



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: Public Works
Department No.: 054
For Agenda Of: September 7, 2010
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 Vote

TO: Board of Supervisors, in its capacity as governing board of the Sandyland Seawall Maintenance District

FROM: Department Director Scott D. McGolpin, Public Works Director, 568-3010
Contact Info: Dacé Morgan, Deputy Director, Transportation, 568-3064

SUBJECT: Sandyland Seawall – Authorization to Reimburse Sandyland Seawall Protective Association, County Project Number 720548; First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form: Yes

Recommended Actions:

That the Board of Supervisors, acting as governing board of the Sandyland Seawall Maintenance District:

- A. Authorize the Public Works Director, upon presentation of an itemized invoice, to reimburse the Sandyland Protective Association in amount not to exceed \$130,000 for attorney services performed in furtherance of the Sandyland Seawall Repair Project; County Project Number 720548; First Supervisorial District.
- B. Approve the attached budget revision No. 0001076 (4/5 Vote Required)

Summary Text:

The Sandyland Seawall Maintenance District (“District”) was formed under the Streets & Highways Code Improvement Act of 1911. It is funded solely by voluntary benefit assessments paid by the homeowners who comprise the Sandyland Protective Association.

The Sandyland Protective Association approached the Public Works Department about hiring Howard Coleman, Esq. to assist in determining the State Lands Commission boundary for the Sandyland Seawall Repair Project. The Sandyland Protective Association contracted directly with Howard Coleman, with the intention of requesting that the District reimburse the Association. The Association paid Mr. Coleman directly for his legal services. Public Works has determined that Mr. Coleman’s services were performed in furtherance of the Sandyland Seawall Repair Project. Mr. Coleman has expertise in

determining State Lands' boundaries, including a previous boundary dispute with the adjacent Sandyland Cove area.

The Sandyland Protective Association is requesting that the District reimburse them for payments made to Mr. Coleman for legal services, with funds from the Sandyland Seawall Maintenance District No. 1 Fiscal Year 2007/08 Benefit Assessment. Currently, the District has a fund balance of approximately \$180,000. Public Works is requesting authority to reimburse the Sandyland Seawall Protective Association for Mr. Coleman's services up to and not to exceed \$130,000, upon presentation of an itemized invoice. If your Board approves this request to transfer \$130,000 in District funds to the Sandyland Protective Association, the Maintenance District will have adequate funds remaining to conduct another assessment proceeding, which would be necessary to begin the actual repairs to the seawall in any event.

Background:

The proposed Sand Point Road Rock Revetment Repair project is located along the Pacific Ocean, approximately one mile northwest of the City of Carpinteria. The rock seawall to be repaired is 3,300 feet long and spans from 539 Sand Point Road to 869 Sand Point Road. In 1964, the County of Santa Barbara constructed this rock seawall to protect properties along Sand Point Road.

At the time of the 1964 construction, the County Board of Supervisors established the Sandyland Seawall Maintenance District Number 1, pursuant to provisions of the Improvement Act of 1911, Division 7 of the Streets and Highways Code of the State of California. The County of Santa Barbara administers the Maintenance District, with expenses for maintaining the rock revetment paid by the homeowners by means of a benefit assessment.

The current project includes major repairs to the existing rock revetment seawall. As part of the Fiscal Year 2007/08 benefit assessment, the homeowners approved expenditures to determine the State Lands Mean Higher High Tide Line boundary, and to establish a lease with State Lands, as necessary. The initial determination of the State Lands boundary indicated that a significant amount of land along the seawall was Public Trust Land, and would require a lease with the State Lands Commission for the life of the seawall. There were anomalies in the State Land boundary and the homeowners decided they wanted to challenge State Lands' determination of the boundary line. Due to Mr. Coleman's success in negotiating a new State Lands boundary for the adjacent Sandyland Cove, the homeowners determined that Mr. Coleman would be the appropriate individual to further the Sandyland Seawall Repair Project.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other: Assessments	\$ 130,000.00		\$ 130,000.00
Total	\$ 130,000.00	\$ -	\$ 130,000.00

Narrative:

With the Board's approval of attached budget revision No. 0001076, the County will reimburse the Sandyland Protective Association a total of \$130, 000 for attorney services using Sandyland Seawall Maintenance District No. 1 funds from the Sandyland homeowners' Fiscal Year 2007/08 Benefit Assessment.

Staffing Impacts:

Legal Positions:

None

FTEs:

None

Special Instructions:

Please forward one copy of the certified stamped minute order to the attention of Gena Valentine Felix, Public Works Department, Transportation Division, ext. 3064.

Attachments:

Budget Revision No. 0001076

Letter from Sandyland Protective Association for Reimbursement

Authored by:

Dacé B. Morgan, P.E., Deputy Director, Transportation Division, 568-3064