

Project: Sand Point Rd. Rock Revetment Repair
Project No.: 720548
APN: several
Staff: SLC

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

**EX-OFFICIO BOARD OF DIRECTORS OF SANDYLAND SEAWALL
MAINTENANCE DISTRICT NO. 1**

**IMPOSING A 2007-08 BENEFIT ASSESSMENT WITHIN
SANDYLAND SEAWALL MAINTENANCE DISTRICT NUMBER 1**

ESTABLISHING ASSESSMENTS FOR THE)
SANDYLAND SEAWALL MAINTENANCE DISTRICT)
NUMBER 1 FOR THE 2007-2008 FISCAL YEAR) **RESOLUTION NO.**_____
) (Majority Vote of Board Required)

WHEREAS, the Board of Supervisors of the County of Santa Barbara by its Resolution No. 24096 dated June 29, 1964, formed the Sandyland Seawall Maintenance District Number 1 pursuant to the provisions of Sections 5000 et seq. of the Streets & Highways Code; and

WHEREAS, Sections 5821 & 5830 of the Streets & Highways Code provides, among other things, that in each year, before fixing the County tax rate, the Board of Supervisors shall estimate the cost of the improvements to be maintained in a maintenance district, and may levy a benefit assessment against all real property in a maintenance district sufficient to raise an amount of money to cover the expense of maintaining the improvements during the ensuing year; and

WHEREAS, the Board of Supervisors estimates the amount of money necessary to be raised to cover the cost of engineering, environmental, and permitting work for seawall repair in the Sandyland Seawall Maintenance District for 2007-08 as the sum of \$400,000; and

WHEREAS, the Board of Supervisors of the County of Santa Barbara by its Resolution No. 82-209 dated May 17, 1982, authorized the Auditor-Controller to negotiate and collect a fee for those public entities using the County's "secured property tax" billing system for collecting special assessment charges; and

WHEREAS, the Sandyland Seawall Maintenance District is such a public entity, which will levy a benefit assessment for the fiscal year 2007-08 using the County's tax billing system; and

WHEREAS, it is in the public interest that the County collect on the County tax rolls the special assessment for the Sandyland Seawall Maintenance District; and

WHEREAS, the Board of Supervisors wishes to recover the costs of billing for and collecting this special assessment; and

WHEREAS, this Board has approved and filed a written “Engineers’ Report on Proposed 2007-08 Assessment for Sand Point Road Rock Retention Engineering, Environmental, and Permitting Work” (hereinafter referred to as “Report”) estimating the cost of the improvements and setting benefit assessments in Sandyland Seawall Maintenance District No. 1 for the 2007-08 fiscal year as provided in Streets & Highways Code Section 5700; and

WHEREAS, The Clerk of this Board has filed and recorded the Report, and fixed the 19th day of June, 2007 at or shortly after 9:00 a.m. in the Board’s Hearing Room, 105 East Anapamu Street, Santa Barbara, California, as the time, date and place for a hearing upon such Report; and

WHEREAS, the Clerk has caused notice of said hearing to be published pursuant to Section 6066 of the Government Code, and proof of such publication is on file with the Clerk; and

WHEREAS, three (3) copies of the notice of said hearing were posted in the zone in which assessments were proposed to be levied, as required by law, and proof of such posting is on file with the Clerk; and

WHEREAS, at the hearing this Board heard and considered all protests to the Report, including protests with respect to the amount of the assessment to be levied, and then closed the public hearing; and

WHEREAS, at the conclusion of said hearing the Board made its determination upon each assessment described in the Report; and

WHEREAS, the imposition of this assessment is subject to Article XIII D of the California Constitution, and the requirements of Government Code section 53753, and is therefore exempt from the notice, hearing and meeting requirements of Government Code Section 54954.6; and

WHEREAS, the owners of the parcels identified in the Report have received more than 45 days written notice of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owners’ particular parcels, the duration of payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of this public hearing on the proposed assessment. Each notice also included a summary of the procedures applicable to the completion, return, and tabulation of the ballots, including a disclosure statement that the existence of a majority protest, would result in the assessment not being imposed; and

WHEREAS, the owners of the parcels have voted affirmatively in the matter of the imposition of this assessment within the Sandyland Seawall Maintenance District Number 1, and the owners’ assessment ballots are on file with the Clerk of the Board; and

WHEREAS, this action is taken under the authority of:

1. Article I, Section XIX of the California Constitution;
2. Government Code Sections 6066 and 53753; and
3. Streets and Highways Code Section 5101.6;

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NOW, THEREFORE, be it resolved that the “Engineer’s Report on Proposed 2007-08 Assessment for Sand Point Road Rock Revetment Engineering, Environmental, and Permitting Work” attached hereto as EXHIBIT “A” and incorporated into this Resolution by reference, is hereby confirmed and the benefit assessments therein set forth shall be levied and collected at the same time and in the same manner as the general tax levy for County purposes, and when collected shall be paid into the County treasury to the credit of the Fund of the Sandyland Seawall Maintenance District (Fund 3000), and shall be used for the payment of the expenses of the District as ordered by the Board.

The Auditor-Controller is hereby authorized to charge the sum of \$1.00 per Assessor’s parcel number for each parcel for which such a special assessment is to be collected on the County tax rolls by the County for the District, pursuant to Government Code Sections 29304 and 51800.

That such charge may be collected by adding it to the special assessment authorized.

That those revenues generated from the \$1.00 per parcel billing/collection fees are to be deposited into the County’s General Fund.

The Board finds that the sum of \$400,000 for Fiscal Year 2007-08 as described in the Engineer’s Report is necessary and appropriate to do engineering, environmental, and permitting work for proposed seawall repair and maintenance, in order to minimize damage to the real property in said District, and to minimize damage to the improvements thereon from storms.

The Clerk of this Board is directed to record forthwith in the Office of the Santa Barbara County Recorder a certified copy of this resolution. The Clerk is further directed to file forthwith a certified copy of this Resolution with the Santa Barbara County Auditor-Controller.

This Resolution shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day _____, 2007, by the following vote:

AYES;
NOES:
ABSTAINED:
ABSENT:

COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN

CLERK OF THE BOARD

By: _____
BROOKS FIRESTONE
Chair, Board of Supervisors
County of Santa Barbara

By: _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN S. STARK
COUNTY COUNSEL

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

By: _____
Deputy County Counsel

By: _____
Deputy