



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: CEO  
Department No.: 012  
For Agenda Of: 4/15/08  
Placement: Departmental  
Estimated Tme: 5 minutes  
Continued Item: Yes  
If Yes, date from: 4/1/08  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Michael F. Brown, County Executive Officer  
Director(s) Daniel Wallace, County Counsel  
Contact Info: Terri Maus Nisich, Assistant County Executive Officer, 568.3400  
Michael Ledbetter, Senior Deputy County Counsel, 568.2950  
**SUBJECT: Membership of Public Cemetery Districts, Santa Maria Public Cemetery District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions:**

That the Board of Supervisors determine whether to pursue recommendation A or B regarding increasing the membership of the Board of Trustees of the Santa Maria Public Cemetery District to five members:

- (A) Adopt the attached resolution declaring the Board of Supervisors' intent to appoint itself as the Board of Trustees of the Santa Maria Cemetery District and set a public hearing for May 6, 2008 on whether the Board of Supervisors should govern the District.
- 1) On May 6, 2008, hold a public hearing to consider any written or oral comments regarding the Board of Supervisors appointing itself as the Board of Trustees of the Santa Maria Cemetery District.
  - 2) On May 6, 2008, adopt a resolution terminating the appointed Board of Trustees of the Santa Maria Cemetery District and appointing the Board of Supervisors as the Board of Trustees for this District.
- (B) Should the Board of Supervisors receive a request from the Board of Trustees of the Santa Maria Cemetery District to increase its membership from three to five members, set a hearing for May 6, 2008 to consider the increase in membership.
- 1) On May 6, 2008, hold a public hearing to consider any written or oral comments regarding the increase in membership of the Board of Trustees of the Santa Maria Public Cemetery District.

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- 2) On May 6, 2008, adopt a resolution that orders the increase in membership to five members of the Board of Trustees of the Santa Maria Public Cemetery District.
- 3) On May 6, 2008, appoint two persons to the Board of Trustees of the Santa Maria Public Cemetery District for a four year term, until the appointment and qualification of the successor.

**Summary Text:** On April 1, 2008, the Board of Supervisors considered options to increase the membership of a board of trustees of a public cemetery district from three to five members. The Board unanimously decided to avail itself of one option, to appoint itself as the Board of Trustees of the Santa Maria Cemetery District. Per California Health and Safety Code § 9026, “In the case of a district that has a board of trustees appointed by the board of supervisors, the board of supervisors may adopt a resolution declaring its intention to appoint itself to be the board of trustees of the district.”

However, per California Health and Safety Code § 9025, “a board of trustees may adopt a resolution requesting the board of supervisors of the principal county to increase or decrease the number of members of the board of trustees.” If the Board of Trustees of the Santa Maria Cemetery District adopts such a resolution, the Board of Supervisors would consider such a membership increase rather than pursue the option to appoint itself as the Board of Trustees of the District.

**Background:** This item is before the Board of Supervisors to either (A) commence with the process to appoint itself as the Board of Trustees of the Santa Maria Cemetery District or (B) consider increasing the Board of Trustees of the District from three to five members, contingent upon the receipt of a resolution from the District requesting such an increase to its Board.

Recommendation A requires the adoption of a resolution declaring the intent of the Board of Supervisors to appoint itself as the Board of Trustees of the Santa Maria Cemetery District (attached). A public hearing shall be held within 60 days of the adoption of said resolution on whether the Board of Supervisors should govern the District, and the Board of Supervisors may, by majority vote, adopt a resolution terminating the appointed Board of Trustees and appointing itself as the Board of Trustees of the Santa Maria Cemetery District, if said hearing does not result in written protests filed by more than ten percent of the registered voters within the District. Recommendation B requires that a public hearing be held within 60 days of receiving a resolution from a Board of Trustees to increase its membership and that the Board of Supervisors adopt a resolution ordering an increase in members and subsequently appoint additional members to the District.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

Narrative: N/A

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

The Clerk of the Board shall publish notice of a hearing scheduled for May 6, 2008 by publishing a notice pursuant to Section 6061 of the Government Code in at least one newspaper of general circulation

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within the jurisdiction of the district at least 10 days before the hearing. It shall also mail the notice at least 10 days before the hearing to the Santa Maria Cemetery District and any other person who has filed written request for notice with the clerk of the Board of Supervisors. The hearing notice shall be applicable to either recommendation A or B, contingent on the action taken by the Board of Supervisors on April 15, 2008.

**Attachments:**

Board of Supervisors' Resolution Declaring Intent to Appoint Itself as Board of Trustees of the Santa Maria Cemetery District

**Authored by:**

Sharon Friedrichsen, County Executive Office, 568.3107

**CC:**

Michael Ledbetter, County Counsel

Michael Ghizzoni, County Counsel