

**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: 12/30/2003
Department Name: PW/North County Lighting Dist
Department No.: 054
Agenda Date: 1/13/2004
Placement: Administrative
Estimate Time: 1/20 5 minutes;02/03 5 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
North County Lighting District

FROM: Phillip M. Demery, Director
Public Works

STAFF CONTACT: Mark A. Schelich, Deputy Director - ext 3605
Martin J. Wilder, District Manager - ext 8755

SUBJECT: Ordinance approving the annexation of territory to Santa Barbara North County Lighting District – Fourth Supervisor District

Recommendation(s):

That the Board of Supervisors:

- A. Set a public hearing on the departmental agenda for January 20th 2004 for the introduce with first reading on an ordinance approving the annexation of territory to Santa Barbara North County Lighting District, creating a new zone of benefit and imposing an annual assessment;
- B. Set a public hearing on the departmental agenda for January 27th 2004 to adopt the attached ordinance (second reading) entitled “An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving The Annexation of Territory to Santa Barbara North County Lighting District, Creating a New Zone of Benefit and Imposing an Annual Assessment Therein”.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 1, “An Efficient Government Able to Respond Effectively to the Needs of the Community” and Goal No. 2, “A Safe and Healthy Community in Which to Live, Work, and Visit.”

Executive Summary and Discussion:

This action sets January 20th as the hearing to introduce the ordinance (first reading) entitled, “An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving The Annexation of Territory to Santa Barbara North County Lighting District, Creating a New Zone of Benefit and Imposing

an Annual Assessment Therein” and set January 27th 2004 as the hearing for the second reading of the ordinances for their adoption.

The ordinance submitted to the Board for approval amends portions of Santa Barbara North County Lighting District to include the creation of a new zone of benefit be created in Santa Barbara North County Lighting District comprised of Providence Landing Tract 14,487 and a benefit imposed thereupon for the purposes of paying for street lighting.

Mandates and Service Levels:

There is no change in programs or service level with this action. Funding will increase with the approval of the creation of the Zone of Benefit for Providence Landing.

Fiscal and Facilities Impacts:

The estimated cost of maintaining the street lighting improvements in the District for fiscal year 2004/05 is \$11,531.10. With the creation of the Zone of Benefit for Providence Landing the total revenues collected on the tax rolls will be \$11,531.10 there will be no additional costs to the North County Lighting District.

Special Instructions

Public Works staff will notice in the Lompoc Record and the Santa Maria Times 10 days prior to first hearing.

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA APPROVING THE ANNEXATION OF TERRITORY TO
SANTA BARBARA NORTH COUNTY LIGHTING DISTRICT, CREATING A NEW ZONE OF
BENEFIT AND IMPOSING AN ANNUAL ASSESSMENT THEREIN**

WHEREAS, the Santa Barbara North County Lighting District (“SBNCLD”) was formed through consolidation of pre-existing lighting districts and annexation of territory thereto, as approved by the Local Agency Formation Committee (“LAFCO”) on May 5, 1994, and thereafter approved by this Board; and

WHEREAS, application has been made to LAFCO for the annexation into SBNCLD of the parcels described and depicted on the map attached hereto as Exhibit “A” and incorporated herein by this reference, said parcels known collectively hereinafter as “Providence Landing;” and

WHEREAS, the annexation has been found to be categorically exempt from CEQA; and

WHEREAS, on November 5, 2003, LAFCO granted the said application on the condition that a new zone of benefit be created in SBNCLD comprised of Providence Landing, and a benefit assessment imposed thereupon for the purposes of paying for street lighting; and

WHEREAS, this Board has received a written engineer’s report (hereinafter referred to as “Report”) concerning benefit assessments for street lighting purposes as provided in Government Code Section 54716, which Report complies in all respects with the requirements of that section; and

WHEREAS, the Clerk of this Board filed and recorded the Report, and fixed the **27th day of January 2004**, at 9:00 a.m. in the Board's Hearing Room, County Government Center, 511 East Lakeside Parkway, Santa Maria, California, as the time, date and place for a hearing upon such Report; and

WHEREAS, the Clerk has caused notice of said hearing to be published pursuant to Section 6066 of the Government Code, and proof of such publication is on file with the Clerk; and

WHEREAS, three (3) copies of the notice of said hearing were posted in the zone in which assessments were proposed to be levied, as required by law, and proof of such posting is on file with the Clerk; and

WHEREAS, at the hearing this Board heard and considered all protests to the report, including protests with respect to the amount of the assessment to be levied, and then closed the public hearing; and

WHEREAS, at the conclusion of said hearing the Board made its determination upon each assessment described in the Report; and

WHEREAS, the imposition of this assessment within the new zone of benefit is subject to Article XIID of the California Constitution, and is therefore exempt from the notice, hearing and meeting requirements of Government Code section 54954.6; and

WHEREAS, the collective owner of the parcels identified in the Report has received more than 45 days written notice of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcels, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of this public hearing on the proposed assessment. Each notice also included a summary of the procedures applicable to the completion, return, and tabulation of the ballots, including a disclosure statement that the existence of a majority protest, would result in the assessment not being imposed; and

WHEREAS, the collective owner of the parcels has voted affirmatively in the matter of the approval of the imposition of this assessment within the newly formed zone of benefit within Santa Barbara North County Lighting District, and the owner's assessment ballot is on file with the Clerk of this Board; and

WHEREAS, Section 54716 of the Government Code provides that at the conclusion of this hearing this Board may adopt, revise, change, reduce or modify any assessment and shall make its determination upon each assessment described in the Report and thereafter shall confirm the assessments by resolution;

NOW, THEREFORE, The Board of Supervisors of the County of Santa Barbara ordains as follows:

1. The foregoing recitals are true and correct;
2. A Zone of Benefit within Santa Barbara North County Lighting District is hereby formed, to be known as "Providence Landing Zone of Benefit."
3. Annual benefit assessments are hereby imposed on the parcels comprising the Providence Landing Zone of Benefit as reflected in the Report on file with the Clerk in this matter, incorporated herein by this reference as though fully set forth.
4. Attached hereto as Exhibit "B" and incorporated into this Resolution by reference is a copy of the assessment roll showing the assessment amount for 2004-2005 of each parcel of real property in the Providence Landing Zone of Benefit. Said document and the amounts shown therein are hereby confirmed. The amounts will be levied annually, as adjusted, based on the then-current assessment roll.
5. The Clerk of this Board is directed to record forthwith in the Office of the Santa Barbara County Clerk Recorder a certified copy of this Ordinance. The Clerk is further directed to file forthwith a certified copy of this Ordinance with the Santa Barbara County Auditor-Controller and LAFCO.
6. This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once,

with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair

ATTEST:
Clerk of the Board

By: _____

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

APPROVED AS TO FORM:
ROBERT W. GEIS
AUDITOR-CONTROLLER

By: _____
Deputy

By: _____