



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

A-40

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: 4/15/2008
Placement: Administrative
Estimated Tme: 5/6/2008 15 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

0115-17

TO: Board of Supervisors

FROM: Public Works Scott D. McGolpin x 3010
Department Director, Public Works Department

APR 15 2008

Contact Info: Mark A. Schleich x 3600
Public Works Deputy Director

Public Health Elliot Schulman, MD, MPH
Department Director & Health Officer, Public Health Department

Contact Info: Rick Merrifield x 4900
Director, Environmental Health Services

SUBJECT: County Service Area 12 (Mission Canyon Sewer District) Resolution Relative to Septic Management Administration Charges on the Tax Roll- First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

Recommended Actions:

- A. Receive report entitled *Mission Canyon Sewer District Septic Management Charges Fee Report for Fiscal Year 2008/2009*.
- B. Approve Notice of Exemption pursuant to County California Environmental Quality Act (CEQA) Guidelines. (Post)
- C. Set a public hearing on the departmental agenda for May 6, 2008, in connection with the report entitled "*Mission Canyon Sewer District Septic Management Fixed Charges Fee Report*" filed with the Clerk of the Board April 15, 2008, which proposes the septic system management charges, with no change proposed this year, for County Service Area 12.

- D. Adopt at the conclusion of the public hearing on May 6, 2008, the attached resolution establishing the septic system management charges for the County Service Area 12 (Mission Canyon Sewer District) and provide for collection in the Tax Rolls for Fiscal Year 2008/2009.

Summary Text:

The attached resolution proposes no change to the existing rate of \$24 per year per septic system and the existing penalty of \$760 per year for non-exempted properties that have failed or refused to make the required connection to the public sewer. This action requests that the collection of the assessments be placed on the tax roll pursuant to Ordinance No. 3574. Article IV, Section 22A-35 of the Santa Barbara County Code states "...all charges for annual costs of providing public sewer service and septic tank maintenance, not recovered through connection charges set out in article III of this chapter, may be collected on the tax roll, in the same manner and at the same time as the county general ad valorem property taxes are collected, as provided in this chapter..." Section 22-A36 of the County Code states "...the Board of Supervisors shall cause to prepare a written report which shall...show the outstanding charges for each parcel in the Septic Tank Maintenance Area incurred by such parcel." The attached report lists the parcels being assessed the septic maintenance charge or a penalty and the amount per parcel.

Background:

Prior to 1984, wastewater disposal on developed parcels in the Mission Canyon area was handled entirely by on-site septic systems. However, due to development density, steep terrain, soil conditions and geology, septic system performance was poor in many cases. The Mission Canyon Sewer District (County Service Area 12) was formed to establish a sewer collection system for the lower areas of the canyon that were most affected by poorly performing septic systems. These parcels were connected to the public sewer system, which flows to the city of Santa Barbara's El Estero wastewater treatment plant for treatment and disposal. In addition to providing sewage collection, a separate function of the District was established to monitor remaining septic systems deemed functional but limited by the constraints listed above. A joint powers agreement with the city of Santa Barbara (JPA 12,554 dated October 2, 1984) addresses agency responsibilities including the receipt of septage from septic systems located in the District. Parcels served by the public sewer system are assessed sewer service charges while parcels with septic systems are assessed for periodic inspection and monitoring. The sewer collection functions are managed by the Public Works Department while the septic maintenance functions are managed by the Public Health Department (Environmental Health Services). The septic system monitoring program was established when CSA 12 was created by Resolution No 84-72 on February 21, 1984 in order to track the performance of private wastewater disposal systems that did not hook up to the public sewer system, as addressed in Ordinance 3574 (Chapter 22A of the County Code) adopted by the Board on June 23, 1986.

Performance Measure:

This service is mandated by Resolution 84-72 of the Board of Supervisors which established the septic tank maintenance area in Mission Canyon to provide improved septic system maintenance. Historically, this service has consisted of a biennial survey by Environmental Health Services personnel to review operation of systems with homeowners and check for signs of surface failures. This program has been successful in minimizing failures and improving homeowner knowledge of proper system operation.

In 1999, the Board established the Voluntary Maintenance program in which qualified septic tank pumpers conduct an inspection of all tanks when they are pumped and provide a written report to the homeowner and Environmental Health Services. Based on the success of this program in improving the

operation of septic systems throughout the county, Environmental Health Services worked with the Mission Canyon Association to shift the focus of maintenance oversight in Mission Canyon from field surveys by county staff to a financial incentive for homeowners to provide routine maintenance of their systems. Property owners in the septic tank maintenance area are now eligible for an \$85.00 "rebate" once every four years to partially offset the cost of pumping and inspection of their septic tanks. Additionally, by using private sector septic tank pumpers, there will no longer be a need for county staff to coordinate with homeowners and conduct onsite surveys of private property.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative:

These actions would not impact the General Fund. Adopting the attached resolution with the rate of \$24 per septic system is expected to generate approximately \$5,808 for 242 septic systems within the district and is included in the FY 2008/2009 Requested Public Health Department Budget in the Environmental Health Services cost center. The resolution also allows for a \$760 non-compliance penalty which has not been included in the budget. These fees have remained unchanged since 1984 and no change in the fee amount is proposed at this time. This action would not result in a need for additional facilities

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Special Instructions:

A. Request Clerk of the Board to publish notice of this hearing, per the copy attached, in the Santa Barbara News Press, as provided in Section 6066 of the Government Code. Section 6066 states that:

"Publication of notice to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day."

B. Notice to be published:

**BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA
NOTICE OF PUBLIC HEARING**

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 May 6, 2008 at 9:00 a.m. or shortly thereafter, in the Board of Supervisors Hearing Room, on the Fourth Floor of the County Administration Building at 105 East Anapamu Street, Santa Barbara, California, to take public testimony on the written report for proposed County Service Area 12 (Mission Canyon Sewer District) Septic Management Fixed Charges Fee Report 2008/2009. Copy of the said written report with the proposed amount set out therein can be seen during business hours at the Santa Barbara office of the Santa Barbara County Public Works Department, Resource Recovery & Waste Management

Division, 130 East Victoria Street, Suite 100, Santa Barbara, California and Santa Barbara office of the Public Health Department, Environmental Health Services, 225 Camino del Remedio, Santa Barbara, California. The proposed amount of each parcel can be obtained during business hours by a telephone call to the County Public Works Department, Resource Recovery & Waste Management Division, (805) 739-8750.

The public hearing to be held on May 6, 2008 is for the purpose of considering all objections or protests to the adoption of the proposed benefit assessment charges as set forth in said report or as modified by the Board of Supervisors on April 15, 2008.

Any objections or protests to the adoption of the proposed benefit assessment charges may be filed with the Clerk of the Board of Supervisors before the public hearing scheduled for 9:00 a.m., May 6, 2008. The address of the Clerk of the Board is: 105 East Anapamu Street, Santa Barbara, California 93101. Objections or protests may also be filed at the meeting on April 15, 2008.

- C. Following Board approval, Clerk of the Board to post the Notice of Exemption and forward a stamped copy to Resource Recovery and Waste Management, Attention Joddi Leipner.
- D. Direct the Clerk of the Board to forward certified minute order of the action and a signed and dated copy of the resolution to:
 - PHD Contracts Unit, 300 North San Antonio Road, Bldg. 8, Santa Barbara, Attn: Margaret Granger
 - Public Works Department, Resource Recovery & Waste Management Division, 620 West Foster Road, Santa Maria, Attn: Martin Wilder

Attachments:

Resolution
Notice of Exemption
Fixed Charges Fee Report

Authored by:

Rick Merrifield, Environmental Health Director, x4934
Martin Wilder, Civil Engineer Manager, Public Works, x 8755
Robyn Smith, Departmental Assistant, x 8756

cc: Rochelle Camozzi, Public Works Chief Financial Officer
Mark Paul, Auditor-Controller's Office

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

RESOLUTION TO ESTABLISH CHARGES TO BE)
MADE IN COUNTY SERVICE AREA NO. 12)
(MISSION CANYON) FOR THE ADMINISTRATION)
OF INDIVIDUAL PRIVATE WASTEWATER)
DISPOSAL SYSTEMS AND ACCEPTING A OF) RESOLUTION NO. _____
REPORT OF CHARGES PROPOSED FOR THE)
COLLECTION ON THE TAX ROLLS)

WHEREAS, the Board of Supervisors of the County of Santa Barbara has heretofore established County Service Area No. 12 in the Mission Canyon Area of the unincorporated territory of the County to operate and maintain the public community sewer systems in that portion of County Service Area No. 12 where hook-ups to a community public system were required on or before September 1, 1987, and further to administer requirements for installation and use of private wastewater disposal systems in those portions of County Service Area No. 12 where such private systems now or hereafter are permitted and required; and

WHEREAS, the Board of Supervisors of the County of Santa Barbara has heretofore adopted Ordinance No. 3574, which among other things, establishes procedures for collecting various charges for the services to be rendered by County Service Area No. 12, in accordance with Government Code Sections 25210.77a through 25210.77f, and provides for periodic setting of the amount of such charges to cover the actual cost of services rendered, by Resolution of the Board of Supervisors; and

WHEREAS, such services include providing for inspection, monitoring and administering requirements for use of private wastewater disposal systems; and

WHEREAS, on April 15, 2008, a report under Chapter 22A of the Santa Barbara County Code was filed with the Clerk of the Board listing cost of said services to the County, and setting the amount to be charged to each parcel of real property in County Service Area No. 12 for such services; and

WHEREAS, performance of said services directly benefits residents in County Service Area No. 12, at costs direct and indirect, to the County of Santa Barbara for which the County should be reimbursed; and

WHEREAS, a Public Hearing on the said report relating to proposed assessments within the County Service Area No. 12 was set for May 6, 2008, in the Supervisors Hearing Room, Fourth Floor, County Administration Building, Santa Barbara, California, and notice thereof published pursuant to Government Code Section 6066.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The charges for inspection, monitoring and administration of requirements for users of private wastewater disposal systems in County Service Area No. 12 for the 2008/2009 fiscal year shall be TWENTY FOUR DOLLARS (\$24.00) annually (\$2.00 per month) for each dwelling unit equivalent.

2. The charges for administration, review, investigation, notice and hearing regarding parcels for which owners have failed or refused to make connection in compliance with the rules, regulations and requirements applicable, shall be SEVEN HUNDRED SIXTY DOLLARS (\$760.00).

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

AYES:

NOES:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
SALUD CARBAJAL, Chair
BOARD OF SUPERVISORS

ATTEST:
MICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM
DANIEL J. WALLACE
COUNTY COUNSEL

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

By Celeste E. Andersen
Deputy County Counsel

By Michael Paul
Deputy

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Public Health Department/Environmental Health Services Division
Public Works Department/Resource Recovery and Waste Management

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) : Not Applicable Case No.: Not Applicable

Location: Mission Canyon Sewer District, Mission Canyon area, unincorporated Santa Barbara County. (Include street address and cross street (if urbanized area) or attach specific location map)

Project Title: County Service Area 12 (Mission Canyon Sewer District), Resolution Relative to Septic Management Administration Charges on the Tax Roll - First Supervisorial District.

Project Description: Adoption of a resolution establishing the septic system management charges for County Service Area 12 (Mission Canyon Sewer District) and provision for collection on the Tax Rolls for Fiscal Year 2008/2009. (Include nature, purpose, and beneficiaries of project)

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Public Health Department/Environmental Health Services Division and Public Works Department/Resource Recovery and Waste Management

Exempt Status: (Check one)

- Ministerial
[checked] Statutory Exemption
Categorical Exemption
Emergency Project
Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: CEQA Guideline Section 15273. (a) (1), (2), (4) Rate, Tolls, Fares, and Charges.

Reasons to support exemption findings (attach additional material, if necessary)

CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses, purchasing or leasing of supplies, equipment or material, or obtaining funds for capital projects, necessary to maintain service within existing service areas. The proposed project would provide for a change in rates to maintain existing service levels for septic system management. No new capital improvements that would expand existing service levels would be funded by the modification of the rates.

Lead Agency Contact Person: Mark A. Schleich, Deputy Director (805) 882-3600
Rick Merrifield, Director (805) 681-4900

Department/Division Representative: [Signature], Env. Planner Date: January 30, 2008

Acceptance Date: Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

