

EX-AGENDA REQUEST

**JUSTIFICATION FOR THE NECESSITY FOR THE BOARD OF SUPERVISORS
TO TAKE ACTION ON A MATTER NOT ON THE POSTED AGENDA**
(submit Original + 12 copies to the Clerk of the Board)

To: THE BOARD OF SUPERVISORS

FROM: MICHAEL F. BROWN,
COUNTY ADMINISTRATOR

DEPARTMENT: COUNTY ADMINISTRATOR'S OFFICE

MEETING DATE: DECEMBER 9, 2003

SUBJECT OF ITEM:

Authority to substitute 2001 Certificates of Participation Capital Projects within Courthouse Construction Fund (0071)

RECOMMENDED BOARD ACTION:

Adopt a resolution delegating authority jointly to the County Administrator and Treasurer-Tax Collector to substitute Capital Projects budgeted within the Courthouse Construction Fund (0071), not to exceed \$5.1 million funded from proceeds of 2001 Certificates of Participation.

REASON ITEM CANNOT BE PLACED ON FUTURE AGENDA:

Courthouse Construction Fund monies must be encumbered prior to 1/1/2004 at which time all unencumbered balances are subject to State approval per Senate Bill 256, Government Code Section 70404(a) and 12/9/2003 is the last Board meeting of the calendar year 2003. Substitution of court facilities capital improvement projects may be necessary to ensure County retention of certain Courthouse Construction Fund monies.

STATEMENT OF REASON FOR EMERGENCY*, OR WHY NEED FOR ACTION AROSE AFTER THE AGENDA WAS POSTED:

The need for this action was determined necessary during a meeting on Friday 12/5/2003 between all Southern California Counties, after the agenda for 12/9/2003 was posted.

Signature of Requestor/Title

Signature of Supervisor or
County Administrator

References

***Government Code Section 54956.5 defines 'emergency situation' as:**

- a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by majority of the members of the legislative body;**
- b) Crippling disaster which severely impairs public health, safety, ort both, as determined by majority of the members of the legislative body;**

***See also:**

- Government Code sections 54954.2:**
- Santa Barbara County Resolution No. 86-642.**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF DELEGATING ITS) RESOLUTION NO. _____
AUTHORITY TO SUBSTITUTE COURT)
FACILITIES CAPITAL PROJECTS)
FUNDED FROM PROCEEDS OF)
INDEBTEDNESS)

WHEREAS, the County of Santa Barbara has approved funding of certain court-related capital improvement projects referred to as the Garden Street Parking Structure and the Court Clerk’s Building (collectively, the "Projects"); and

WHEREAS, the County is authorized to substitute capital improvement projects to be funded by the proceeds of the 2001 Certificates of Participation pursuant to the terms of the Trust Agreement approved by the Board of Supervisors; and

WHEREAS, on August 8, 2000, the Board approved the COPs Facility Program, which is a program of 11 building projects to be built over a period of approximately 8 years; and

WHEREAS, on July 10, 2001, the Board of Supervisors, approved a modification to the COPs Facility Program to add the Garden Street Parking Structure Project; and

WHEREAS, the Board of Supervisors has approved funding for the Garden Street Parking Structure including the encumbrance of approximately \$1.6 million of Courthouse Construction Fund money, and funding for the Court Clerk’s Building including the encumbrance of approximately \$3.5 million of Courthouse Construction Fund money; and

WHEREAS, it is the intent of the Board of Supervisors to encumber approximately \$5.1 million for the purpose of funding certain court facilities improvements, including rehabilitation and renovation of certain court facilities located in the County of Santa Barbara; and

WHEREAS, the Legislature has approved Senate Bill 256 implementing Government Code Section 70404 whereby Courthouse Construction Fund moneys not encumbered by January 1, 2004, will be subject to State approval; and

WHEREAS, the Board of Supervisors has determined that a substitution of court facilities capital improvement projects may be necessary to ensure the retention of certain Courthouse Construction Funds encumbered for repayment of the proceeds of indebtedness from the 2001 Certificates of Participation; and

WHEREAS, the expenditure of Courthouse Construction Fund moneys is limited pursuant to the provisions of Government Code Section 76100 including but not limited to the acquisition, rehabilitation, construction, or financing of court buildings; and

NOW, THEREFORE, be it resolved by the Board of Supervisors of the County of Santa Barbara as follows:

Section 1. The County hereby specifically finds and declares that the actions authorized hereby constitute and are with respect to public affairs of the County and that the statements, findings and determinations of the County set forth above and in the preambles of the documents approved herein are true and correct.

Section 2. This declaration is made solely for purposes of establishing compliance with the requirements of Government Code Section 76100. This declaration does not bind the County to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The County hereby declares its official intent to delegate joint authority to the County Administrator and the Treasurer-Tax Collector to substitute Projects previously approved by the Board of Supervisors in conjunction with the 2001 Certificates of Participation, with court facility improvement projects qualified for funding from the Courthouse Construction Fund upon approval of the alternative projects and substitution thereof by the Debt Advisory Committee, in an amount not to exceed \$5.1 million. The County Administrator and Treasurer-Tax Collector are only authorized to substitute court facility improvement projects, in an amount not to exceed \$5.1 million, that are eligible for funding from Courthouse Construction Fund moneys and pertain to court facilities located in the County of Santa Barbara.

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Section 4. This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED this 9TH day of December, 2003, by the following
vote:

AYES:

NOES:

ABSENT:

Chair of the Board of Supervisors

[SEAL]

ATTEST:

Michael F. Brown,
Clerk of the Board of Supervisors

**APPROVED AS TO ACCOUNTING
FORM:**

Robert W. Geis, C.P.A.,
Auditor-Controller

APPROVED AS TO FORM:

Stephen Shane Stark,
County Counsel
