

RESOLUTION NO. 24-14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA CALLING SPECIAL ELECTION FOR COUNTY OF SANTA BARBARA ANNEXATION OF ORCUTT GATEWAY RETAIL COMMERCIAL CENTER/ KEY SITE 2 (APN 129-280-001) INTO COMMUNITY FACILITIES DISTRICT NO. 2002-1 (ORCUTT COMMUNITY FACILITIES DISTRICT)

WHEREAS, on December 12, 2023, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara (the "County") adopted a resolution entitled "A Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intent to Annex"); and

WHEREAS, the Board of Supervisors determines that the services financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as the result of development or rehabilitation occurring in the Community Facilities District; and

WHEREAS, pursuant to the provisions of said Resolution of Intent to Annex, the propositions to annex territory to and levy a special tax within the Community Facilities District are to be submitted to the qualified electors of the territory to be annexed by the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982 (the "Act").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

Section 1. Pursuant to Section 53326 of the Act, the propositions to annex territory and levy a special tax within the Community Facilities District shall be submitted to the qualified electors of the territory to be annexed by the Community Facilities District at an election called therefore as provided below.

Section 2. The Board of Supervisors hereby finds that fewer than 12 persons have been registered to vote within the territory to be annexed into the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the Board of Supervisors for the purposes of these proceedings. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the area to be annexed into the Community Facilities District and each landowner who is the owner of record as of the close of such public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the territory to be annexed into the Community Facilities District.

Section 3. The Board of Supervisors hereby calls a special election to submit to the qualified electors of the territory to be annexed by the Community Facilities District the combined propositions to annex into the Orcutt Community Facilities District and levy a special tax on the proposed annexed parcels within the Community Facilities District, which election shall be held at

the County Administration Building, 105 East Anapamu Street, Santa Barbara, California. The canvass of results of the election will be provided at the meeting to be held on February 6, 2024. The Registrar of Voters of the County Clerk Recorder Assessor or an authorized deputy thereof (the "Registrar of Voters") is hereby designated as the official to conduct said election. The Board of Supervisors has caused to be provided to the Registrar of Voters the Resolution of Intent to Annex, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District including the territory to be annexed by the Community Facilities District, Assessor's parcel numbers for the land within the Community Facilities District including the territory to be annexed by the Community Facilities District, and a sufficient description to allow the Registrar of Voters to determine the boundaries of the Community Facilities District including the territory to be annexed by the Community Facilities District.

The voted ballots shall be returned to the Registrar of Voters not later than 12:00 p.m. on January 29, 2024; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the Registrar of Voters.

Section 4. Pursuant to Sections 53326, 53327, and 53327.5 of the Act, the election shall be conducted by distributing ballots by personal service or by mail with return postage prepaid pursuant to Section 4000 of the California Elections Code. The Board of Supervisors hereby finds that paragraphs (a), (b), (c)(1), and (c)(2) of said Section 4000 are applicable to this special election.

Section 5. The form of the ballot for said election is attached hereto as Exhibit A and by this reference is incorporated herein, and such form of ballot is hereby approved. The Registrar of Voters shall cause to be delivered to each of the qualified electors of the territory to be annexed by the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.


Analysis and arguments with respect to the ballot proposition are hereby waived as landowners have provided unanimous consent, as provided in Section 53327 of the Act.

Section 6. The Registrar of Voters shall accept the ballots of the qualified electors in the Election Office of the Registrar of Voters at 4440-A Calle Real, Santa Barbara, California, up to and including 12:00 p.m. on January 29, 2024 whether said ballots be personally delivered or received by mail. The Registrar of Voters shall have available ballots which may be marked at said location on the Election Day by said qualified electors.

Section 7. This Resolution shall take effect immediately upon its adoption.


PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 23rd day of January 2024, by the following vote:

AYES: Supervisors Williams, Capps, Hartmann, Nelson and Lavagnino
NOS: None
ABSTAIN: None
ABSENT: None




Steve Lavagnino, Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
CLERK OF THE BOARD
Mona Miyasato

By: 

Deputy Clerk

APPROVED AS TO FORM:

DocuSigned by:


B9828E0E6649481
RACHEL VAN MULLEM
COUNTY COUNSEL

APPROVED AS TO FORM:

DocuSigned by:


A99ED58D71D04FB
BETSY SCHAFFER
AUDITOR-CONTROLLER

EXHIBIT A
OFFICIAL BALLOT
COUNTY OF SANTA BARBARA
January 29, 2024
SPECIAL ELECTION

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the Santa Barbara Election Office of the Registrar of Voters of the County of Santa Barbara no later than 12:00 p.m. on January 29, 2024 either by mail or in person. The ballot can be mailed or delivered to the County Elections Office, 4440-A Calle Real, Santa Barbara, California 93110.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) or (X) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the Registrar of Voters of the County of Santa Barbara and obtain another.

COUNTY OF SANTA BARBARA COMMUNITY
FACILITIES DISTRICT NO. 2002-1
(ANNEXATION INTO ORCUTT COMMUNITY FACILITIES DISTRICT)

MEASURE SUBMITTED TO VOTE OF VOTERS:

Shall the parcel(s) identified in the Annexation Map No. 8 of Community Facilities District No. 2002-1, attached as Exhibit A to the resolution entitled *Resolution Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to authorize the Levy of Special Taxes Therein* adopted by the Board of Supervisors of the County of Santa Barbara on December 12, 2023, be annexed into the County of Santa Barbara Community Facilities District No. 2002-1 (the "Community Facilities District") and shall the Community Facilities District be authorized to levy a special tax on the annexed parcels to finance certain services to be provided to the annexed parcels by the Community Facilities District?

Yes:

No:

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Sections 53326(a) and 53327(b) of the Mello-Roos Community Facilities Act of 1982.

Number of Votes:

Landowner:

By: _____ Landowner