



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: Public Works
Department No.: 054
For Agenda Of: June 19, 2007
Placement: Departmental
Estimated Tme: 30 minutes total
(5 minutes Staff)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department
Director: Scott D. McGolpin, Interim Public Works Director 568-3010
Contact Info: Dacé B. Morgan, Interim Deputy Director-Transportation 568-3064

SUBJECT: **Public Hearing for Sandyland Seawall Maintenance District No. 1 Proposed Benefit Assessment for Rock Revetment Repair in Fiscal Year 2007-08, 1st Supervisorial District, County Project No. 720548**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

**Other Concurrence: County Executive Office,
Sandyland Protective Association**

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Receive oral and written testimony and written protests that have been filed, if any; and
- B. Tabulate written property owner ballots; and
- C. Adopt at the conclusion of the public hearing the attached resolution entitled "Resolution of the Board of Supervisors of the County of Santa Barbara, State of California Imposing a 2007-08 Benefit Assessment within Sandyland Seawall Maintenance District No. 1", if there is not a 'majority protest' as defined in this Board Letter; and
- D. Approve and file with the Clerk of the Board the Report entitled "Engineer's Report on Proposed 2007-08 Assessment for Sand Point Road Rock Revetment Engineering, Environmental, and Permitting Work".

Summary Text:

A benefit assessment is a levy or charge by an agency upon real property that is based upon the special benefit conferred upon the real property by an improvement or service, or by the maintenance and operation of the improvement. The Board must adopt the benefit assessment rates in order to assess them on the tax roll.

The purpose of the proposed benefit assessment is to pay for engineering, environmental, and permitting work for the Sand Point Road Rock Revetment Repair project. The Sandyland Protective District homeowners' association has asked the County to impose an assessment to pay for this work. County Counsel has recommended this course of action with respect to establishing a benefit assessment based on Proposition 218 "The Taxpayers' Right to Vote on Taxes" which was passed in 1996, and the 2003 Omnibus Implementation Act.

The attached "Engineer's Report" describes the proposed assessment for engineering, environmental, and permitting work for Sand Point Road Rock Revetment Repair. The proposed assessment will generate approximately \$400,000 in revenues from the 26 parcel owners within the District, in Fiscal Year 2007-08.

The rock revetment was originally constructed by the County in 1964, and the County has made emergency repairs to the rock revetment since then. Recent exposure to periodic storm events has resulted in new damage to the existing seawall such that repairs are desirable. The Sandyland Protective Association requested that the County obtain an engineering analysis of the seawall condition.

The project will require a significant amount of environmental review and permitting including a Coastal Development Permit from the California Coastal Commission. Currently, the Department is working towards obtaining the necessary permits, but with a project of this nature obtaining a Coastal Development Permit is not a guarantee. If permits are obtained, the County plans to pursue a second benefit assessment to pay for project construction costs. If permits cannot be obtained, the Department will return to your Board for direction on the disposition of unexpended assessment funds.

Homeowners have met with the County on several occasions to discuss the proposed project and the Department's recommendations and draft plans. Neighborhood Association meetings with the County were held in June 2006, September 2006, and May 2007, and the Department has maintained frequent contact with the homeowners' representatives. The Department explained to the homeowners the engineering analysis, the reasons for the project, and the estimated cost of the project that is shown as follows:

PROJECT ENGINEERING, ENVIRONMENTAL, AND PERMITTING COSTS

Engineering	\$ 50,000
California State Lands Commission Lease	\$ 135,000
Environmental Review and Permitting:	<u>\$ 215,000</u>
Total:	\$ 400,000

In order to begin construction, a Coastal Development Permit from the California Coastal Commission will be required as well as a determination from the California State Lands Commission. It is anticipated that the California State Lands Commission will require entering into a lease agreement with State Lands. Homeowners in the District have asked the County to pursue the necessary permit from the California Coastal Commission and the determination from the California State Lands Commission, so that the recommended repairs can be constructed to restore the protective function of the seawall. A request letter from the president of the homeowners' association "Sandyland Protective Association" is included in the Engineer's Report.

The costs above reflect staff's estimate of the level of effort needed to complete these tasks as well as to prepare construction documents. If these assessment funds are not completely used up for engineering, environmental, and permitting work, the remaining amount will be available to apply towards the construction cost.

The Sandyland Protective Association homeowners will pay 100% of the project costs through the proposed assessment, if the homeowners vote to approve the assessment. The Fiscal Year 2007-08 assessments will range from about \$12,000 to \$33,000 each, depending on the length of ocean frontage for each homeowner. If there is a satisfactory vote, the Public Works Department will approach the County to request a temporary financing loan not to exceed \$250,000.00. This temporary financing loan is needed to finance the preliminary engineering and environmental review of the project until such time that the first assessment is collected.

A 'majority protest' exists if the assessment ballots in opposition to the proposed assessment exceed the assessment ballots submitted in its favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. If there is a 'majority protest' against the imposition of a new assessment, or the extension of an existing assessment, or an increase in an existing assessment, the County may not impose the assessment. In the absence of a majority protest, as defined above, the assessment may be imposed at the conclusion of the public hearing.

If the homeowners' vote to approve the assessment is not successful, the Department will return to your Board to discuss the County's role and responsibilities with respect to this seawall in the future.

The homeowners have considered the County's engineering analysis (the "Wave Uprush Study") that evaluates the rock revetment condition, the County's recommendations, the project costs, and the proposed assessment. At the September 2006 and May 2007 meetings, the Sandyland Protective Association members concluded strongly that they want the County to implement an assessment and proceed with the engineering, environmental, permitting and repair work as soon as possible.



Existing Condition of Rock Revetment Seawall – Looking South

Background:

This capital project is listed on Page B-122 of the 2007-08 through 2011-12 Proposed Five-Year Capital Improvement Program.

The proposed Sand Point Road Rock Revetment Repair project is located along the Pacific Ocean, about one mile northwest of the City of Carpinteria. In 1964, the County of Santa Barbara constructed a rock seawall to protect properties along Sand Point Road. The rock seawall to be repaired is 3,300 feet long and goes from 539 Sand Point Road to 869 Sand Point Road.

At the time of the 1964 construction, the County Board of Supervisors established the Sandyland Seawall Maintenance District Number 1 pursuant to provisions of the Improvement Act of 1911, Division 7 of the Streets and Highways Code of the State of California. The Maintenance District is administered by the County of Santa Barbara, with expenses for maintaining the rock revetment paid by the homeowners. In recent years the County has not collected any assessments from this Maintenance District. Due to the passage of Proposition 218 and the 2003 Omnibus Implementation Act, the County is required to hold a public hearing and put this assessment to a vote of the homeowners.

Staff has followed the procedures required by County Counsel to prepare, mail, post, and publish the notices of public hearing and the ballots. The assessment ballots mailed to property owners are to be signed and mailed to the Clerk of the Board, or delivered to the Clerk of the Board or the site of the public testimony in order to be included in the tabulation. Ballots are to remain sealed until tabulation, however an assessment ballot may be submitted, or changed, or withdrawn by the person who submitted the ballot prior to the conclusion of the public testimony on the proposed assessment at the hearing. During and after the tabulation, the assessment ballots shall be treated as disclosable public records as defined in Section 6252 of the Streets and Highways Code, and equally available for inspection by the proponents and the opponents of the proposed assessment. These procedures are being followed in

order to comply with California Government Code Section 52752 and the California Streets and Highways Code Section 5101.6.

Notices of the public hearing and ballots were sent by certified mail to all the property owners within Sandyland Seawall Maintenance District on May 4, 2007. Three notices of the public hearing were physically posted near the project site on May 1, 2007. The Clerk of the Board had legal notices of the public hearing published in the Santa Barbara News Press on May 29, 2007 and June 5, 2007, in compliance with California Government Code Section 6066.

Fiscal and Facilities Impacts:

Budgeted: Yes, in Fiscal Year 2007-08.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other: Assessments			\$ 400,000.00
Total	\$ -	\$ -	\$ 400,000.00

Narrative:

This proposed benefit assessment will provide revenue for engineering, environmental, and permitting work for the proposed seawall repair. The Sandyland Maintenance District Number 1 is self-financed and there are no General Fund or Road Fund impacts.

Staffing Impacts:

Legal Positions:
None

FTEs:
None

Special Instructions:

1. Request the Clerk of the Board to accept any ballots that are submitted prior to the conclusion of the public testimony scheduled for June 19, 2007. Request the Clerk of the Board to accept changed or withdrawn ballots by the person who submitted the ballot, if requested prior to the conclusion of the public testimony.
2. Request the Clerk of the Board to open and tabulate the sealed property owner ballots after the conclusion of the public testimony.

3. Request the Clerk of the Board to execute and record the Resolution imposing a 2007-08 Benefit Assessment, if there is not a “majority protest” as defined in this Board Letter.
4. Request the Clerk of the Board to execute and file the “Engineer’s Report on Proposed 2007-08 Assessment for engineering, environmental, and permitting work for Sand Point Road Rock Revetment Repair”.
5. Request the Clerk of the Board to forward stamped certified copies of the Minute Order, and copies of the executed approved Engineer’s Report and Resolution to:
 - a. Public Works Department, Transportation Division, Engineering Section, Attn: Beverly Cross
 - b. Public Works Department, Transportation Division, Accounting Section, Attn: Donna Manuel
 - c. County Counsel Office, Attn: Michael Ledbetter
 - d. Auditor-Controller Office, Attn: Edwin Price
 - e. Treasurer – Tax Collector’s Office, Attn: Bernice James
6. Request the Clerk of the Board to publish the executed Resolution, or a summary of it, no later than July 3, 2007. Resolution is to be published once in the Santa Barbara News Press with the names of the members of the Board of Supervisors voting for and against the Resolution.

Attachments:

- A. Resolution imposing a 2007-08 Benefit Assessment within Sandyland Seawall Maintenance District Number 1
- B. Notice of Proposed Assessment and Ballot Procedures, and Notice of Public Hearing (documents were sent certified mail by the Public Works Department)
- C. Notice of Public Hearing concerning Sandyland Seawall Maintenance District Number 1 Levy of Assessment (published by the Clerk of the Board, and posted at the site by the Public Works Department)
- D. Instructions regarding completion and return of assessment ballot (sent by certified mail by the Public Works Department)
- E. Assessment Ballot (sample)
- F. Engineer’s Report on Proposed 2007-08 Assessment for engineering, environmental, and permitting work for Sand Point Road Rock Revetment Repair

Authored by: Sarah Craig, Civil Engineer, 568-3060