



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

A-39

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

Department Name: Public Works
Department No.: 054
For Agenda Of: 04/15/08
Placement: Administration
Estimated Tme: 05/06/08 – 5 minutes
Continued Item: NO
If Yes, date from:
Vote Required: Majority

0415-20

TO: Board of Supervisors
FROM: Department Scott McGolpin x 3010
Director(s) Public Works Director
Contact Info: Mark A. Schleich x 3600
Public Works Deputy Director
SUBJECT: County Service Area 3, County Service Area 31 and North County Lighting District, Street lighting Benefit Assessment for Fiscal Year 2008-2009 – 2nd, 3rd, 4th, and 5th Supervisorial Districts

APR 15 2008

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:

- A. Adopt the attached resolution setting a public hearing on the departmental agenda for May 6, 2008 in connection with the street lighting districts listed below.
- B. Receive and file a fixed Charge Fee Report for fiscal year 2008/2009 with the Clerk of the Board, which reports the proposed benefit assessment (no increases) for the following lighting districts:
 - 1. County Service Area 3;
 - 2. County Service Area 31
- C. Approve Public Works Department Notice of Exemption pursuant to County California Environmental Quality Act (CEQA) Guidelines. (Post.);
- D. Adopt at the conclusion of the public hearing on May 6, 2008 the attached resolution establishing street lighting charges for the above subject lighting districts for the fiscal year 2008/2009.

Summary Text:

Street lighting services are provided through the county in unincorporated territory identified as county service areas or lighting districts. County service areas may also provide additional services. Unincorporated territory not located in a county service or lighting district does not receive street lighting services and are generally more rural in nature or may have developed prior to the provision of street lighting. Street lighting systems are installed by development as conditions of approval pursuant to Resolution 81-229 and County Engineering Design Standards. Territorial boundaries of county service areas or lighting districts are expanded via annexations through the Santa Barbara Local Area Formation Commission (LAFCO). The poles and fixtures are generally owned and maintained by the electric company (PG& E in the north county and Edison in the south county). Revenue to fund electric and maintenance costs billed monthly by the electric companies is generated through property taxes and in some cases through benefit assessments. Benefit assessment charges are adopted annually for placement on the tax roll for those county service areas or lighting districts that receive these revenues.

Background:

County Service Area 3 (unincorporated Goleta and Santa Barbara), County Service Area 31 (Isla Vista), and the North County Lighting District (Casmalia, Los Alamos, unincorporated Lompoc, Orcutt, and unincorporated Santa Maria) are the county service areas or lighting districts that receive benefit assessments in addition to or in lieu of property tax allocations in order to fully fund street lighting costs. A benefit assessment is a levy or charge by an agency upon real property that is based upon the special benefit conferred upon the real property by a public improvement or service that is imposed to pay the capital cost of the public improvement, the maintenance and operation expenses of the public improvement, or the cost of the service being provided. This action addresses the adoption of benefit assessment charges for these county service areas or lighting districts.

County Service Area 3

County Service Area 3 (CSA 3) was formed July 23, 1962 by Resolution No. 22409. CSA 3 boundaries cover portions of the unincorporated, urbanized area of the Goleta Valley between the cities of Goleta and Santa Barbara. CSA 3 provides for 1,430 streetlights, open space maintenance, and maintenance of Goleta Beach County Park and Tucker's Grove County Park. Street lighting revenues are generated from property taxes and benefit assessments. CSA 3 will continue to have a benefit assessment rate of \$8.00 per residential parcel, \$4.00 for undeveloped parcels and multiples of \$8.00 for commercial or multiple residential units. Annual revenues for street lighting for FY 08/09 are estimated to be approximately \$110,028 from property taxes and \$66,472 from benefit assessments with total revenue of approximately \$175,000. Annual street lighting costs for FY 08/09 are estimated to be \$175,000. There is no proposed increase to the benefit assessment source of revenue with this action. Such an increase would require voter authorization pursuant to Proposition 218.

County Service Area 31

County Service Area 31 (CSA 31) was formed December 16, 1963 by Resolution No. 23685. CSA 31 boundaries include the unincorporated community of Isla Vista, located west of the University of California at Santa Barbara. CSA 31 provides for 277 streetlights, street sweeping, and minor capital improvements. Street lighting revenues are generated from property taxes and benefit assessments. CSA 31 will continue to have a benefit assessment rate of \$8.00 per residential parcel, \$4.00 for undeveloped parcels and multiples of \$8.00 for commercial or multiple residential units. Annual revenues for street lighting for FY 08/09 are estimated to be approximately \$15,348 from property taxes

and \$20,752 from benefit assessments with total revenue of approximately \$36,000. Annual street lighting costs for FY 08/09 are estimated to be \$36,000. There is no proposed increase to the benefit assessment source of revenue with this action. Such an increase would require voter authorization pursuant to Proposition 218.

North County Lighting District

The Santa Barbara North County Lighting District was formed on March 22, 1994 by Resolution 94-14. That action consolidated the Casmalia, Orcutt, and Los Alamos street lighting districts as well as the street lighting functions of County Service Area 4 (unincorporated areas in Lompoc) and County Service Area 5 (unincorporated areas in Santa Maria). The North County Lighting District currently provides for 2,727 streetlights. Revenues are generated from property taxes as well as benefit assessments generated from the CSA 5 portion of the North County Lighting District. However, because property values have increased, revenue from property taxes has also increased. In order to prevent excessive retained earnings the CSA 5 area of the North County Lighting District will reduce its benefit assessment rate of \$14.73 per residential parcel, \$7.36 for undeveloped parcels and multiples of \$14.73 for commercial or multiple residential units to \$0.00. This is an assessment reduction equating to \$151,057.00 Annual revenues for FY 08/09 is estimated to be approximately \$451,755 from property taxes alone. Annual street lighting costs for FY 08/09 are estimated to be \$395,000.

New Tracts

When a proposed development is annexed to a county service area or lighting district, there may or may not be a distribution of revenue from property taxes depending on the tax rate area (TRA) assigned to it by the Auditor-Controller's Office. A TRA is a list of taxing authorities that receive a distribution from the basic 1% property tax. A TRA for a new development is based on neighboring TRAs with the same list of taxing authorities after annexation. The distribution may vary dramatically depending upon the number and type of taxing authorities included. In many cases the amount of revenue from the basic property tax are insufficient or non-existent for street lighting. In these situations benefit assessments were established to cover these shortfalls.

However, since the passage of Proposition 218 in 1996, the ability to increase benefit assessments to cover increasing electrical costs has been hampered due to voter authorization. In order to not reduce existing revenue, County policy has been to require new development to ensure its lighting impacts are fully funded through tract specific or zone assessments. In summary, each new tract required to annex into a street lighting district forms a separate assessment zone within the county service area or lighting district with its own service rate. In this way, each new tract will provide adequate revenues to finance its own street lighting costs as a special benefit to the tract and not take away revenue from existing revenue sources. Unique to this procedure is the ability to adjust the street lighting rates in accordance with inflation, the consumer price index (CPI) and the actual cost of electricity (as authorized by the owner/developer). Annual adjustments may exceed the CPI but is limited to 10% of the prior fiscal years' budget. Prior to occupancy, the developer is conditioned to pay the cost of lighting from the date of occupancy (energizing) through the end of the fiscal year pursuant to paragraph 3 of Resolution 81-229. Thereafter, fixed charges based on the actual lighting costs up to the approved zone assessment amount per parcel will be billed on the tax roll. The rates will be adjusted in future years as previously described. The following tracts have formed zones of benefit and will have separate benefit assessments rates:

Benefit Zone Table

Tract Name	Tract Number	# of Parcels	Type	Rate	Effective FY
Providence Landing	14,487	267	SFR	\$38.76	2006-2007
		61	Condo	\$19.38	
Mesa Verde	14,303	64	SFR	\$100.00	2007-2008
Harp Springs	14,478	44	SFR	\$92.41	2007-2008
Stonegate	14,481	44	SFR	\$37.26	2008-2009
Vintage Ranch	14,556	47	SFR	\$33.23	N/A
		5	Condo	\$17.12	
Old Mill	14,532	54	SFR	\$67.48	2008-2009
		6	Condo	\$34.24	
Clubhouse Estates	14,629	53	SFR	\$31.68	N/A

Performance Measure:

No change in programs or service level if the benefit assessment rates are established for 2008/2009; for County Service Area 3, County Service Area 31. A drastic reduction in revenue would result if the rates were not established.

No change in programs or service level if the North County Lighting District benefit assessment rates are reduced to \$0.00

Fiscal and Facilities Impacts:

There is no recommended increase to the original benefit assessment rates for County Service Area 3, County Service Area 31. Property taxes and benefit assessments will meet the anticipated budget for fiscal year 2008/2009.

North County lighting District recommends that the benefit assessment imposed on CSA 5 be reduced to zero as revenues from the property taxes is adequate to cover costs. The amounts benefit assessment rates described and the amount shown in the benefit zone table are proposed for reduction to \$0.00 in fiscal year 2008/2009.

Fiscal Analysis:

<u>CSA, District or Zone</u>	<u>Assessment Revenue</u>	<u>Property Tax Revenue</u>	<u>Street Lighting Costs</u>
CSA 3	\$ 66,472.00	\$ 110,028.00	\$ 175,000.00
CSA 31	\$ 20,752.00	\$ 15,348.00	\$ 36,000.00
North Co Lighting	\$ -	\$ 451,755.00	\$ 395,000.00
Providence Landing	\$ -	n/a	n/a
Harp Springs	\$ -	n/a	n/a
Mesa Verde	\$ -	n/a	n/a
Total	\$ 87,224.00	\$ 577,131.00	\$ 606,000.00

Staffing Impacts:

No new staffing positions are proposed in this budget.

Special Instructions:

A. Request the Clerk of the Board to publish notice of the meeting, as set forth below, in the Santa Maria Times, Lompoc Record, and the Santa Barbara News Press on April 22 and April 29, 2008, as provided in Section 6066 of the Government Code:

“Publication of notice 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 publications dates, are sufficient.”

B. Notice to be published:

BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA
NOTICE OF PUBLIC HEARING.

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Santa Barbara, State of California on May 6, 2008, at 9:00 a.m. or shortly thereafter, in the Board of Supervisors Hearing Room, Fourth Floor, 105 East Anapamu Street, to take public testimony on the written report for proposed charges for Street Lighting for County Service Area 3, County Service Area 31 and North County Lighting District, entitled “ *County Service Area 3, County Service Area 31 Fixed Charges Fee Report 2008/2009*”. Copy of the said written report with the proposed amount set out therein can be seen during business hours the Santa Barbara County Public Works Department, 620 West Foster Road, Santa Maria, California. The proposed amount of each parcel can be obtained during business hours by a telephone call to the County Department of Public Works, Resource Recovery & Waste Management Division, and (805) 739-8750.

The public hearing to be held on May 6, 2008 is for the purpose of considering all objections or protests to the adoption of the proposed benefit assessment charges as set forth in said report or as modified by the Board of Supervisors on April 15, 2008.

Any objections or protest to the adoption of the proposed benefit assessment charges may be filed with the Clerk of the Board Supervisors before the public hearing scheduled for 9:00 a.m., May 6, 2008. The address of the Clerk of the Board is 105 East Anapamu Street, Santa Barbara, California 93101. The objections or protest may also be filed at the hearing on April 15, 2008.

C. Following Board approval, request Clerk of the Board to post the Notice of Exemption and forward a stamped copy to Resource Recovery and Waste Management, Attention: Joddi Leipner.

D. Request the Clerk of the Board to forward a certified copy of the noticing resolution and the acceptance resolution to the Public Works Department, Resource Recovery & Waste Management Division, and Attention: Christy Angkahan.

Attachments:

Resolution setting public hearing

Fixed Charge Fee Report for FY 2008/2009
Notice of Exemption
Resolution establishing street lighting charges

Authored by:

Martin Wilder, Civil Engineer Manager, x 8750
Christy Angkahan, Departmental Assistant, x 8757
Public Works Dept, Resource Recovery & Waste Management Division

cc: Rochelle Camozzi, Public Works Department
Mark Paul, Auditor-Controller's Office

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

IN THE MATTER OF SETTING)
PUBLIC HEARING RELATIVE TO)
REPORT ON PROPOSED BENEFIT)
ASSESSMENTS FOR COUNTY)
SERVICE AREA 3, 31 AND)
NORTH COUNTY LIGHTING DISTRICT)

RESOLUTION NO. _____

WHEREAS, a report titled "County Service Area 3, County Service Area 31 and North County Lighting District Fixed Charge Fee Report 2008 – 2009" required under Santa Barbara County Code, Chapter 28, § 28-81, subs. (a) & (b), was filed with the Clerk of this Board; and

WHEREAS, Santa Barbara County Code, Chapter 28, § 28-81, subs. (a) & (b), provides that the clerk shall publish notice of the date, time and place of hearing on said report and for filing objections or protest thereto.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED as follows:

1. That a public hearing on the said report relating to adopting the proposed assessments within County Service Areas 3 and 31 and the North County Lighting District be, and it is hereby, set for the 15th day of April 2008, at the hour of 9:00 a.m., or as soon thereafter as the order of business will permit, in the Hearing Room of the Board of Supervisors, 105 East Anapamu Street, Santa Barbara, California.
2. That the clerk be and is hereby authorized and directed to publish notice of the filing of said report and of said hearing on the report and for the filing of objections or protest thereto, in the Santa Barbara News Press, Lompoc Record, and Santa Maria Times or other newspaper of general circulation, circulated within the territory of the said District. Such notice shall be published at least twice with an interval of five (5) days between the first and last publication, not counting the publication dates, pursuant to Government Code Section 6066.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this _____ day of _____, 2008, by the following vote:

AYES:
NOES:

ABSTAIN:
ABSENT:

SALUD CARBAJAL, Chair
Board of Supervisors

Date: _____

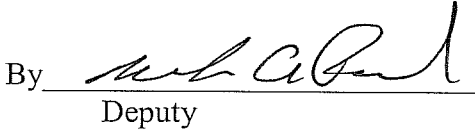
ATTEST:
MICHAEL BROWN

By _____
Deputy

APPROVED AS TO FORM:
DANIEL J WALLACE

By 
Deputy County Counsel

APPROVED AS TO FORM:
ROBERT W. GEIS, CPA
Auditor-Controller

By 
Deputy

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

A RESOLUTION OF THE BOARD OF)
SUPERVISORS OF THE COUNTY OF)
SANTA BARBARA ESTABLISHING STREET)
LIGHTING CHARGES FOR COUNTY SERVICE)
AREAS 3, 31 AND NORTH COUNTY LIGHTING)
DISTRICT FOR FISCAL YEAR 2008/2009)

RESOLUTION NO. _____

WHEREAS, the California Government code provides that a County may collect charges within a County Service Area to pay in whole or in part for a particular authorized extended service furnished in the County Service Area; and

WHEREAS, the furnishing of highway lighting is an extended service authorized to be furnished within County Service Area No. 3, County Service Area 31 and the North County Lighting District, in accordance with, and to be collected with county ad valorem property taxes pursuant to the provision of § 28-81, subd. (e) of Chapter 28 of the Santa Barbara County Code; and

WHEREAS, pursuant to the provision of Government Code Sections 25210.77 (a) and 54710, et seq., the Board of Supervisors of the County of Santa Barbara has adopted in Chapter 28 of the Santa Barbara County Code provisions for making and collecting charges for the furnishing of said services; and

WHEREAS, the Board of Supervisors has satisfied the requirements and provisions of the Government Code and County Code to establish and benefit assessment charges for various types of properties within County Service Area No. 3, County Service Area 31 and the North County Lighting District and has determined to establish charges accordingly for the Fiscal Year 2008/2009; and

WHEREAS, the Board of Supervisors finds that the benefit assessment charge set forth in this resolution are exempt from CEQA review pursuant to Public Resources Code 21080, subd. (b) (8) (1) and (2) (14 CCR 15273), in that benefit assessment charges will be used for operating expenses and for the purchase of supplies, equipment and materials; and

WHEREAS, § 28-81, subd. (d), of the County Code and § 54716, subd. (d), of the Government Code provide that at the hearing on the report to confirm the proposed benefit assessments, the Board of Supervisors shall hear and consider all objections or protests, if any, to the reports, and, at the conclusion

of the hearing may adopt, revise, change, reduce or modify any charge and shall make its determination by resolution upon each charge as described in the report or as determined at the hearing:

NOW, THEREFORE, IT IS RESOVED AS FOLLOWS;

The Board of Supervisors find that said charges are hereby adopted, made and assessed for County Service Area No. 3, County Area 31 and the North County Lighting District as set forth in the attached Exhibits A, *County Service Area 3, County Service Area 31 and North County Lighting District Fixed Charges Fee Report 2008/2009* and incorporated herein by reference, to pay a part of the cost for furnishing North County Lighting District services, and said charges are to be collected at the same time and in the same manner as ordinary county ad valorem property taxes pursuant to the provision § 28-81, subd. (e), of Chapter 28 of the Santa Barbara County Code.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____ 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:
MICHAEL BROWN
CLERK OF THE BOARD
CLERK OF THE BOARD


SALUD CARBAJAL, Chair,
Board of Supervisors
County of Santa Barbara


Date: _____

By _____
Deputy

APPROVED AS THE FORM:
DANIEL J. WALLACE
INTERIM COUNTY COUNSEL

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

By  _____
Deputy Counsel

By  _____
Deputy

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Public Works Department, Resource Recovery and Waste Management Division

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s): Multiple Case No.: Not Applicable

Location: Unincorporated, urbanized area of the Goleta Valley between the cities of Goleta and Santa Barbara (County Service Area [CSA] 3). Unincorporated community of Isla Vista, located west of the University of California at Santa Barbara (CSA 31). Casmalia, Orcutt, and Los Alamos, unincorporated areas in Lompoc and unincorporated areas in Santa Maria (North County Lighting District).

Project Title: County Service Area 3, County Service Area 31 and North County Lighting District Streetlighting Benefit Assessment for Fiscal Year 2008/2009- 2nd, 3rd, 4th and 5th Supervisorial Districts

Project Description: Adoption of a resolution establishing street lighting charges for the County Service Area 3, Area 31 and North County Lighting Districts for the fiscal year 2008/2009.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Martin Wilder, Civil Engineer Manager

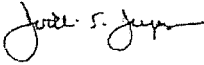
Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: CEQA Guideline Section 15273(a) (1)-(4), Rate, Tolls, Fares, and Charges.

Reasons to support exemption findings (attach additional material, if necessary): CEQA does not apply to the approval of rates for the purpose of meeting operating expenses or for obtaining funds necessary to maintain service within an existing service area. The proposed project establishes rates necessary to maintain street lighting, open space management, street sweeping and or minor capital improvements in the existing service areas listed above consistent with the requirements of this statutory exemption.

Lead Agency Contact Person: Martin Wilder, Civil Engineer Manager Phone #: (805) 739-8755

Department/Division Representative:  Env. Planner Date: January 30, 2008

Acceptance Date: _____

Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Date Filed by County Clerk

