



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: Community Services
Department No.: 057
For Agenda Of: June 20, 2017
Placement: Set Hearing for
July 11, 2017
Estimated Tme: 10 minutes
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department George Chapjian, Community Services Director (805) 568-2467
Director:
Contact Info: Brian Yanez, Parks Deputy Director (805) 568-2475
**SUBJECT: Adoption of a New Ordinance Superseding and Replacing Ordinance No. 4868
Allowing County Funds To Be Used To Supplement the Orcutt Community
Facilities District; Fourth Supervisorial District.**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

On June 20, 2017, set a hearing for July 11, 2017, to consider the introduction of an ordinance that supersedes and replaces Ordinance No. 4868 and provides for the contribution of revenues from the County of Santa Barbara Community Services Department's adopted budget to supplement the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) for the maintenance of parks, parkways and open space (the "Ordinance") (Attachment 2).

On July 11, 2017, your Board's actions should include the following:

- a) Approve the introduction (first reading) of the Ordinance, which supersedes and replaces Ordinance No. 4868 and authorizes the use of County funds necessary to supplement the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) for the maintenance of parks;
- b) Read the title and waive further reading of the Ordinance; and
- c) Set a hearing for July 18, 2017 on the Administrative Agenda to consider the adoption (second reading) of the Ordinance.

On July 18, 2017, your Board's actions should include the following:

- a) Adopt (second reading) the Ordinance, which supersedes and replaces Ordinance No. 4868 and authorizes the use of County funds necessary to supplement the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) for the maintenance of parks; and
- b) Determine that the adoption of the Ordinance is not the approval of a project subject to environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15378(b)(4), finding that the project is a creation of a governmental funding mechanism or other government fiscal activity, and which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and direct staff to file the attached draft Notice of Exemption (Attachment 3).

Summary Text:

On October 8, 2002, the Board adopted Resolution No. 02-353, which established the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) (the "CFD") in the Orcutt Community Plan Area to fund various on-going services within the CFD (Attachment 1). These services include police protection services, fire protection and suppression services, flood and storm protection services and maintenance of parks, parkways and open space. With regards to parks, the CFD was established to provide the maintenance for the 26 acre Orcutt Community Park, two developed open spaces totaling 5.5 acres, and three undeveloped open spaces totaling 334 acres. One of the key park sites within the Orcutt Community Plan area is the Orcutt Community Park within the Rice Ranch development area which provides facilities for community events, organized sport activities, and leisure recreation.

Since the CFD has been established, new development has occurred in the Orcutt Community Plan area. These properties have been paying the Board approved CFD special taxes. However, the special taxes levied and collected to pay for the costs of providing maintenance of parks and open spaces in the CFD are insufficient. In November 2013, the Board approved Ordinance No. 4868, which limited Parks contribution to \$100,000 annually towards the operations of parks and open spaces within the CFD. With the developer recently ceasing to perform landscaping services at Orcutt Community Park, Parks is superseding and replacing Ordinance No. 4868 with a new ordinance which will allow Parks to continue to maintain the park at the same level of service.

Background:

In 2008, the developer for Rice Ranch started building homes. A project condition of approval required the developer to build and complete the Orcutt Community Park before the homes received certificates of occupancy. Also, as part of the conditions of approval for the project, the developer was required to maintain the Orcutt Community Park (mowing, fertilizing, cleaning, etc., but did not include water and electricity) for a period of five years, which ended in August 2013. The developer continued to provide landscaping services until January 2017 but has recently informed staff that they will no longer provide these services valued at \$60,000 annually. The loss of these services may result in a reduction of watering and maintenance of the athletic fields, planter areas, play lot, and dog park.

The Community Services Department recommends that the Board adopt the proposed Ordinance, which supersedes and replaces Ordinance No. 4868 and authorizes the use of \$141,000 from the Community Services Department’s adopted operating budget for FY 2017-18 and, subject to annual appropriation by the Board for the next 10 fiscal years thereafter, an amount not to exceed \$250,000 per year. For FY 2017-18, to maintain the same level of services as the previous fiscal year, the CFD will need approximately \$141,000 in addition to the \$54,200 of CFD special taxes levied and collected. This would provide a total of \$195,200 for the maintenance of parks in the CFD.

If properties within the CFD are assessed at the maximum rates at full build out, enough revenue will be generated through the current allocation to properly fund the maintenance of all parks and open space within the CFD. However, the date of when full buildout will occur is unknown due to external factors such as developer project timelines. There are no additional funds available for the maintenance of this park site.

The chart below illustrates the distribution of the funds collected through the CFD and the amount that would be collected if taxes are collected at the maximum rate at current buildout. It should be noted that the \$75,300 indicated below would not fully cover the amount needed to fund maintenance of the parks and open spaces within the CFD, which is estimated to cost approximately \$195,200 per year.

CFD 2002-01 Orcutt CFD			
Tax Value	%	Existing Rate	Maximum Rate
Other Administrative Costs	2%	9,000	12,500
Orcutt CFD Parks	15%	54,200	75,300
Orcutt CFD Flood Control	5%	19,950	27,700
Orcutt CFD Fire	45%	166,000	230,600
Orcutt CFD Sheriff	33%	122,700	170,400
Total	100%	371,850	516,500

Adoption of the attached Ordinance supersedes and replaces Ordinance No. 4868 and allows County funds to continue to be used to supplement the CFD. Under Government Code section 53314.8 and with Board approval, other sources of funding, such as the County General Fund, may be used for park and open space maintenance within the CFD.

California Govt. Code Section 53314.8 reads: At any time either before or after the formation of the district, the legislative body 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, limited to the following: the acquisition or construction of a facility, the acquisition of interest in real property, or the payment of debt service with respect to the financing of either, the provision of authorized services, and the payment of expenses incidental thereto. The contribution shall not constitute an indebtedness or liability of the local agency.

Fiscal Analysis:

No additional funding is required within this action. The Parks Division currently has the full budget of \$195,200 in its operating budget for fiscal year 2017-2018.

Special Instructions:

Adoption of an Ordinance Allowing County Funds To Be Used To Supplement the Orcutt Community Facilities District;
Fourth Supervisorial District.

June 20, 2017

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After the Set Hearing on June 20, 2017, direct the Clerk of the Board to:

1. Publish the attached Notice of Public Hearing (Attachment 4) pursuant to Section 6066 of the Government Code in the Santa Maria Times and the Santa Barbara Daily Sound newspapers.
2. Send a copy of the minute order and a signed copy of the Notice of Public Hearing to the Parks Division of the Department of Community Services, attn. Natasha Garduno.

After the second reading, direct the Clerk of the Board to:

1. Submit a copy of the adopted Ordinance to the Parks Division of the Department of Community Services and County Counsel.
2. Send a copy of the minute order of these actions to the Park Division of the Department of Community Services, att. Natasha Garduno.
3. Publish a copy of the Ordinance or summary thereof, with names of the members of the Board of Supervisors voting for or against the approval/non approval in the Santa Maria Times and the Santa Barbara News Press newspapers within 15 days of the Board Hearing.

Attachments:

Attachment 1 – Resolution No. 02-353

Attachment 2 – Ordinance for Approval

Attachment 3 – CEQA Notice of Exemption

Attachment 4 – Notice of Public Hearing

Attachment 5 – Ordinance No. 4868