



County of Santa Cruz

REDEVELOPMENT AGENCY

701 OCEAN STREET, ROOM 510, SANTA CRUZ, CA 95060-4000

(831) 454-2280 FAX: (831) 454-3420 TDD: (831) 454-2123

TOM BURNS, AGENCY ADMINISTRATOR

October 7, 2003

Agenda: October 21, 2003

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Proposed Amendment of Chapter 9.42 of the County Code Related to the Soquel Village Parking and Business Improvement Area

Dear Members of the Board:

On September 23, 2003 your Board considered a report recommending a series of actions directed towards amending Chapter 9.42 of the County Code. The first action was to adopt a Resolution of Intention indicating your intention to consider possible ordinance changes. As part of that action you also set a public hearing on this agenda to formally consider the proposed changes. The purpose of this letter is to formally present the proposed ordinance changes to you for action after considering public comments.

Background

The Board of Supervisors approved an ordinance establishing the Soquel Parking and Business Improvement Area (PBIA) in 1989. Included in that ordinance is language describing the formula used to calculate parking assessments within the core area of Soquel Village. Staff had developed that language based on its understanding of the formulas recommended by Soquel merchants. For many years subsequent to adoption of the ordinance the fees under the ordinance were recommended by the Soquel PBIA on an annual basis, with staff performing the role of administration and fee collection.

When staff several years ago took over the role of calculating the fees, we simply assumed the old system and formulas. However, a recent comparison of the fee formula used over the years and the ordinance description of the fee formula revealed a minor discrepancy. In particular, restaurants would be charged a substantially higher fee if the language of the ordinance were used. We reviewed this issue with the PBIA Advisory Board and they concurred that, given the general acceptance of the current fee system, it would make the most sense to amend the ordinance language to conform to historic practice.

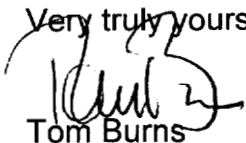
Recommendation

The proposed ordinance change provides a simple resolution of this issue through a change to the fee language in the ordinance without changing the basic program or fee schedule that has been in place for a number of years. Attachment 1 provides the proposed ordinance revision and Attachment 2 provides the full text of the current ordinance with changes highlighted.

It is therefore RECOMMENDED that your Board take the following actions:


1. Consider public comments on the proposed ordinance changes; and
2. Subsequent to receiving public comments, adopt the attached ordinance revisions (Attachment 1).

Very truly yours,



Tom Burns
Redevelopment Agency Administrator

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

Attachments

cc. RDA

ATTACHMENT 1

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 9.42 OF THE COUNTY CODE RELATED TO
FEES WITHIN THE SOQUEL VILLAGE PARKING AND BUSINESS IMPROVEMENT
AREA.**

WHEREAS, on December 12, 1989, the Board of Supervisors adopted an ordinance, Chapter 9.42 of the Santa Cruz County Code, establishing a parking and business improvement area in Soquel Village under the provisions of the Parking and Business Improvement Area Law of 1979, as amended being part 6 Division 18 of the Streets and Highways Code 36500 through 36581 of said Streets and Highways Code of the State of California;

WHEREAS, Chapter 9.42 of the Santa Cruz County Code provides for the establishment of annual assessment charges according to the benefits received from Benefit Zone 'B' of the parking and business improvement area as described in Section 9.42.060 and 9.42.074;

WHEREAS, it has come to the Board of Supervisors attention that the fee formula historically used for assessing restaurants is not consistent with a portion of the language of Chapter 9.42 and the historically used fee formula assesses restaurants at the same rate as professional offices;

WHEREAS, the Board of Supervisors understands that the Soquel Village Parking and Business Improvement Area Advisory Board recommends that Chapter 9.42 be revised to reflect this historical method of assessing restaurants at the same rate as that used for professional offices and that this revision will not result in any change in the PBI A fees;

WHEREAS, on September 23, 2003, the Board of Supervisors adopted a Resolution of Intention to amend Chapter 9.42 to reflect this historical method of assessing restaurants at the same rate as that used for professional offices;

WHEREAS, on October 21, 2003, the Board of Supervisors held a public hearing to hear and consider any and all public comment on the proposed ordinance amendment, as set forth in County Code 9.42.078; and

WHEREAS the Board of Supervisors provided the required the published and mailed notice regarding the proposed amendment pursuant to both State and County regulations;

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THEREFORE, the Board of Supervisors of the County of Santa Cruz do ordain as follows:

Section I: Revised Ordinance Language

Sub-subparagraph (i) of subparagraph (b) of Paragraph 1 of Subsection (B) of Section 9.42.060 of the Santa Cruz County Code is hereby amended to read as follows:

- (i) Number of deficit parking spaces = the number of spaces required by the county code parking regulations (except restaurants which shall be considered the equivalent of professional offices) minus the number of existing spaces.

Section II: Effective Date

This ordinance shall take effect 31 days after the final passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2003 by the following vote:

AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Redevelopment Agency

0507

Title 9 ROADS, VEHICLES AND TRAFFIC**Chapter 9.42 SOQUEL VILLAGE PARKING AND BUSINESS IMPROVEMENT AREA***

9.42.010 Purpose of provisions--Findings.

A. The purpose of this chapter is to enable the county to promote business in the Soquel Village area to enhance the county's sales tax revenue and to maintain a healthy business climate for the welfare and prosperity of the county. A further purpose of this chapter is to protect the public health and safety by improving traffic and parking conditions in the Soquel Village area.

B. The board of supervisors finds that the properties, the businesses in the improvement area, in the opinion of the board of supervisors, will be benefited in proportion to the proposed charges by the expenditure of the funds raised by the charges proposed to be levied. (Ord. 4058 § 1 (part), 1990)

9.42.020 Adoption of provisions--Statutory authority.

A. This chapter is adopted pursuant to the Parking and Business Improvement Area Law of 1979, as amended (Section 36500, et seq. of the California Streets and Highways Code) and Resolution No. 681-89, adopted by the board of supervisors on October 24, 1989, and titled "Resolution Declaring Intention to Establish a Parking and Business Improvement Area in the Downtown Soquel Area, and Fixing the Hearing to Consider the Establishment of Such an Area." Hearings on the resolution were held by the board of supervisors at its regular meeting on December 5, 1989. The properties and businesses in the area established by this chapter shall be subject to any amendments to the Parking and Business Improvement Area Law of 1979.

B. This chapter is amended to conform to the Parking and Business Improvement Area Law of 1989 (Section 36500, et seq. of the California Streets and Highways Code) which was adopted by Chapter 591/ Statutes of 1989 to recodify and supplant the Parking and Business Improvement Area Law of 1979. (Ord. 4058 § 1 (part), 1990)

9.42.030 Area established--Description.

There is established a business improvement area which shall be known as the "Soquel Village parking and business improvement area," hereinafter referred to as "area." The board of supervisors is authorized to carry out the purposes of the Parking and Business Improvement Law of 1979 and the Parking and Business Improvement Area Law of 1989 within the area, and to implement the provisions of those laws, with respect to all properties and businesses within the area. The description of the boundaries of the territory included in the area is as follows:

A. Benefit Zone A: All of the Soquel Village commercial area (both core and outer area) as shown on the map designated Exhibit A attached to the ordinance codified in this chapter and by reference made a part of this chapter; and

B. Benefit Zone B: The core area, as shown by reference on the map designated Exhibit A, attached to the ordinance codified in this chapter and by reference made a part of this chapter. (Ord. 4456 § 1,1997; Ord. 4360 § 1,1995; Ord. 4058 § 1 (part), 1990)

9.42.040 Authorized uses of revenue.

The revenue generated by this chapter shall be used as follows:

- A. To acquire, construct, operate or maintain parking improvements for the benefit of the area; and
- B. For business promotional activities in the area. (Ord. 4298 § 1, 1994; Ord. 4058 § 1 (part), 1990)

9.42.045 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

A. "Activities" means, but is not limited to, all of the following:

- 1. Promotion of public events which benefit businesses in the area and which take place on or in public places within the area;
- 2. Furnishing of music in any public place in the area;
- 3. Activities which benefit businesses located and operating in the area.

B. "Advisory board" means the advisory board or commission appointed by the board of supervisors pursuant to Section 9.42.070.

C. "Assessment" means a levy for the purpose of acquiring, constructing, installing, operating or maintaining improvements and promoting activities which will benefit the businesses located and operating within a parking and business improvement area.

D. "Business" means all types of businesses and includes financial institutions and professions.

E. "Improvement" means the acquisition, construction, installation, operation or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- 1. Parking facilities;
- 2. Benches;
- 3. Trash receptacles;
- 4. Street lighting;

5. Decorations;

6. Parks;

7. Fountains.

F. "Parking and business improvement area," or "area," means an area designated as provided in this chapter.

G. "Property" means real property situated within **an** area. (Ord. 4298 § 2, 1994; Ord. 4058 § 1 (part), 1990)

9.42.050 Charge imposed.

There is imposed a charge for the purposes authorized in Section 9.42.040, which charge is separate and in addition to any other charges or assessments imposed on properties and/or businesses in the area. Such separate and additional charge is imposed at the rates set forth in Section 9.42.060 for the specified property/business classifications. (Ord. 4298 § 2, 1994; Ord. 4058 § 1 (part), 1990)

9.42.060 Classifications and charges.

The list of properties and businesses and amounts to be charged within the area shall be established by the board of supervisors by resolution, with the charges based on the following formula:

A. There shall be an annual base charge of fifty dollars for businesses and properties located in the Soquel Village parking and business improvement district area (benefit zone **A**).

1. Each separate business shall be annually charged the base charge; provided, however, that if the same business owner owns and operates more than one business located at the same address, that business owner shall be charged only a single base charge.

2. Each person who owns any property in the area shall be charged an annual base charge of fifty dollars, notwithstanding the number of assessor parcels owned by that property owner.

3. Properties owned by governmental agencies are not businesses and shall not be charged.

4. Properties or businesses owned and/or operated by religious or nonprofit organizations for other than commercial purposes are not businesses and shall not be charged.

5. Properties used exclusively for residential purposes are not businesses and shall not be charged.

B. For those businesses in the core area (benefit zone **B**), and excluding property owners as businesses, an additional annual amount shall be charged, in addition to the base charge, calculated according to the following formulae:

1. Assessment = general benefit fee + deficit benefit fee.

a. General benefit fee = general benefit fee revenue total x proportional business factor.

I. General benefit fee revenue total = annual estimated cost-deficit benefit fee revenue.

ii. Proportional business factor = individual business factor/the sum of all individual business factors for all Soquel Village businesses.

iii. Individual business factor = use factor x floor area factor x proximity factor.

b. Deficit benefit fee = number of deficit parking spaces x deficit fee.

i. Number of deficit parking spaces = the number of spaces required by the county code parking regulations {except restaurants which shall be considered the equivalent to professional offices} / minus the number of existing spaces.

ii. Deficit fee = per space fee set annually by resolution .of the board of supervisors.

2. For the purposes of this formula the following definitions shall apply:

a. "Annual estimated cost (AEC)" is defined as the annual estimated cost to maintain and operate parking facilities in the area, including reserves necessary for future maintenance obligations and other projects.

b. "Proportional business factor" means the individual business factor for a specific business divided by the sum of all business factors attributed to each business in the core area.

c. "Individual business factor" is the product of the use and floor area factors and the proximity factor.

d. "Use factor" means as follows for the each specific land use:

i. A "restaurant" means any establishment serving food or drink including but not limited to bars, restaurants, delicatessens and other similar uses with high parking needs. The use code for a restaurant shall be 8.0.

ii. A "warehouse" means a business that either involves the sales and storage of large items including but not limited to furniture, carpet *or* tires or a business that provides services on vehicles. The use code for a warehouse shall be .5.

iii. "Storage" means an area used exclusively for storage, with no sales, employee or owner workspace or customer contact. The use code for storage shall be 0.

iv. "Office" means a workspace primarily for the owner or employees of a business. For the purposes of this section office uses shall not include retail sales. Customer visits shall be minimal and secondary to the work performed in the office. The use code for an office shall be 1.0. The use code for offices with limited customer contact including, but not limited to psychotherapy

offices, shall also be 1.0.

v. "Retail business" means a business which involves the sale of goods (except food and drink) and services on site. Retail uses shall include but not be limited to antique and clothing stores, video rental stores, travel agencies, convenience markets and real estate offices. Health practitioners such as physicians, chiropractors and dentists are included in this category. Hair and nail salons are also for the purposes of this ordinance considered retail businesses. The use code for a retail business shall be 2.0.

vi. The business of managing a commercially zoned property shall have a use code of 0.

vii. Vacant properties shall have a use code of 0.

viii. All other uses shall have a use code of 1.0.

e. The floor area factor equals .5 for every five hundred gross square feet or (part thereof) of floor area of the building.

f. A proximity factor of 2.0 shall apply if the property is contiguous to or within two hundred fifty feet of a public parking facility measured by the nearest pedestrian access. Otherwise the proximity factor shall be 1.0.

g. "Deficit parking space" is defined as the number of parking spaces a business is deficient determined based on parking space requirements as contained in this code as applied to the gross square footage of the building where the business operates. For the purpose of determining deficit parking spaces in this section, each parking space credit allocated to a business pursuant to the county's Soquel Village in-lieu parking program shall be considered as one half of a parking space.

h. "Deficit fee" is defined as a specific amount established annually by resolution of the board of supervisors.

3. The purpose of the parking assessment formula is to fund the total parking benefit budget which is defined as follows:

a. Total parking benefit budget = general benefit fee revenue + deficit benefit fee revenue.

b. General benefit fee revenue = annual estimated cost of maintenance and operations less the deficit benefit fee revenue.

c. Deficit benefit fee revenue = sum of all individual deficit benefit fees for all businesses in benefit zone B. (Ord. 4298 § 3, 1994; Ord. 4123 § 1, 1991; Ord. 4058 § 1 (part), 1990)

9.42.065 Exemptions.

The board of supervisors may exempt a business recently established in the area from the levy of the assessments, for a period not to exceed one year from the date the business commenced

operating in the area. The board of supervisors shall state its determination to so exempt new businesses annually in the resolution of intention required to be adopted pursuant to Section 9.42.072. (Ord. 4058 § 1 (part), 1990)

9.42.070 Advisory board.

The board of supervisors shall appoint an advisory board which shall make a recommendation to the board of supervisors on the expenditure of revenues derived from the levy of assessments pursuant to this chapter, on the classification of businesses, as applicable, and on the method and basis of levying the assessments. The board of supervisors may designate existing advisory boards or commissions to serve as the advisory board for the area or may create a new advisory board for that purpose. The board of supervisors may limit membership of the advisory board to persons paying the assessments under this part. (Ord. 4058 § 1 (part), 1990)

9.42.071 Annual report.

A. The advisory board shall cause to be prepared a report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The report may propose changes, including, but not limited to, the boundaries of the parking and business improvement area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses.

B. The report shall be filed with the clerk of the board on or before April 1st of the year preceding the fiscal year for which the report is prepared and shall refer to the parking and business improvement area by name, specify the fiscal year to which the report applies, and with respect to that fiscal year, shall contain all of the following:

1. Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area;
2. The improvements and activities to be provided for that fiscal year;
3. An estimate of the cost of providing the improvements and the activities for that fiscal year;
4. The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year;
5. The amount of any surplus or deficit revenues to be carried over from a previous fiscal year;
6. The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

C. The board of supervisors may approve the report as filed by the advisory board or may modify any particular contained in the report and approve it as modified. The board of supervisors shall not approve a change in the basis and method of levying assessments that would impair an

authorized or executed contract to be paid from the revenues derived from the levy of assessments. (Ord. 4058 § 1 (part), 1990)

9.42.072 Assessment review.

A. After the approval of the report, the board of supervisors shall adopt a resolution of intention to levy an annual assessment for that fiscal year. The resolution of intention shall do all of the following:

1. Declare the intention of the board of supervisors to change the boundaries of the parking and business improvement area, or in any benefit zone within the area, if the report filed pursuant to Section 9.42.071 proposes a change;
2. Declare the intention of the board of supervisors to levy and collect assessments within the parking and business improvement area for the fiscal year stated in the resolution;
3. Generally describe the proposed improvements and activities authorized by this chapter and any substantial changes proposed to be made to the improvements and activities;
4. Refer to the parking and business improvement area by name and indicate the location of the area;
5. Refer to the report on file with the clerk of the board for a full and detailed description of the improvements **and** activities to be provided for that fiscal year, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for that fiscal year;
6. Fix a time and place for a public hearing to be held by the board of supervisors on the levy of the proposed assessment for that fiscal year. The public hearing shall be held not less than ten days after the adoption of the resolution of intention;
7. State that at the public hearing written and oral protests may be made. The form and manner of protests shall comply with Section 9.42.078.

B. The clerk of the board shall give notice of the public hearing by causing the resolution of intention to be published once in a newspaper of general circulation in the county not less than seven days before the public hearing. (Ord. 4058 § 1 (part), 1990)

9.42.073 Hearings, changes and adoption of resolution.

A. The board of supervisors shall hold the public hearing at the time and in the place specified in the resolution of intention. The public hearing shall be conducted as provided in Section 9.42.078. The board of supervisors may continue the public hearing from time to time, but the public hearing shall be completed within thirty days.

B. During the course or upon the conclusion of the public hearing, the board of supervisors may order changes in any of the matters provided in the report, including changes in the proposed

assessments, the proposed improvements and activities to be funded with the revenues derived from the levy of the assessments, and the proposed boundaries of the area and any benefit zones within the area. The board of supervisors shall not change the boundaries to include any territory that will not, in its judgment, benefit by the improvement or activity.

C. At the conclusion of the public hearing, the board of supervisors may adopt a resolution confirming the report as originally filed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the report. (Ord. 4058 § 1 (part), 1990)

9.42.074 Basis of assessment.

The assessments levied on businesses pursuant to this chapter shall be levied on the basis of the estimated benefit to the businesses and property within the parking and business improvement area. The board of supervisors may classify businesses for purposes of determining the benefit to a business of the improvements and activities provided pursuant to this chapter. (Ord. 4058 § 1 (part), 1990)

9.42.075 Validity of assessment--Appeal.

The validity of an assessment levied under this chapter shall not be contested in any action or proceeding unless the action or proceeding is commenced within thirty days after the resolution levying the assessment is adopted pursuant to Section 9.42.073. Any appeal from a final judgment in an action or proceeding shall be perfected within thirty days after the entry of judgment. (Ord. 4058 § 1 (part), 1990)

9.42.076 Modifications of boundaries, assessments, improvements or activities.

A. In addition to the changes authorized to be made in the annual report filed with the board of supervisors pursuant to Section 9.42.071 or at the conclusion of the public hearing on the annual levy of the assessments, the advisory board may, at any time, recommend that the board of supervisors modify the boundaries of the area, any benefit zones within the area, the basis and method of levying the assessments, and any improvements or activities to be funded with the revenues derived from the levy of the assessments. Any modification shall be made pursuant to this chapter.

B. The board of supervisors shall modify the basis and method of levying the assessment or the boundaries of the area by adopting an ordinance after holding a public hearing on the proposed modification.

C. The board of supervisors shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not less than twenty or more than thirty days after the adoption of the resolution of intention. Notice of the public hearing shall be published and shall be mailed to each owner of a business affected by the proposed modification, as provided in Section 9.42.077. The public hearing shall be conducted as provided in Section 9.42.078.

D. The board of supervisors may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. Notice of the public hearing and the proposed modifications shall be published as provided in Section 9.42.077.

E. The public hearing shall be conducted as provided in Section 9.42.078. (Ord. 4058 § 1 (part), 1990)

9.42.077 Notice of public hearings.

Notice of any public hearing, held under Sections 9.42.072, 9.42.073 and 9.42.076, shall be given in accordance with the requirements of Government Code Section 54954.6, and Streets and Highways Code Section 36523 and 36323.5, as applicable, and/or as otherwise required by law. (Ord. 4298 § 4, 1994; Ord. 4058 § 1 (part), 1990)

9.42.078 Conduct of public hearings--Protests.

A. At the public hearing, the board of supervisors shall hear and consider all protests against the modification of the area, or the furnishing of specified types of improvements or activities within the area. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.

B. Every written protest shall be filed with the clerk of the board at or before the time fixed for the public hearing. The board of supervisors may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.

C. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the county as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest. (Ord. 4058 § 1 (part), 1990)

9.42.079 Majority protests.

A. If written protests are received by the owners of businesses in the proposed area which will pay fifty percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than the fifty percent, no further proceedings to modify the parking and business improvement area or to levy the proposed assessment, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the board of supervisors.

B. If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated. (Ord. 4058 § 1 (part), 1990)

9.42.080 Adoption of resolution--Additional changes permitted.

A. At the conclusion of the public hearing to establish the area, the board of supervisors may adopt, revise, change, reduce or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments.

B. At the public hearing, the board of supervisors may only make changes in, to or from the boundaries of the proposed parking and business improvement area that will exclude territory which will not benefit from the proposed improvements or activities.

C. The board of supervisors shall not change the boundaries of the area to include any territory that will not, in its judgment, benefit by the improvement or activity. Any addition of territory to the proposed boundaries of the area may be made only upon notice to the owners of the businesses proposed to be added to the area, as provided in Section 9.42.077, and upon a public hearing on the addition of territory, as provided in Section 9.42.078. (Ord. 4058 § 1 (part), 1990)

9.42.081 Benefit zones.

A. The board of supervisors may establish one or more separate benefit zones within the area based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone.

B. All provisions of this chapter applicable to the establishment, modification or disestablishment of a parking and business improvement area apply to the establishment, modification or disestablishment of benefit zones. The board of supervisors shall, to establish, modify or disestablish a benefit zone, follow the procedure to establish, modify or disestablish a parking and business improvement area.' (Ord. 4058 § 1 (part), 1990)

9.42.085 Voluntary contributions.

Any business, person or institution may make a voluntary contribution to the county designating its use to be parking and/or business improvements in the Soquel Village area and such contributions shall be used for the purposes provided in this chapter. (Ord. 4058 § 1 (part), 1990)

9.42.090 Expenditures.

The board of supervisors shall have sole discretion to expend the revenues derived from the assessments or charges hereunder within the scope of the authorized uses set forth in Section 9.42.040. (Ord. 4058 § 1 (part), 1990)

9.42.100 Collection of assessments.

The treasurer-tax collector of the county shall bill and collect the charges imposed hereunder, (Ord. 4058 § 1 (part), 1990)

9.42.105 Disestablishment.

A. Ordinance--Resolution of Intention.

1. The board of supervisors may disestablish the area by adopting an ordinance after holding a public hearing on the disestablishment, as provided in this section.
2. The board of supervisors shall adopt a resolution of intention to disestablish the area prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the parking and business improvement area. The public hearing shall be held not less than twenty or more than thirty days after the adoption of the resolution of intention. Notice of the public hearing shall be published as provided in Section 9.42.077.

B. Refund--Amount.

1. Upon the disestablishment of the area, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be refunded to the owners of the businesses then located and operating within the area in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the area is disestablished.
2. If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund. Notice of the disestablishment of an area shall be published once in a newspaper of general circulation in the county, not later than fifteen days after the ordinance disestablishing the area is adopted. (Ord. 4058 § 1 (part), 1990)