Lensch

Noes: None

Abstain: None

Absent: None



Elliot K. Sevier, President, Board of Directors
Rancho Murieta Community Services District

[Seal]

Attest:



Betti L. Sadler, District Secretary