



**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:** General Services/Public Works  
**Department No.:** 063/054  
**For Agenda Of:** September 10, 2019  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** 4/5

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**TO:** Board of Directors, Flood Control and Water Conservation District  
**FROM:** General Services: Janette D. Pell, Director of General Services, 560-1011  
Public Works: Scott D. McGolpin, Director of Public Works, 568-3010  
Contact Info: Skip Grey, Assistant Director, General Services (805) 568-3083  
Thomas D. Fayram, Deputy Public Works Director (805) 568-3436

**SUBJECT:** Donation of 803 Park Lane West to Flood Control and Water Conservation District f Flood Control (APN 007-050-002); First Supervisorial District (RP File #003921)

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Manager

As to form: Yes

**Recommended Actions:**

That the Board of Directors:

- a) Approve and authorize the Chair to execute the original and duplicate original Donation Agreement and Escrow Instructions between the Santa Barbara County Flood Control and Water Conservation District (“District”), as Recipient, and Michael P. MacElhenny and David J. Wine, as joint tenants (“Owners”), as Donors, to the District of the property consisting of approximately 0.59 acres located at 803 Park Lane West, in the unincorporated area of Santa Barbara County, known as Assessor Parcel Number 007-050-002, (the “Property”) (Attachment 1);

- b) Authorize the Director of General Services, or designee, to execute any and all escrow documents required to facilitate the terms and conditions of the proposed donation;
- c) Approve and authorize the Director of Public Works or designee, to determine satisfaction of the terms and conditions of the Donation Agreement and Escrow Instructions (Attachment 2) and to expend funds in a total amount not to exceed Six Thousand Dollars (\$6,000.00), for title and escrow fees, including any other costs required to facilitate the transaction pursuant to the Donation Agreement and Escrow Instructions;
- d) Approve and authorize the Clerk of the Board, upon satisfaction of the terms and conditions of the Donation Agreement and Escrow Instructions, to execute the attached Certificate of Acceptance (Attachment 3) consummating the donation and accepting title to the Property;
- e) Approve Budget Revision Request No. 0006614, (Attachment 4) to increase appropriations in the amount of \$1,255,734 in Public Works South Coast Flood Zone Fund for Capital Assets funded by unanticipated revenue from a Capital Donation and Use of Money and Property; and
- f) Determine that the recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the recommended actions may have a significant effect on the environment and direct staff to file and post the attached Notice of Exemption (Attachment 5) on that basis.

**Summary Text:**

This item is on the agenda for the approval of the proposed donation of real property consisting of approximately 0.59-acre located at 803 Park Lane West, in the unincorporated area of the County of Santa Barbara, known as Assessor Parcel Number 007-050-002 (the “Property”). The recommended actions include authority to execute the Real Property Donation Agreement and Escrow Instructions, which will allow the Flood Control and Water Conservation District (the “District”) to pay title and escrow costs from currently budgeted funds.

**Background:**

The owners’ home at 803 Park Lane West was completely destroyed in the 1-9 Debris Flow. In late March of 2019, the District received a letter from the Owners of the Property stating instead of rebuilding their house they would like to donate their Property to the District suggesting it be used for flood control purposes and natural preservation purposes.

The Owners indicated that if the District were to accept the Property as a donation, they would request the District’s cooperation with respect to their tax filings. They requested that the District cooperate with the appraisal of the Property, which is necessary for IRS Form 8283. Once the appraisal was completed District would complete Part IV, Donee Acknowledgement of the Owners IRS Form 8283. Additionally, the Owners requested the District cover all costs associated with the donation of the Property to the District. The requests by the Owners have been addressed and accepted by the Owners in the Donation Agreement and Escrow Instructions between the District and Owners.

In accordance with Government Code Section 65402(c), the Montecito Planning Commission conducted a hearing on May 15, 2019, for the determination that the proposed donation of the Property is consistent with Montecito’s Community Plan. The Montecito Planning Commission has determined that the acquisition is in conformity with the County of Santa Barbara’s General Plan, Montecito’s Community Plan and Government Code Section 65402(a) has therefore been satisfied.

The recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because there is no possibility that the donation of the Property may have a significant effect on the environment.

**Fiscal and Facilities Impacts:**

Budgeted: No

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total Project Cost</u></b>
South Coast FZ	\$ 5,734.00		
Fees			
Other:			
Total	\$ 5,734.00	\$ -	\$ -

Narrative:

Approve Budget Revision Request No. 006614 is a recommended action to approve funding to accept donation of this property. The South coast Flood zone will only be responsible for paying the escrow costs and fees associated with this Donation Agreement.

**Staffing Impacts:** N/A

**Special Instructions:**

After Board action, distribute as follows:

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| 1. Duplicate Original Donation Agreement and Escrow Instructions Agreement<br>Copy Certificate of Acceptance                | Clerk of the Board Files  |
| 2. Original Real Property Donation Agreement and Escrow Instructions<br>Original Certificate of Acceptance and Minute Order | Real Property Division<br>Attn: James Cleary                              |
| 3. Copies of documents and Minute Order   | Public Works,<br>Flood Control District Office,<br>Attn: Christina Lopez  |
| 4. Copies of documents and Minute Order   | Auditor-Controller,<br>Financial Reporting Division,<br>Attn: Robert Geis |

**Attachments:**

1. The Property
2. Donation Agreement and Escrow Instructions;
3. Certificate of Acceptance
4. Budget Revision Request No. 0006614
5. CEQA Notice of Exemption