

ORDINANCE NO. 2017-3

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CHARTERED CITY OF VISTA, CALIFORNIA, ADDING
CHAPTER 3.68 TO THE VISTA MUNICIPAL CODE
RELATING TO THE ESTABLISHMENT OF COMMUNITY BENEFIT
DISTRICTS**

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares the following:

A. Article 1 of the City Charter provides that, except as prohibited by the State constitution, the City shall have all powers and privileges that may be exercised by a charter city;

B. Pursuant to Article XI, Section 5 of the California Constitution, a charter city may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in its charter;

C. The creation of assessment districts to fund improvements and services of a local nature is a quintessential municipal affair, and no specific statutory authority is required for the creation of such an assessment district by a charter city; and

D. The City Council desires to create a process for the establishment of such assessment districts.

2. Code Amendment.

A. Chapter 3.68 is added to the Vista Municipal Code to read as follows:

**“CHAPTER 3.68
COMMUNITY BENEFIT DISTRICTS**

Section 3.68.010.	Authority
Section 3.68.020.	Nonexclusive Procedure
Section 3.68.030.	Establishment of Districts
Section 3.68.040.	Incorporation of State Law
Section 3.68.050.	Relationship of Assessment to Zoning
Section 3.68.060.	Assessments Against Real Property
Section 3.68.070.	Initiation of Proceedings
Section 3.68.080.	Duration
Section 3.68.090.	Renewal
Section 3.68.100.	Disestablishment

Section 3.68.010. Authority

This Chapter is adopted pursuant to Article 1 of the City Charter, which provides that the City shall have all powers and privileges that may be exercised by a charter city, except as limited by the California Constitution.

Section 3.68.020. Nonexclusive Procedure

This Chapter provides a procedure for the establishment of assessment districts that is separate from, and alternative to, other procedures under state or municipal law. This Chapter does not prohibit the City Council from establishing an assessment district or conducting proceedings for such district under any other procedure authorized by law.

Section 3.68.030. Establishment of Districts

Districts formed pursuant to this Chapter shall be identified as community benefit districts, and once formed, assessments may be levied within the community benefit district as provided in this Chapter.

Section 3.68.040. Incorporation of State Law

This Chapter incorporates the Property and Business District Law of 1994 in effect on January 1, 2017 (Streets and Highways Code §§ 36600 *et seq.*), which is referenced herein as the "PBID law." For purposes of this incorporation, all references in the PBID law to a "district" or a "property and business district" shall be interpreted as references to a community benefit district. Except where a provision of the PBID law is inconsistent with a provision of this Chapter, all provisions of the PBID law shall apply to the establishment and operation of any community benefit district established pursuant to this Chapter. In the event of a conflict between the provisions of this Chapter and those of the PBID law, the provisions in this Chapter shall prevail.

Section 3.68.050. Relationship of Assessment to Zoning

Notwithstanding the requirements of Section 36632 of the PBID law, any parcel of real property, regardless of the zoning of such parcel, may be included in a community benefit district and subject to an assessment in connection therewith, so long as such parcel specially benefits from the services and improvements funded by that community benefit district.

Section 3.68.060. Assessments Against Real Property

Only assessments against real property may be levied in connection with a community benefit district.

Section 3.68.070. Initiation of Proceedings

In lieu of the requirements of Section 36621(a) of the PBID law, the City Council may initiate proceedings to form a community benefit district upon the submission of a written petition, signed by property owners in the proposed district who will pay more than 30 percent of the assessments proposed to be levied in connection with such district. The amount of assessment attributable to property owned by the same property owner that is in excess of 20 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property owners who will pay more

than 30 percent of the total amount of assessments proposed to be levied.

Section 3.68.080. Duration

The duration of a new community benefit district shall be no greater than specified in the resolution of intention for the district, and shall in no event be in excess of 20 years. This Section is intended to supplant any shorter limitation set forth in the PBID law on the duration of assessments levied in connection with an assessment district.

Section 3.68.090. Renewal

A community benefit district may be renewed for a period of not to exceed twenty additional years by following the procedures set forth in Section 36660 of the PBID law.

Section 3.68.100. Disestablishment

The City Council may, on its own initiative, at any time, adopt a resolution of intention to disestablish a community benefit district. In addition, the City Council shall adopt such a resolution if, during the annual thirty-day period set forth in Section 36670(a)(2) of the PBID law, the City Council receives a written petition requesting disestablishment signed by property owners who pay more than 30 percent of the assessments levied in connection with the district. This section provides alternative method for the initiation of proceedings to disestablish a community benefit district and shall not be interpreted to preempt the existence of other methods set forth in Section 36670 of the PBID law. A resolution of intention adopted pursuant to this section shall have the same effect, and trigger the same notice and hearing requirements, as a resolution of intention otherwise adopted pursuant to Section 36670 of the PBID law.

- 3. Severability.** If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

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4. **Effective Date.** This ordinance shall be in full force and effect on the 31st day following the date of adoption.

5. **Adoption.** INTRODUCED and ADOPTED at a meeting of the City Council held on February 28, 2017, by the following vote:

AYES: Mayor Ritter, Aguilera, Franklin, Green

NOES: Rigby

ABSTAIN: None




JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

By: 

ATTEST:
KATHY VALDEZ, CITY CLERK

By: 

APPROVED
Jonathan B. Stone
1618 020317

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2017-03 to be posted on March 2, 2017, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in blue ink that reads "Kathy Valdez". The signature is written in a cursive style with a large, looping "y" at the end.

Kathy Valdez, City Clerk