

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SANTA BARBARA ALLOWING FOR THE CONTRIBUTION OF REVENUES FROM THE COUNTY OF SANTA BARBARA COMMUNITY SERVICES DEPARTMENT, PARKS DIVISION ADOPTED BUDGET FOR COUNTY OF SANTA BARBARA COMMUNITY FACILITIES DISTRICT NO. 2002-1 (ORCUTT COMMUNITY PLAN) FOR THE PAYMENT OF COSTS FOR THE PROVISION OF MAINTENANCE OF PARKS, PARKWAYS, AND OPEN SPACE AND INCIDENTAL EXPENSES

WHEREAS, on July 9, 2002, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) adopted “A Resolution of the Board of Supervisors of the County of Santa Barbara of intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes and Rescinding Resolution No. 02-191,” stating its intention to establish the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) (the “Community Facilities District”), pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), and to finance certain services, including, but not limited to, the maintenance of parks, parkways and open space, and incidental expenses, including costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District (the “Parks Services”);

WHEREAS, on October 8, 2002, the Board adopted Resolution No. 02-353, entitled “A Resolution of the Board of Supervisors of the County of Santa Barbara of Formation of the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan), Authorizing the Levy of a Special Tax within the District and Establishing an Appropriations Limit for the District” (the “Resolution of Formation”), which established the Community Facilities District pursuant to the Act, authorized the levy of a special tax within the Community Facilities District, and proposed to finance and fund the Parks Services;

WHEREAS, on October 8, 2002, the Board adopted Resolution No. 02-354, 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 Plan),” which called an election within the Community Facilities District on the propositions of levying a special tax within the Community Facilities District to finance and fund the Parks Services and establishing an appropriations limit for the Community Facilities District;

WHEREAS, an election was held in which the qualified electors of the Community Facilities District approved said propositions by more than the two-thirds vote required by the Act;

WHEREAS, on October 15, 2002, the Board passed Ordinance No. 4478, entitled “An Ordinance of the County of Santa Barbara Levying Special Taxes within the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan),” levying special taxes within the Community Facilities District to be used as provided for in the Act and the Resolution of Formation, including, but not limited to, the payment of costs for the Parks Services;

WHEREAS, the amounts of special taxes levied and collected have been and will continue to be insufficient to meet the financial obligations of the Community Facilities District, including the payment of costs for the Parks Services; and

WHEREAS, California Government Code section 53314.8 provides that the Board of Supervisors of the County of Santa Barbara may provide, by ordinance, that for a period specified in the ordinance, the local agency may contribute, from any source of revenue not otherwise prohibited by law, any specified amount, portion, or percentage of the revenues for the purposes set forth in the ordinance, including the provision of authorized services, and the payment of expenses incidental thereto; and

WHEREAS, the existing Ordinance No. 4868 allows for contribution of revenues from County of Santa Barbara Community Services Department, Parks Division’s adopted budget to supplement the County of Santa Barbara Community Facilities District No. 2002-01 (Orcutt Community Plan up to an amount not to exceed ONE HUNDRED THOUSAND DOLLARS and NO CENTS \$100,000.00 ; and

WHEREAS, the new Ordinance will allow for the County of Santa Barbara Community Services Department, Parks Division’s adopted budget to continue to provide additional contribution of revenues for landscaping services that were formerly provided by the developer through January 2017;

WHEREAS, the new Ordinance is intended to supersede and replace Ordinance No. 4868, to allow for additional contributions for a new 10-year period.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA,
STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:**

Section 1. By passage of this ordinance, this Ordinance hereby supersedes and replaces Ordinance No. 4868 upon the new Ordinance taking effect 30 days after the date of its passage;

Section 2. By passage of this ordinance, the Board of Supervisors hereby authorizes and provides for the contribution of revenues from the County of Santa Barbara Community Services Department’s adopted budget to the Community Facilities District for the payment of costs for the Parks Services;

Section 3. For Fiscal Year 2017-2018, the contribution of revenues to the Community Facilities District shall be ONE HUNDRED AND FORTY ONE THOUSAND DOLLARS and NO CENTS (\$141,000.00), and the County of Santa Barbara Community Services Department’s adopted budget for Fiscal Year 2017-18 shall be the source of those funds;

Section 4. Subject to annual appropriation by the Board for each Fiscal Year thereafter, the contribution of revenues to the Community Facilities District shall not exceed TWO HUNDRED FIFTY THOUSAND DOLLARS and NO CENTS (\$250,000.00), and the County of Santa Barbara Community Services Department’s adopted budget shall be the source of those funds;

Section 5. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected;

Section 6. This Ordinance shall expire, and be of no further force or effect, on July 11, 2027, unless extended by ordinance; and

Section 7. This Ordinance shall take effect and shall be in force 30 days after the date of its passage and prior to the expiration of 15 days from the passage therefore shall be published at least once in the *Santa Maria Times* and *Santa Barbara News Press*, newspapers of general circulation, printed and published in the County of Santa Barbara, State of California, together with the names of the Board of Supervisors members voting for and against the same.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 11th day of July 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

COUNTY OF SANTA BARBARA:

By: _____
Deputy Clerk

By: _____
Chair, Board of Supervisors

Date: _____

RECOMMENDED FOR APPROVAL:

By: _____
Department Head

APPROVED AS TO FORM:

Michael C. Ghizzoni
County Counsel

**APPROVED AS TO ACCOUNTING
FORM:**

Theodore A. Fallati, CPA
Auditor-Controller

By: _____
Deputy County Counsel

By: _____
Deputy