ORDINANCE NO. 2005-1658

AN ORDINANCE AMENDING SECTION 26-103.3 OF THE SOLANO COUNTY CODE, RELATING TO SUBDIVISIONS AND SECURITY FOR TAXES

Whereas, California Government Code section 66493 provides for the deposit of security as payment for taxes prior to the recordation of the final map or parcel map; and

Whereas, California Government Code section 66499 lists the types of security which may be accepted for acts to be performed under the Subdivision Map Act at the option of, and subject to the approval of, the County; and

Whereas, Section 26-103.3 of the Solano County Code only allows a bond to be issued as security; and

Whereas, a revision to the Solano County Code is necessary to allow individuals and entities posting security for taxes to post any of the forms of security permitted by California Government Code section 66499(a)(1), (2) or (3).

The Solano County Board of Supervisors ordains as follows:

Section 1.

Section 26-103.3 of the Solano County Code is amended to read:

Sec. 26-103.3 Tax Collector’s Statement and Security for Taxes

(a) A statement on the map, signed by the Solano County Tax Collector that there are no liens against the subdivision or any part for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, and stating that a bond security has been filed with the Clerk of the Board of Supervisors for the estimated taxes which are a lien on the property but not yet payable for taxes and special assessments, and that all certificates required under provisions of Sections 66492 and 66493 of the Government Code have been filed. This Section is inapplicable to amending maps filed in accordance with Section 66469 of the Subdivision Map Act.

(b) “Security” for purposes of this section, shall be in the form of the following:

(1) Bond or bonds by one or more duly authorized corporate sureties; or

(2) A deposit, either with the clerk of the Board of Supervisors, or a responsible escrow agent or trust company, at the option of the Tax Collector, of money in negotiable bonds of the kind approved for securing deposits of public monies; or
(3) An instrument of credit from an agency of the state, federal or local government when any agency of the state, federal or local government provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulations by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution; or

Section 2.

This Ordinance will be effective thirty (30) days after its adoption, and will be effective on June 1, 2005.

Section 3.

A summary of this Ordinance will be published within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

Passed and adopted by the Solano County Board of Supervisors on April 26, 2005 by the following votes:

AYES: Supervisors Kromm, Reagan, Silva, Vasquez, and Chairwoman Kondylis

NOES: Supervisors None

EXCUSED: Supervisors None

Barbara R. Kondylis, Chairwoman
Solano County Board of Supervisors

ATTEST:
MICHAEL D. JOHNSON, Clerk
Solano County Board of Supervisors

By: Patty Brittenden, Chief Deputy Clerk

First reading: April 5, 2005
Adopted: April 26, 2005
Effective: May 26, 2005
Operative: June 1, 2005

* Additions indicated by italics