

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



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

**Agenda Number:**  
**Prepared on:** 6/16/05  
**Department Name:** CEO  
**Department No.:** 012  
**Agenda Date:** 6/28/05  
**Placement:** Departmental  
**Estimate Time:** 45 Minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Michael F. Brown  
County Executive Officer                      Stephen Shane Stark  
County Counsel

**STAFF** Jason Stilwell  
**CONTACT:** Project Manager

**SUBJECT:** County Formation Election and Issues Update

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**Recommendation(s):**

That the Board of Supervisors:

- i. Adopt a resolution proclaiming and noticing an election on June 6, 2006 for the purpose of determining whether the proposed Mission County shall be created,
- ii. Receive and file a report regarding the adopted recommendations of the Board to the Mission County Formation Review Commission,
- iii. Receive a report regarding county formation issues.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with actions required by law or business necessity.

**Executive Summary and Discussion:**

On May 24, 2005 the Board received the final report of the Mission County Formation Review Commission (Commission). The report includes eleven determinations of the Commission and detailed supplementary information relating to the potential viability of a new County north of Gaviota pass. The report does not make a recommendation for or against the formation of Mission County. The Commission adopted its final report, sent the report to the printer, and disbanded on March 28, 2005.

Staff intends to briefly discuss the final report on June 28, 2005. Also, on June 28, 2005 the Board of Supervisors will be presented with a resolution to proclaim and notice the June 6, 2006 election to provide

voters the opportunity to determine whether the proposed Mission County shall be created (Attachment 1). The Board is required to proclaim and notice the election according to the County Formation chapter of the California Government Code (§23350).

In addition to highlighting the Commission's final report and presenting the resolution setting the election on June 28, 2005, staff will update the Board on the county formation process. This will include a:

- Report on the action taken by the Commission regarding the Board's recommendations;
- Summary report on the costs of the County's previous re-districting effort;
- Report on the potential options for the Board to discuss the County formation issue;
- Report on the final costs of the Commission and costs to date of the county formation effort.

At the March 15, 2005 meeting, the Board of Supervisors asked staff to return with two additional pieces of information. The first is a summary of the costs and time involved in the County's most recent Supervisorial redistricting effort. The second is an explanation of the opportunities and limitations the Board has in discussing and taking a position on the county formation issue.

#### Report on the action taken by the Commission regarding the Board's recommendations

The Commission held a public comment period to solicit input on their draft final report. The Board of Supervisors made four requests of the Commission. The requests of the Board were for the Commission to:

- 1) reconsider the method of indebtedness allocation between the two counties; in particular the Board requested the amendment to enable Santa Barbara County to receive credit for new indebtedness associated with new assets that will be located in Mission County;
- 2) include language that would help preserve the tax exempt status of certificates of participation;
- 3) consider certain operational liabilities, namely self insurance, litigation, employee compensated absences, rebatable arbitrage, and the unamortized premium on certificates of participation, to be liquidated with assets of the various operating funds prior to the distribution and allocation of assets to the new Mission County; and
- 4) include language in the final report that states that the Boards of Supervisors of Santa Barbara County and Mission County shall cooperatively seek special legislation to split the maintenance of effort payments for operations of the courts 50/50 or seek legislation that would treat both counties as small counties and eliminate the maintenance of effort obligation.

The Commission duly considered the Board's recommendations and decided to incorporate three of the four requests into its Final Report. The Commission chose not to amend its indebtedness determination. The remaining three requests of the Board relating to preserving the tax exempt status of certificates of participation, liquidation of operational liabilities, and addressing the court special services maintenance of effort payment, were incorporated into the Final Report by the Commission in substantial form.

#### Summary report on the costs of the County's previous re-districting effort

This item was requested by the Board as one way to analyze the potential costs of districting the remaining Santa Barbara County. The Commission determined Supervisorial districts for the proposed Mission County but was not charged with determining districts for the remaining Santa Barbara County. Staff raised the issue to the Board of the possibility that should the formation election question pass in June 2006, the Board would need to determine Supervisorial districts prior to a November 2006 election of officers. In

considering whether that effort should be undertaken prior to the June election, the Board directed staff to return with the cost and time required with the most recent Supervisorial redistricting effort.

The last redistricting effort occurred in 2000-2001 and required approximately eight months to complete. A project team consisting of members from the County Administrator's Office, Affirmative Action Office, Clerk-Recorder-Assessor's Office, County Counsel's office, General Services-Information Technology Group, Surveyor's Office, and SBCAG was initiated in Fall, 2000. The goal of this team was to provide and implement an effective plan for the redistricting process, culminating in a redistricting plan that was adopted by the Board of Supervisors on August 21, 2001. The project team held fifteen community meetings to solicit public input in the various alternatives. The cost of the effort was approximately \$84,000 the majority of which were consulting costs, Spanish language translation, and advertising of town hall meetings. Staff time is not included in the \$84,000 cost.

Report on the potential options for the Board to discuss the County formation issue

This item was requested by the Board in order to determine what opportunities and limitations the Board and individual Supervisors will have in discussing the county formation effort or taking a position on the issue. Attachment 2 from Shane Stark discusses the political activity by the County and County employees regarding the County formation effort.

Once the Board orders an election, a recommended action on today's agenda, the county formation question is a ballot measure subject to the legal prohibition on spending public funds for political purposes and the reporting requirements of the Political Reform Act. The right of individual Supervisors to participate in political activity -- including campaigning for or against the county formation measure -- is guaranteed by the First Amendment. Appointed officials and county employees may not engage in political activity during working hours.

Under the County Formation Act, the Board may designate individual supervisors as authors of an argument for or against formation. The Board may take a position on the measure. The County may produce objective balanced information and hold public forums at government expense that are open to all sides of the issue. What is prohibited as an improper expenditure of public funds is a genuine effort to persuade the electorate. On March 15, 2005, Supervisor Carbajal asked staff if the Board could simply move to take a position on the county formation issue. The short answer is yes given the caveats expressed in Attachment 2. It would be prudent for the County to report to the Fair Political Practices Commission all expenses (time and funds) spent providing information to the electorate -- even assuming that all the activity is lawful. County Counsel will discuss these issues at the Board hearing.

Report on the final costs of the Commission and costs to date of the county formation effort

The costs of the Mission County formation review effort have been tracked closely by County Executive Office and Auditor-Controller staff. Auditor-Controller staff are compiling costs. Attached (Attachment 3) is a cost accumulation report detailing the costs directly relating to the Commission, resulting from the fiscal and indebtedness studies, indirect costs, and projected election costs. The total amount is \$907,033.

The direct Commission costs total \$480,357. This includes: \$339,573 for staff time; \$58,623 for publications and legal notices; \$22,116 for design work; \$13,348 for mapping services; \$7000 for

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Commissioner stipends; \$4662 for government access television; \$5776 for legal descriptions; and other expenses, such as postage and travel, totaling \$29,259.

The fiscal and indebtedness study costs total \$323,620. Nearly the entire cost is staff time. 61% of the total cost is a result of work performed by the Auditor-Controller's Office with the remaining 39% resulting from work performed by nearly every other County department. Every County department was required to report on the projected fiscal impact of the proposed county formation on the department and describe changes in levels of service and methods of providing service in the county split scenario.

Indirect costs total \$43,056. These amounts are estimated to cover administrative fees. The indirect costs are being compiled to demonstrate the costs this state mandate had on the County and will be part of the basis of a SB90 mandate reimbursement claim.

The final component of the cost accumulation report is the estimated cost of the June 2006 election. The costs are projected to be \$60,000 for the consolidated election.

### **Mandates and Service Levels:**

The Board of Supervisors is required by Title 3, Chapter 3 of the Government Code "Creation of New Counties" to perform certain functions including receiving the Mission County Formation Review Commission's final report and adopting a resolution setting the election.

### **Fiscal and Facilities Impacts:**

As of June 10, 2005, the county formation effort has cost the County \$847,033. Of this, \$366,676 is a result of County departments supporting the County Formation Review Commission and responding to Commission requests for information. \$480,357 relates to the direct work of the County Formation Review Commission including Commissioner stipends, professional consulting services and publication of legal notices. The projected cost of the County formation election on June 6, 2006 is \$60,000.

### **Attachments:**

1. Resolution of Election
2. Office of County Counsel Memorandum regarding Political Activity
3. County Formation Cost Accumulation Report

cc: Joe Holland, County Clerk-Recorder-Assessor  
Robert Geis, Auditor-Controller  
Bob Smith, Elections Division Manager

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA BARBARA

ORDER PROCLAIMING ELECTION  
AND NOTICE OF ELECTION TO BE  
HELD IN SANTA BARBARA COUNTY  
ON JUNE 6, 2006, FOR THE PURPOSE  
OF DETERMINING WHETHER  
MISSION COUNTY SHALL BE  
CREATED, AND CONSOLIDATING  
THE ELECTION WITH THE STATE-  
WIDE PRIMARY ELECTION TO BE  
HELD ON JUNE 6, 2006.

Resolution No. \_\_\_\_\_

WHEREAS, the Board of Supervisors received the Mission County Formation Review Commission's report on May 24, 2005; and

WHEREAS, under Section 23350 of the Government Code, the Board of Supervisors shall order and give proclamation and notice of an election to be held in the county on the next statewide primary or general election date not less than 74 days after receipt of the commission's determinations, for the purpose of determining whether the proposed county shall be created; and

WHEREAS, under Section 23350 of the Government Code, the election for the purpose of determining whether the proposed county shall be created may be consolidated with the next statewide primary or general election held not less than 74 days after receipt of the commission's determinations.

NOW, THEREFORE, the Board of Supervisors does resolve as follows:

1. An election is hereby proclaimed to be held in Santa Barbara County on the sixth day of June, 2006, for the purpose of submitting to the voters of the County the question of whether the new County of Mission shall be formed.
2. The ballot shall contain the statement: "Shall the new County of Mission be formed?"
3. Electors are instructed to vote in the election as follows:

To vote on the question, fill in the oval  in the voting square to the left of the word "Yes" to vote for the formation of the new County of Mission or to the left of the word "No" to vote against the formation of the new County of Mission.

VOTE LIKE THIS

You must mark your ballot selection with pencil or blue/black ink. All distinguishing marks or erasures are forbidden and make the ballot void.

If you tear, deface, or wrongly mark the ballot, return it and get another.

4. The boundaries of the proposed Mission County are described in EXHIBIT "A" attached hereto.
5. Santa Barbara County is the affected county within the meaning of the law dealing with the creation of new counties.
6. Request is hereby made for the submission of written arguments for and written arguments against the creation of Mission County. The board of supervisors of Santa Barbara County or any member or members of said board authorized by the board, any city council of a city within an affected county or any member or members of such council authorized by the council, any qualified elector entitled to vote at the election, any bona fide association of citizens, or any combination of qualified electors and associations may submit and file written arguments with the elections official of the Santa Barbara County for printing and distribution in the ballot pamphlet, in accordance with Section 9163 of the Elections Code. Arguments must be filed not later than the date fixed by the Santa Barbara County elections official under section 9163 of the Elections Code. Only one argument for and one argument against shall be selected and printed in the ballot pamphlet. Arguments shall not exceed 500 words in length and shall be accompanied by at least one and not more than three signatures.
7. The Board of Supervisors of the County of Santa Barbara does hereby order that the election called by this order be consolidated with the statewide primary election to be held throughout the County on June 6, 2006, that the proposition for creation of the proposed Mission County be placed on the same ballot as that provided for the statewide primary election, that the same precincts, polling places, election officers and facilities be used for these elections and that this election and the statewide primary election be held throughout the county in all respects as if there were only one election.
8. The Santa Barbara County Clerk-Recorder is hereby authorized and directed to cause this order, proclamation and notice to be published in a newspaper of general circulation published in the County of Santa Barbara at least once a week for three weeks, commencing not less than 70 days prior to the election.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

Approved as to Form:  
County Counsel

Approved as to Form:  
Auditor-Controller

By: \_\_\_\_\_

By: \_\_\_\_\_