

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 2/22/05
Department Name: Public Works
Department No.: 054
Agenda Date: 3/22/05
Placement: Administrative
Estimate Time: May 3 - 5 min, May 10 - 15 min
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF CONTACT: Mark A. Schleich, Deputy Director, Resource Recovery & Waste Management Div.
Martin J. Wilder, Special Districts Manager - x8750

SUBJECT: Initiation of the Annexation of Harp Springs (TM 14,478) into the North County Lighting District and Formation of a Zone of Benefit - Fourth Supervisorial District

Recommendation(s):

That the Board of Supervisors:

- A. Adopt the attached resolution initiating proceedings to annex territory (Mesa Verde Tract 14,478 on APN 103-200-026) in to the North County Lighting District and into County Service Area 5.
- B. Set a public hearing on the departmental agenda on May 3, 2005 to introduce the first reading of an ordinance approving the annexation of Harp Springs Tract 14,478 to the North County Lighting District, creating a zone of benefit and imposing an annual assessment for street lighting services;
- C. Set a public hearing on the departmental agenda on May 10, 2005 to:
 1. Receive testimony that a written protest has not been filed;
 2. Count written property owner ballot(s);
 3. Adopt the attached ordinance (second reading) entitled " An Ordinance of the Board of Supervisors of the County of Santa Barbara Approving Annexation of Territory to the Santa Barbara North County Lighting District, Creating a New Zone of Benefit and Imposing an Annual Assessment Therein" if there is majority support based on the results of the ballots received.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary and Discussion:

The Harp Springs tract is located south of Clark Avenue and east of Harp Road in the Orcutt area. The land is currently undeveloped and is identified as Key Site 8 in the Orcutt Community Plan and is zoned planned residential development (PD/PRD). There are 44 single family homes proposed for the site. The roads serving the tract will be dedicated as public roads and as such will require streetlighting services by the North County Lighting District. The County's street lighting program utilizes luminaries and poles normally carried by the electric company (PG& E or Edison) lighting standards. The County pays for electric service and maintenance with revenues generated by the lighting district. The tract area must be annexed into the lighting district in order to provide a funding mechanism for the service. The annexation proceedings will follow the procedures of the Santa Barbara Local Area Formation Commission (LAFCO) pursuant to the Cortese/Knox/Hertzbert Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code.

Current County policy, as established by the County Administrator's Office, requires that all new tracts form zone assessment areas when annexing into any streetlighting district or service area requiring streetlighting services. A zone assessment area is a subset of the district in which a specific assessment is established for each parcel created so that revenues consistent with actual operating costs of the streetlighting system associated with the tract are generated. This policy and funding mechanism was created because of the limitations associated with adjusting existing benefit assessment rates pursuant to the requirements of Proposition 218 passed in 1996. By creating specific zone assessments within the district, new developments will not negatively impact the financial status of existing lighting programs.

The proposed street lighting improvements associated with Harp Springs Tract 14,478 consists of 17 residential post top light standards and poles. As described in the Engineer's Report, included with the attached ordinance as Exhibit A, the current estimated annual cost for electricity and maintenance is \$3,497.33. Annual administrative costs to perform annual budgeting and rate analysis is estimated at \$524.60. Including the \$1.00 per lot Auditor/Controller fixed charge fee, the total annual cost is estimated at \$4,065.93 (\$4,021.93 not including the fee). The zone of benefit allows for increases associated with electricity and maintenance costs in accordance with inflation, the consumer price index (CPI) and the actual cost of electricity. As proposed in the Engineer's Report, cost increases to maintenance may not exceed the CPI without compliance with procedures pursuant to Article XIII D of the California Constitution, while increases to electricity costs may exceed the CPI but not by more than 10% of the prior year's budget for electricity and administrative costs. Based on the current estimate of costs, an annual assessment of \$92.41 per parcel (\$91.41 not including the Auditor/Controller's fixed charge fee) is proposed. An actual rate, not to exceed this figure, will be assessed on the tax rolls for the 44 residential parcels created by the tract map in the fiscal year after the streetlights are energized. The developer will be required to pay the operating costs from the date of energizing through the end of the fiscal year prior to placing the assessment on the tax rolls.

This action requests adoption of a resolution to initiate annexation proceedings for Harp Springs Tract 14,478 into the North County Lighting District and the adoption of an ordinance to establish a new zone of benefit within the North County Lighting District for Harp Springs Tract 14,478 for the purposes of paying for street lighting services.

Mandates and Service Levels:

There is no change in programs or service level with this action. Funding to the North County Lighting District will increase with the approval of these actions to fund the street lighting needs associated with Harp Springs Tract 14,478.

Fiscal and Facilities Impacts:

The estimated cost of operating the street lighting improvements associated with Harp Springs Tract 14,478 within the North County Lighting District in fiscal year 2005/2006 is \$4,021.93. Including the Auditor/Controller's fixed charge fee of \$1.00 per parcel, the total estimated revenues to be collected on the tax rolls are \$4,065.93. With these proposed revenues, there will be no negative fiscal impact to the North County Lighting District.

Special Instructions:

- A. Direct the Clerk of the Board to publish notice of the hearings, as set forth below, in the Santa Maria Times, as prescribed in Section 6066 of the Government Code. Section 6066 of the Government Code states that:

“Publication of notice pursuant 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 notices commences upon the first day of the publication and terminates at the end of the fourteenth day, including therein the first day.”

Notice to be published:

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
NOTICE OF PUBLIC HEARINGS
CONCERNING FORMATION OF STREET LIGHTING ASSESSMENT DISTRICT
AND LEVY OF ASSESSMENT

Notice is hereby given that public hearings will be held by the Board of Supervisors of the County of Santa Barbara, State of California, on May 3, 2005 at 9:00 a.m., or shortly thereafter, in the County Administration Building in the Board of Supervisors Hearing Room, 105 East Anapamu Street, Santa Barbara, California, and on May 10, 2005 at 9:00 a.m. or shortly thereafter at the Betteravia Government Center in the Board of Supervisors Hearing Room, 511 East Lakeside Parkway, Santa Maria, California, to take public testimony on the proposed ordinance annexing territory into the Santa Barbara North County Lighting District, creating a new zone of benefit and imposing an annual assessment for Harp Springs Tract 14,478 in the County of Santa Barbara. A copy of the ordinance and exhibits may be seen during business hours at the Santa Maria office of the County of Santa Barbara Public Works Department, 2400 Professional Parkway, Suite 150, Santa Maria, California or at the Santa Barbara office of the Public Works Department, 123 East Anapamu Street, Santa Barbara, California.

The public hearing to be held on May 3, 2005 is for the purpose of taking testimony on the proposed ordinance at its first reading. The public hearing to be held on May 10, 2005 is for the purpose of: A) Taking testimony regarding the adoption of the proposed ordinance, B) Determining if a majority protest exists, and C) Counting the ballots to confirm that majority support or voter approval has been obtained.

Any objections or protest to the adoption of the proposed ordinance may be filed with the Clerk of the Board of Supervisors before the public hearings scheduled above. The address of the Clerk of the Board is 105 East Anapamu Street, Santa Barbara, California 93101.

The purpose of the assessment is to pay for street lighting services in the proposed district. The basis of the assessment was determined by the annual operating costs spread over the number of proposed parcels in the district. Each record owner in the district may submit a ballot in support or opposition of the proposed assessment. Each ballot must be signed by the record owner identified therein and mailed or delivered to the address shown on the ballot. At the public hearing, the Clerk of the Board of Supervisors will tabulate the ballots received. The assessment shall be imposed if the ballots submitted in favor of the assessment exceed the ballots received in opposition with ballots weighted according to the proportional financial obligation of the affected property.

- B. Direct the Clerk of the Board to forward a certified minute order and completely executed copies of the resolution and ordinance to the Public Works Department to the attention of Christy Angkahan at the North County Public Works Department office in Santa Maria, Georgia Navarro in the Resource Recovery & Waste Management Division in Santa Barbara, Cecelia Barnes in the Transportation Division in Santa Barbara, and Kathleen Dowd in the Traffic Section in Santa Barbara.

Concurrence:

Auditor-Controller
County Counsel

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

INITIATING PROCEEDINGS TO ANNEX HARP SPRINGS)
TRACT 14,478 TO THE NORTH COUNTY LIGHTING DISTRICT) RESOLUTION NO. _____

WHEREAS, the County of Santa Barbara desires to initiate a proceeding for the adjustment of boundaries specified herein;

NOW, THEREFORE, the Board of Supervisors does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code.
2. This proposal is an annexation to the North County Lighting District.
3. A description of the boundaries and a map of the affected territory are set forth in Exhibits "A" and "B", attached hereto and by reference incorporated herein;
4. The reason for the proposal is to provide for street lighting services for the 44 proposed residential parcels in the territory to be annexed.
5. The proposal is consistent with the Spheres of Influence of County Service Area 5.
6. Consent is hereby given to the waiver of conducting authority proceedings.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____ 2005, by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
CLERK OF THE BOARD
MICHAEL J. BROWN

By _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN S. STARK
COUNTY COUNSEL

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

By _____
Deputy Counsel

By _____
Deputy

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA APPROVING THE ANNEXATION OF TERRITORY
TO SANTA BARBARA NORTH COUNTY LIGHTING DISTRICT, CREATING A NEW
ZONE OF BENEFIT AND IMPOSING AN ANNUAL ASSESSMENT THEREIN**

WHEREAS, the Santa Barbara North County Lighting District (“SBNCLD”) was formed through consolidation of pre-existing lighting districts and annexation of territory thereto, as approved by the Local Agency Formation Committee (“LAFCO”) on May 5, 1994, and thereafter approved by this Board; and

WHEREAS, application has been made to LAFCO for the annexation into SBNCLD of the parcels described and depicted on the map included in the attached Engineer’s Report attached hereto as Exhibit “A” and incorporated herein by this reference, said parcels known collectively hereinafter as “Harp Springs, Tract 14,478;” and

WHEREAS, the annexation is required for street lighting conditions pursuant to the Harp Springs Addendum to the Orcutt Community Plan EIR (95-EIR-01); and

WHEREAS, it is current County policy that all new annexations to the lighting district be conditioned to form a new zone of benefit within the SBNCLD comprised of Harp Springs, Tract 14,478 and a benefit assessment imposed thereupon for the purposes of paying for street lighting; and

WHEREAS, this Board has received a written engineer’s report (hereinafter referred to as “Report”) concerning benefit assessments for street lighting purposes as provided in Government Code Section 54716, which Report complies in all respects with the requirements of that section; and

WHEREAS, the Clerk of this Board filed and recorded the Report, and fixed the 10th day of May, 2005 at 9:00 a.m. in the Board's Hearing Room, 511 East Lakeside Parkway, Santa Maria, 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 within the new zone of benefit is subject to Article XIID of the California Constitution, and is therefore exempt from the notice, hearing and meeting requirements of Government Code section 54954.6; and

WHEREAS, the collective owner of the parcels identified in the Report has 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 owner's particular parcels, the duration of the 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 collective owner of the parcels has voted affirmatively in the matter of the approval of the imposition of this assessment within the newly formed zone of benefit within Santa Barbara North County Lighting District, and the owner's assessment ballot is on file with the Clerk of this Board; and

WHEREAS, Section 54716 of the Government Code provides that at the conclusion of this hearing this Board may adopt, revise, change, reduce or modify any assessment and shall make its determination upon each assessment described in the Report and thereafter shall confirm the assessments by resolution;

NOW, THEREFORE, The Board of Supervisors of the County of Santa Barbara ordains as follows:

1. The foregoing recitals are true and correct;
2. A Zone of Benefit within Santa Barbara North County Lighting District is hereby formed, to be known as "Harp Springs Tract 14,478 Zone of Benefit."
3. Annual benefit assessments are hereby imposed on the parcels comprising the Harp Springs Tract 14,478 Zone of Benefit as reflected in the Report on file with the Clerk in this matter, incorporated herein by this reference as though fully set forth.
4. Attached hereto, as included in the Engineer's Report (Exhibit "A") and incorporated into this Ordinance by reference, is a copy of the assessment roll showing the assessment amount for fiscal year 2005/2006 (or first complete fiscal year after the lighting system is energized) of each parcel of real property in the Harp Springs Tract 14,478 Zone of Benefit. Said document and the amounts shown therein are hereby confirmed. The amounts will be levied annually, as adjusted, based on the then-current assessment roll.

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

6. This Ordinance 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 Maria Times, a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2005, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
Clerk of the Board

By: _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

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

By: _____
Deputy Counsel

By: _____
Deputy