



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: June 3, 2008
Placement: Set Hearing
Estimated Time: 60 mins.
On July 8, 2008
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Michael F. Brown, County Executive Officer
Director(s)
Contact Info: John Baker, Assistant County Executive Officer, 568-2243
SUBJECT: **Annexation of Evergreen Shopping Center into the Orcutt Community Facilities District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Planning and Development

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Adopt a Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein for the Evergreen Shopping Center (on APN's: 109-200-012, 013, 015, 016);
- B. Adopt a Resolution Calling for a Special Election for Annexation of Evergreen Shopping Center into the Orcutt Community Facilities District (No. 2002-1);
- C. Set a public hearing for July 8, 2008 regarding the intent to annex territory known as the Evergreen Shopping Center into the Orcutt Community Facilities District (No. 2002-1) and levy special taxes on the proposed parcel to be annexed.
 - i. On July 8, 2008, receive testimony regarding written protests that have been filed, if any;
 - ii. Certify the results of a special election and adopt a Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien; and
 - iii. Introduce the first reading of an Ordinance entitled "An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory to Orcutt Community Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein."

Auditor-Controller Concurrence

As to form: Yes

- iv. Conduct a second reading and adopt "An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory to Orcutt Community Facilities District (No. 2002-1) and Authorizing the Levy of Special Taxes Therein" on July 15, 2008.

Summary Text: The project known as the Evergreen Shopping Center (Assessor's Parcel Numbers: 109-200-012, 013, 015, 016) located on Orcutt Road, is proposed for the northern 4.37 acres of the existing Evergreen Shopping Center. The proposed project consist of demolition of the existing structures (totaling approximately 32,000 s.f.) including the existing parking lot, drive lanes and landscaping located on the two existing parcels that comprise of the northern portion of the existing Evergreen Shopping Center. This redevelopment project also includes the construction of approximately 52,421 s.f. of retail and office space. The proposed buildings are described as follows:

Building	Square Foot	Description
A	4,780	Intended for use as a bank with a drive through window.
B	20,087	A 2-story building with 11,930 s.f. of retail space on the first floor and 8,157 s.f. of office space on the second floor.
C	16,544	Retail shops in a one-story building.
D	7,299	Retail shops in a one-story building.
E	3,711	Retail shop with a drive through window
	52,421	

The Planning Commission approved the project on March 12, 2008, requiring the project to annex into the Orcutt Community Facilities District (OCFD) and pay its proportionate share of fire and sheriff protection, maintenance of parks, parkways and open space, and flood and storm protection.

A community facilities district is a special financing entity governed by the Mello-Roos Community Facilities Act of 1982 that is authorized to levy special taxes and/or issue bonds through a local government in order to finance infrastructure construction and/or fund public operations and maintenance services. The Orcutt Community Facilities District (Orcutt CFD No. 2002-1) was formed on October 8, 2002 to fund maintenance and operations expenditures for the unincorporated Orcutt area generally located South of Clark Avenue and between State Highway 135 and U.S. Highway 101. An annexation map of the proposed territory for annexation in relation to the OCFD is included for reference as Attachment A.

Background:

This item is on the Board's agenda to begin the process to annex territory into the OCFD. Since a community facilities district is governed by the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et al.), the annexation does not follow the annexation procedures usually associated with LAFCO. Rather, the annexation process begins with the adoption of a resolution to initiate the annexation, followed by a public hearing and election to be held no less than 30 days and no greater than 60 days after the adoption of the resolution. The Special Taxes imposed by the OCFD must be approved by a two-thirds majority of the "qualified voters." When fewer than twelve registered voters reside within the area proposed to be annexed, the qualified voters are those owners of property within that area to be annexed. Every property owner receives one vote per acre, or portion thereof, owned within the area to be annexed. In this particular annexation, the territory is vacant so the landowner(s) will constitute the "qualified voters." Should 2/3 of the qualified voters approve the annexation, the territory will be subject to the annual levying of the special taxes affiliated with the OCFD.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

The territory proposed for annexation will be subject to the annual levy of the OCFD special taxes once the annexation is completed. The OCFD special taxes are levied based on the type of structure built: single-family, multi-family, non-retail/commercial industrial and retail commercial. The proposed incremental (new development) retail buildings are projected to be approximately 20,421 s.f. (52,421 s.f. minus 32,000 s.f.). If the structure were taxed at the OCFD FY 07-08 Maximum Special Tax Rate of \$0.49331/per s.f., then the estimated special taxes levied would be approximately \$10,073.88. The annual special tax rate is calculated using the Rate and Method of Apportionment ("RMA"), which documents the methodology and process for setting and collecting the special tax. After the special tax rate is determined, the Board of Supervisors must annually adopt a resolution levying the amounts of the special tax prior to August 10.

Special Instructions:

- A. Direct the Clerk of the Board to publish a notice of said hearing one time in a newspaper of general circulation published in the area of the Orcutt Community Facilities District in a form approved by County Counsel. The publication of said notice shall be completed at least seven days prior to the hearing set for July 8, 2008.

Notice to be published:

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
NOTICE OF PUBLIC HEARING CONCERNING A RESOLUTION INITIATING
THE ANNEXATION OF THE EVERGREEN SHOPPING CENTER
INTO THE ORCUTT COMMUNITY FACILITIES DISTRICT
AND THE LEVY OF SPECIAL TAXES THEREIN

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Santa Barbara, State of California, on July 8, 2008 at 9:00 AM or shortly thereafter, in the County Board of Supervisors Hearing Room at the Betteravia Government Center, 511 E. Lakeside Parkway, Santa Maria, California, to take public testimony on the proposed ordinance annexing territory onto the Orcutt Community Facilities District and imposing an annual assessment for July 8, 2008 in the County of Santa Barbara. The Orcutt Community Facilities District levies an annual tax based on the type of dwelling unit to finance fire and sheriff protection services, maintenance of parks, parkways and open spaces and flood and storm protection services. The testimony of all interested persons for or against the annexation of territory or the future annexation of territory into the community facilities district or the levying of special taxes within the territory proposed to be annexed or proposed to be annexed in the future will be heard.

Any objections or protest to the adoption of the proposed ordinance may be filed with the Clerk of the Board of Supervisors before the public hearing scheduled above. The address of the Clerk of the Board is 105 East Anapamu Street, Santa Barbara, CA 93101.

- B. Direct Elections to work with the County Executive Office to mail special elections ballots to all qualified voters no later than June 23, 2008, which is 15 days before the public hearing on July 8, 2008.

- C. Direct the Clerk of the Board to forward a certified minute order and completely executed copies of the resolution to the County Executive Office to the attention of Sharon Friedrichsen.

Attachments:

- A: Evergreen Shopping Center Annexation Map No. 5 of Orcutt Community Facilities District No 2002-1
B: Resolution Initiating Annexation of Territory to Orcutt Community Facilities District
C: Resolution Calling Special Election for Annexation of Evergreen Shopping Center into Orcutt Community Facilities District
D: Resolution Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien
E: Ordinance Approving the Annexation of Territory to Orcutt Community Facilities District No 2002-1

Authored by:

Sharon Friedrichsen, County Executive Office
John Jayasinghe, County Executive Office

cc:

Marie LaSala, Deputy County Counsel
Mark Paul, Division Chief, Auditor-Controller
John Torell, Housing and Community Development Director
Billie Alvarez, Chief Deputy Registrar of Voters, Elections
Derek Johnson, Deputy Director, Long Range Planning
Mike Emmons, County Surveyor
John Zorovich, Planning and Development
Christopher Prather, Prather Development

ANNEXATION MAP No.5 OF COMMUNITY FACILITIES DISTRICT NO. 2002-1 COUNTY OF SANTA BARBARA - STATE OF CALIFORNIA

CLERK OF THE BOARD'S STATEMENT
 I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE AMENDED BOUNDARY OF
 COMMUNITY FACILITIES DISTRICT 2002-1 (ORCUTT COMMUNITY PLAN) COUNTY
 OF SANTA BARBARA, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF
 SUPERVISORS OF THE COUNTY OF SANTA BARBARA AT A REGULAR MEETING
 THEREOF HELD ON THE _____ DAY OF _____, 2008, BY
 COUNTY ORDINANCE NO. _____.

FILED IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF SANTA BARBARA
 THIS _____ DAY OF _____, 2008.

MICHAEL F. BROWN
 CLERK OF THE BOARD OF SUPERVISORS
 OF SANTA BARBARA COUNTY
 BY _____ DEPUTY

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2008, AT THE HOUR OF _____ O'CLOCK, M.
 IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT
 _____ COUNTY RECORDER IN THE COUNTY OF
 SANTA BARBARA, STATE OF CALIFORNIA.

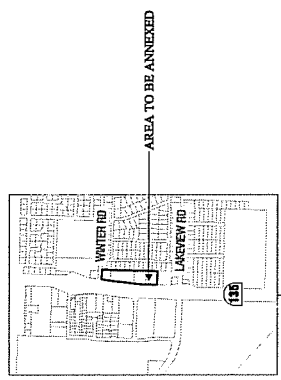
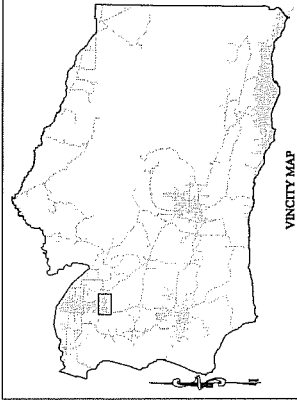
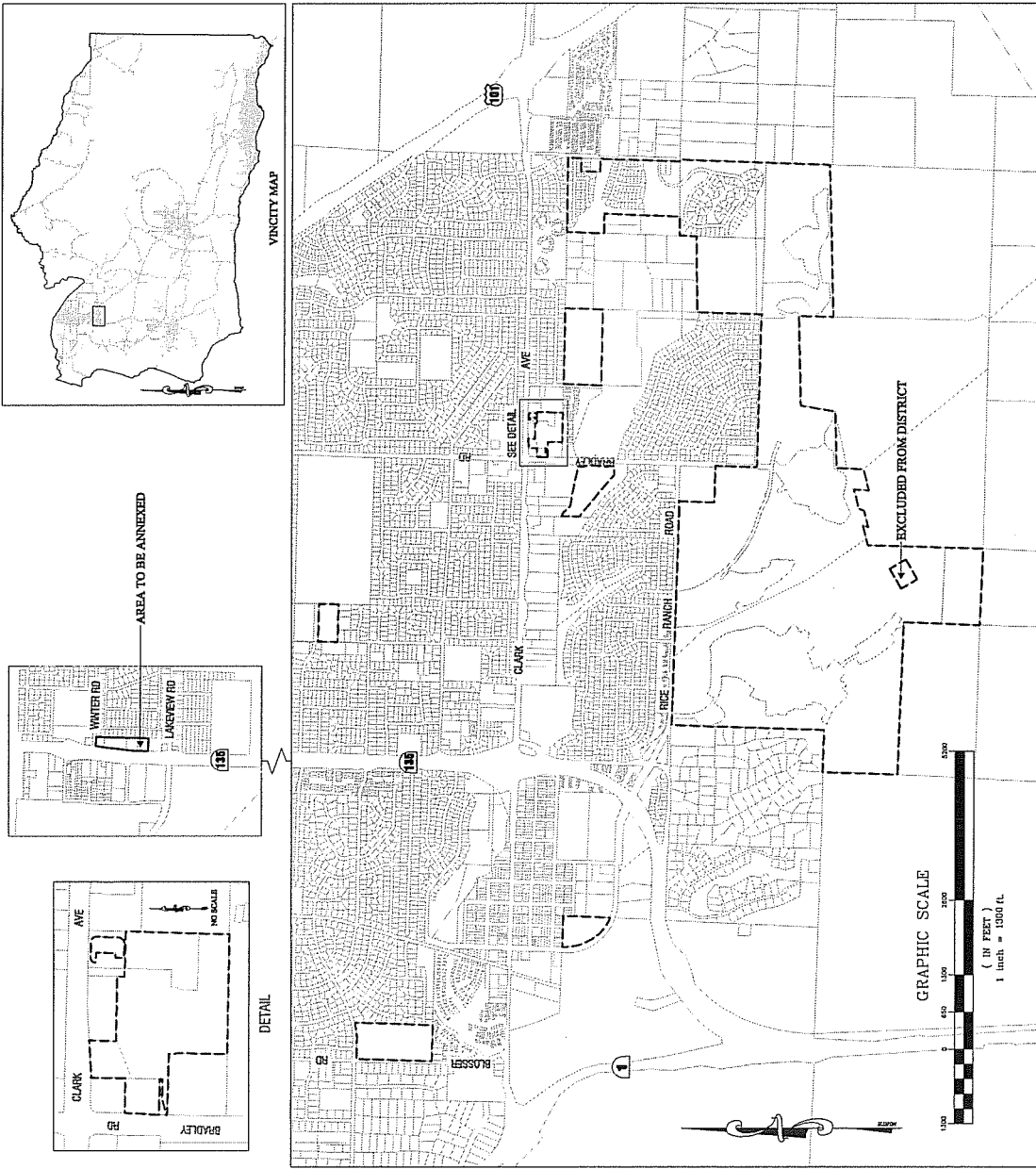
JOSEPH E. HOLLAND
 COUNTY CLERK - RECORDER - ASSESSOR
 BY _____ DEPUTY

COUNTY SURVEYOR'S STATEMENT

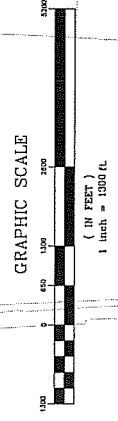
THIS MAP WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH
 CALIFORNIA GOVERNMENT CODE SECTION 7157, AT THE REQUEST OF THE
 COUNTY CLERK OF THE COUNTY OF SANTA BARBARA. THE EXISTING
 DISTRICT LINES SHOWN HEREON ARE CONSISTENT WITH
 COMMUNITY FACILITIES DISTRICT NO. 2002-1 APPROVED BY THE BOARD
 OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, ON THE 30 DAY OF
 _____, 2008. I HAVE REVIEWED THE MAP AND THE RECORDS OF THE
 COUNTY OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGES 46 AND 47,
 IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF SANTA
 BARBARA, STATE OF CALIFORNIA. I ALSO CERTIFY THAT THE ANNEXED
 AREA SHOWN IS CONSISTENT WITH ANNEXATION No. 3 OF SAID DISTRICT.

MICHAEL R. BROWN
 COUNTY SURVEYOR
 LICENSE EXPIRATION DATE 12/31/2008
 DATE _____

ANNEXATION NO. 5 OF
 COMMUNITY FACILITIES DISTRICT 2002-1
 (EVERGREEN VILLAGE)
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
 SHEET
 1 OF 1



LEGEND
 - - - - - COMMUNITY FACILITIES DISTRICT BOUNDARY
 _____ ANNEXATION No. 5 (EVERGREEN VILLAGE)



LEGAL DESCRIPTION (APN) ANNEXATION No.5 (EVERGREEN VILLAGE)
 ASSESSOR PARCEL NUMBERS: 095-200-012, 013, 015, 016

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

INITIATING ANNEXATION OF TERRITORY)
TO ORCUTT COMMUNITY FACILITIES DISTRICT
AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN)
(Evergreen Shopping Center)

RESOLUTION NO. _____

WHEREAS, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara (the "County") has formed Orcutt Community Facilities District No. 2002-1 (Orcutt Community Plan) (the "Community Facilities District"), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"); and,

WHEREAS, the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized under the Act to annex territory to an existing facilities district; and,

WHEREAS, a map entitled "Annexation Map No. 5 of Community Facilities District No. 2002-1, County of Santa Barbara, State of California," ("Annexation Map No. 5") has been filed with the County Clerk of the County of Santa Barbara and is attached hereto as Exhibit A; and

WHEREAS, the "Annexation Map No. 5" cross-references the map entitled, "Amended Boundary of Community Facilities District No. 2002-1, County of Santa Barbara, State of California," filed for record in the office of the County of Santa Barbara on March 12, 2008, in Book 4 of Maps of Assessment and Community Facilities Districts at pages 46-47 (attached hereto as Exhibit B).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

1. The Board of Supervisors hereby finds and determines that public convenience and necessity require that territory be added to the Community Facilities District.
2. The name of the existing Community Facilities District is the "Orcutt Community Facilities District No 2002-01."
3. The territory proposed for annexation is known as "Evergreen Shopping Center" (APN's:109-200-012, 013, 015,016), which contains 52,421 square feet and is shown on the attached Annexation Map No. 5 of Orcutt Community Facilities District No. 2002-1 (Exhibit A).
4. The types of public facilities and services financed by the Community Facilities District and pursuant to the Act consist of (1) fire protection services, (2) police protection services, (3) maintenance of parks, parkways and open space, and (4) flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems only to the extent that they are in addition to existing public services provided within the boundaries of Community Facilities District No. 2002-1 before the Community Facilities District was created.
5. Except where funds are otherwise available, a special tax sufficient to pay for all services is intended to be levied annually within the Community Facilities District, and collected in the same manner as ordinary *ad valorem* property taxes. The proposed rate and

method of appointment of the special tax annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the Community Facilities District to estimate the maximum amount such owner will have to pay, are described in Exhibit C attached hereto, which is by this reference incorporated herein.

6. The Board of Supervisors hereby fixes July 8, 2008 at 9:00 a.m., or as soon thereafter as the Board of Supervisors may reach the matter, at the Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, California as the time and place when and where the Board of Supervisors will conduct a public hearing on the annexation of territory to the Community Facilities District and the levying of special taxes therein.
7. The Clerk of the Board is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the Orcutt Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.
8. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of June 2008, by the following votes:

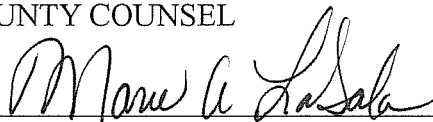
AYES:
NOES:
ABSENT:
ABSTAIN:

Salud Carbajal, Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
CLERK OF THE BOARD
MICHAEL J. BROWN

By _____
Deputy Clerk

APPROVED AS TO FORM:
DANIEL J. WALLACE
COUNTY COUNSEL

By 
Deputy Counsel

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

By 
Deputy

ANNEXATION MAP No.5 OF COMMUNITY FACILITIES DISTRICT NO. 2002-1

COUNTY OF SANTA BARBARA - STATE OF CALIFORNIA

CLERK OF THE BOARD'S STATEMENT

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE AMENDED BOUNDARY OF COMMUNITY FACILITIES DISTRICT 2002-1 (CITY OF SANTA BARBARA) IS THE TRUE AND CORRECT COPY OF THE ORIGINAL AS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2008, BY COUNTY ORDINANCE NO. _____.

FILED IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF SANTA BARBARA THIS _____ DAY OF _____, 2008.

MICHAEL P. BROWN
CLERK OF THE BOARD OF SUPERVISORS
OF SANTA BARBARA COUNTY

BY: _____
DEPUTY

COUNTY RECORDER'S STATEMENT

I HAVE THIS _____ DAY OF _____, 2008, AT THE HOUR OF _____ O'CLOCK _____ M. OF _____, RECEIVED FOR RECORDING _____ PAGES) _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

JOSEPH E. HOLLAND
COUNTY CLERK - RECORDER - ASSESSOR

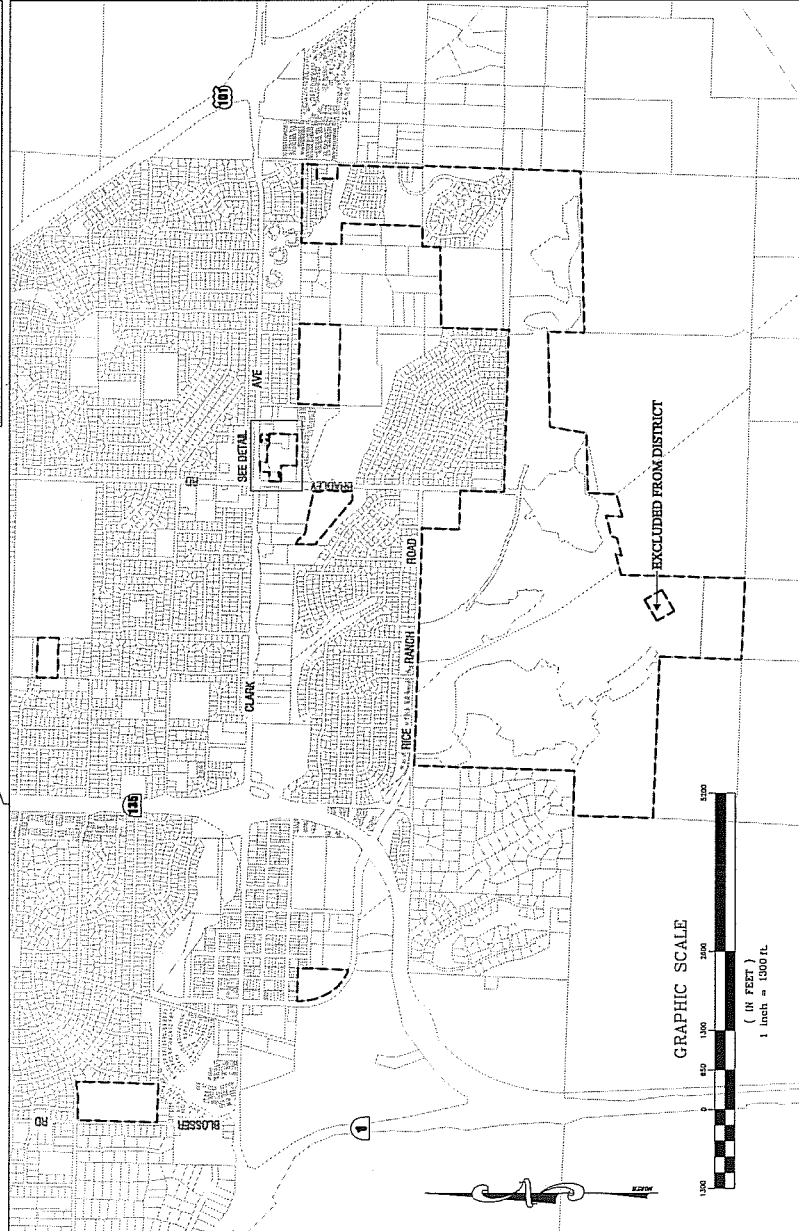
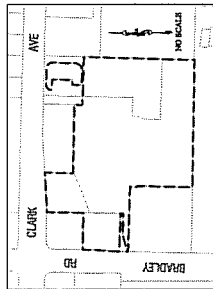
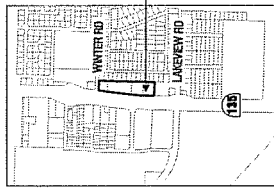
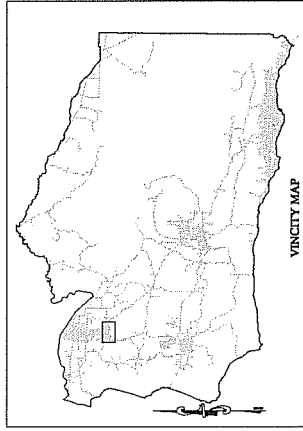
BY: _____
DEPUTY

COUNTY SURVEYOR'S STATEMENT

THE MAP WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE CALIFORNIA GENERAL LAND SURVEYING ACT AND THE RULES AND REGULATIONS THEREUNDER. TAX COLLECTOR OF SANTA BARBARA COUNTY, (CERTIFY THE EXISTING DISTRICT LINES SHOWN HEREON ARE CONSISTENT WITH COMMUNITY FACILITIES DISTRICT NO. 2002-1, APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, APRIL, 2007, BY RESOLUTION NO. 07-068, RECORDED AT BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 46 AND 47, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, JANUARY 2007, AND THAT THE ANNEXED AREA SHOWN IS CONSISTENT WITH ASSASSATION No. 5 OF SAID DISTRICT.

MICHAEL E. BORGONS
COUNTY SURVEYOR
P.L.S. 359
LICENSE EXPIRATION DATE 12/31/2008

DATE _____



LEGEND
 - - - - - COMMUNITY FACILITIES DISTRICT BOUNDARY
 _____ ANNEXATION No. 5 (EVERGREEN VILLAGE)

LEGAL DESCRIPTION (APN) ANNEXATION No.5 (EVERGREEN VILLAGE)
 ASSESSOR PARCEL NUMBERS: 095-200-012, 013, 015, 016

GRAPHIC SCALE
 (IN FEET)
 1 inch = 1800 ft.

ANNEXATION NO. 5 OF
 COMMUNITY FACILITIES DISTRICT 2002-1
 (EVERGREEN VILLAGE)
 COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

SHEET
 1 OF 1

AMENDED BOUNDARY OF COMMUNITY FACILITIES DISTRICT NO. 2002-1 COUNTY OF SANTA BARBARA - STATE OF CALIFORNIA

CLERK OF THE BOARD'S STATEMENT
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE AMENDED BOUNDARY OF COMMUNITY FACILITIES DISTRICT NO. 2002-1, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AT A REGULAR MEETING THEREOF, HELD ON THE 3RD DAY OF April, 2007, IN CONFORMANCE WITH Section 21100 OF THE GOVERNMENT CODE AND Section 21100 OF THE GOVERNMENT CODE.
HELD IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF SANTA BARBARA,
ON THE 7TH DAY OF April, 2007.
MICHAEL E. HILMAN
CLERK OF THE BOARD OF SUPERVISORS
OF SANTA BARBARA COUNTY
BY: Raymond A. ...
DEPUTY

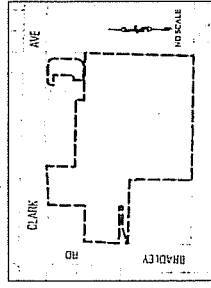
COUNTY RECORDER'S STATEMENT
I HAVE THIS DAY OF April, 2007, AT THE HOUR OF 10:00 AM, IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGES 54-57, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

ISABELLE HOLLAND
COUNTY CLERK - RECORDER - ASSESSOR
BY: Barbara ...
DEPUTY

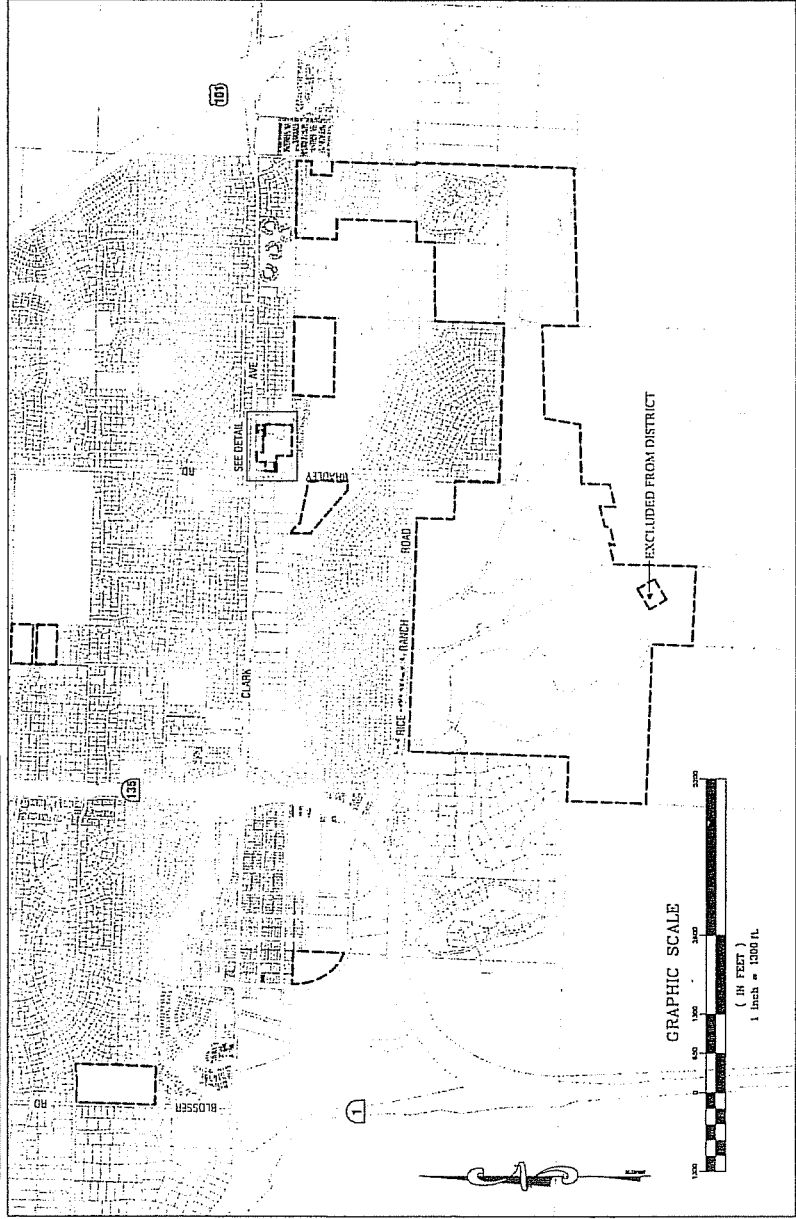
COUNTY SUPERVISOR'S STATEMENT
THIS MAP WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 21100, AT THE REQUEST OF THE COUNTY SUPERVISOR, TAX COLLECTOR OF SANTA BARBARA COUNTY. I CERTIFY THAT THE WITHIN MAP SHOWS THE AMENDED BOUNDARY OF THE COMMUNITY FACILITIES DISTRICT NO. 2002-1 APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, ON THE 3RD DAY OF April, 2007, IN CONFORMANCE WITH Section 21100 OF THE GOVERNMENT CODE.
MICHAEL E. HILMAN
COUNTY SUPERVISOR
P.L.S. 2009
LICENSE EXPIRATION DATE 12/31/2008
DATE 4/9/07



AMENDED BOUNDARY OF
COMMUNITY FACILITIES DISTRICT 2002-1
(ORCUTT COMMUNITY PLAN)
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
SHEET
1 OF 1



DETAIL



NOTE:
THIS MAP AMENDS THE BOUNDARY MAP FOR COMMUNITY FACILITIES DISTRICT 2002-1, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA AS PRIOR AMENDED AND RECORDED AT BOOK 4 AT PAGES 44 AND 45 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE COUNTY RECORDER FOR THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

LEGEND
--- COMMUNITY FACILITIES DISTRICT BOUNDARY

LEGAL DESCRIPTION (APN)
SEE SHEET 2 FOR LIST OF ASSESSOR PARCEL NUMBERS

Exhibit C

Rate and Method of Apportionment Orcutt CFD No. 2002-1

The amount of special taxes that CFD No. 2002-1 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special taxes for each classification of Developed Property are specified below. **The initial Maximum Special Tax will escalate each fiscal year by the greater of the change in the Los Angeles Urban Consumer Price Index (CPI) during the previous twelve months or 2%.**

The maximum annual Grading Permit Special Tax for Graded Property is also specified below. No Special Taxes shall be levied upon Undeveloped Property.

Fiscal Year 2007-2008 Annual Special Taxes

Land Use Class	Description	Maximum Special tax	Actual Special Tax
1	Single Family Property	\$714.92 per unit	\$514.92
2	Multi-family property	\$486.15 per unit	NA
3	Non-retail commercial/industrial property	\$0.69347 per sq. ft.	NA
4	Retail commercial property	\$0.49331 per sq. ft.	\$0.35534 per sq. ft
NA	Graded Property	\$50 per lot	\$50 per lot

Fiscal Year 2007-2008 One Time Special Taxes

Type of Tax	Property Type	Special Tax	Time of Levy
Building Permit	Residential Property	\$250 per unit	Issuance of building permit
Building Permit	Non-residential Property	\$0.20 per sq. ft.	Issuance of building permit
Grading Permit	NA	\$50 per lot	Issuance of land use permit for grading

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA BARBARA CALLING SPECIAL
ELECTION FOR COUNTY OF SANTA BARBARA
ANNEXATION OF EVERGREEN SHOPPING CENTER
INTO COMMUNITY FACILITIES DISTRICT NO. 2002-1
(ORCUTT COMMUNITY FACILITIES DISTRICT)**

WHEREAS, on this date, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara (the "County") adopted a resolution entitled "A Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intent to Annex") and

WHEREAS, pursuant to the provisions of said resolution, the propositions to annex territory and levy a special tax within the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982 (the "Act");

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

Section 1. Pursuant to Sections 53326 and 53325.7 of the Act, the propositions to annex territory and levy a special tax within the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefore as provided below.

Section 2. As authorized by Section 53353.5 of the Act, the propositions to annex territory and levy a special tax within the Community Facilities District shall be combined into one ballot proposition.

Section 3. The Board of Supervisors hereby finds that fewer than 12 persons have been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the Board of Supervisors for the purposes of these proceedings. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each landowner who is the owner of record as of the close of such public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

Section 4. The Board of Supervisors hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to annex into the Orcutt Community Facilities District and levy a special tax on the proposed annexed parcels within the Community Facilities District, which election shall be held at the Betteravia Government Center, Board Hearing Room, 511 East Lakeside Parkway, Santa Maria, California, on July 8, 2008. The Registrar of Voters of the County Clerk Recorder Assessor or an

authorized deputy thereof (the "Registrar of Voters") is hereby designated as the official to conduct said election. The Board of Supervisors has caused to be provided to the Registrar of Voters the Resolution of Intent to Annex, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the Registrar of Voters to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the Registrar of Voters not later than 12:00 p.m. on July 8, 2008; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the Registrar of Voters.

Section 5. Pursuant to Section 53327 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 of the California Elections Code. The Board of Supervisors hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of said Section 4000 are applicable to this special election.

Section 6. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The Registrar of Voters shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

Section 7. The Registrar of Voters shall accept the ballots of the qualified electors in the Election Office of the Registrar of Voters at 130 E. Victoria Street, 2nd Floor, Santa Barbara, California, up to and including 12:00 p.m. on July 7, 2008, whether said ballots be personally delivered or received by mail. The Registrar of Voters shall have available ballots which may be marked at said location on the Election Day by said qualified electors.

Section 8. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of June 2008, by the following vote:

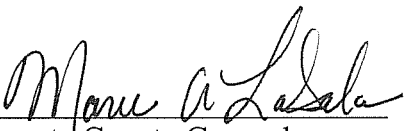
AYES:
NOES:
ABSENT:
ABSTAIN:

Salud Carbajal
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:
Daniel J. Wallace
County Counsel

By 
Deputy County Counsel

Approved as to Form:
Robert W. Geis
Auditor-Controller

By 
Deputy Auditor-Controller

EXHIBIT A

OFFICIAL BALLOT
COUNTY OF SANTA BARBARA
July 8, 2008
SPECIAL ELECTION

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the Santa Barbara Election Office of the Registrar of Voters of the County of Santa Barbara no later than 12:00 p.m. on July 7, 2008, either by mail or in person. The ballot can be mailed or delivered to the County Elections Office, 130 E. Victoria Street, 2nd Floor, Santa Barbara, CA 93102-0159.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) or (X) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the Registrar of Voters of the County of Santa Barbara and obtain another.

COUNTY OF SANTA BARBARA
COMMUNITY FACILITIES DISTRICT NO. 2002-1
(ANNEXATION INTO ORCUTT COMMUNITY FACILITIES DISTRICT)

MEASURE SUBMITTED TO VOTE OF VOTERS:

Shall the parcel(s) identified in the Annexation Map No. 5 of Community Facilities District No. 2002-1, attached as Exhibit A to the resolution entitled "Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein" adopted by the Board of Supervisors of the County of Santa Barbara on June 3, 2008, be annexed into the County of Santa Barbara Community Facilities District No. 2002-1 (the "Community Facilities District") and shall the Community Facilities District be authorized to levy a special tax on the annexed parcels to finance certain services to be provided to the annexed parcels by the Community Facilities District?

Yes:

No:

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Sections 53326(a) and 53327(b) of the Mello-Roos Community Facilities Act of 1982.

Number of Votes:
Landowner:

By: _____
Landowner

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA BARBARA DECLARING
RESULTS OF SPECIAL ELECTION AND DIRECTING
RECORDING OF NOTICE OF SPECIAL TAX LIEN**

WHEREAS, on June 3, 2008, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara adopted a resolution entitled "A Resolution of the Board of Supervisors of the County of Santa Barbara Calling Special Election for the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District) (the "Community Facilities District");

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), the special election was held on July 8, 2008; and

WHEREAS, the Elections Division Manager or authorized designee, of the County of Santa Barbara (the "County"), acting on behalf of the Registrar of Voters of the County has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

Section 1. The Board of Supervisors has received, reviewed and hereby accepts the Canvass.

Section 2. The Board of Supervisors hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328(a) and Section 53325.7 of the Act.

Section 3. The Clerk of the Board of Supervisors is hereby directed to execute and cause to be recorded in the office of the County Recorder a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the Board of Supervisors of this Resolution.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 8th day of July 2008 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:


Salud Carbajal
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:
Daniel J. Wallace
County Counsel

Approved as to Form:
Robert W. Geis
Auditor-Controller

By 
Deputy County Counsel

By 
Deputy Auditor-Controller

EXHIBIT A

**COUNTY OF SANTA BARBARA
COMMUNITY FACILITIES DISTRICT NO. 2002-1
(ANNEXATION INTO ORCUTT COMMUNITY FACILITIES DISTRICT)**

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on July 8, 2008, I canvassed the returns of the special landowner election held on July 8, 2008, for the County of Santa Barbara Community Facilities District No. 2002-1 (Annexation Into Orcutt Community Facilities District) that the total number of ballots cast in said District and the total number of votes cast for and against the measure are as follows and that the totals as shown for and against the measure are full, true and correct:

Qualified Landowner	Votes		
<u>Votes</u>	<u>Cast</u>	<u>YES</u>	<u>NO</u>

County of Santa Barbara Community
Facilities District No. 2002-1 (Orcutt
Community Facilities District) Special
Election, July 8, 2008

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the parcel(s) identified in the Annexation Map No. 5 of Community Facilities District No. 2002-1, attached as Exhibit A to the resolution entitled "Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein" adopted by the Board of Supervisors of the County of Santa Barbara on July 8, 2008, be annexed into the County of Santa Barbara Community Facilities District No. 2002-1 (the "Community Facilities District") and shall the Community Facilities District be authorized to levy a special tax on the annexed parcels to finance certain services to be provided to the annexed parcels by the Community Facilities District?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 8th day of July 2008.

Joseph E. Holland
County of Santa Barbara
Registrar of Voters

By

Elections Division Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA BARBARA APPROVING THE
ANNEXATION OF TERRITORY TO ORCUTT
COMMUNITY FACILITIES DISTRICT NO. 2002-1 AND
AUTHORIZING THE LEVY OF A SPECIAL TAX
THEREIN**

WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) has formed Orcutt Community Facilities District No. 2002-1 (Orcutt Community Plan) (the “Community Facilities District”), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”); and

WHEREAS, the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized under the Act to levy special taxes (the “Special Taxes”) to pay for the costs of certain facilities; and

WHEREAS, the Board of Supervisors, pursuant to Ordinance No. 4478, adopted by the Board of Supervisors of the County on October 15, 2002, authorized and levied the Special Taxes within the Community Facilities District; and

WHEREAS, on June 3, 2008 the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) adopted a resolution entitled “A Resolution of the Board of Supervisors of the County of Santa Barbara Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein” (the “Resolution of Intention”), stating its intention to annex “Evergreen Shopping Center” retail development (APN’s: 109-200-012, 013, 015, 016) into the Orcutt Community Facilities District No. 2002-1 (the “Community Facilities District”) and authorize the levying of special taxes on the newly annexed parcels pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”);

WHEREAS, the Board of Supervisors has held a noticed public hearing on the annexation to the Orcutt Community Facilities District and the authorization of levying special taxes on the newly annexed parcels, as required by the Act;

WHEREAS, at the hearing, the testimony of all interested persons and taxpayers for or against the annexation to the Orcutt Community Facilities District was heard and no oral or written protests against the annexation to the Orcutt Community Facilities District, the furnishing of any specified type or types of services to the annexed areas within the Orcutt Community Facilities District or the levying any specified special tax were made or filed at or before the hearing and the hearing was concluded on this date;

WHEREAS, an election was held in which the qualified electors of the area proposed to be annexed approved said propositions by more than the two-thirds vote required by the Act;

WHEREAS, Section 53340 of the Act provides that the legislative body of a community facilities district may provide, by resolution, for the levy of the special tax in the current year or future tax years at the same rate or at a lower rate than the rate provided by ordinance, if the resolution is adopted and a certified list of all parcels subject to the special tax levy including the amount of the tax to be levied on each parcel for the applicable tax year, is filed by the clerk or other official designated by the legislative body with the county auditor on or before the 10th day of August of that tax year; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The parcels contained within “Evergreen Shopping Center (APN’s: 109-200-012, 013, 015,016) are hereby annexed into the Orcutt Community Facilities District No. 2002-1.

Section 3. The special tax assessment is hereby levied on the parcels comprising Evergreen Shopping Center.

Section 4. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property annexed into the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the “Rate and Method”), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit A attached hereto, which is by this reference incorporated herein. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the Board of Supervisors shall determine, including direct billing of the affected property owners.

Section 5. The Clerk of the Board is directed to record forthwith in the Office of the Santa Barbara County Clerk Recorder a certified copy of this Ordinance and further directed to file forthwith a certified copy of this Ordinance with the Santa Barbara County Auditor-Controller.

Section 6. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the Board of Supervisors ceases.

Section 7. The Board of Supervisors hereby determines and finds that all proceedings up to and including the adoption of this Ordinance were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

Section 8. This Ordinance shall take effect immediately upon its adoption.

PASSED APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 8th day of July 2008, by the following vote:

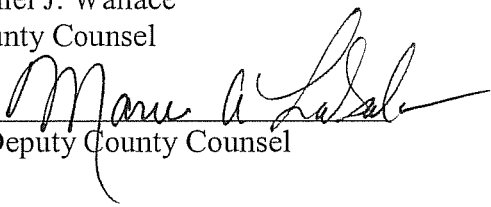
AYES:
NOES:
ABSENT:
ABSTAIN:

Salud Carbajal
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:
Daniel J. Wallace
County Counsel

By 
Deputy County Counsel

Approved as to Form:
Robert W. Geis
Auditor-Controller

By 
Deputy Auditor-Controller

Exhibit A
Special Tax Levy for Fiscal Year 2007-2008

1. Developed Property

a. Special Tax

The Special Tax for Fiscal Year 2007-2008 for each Land Use Class is shown below in Table 1. The special tax rate will escalate each fiscal year by the greater of the change in the Los Angeles Urban Consumer Price Index during the past 12 months or 2%. For Fiscal Year 2007-08, the CPI was 3.29%.

TABLE 1

MAXIMUM SPECIAL TAXES FOR DEVELOPED PROPERTY
For Fiscal Year 2007-2008
Community Facilities District No. 2002-1

Land Use Class	Land Use	Maximum Special Tax Per Dwelling Unit or Per Square Foot of Non-Residential Floor Area
1	Single Family Property	\$714.92 per Dwelling Unit
2	Multi-Family Property	\$486.15 per Dwelling Unit
3	Non-Retail Commercial/Industrial Property	\$0.69347 per square foot
4	Retail Commercial Property	\$0.49331 per square foot
NA	Graded Property	\$50 per lot

2. Graded Property

As set forth in the Rate and Method, a Special Tax of \$50 shall be levied on Graded Property.

3. Property Being Issued a Building Permit

As set forth in the Rate and Method, a One-Time Special Tax of \$250 per Dwelling Unit and \$0.20 per square foot of Non-Residential Floor Area shall be levied at a building permit issuance on Developed Property.