

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA BARBARA  
RESOLUTION NO:

Attachment B

INITIATING ANNEXATION OF TERRITORY  
TO ORCUTT COMMUNITY FACILITIES DISTRICT  
AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES  
THEREIN

WHEREAS, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara (the "County") has formed Orcutt Community Facilities District No. 2002-1 (Orcutt Community Plan) (the "Community Facilities District"), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"); and,

WHEREAS, the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized under the Act to annex territory to an existing facilities District; and,

WHEREAS, a map entitled "Annexation Map No. 5 of Community Facilities District No. 2002-1, County of Santa Barbara, State of California," ("Annexation Map No. 5") has been filed with the County Clerk of the County of Santa Barbara and is attached hereto as Exhibit A; and

WHEREAS, the "Annexation Map No.5" cross-references the map entitled, "Amended Boundary of Community Facilities District No. 2002-1, County of Santa Barbara, State of California," filed for record in the office of the County of Santa Barbara on March 12, 2008, in Book 4 of Maps of Assessment and Community Facilities Districts at pages 46-47 (attached hereto as Exhibit B).

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

1. The Board of Supervisors hereby finds and determines that public convenience and necessity require that territory be added to the Community Facilities District.
2. The name of the existing Community Facilities District is the "Orcutt Community Facilities District No 2002-01."
3. The territory proposed for annexation is known as Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38), which contains approximately 12,396 square feet and is shown on the attached Annexation Map No. 5 of Orcutt Community Facilities District No. 2002-1 (Exhibit A).
4. The types of public facilities and services financed by the Community Facilities District and pursuant to the Act consist of (1) fire protection services, (2) police protection services, (3) maintenance of parks, parkways and open space, and (4) flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems only to the extent that they are in addition to existing public services provided within the boundaries of Community Facilities District No. 2002-1 before the Community Facilities District was created.
5. Except where funds are otherwise available, a special tax sufficient to pay for all services is intended to be levied annually within the Community Facilities District, and collected in the

same manner as ordinary ad valorem property taxes. The proposed rate and method of appointment of the special tax annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the Community Facilities District to estimate the maximum amount such owner will have to pay, are described in Exhibit C attached hereto, which is by this reference incorporated herein.

6. The Board of Supervisors hereby fixes March 5, 2013 at 9:00 a.m., or as soon thereafter as the Board of Supervisors may reach the matter, at the County Administration Building, 105 East Anapamu Street, Santa Barbara, California as the time and place when and where the Board of Supervisors will conduct a public hearing on the annexation of territory to the Community Facilities District and the levying of special taxes therein.
7. The Clerk of the Board is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the Orcutt Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.
8. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the area to be annexed to the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 5th day of February 2013, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Salud Carbajal, Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CLERK OF THE BOARD

Chandra Wallar

By \_\_\_\_\_

Deputy  
Clerk

APPROVED AS TO FORM:

ROBERT W. GEIS

AUDITOR-CONTROLLER

APPROVED AS TO FORM:

DENNIS MARSHALL

COUNTY COUNSEL

By

## Exhibit C

### Rate and Method of Apportionment Orcutt CFD No. 2002-1

The amount of special taxes that CFD No: 2002-1 may levy is strictly limited by the maximum special taxes set forth in the Rate and Method of Apportionment. The Maximum Special taxes for each classification of Developed Property are specified below. The initial Maximum Special Tax will escalate each fiscal year by the greater of the change in the Los Angeles Urban Consumer Price Index (CPI) during the previous twelve months or 2%.

The maximum annual Grading Permit Special Tax for Graded Property is also specified below. No Special Taxes shall be levied upon Undeveloped Property.

#### Fiscal Year 2007-2008 Annual Special Taxes

Land Use Class	Description	Maximum Special tax	Actual Special Tax
1	Single Family Property	\$714.92 per unit	\$514.92
2	Multi-family property	\$486.15 per unit	NA
3	Non-retail commercial/industrial property	\$0.69347 per sq. ft.	NA
4	Retail commercial property	\$0.49331 per sq. ft.	\$0.35534 per sq. ft
NA	Graded Property	\$50 per lot	\$50 per lot

#### Fiscal Year 2007-2008 One Time Special Taxes

Type of Tax	Property Type	Special Tax	Time of Levy
Building Permit	Residential Property	\$250 per unit	Issuance of building permit
Building Permit	Non-residential Property	\$0.20 per sq. ft.	Issuance of building permit
Grading Permit	NA	\$50 per lot	Issuance of land use permit for grading

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA CALLING SPECIAL ELECTION FOR COUNTY OF SANTA BARBARA ANNEXATION OF CLARK AVENUE COMMERCIAL SHOPPING CENTER/KEY SITE 4 (APN 103-750-38) INTO COMMUNITY FACILITIES DISTRICT NO. 2002-1 (ORCUTT COMMUNITY FACILITIES DISTRICT)

WHEREAS, on this date, 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, pursuant to the provisions of said resolution, the propositions to annex territory and levy a special tax within the Community Facilities District are to be submitted to the qualified electors of 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 Sections 53326 and 53325.7 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 Community Facilities District at an election called therefore as provided below.

Section 2. As authorized by Section 53353.5 of the Act, the propositions to annex territory and levy a special tax within the Community Facilities District shall be combined into one ballot proposition.

Section 3. 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 Community Facilities District

Section 4. The Board of Supervisors hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition 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 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, are a sufficient description to allow the Registrar of Voters to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the Registrar of Voters not later than 12:00 p.m. on March 4, 2013; 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 5. Pursuant to Section 53327 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 of the California Elections Code. The Board of Supervisors hereby finds that paragraphs (a), (b), (c) (1) and (c) (3) of said Section 4000 are applicable to this special election.

Section 6. The form of the ballot for said election is attached hereto as Exhibit A are by this reference 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 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 provided in Section 53327 of the Act.

Section 7. 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 March 4, 2013, 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 8. 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 5th day of February 2013, by the following vote:

AYES:  
NOS:  
ABSTAIN:  
ABSENT:

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CHAIR Board of Supervisors

County of Santa Barbara

ATTEST:

CLERK OF THE BOARD

By:

---

Deputy Clerk

APPROVED AS TO FORM:

COUNTY COUNSEL

By:

APPROVED AS TO FORM:

AUDITOR-CONTROLLER

By:

EXHIBIT A  
OFFICIAL BALLOT  
COUNTY OF SANTABARBARA  
March 4, 2013  
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 March 4, 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. 5 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 February 5, 2013, 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

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA BARBARA DECLARING RESULTS OF  
SPECIAL ELECTION AND DIRECTING RECORDING OF  
NOTICE OF SPECIAL TAX LIEN

WHEREAS, on February 5, 2013, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara adopted a resolution entitled "*A Resolution of the Board of Supervisors of the County of Santa Barbara Calling Special Election for the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District)*" (the "*Resolution Calling Election*"), calling for a special election of the qualified electors within the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Facilities District) (the "Community Facilities District");

WHEREAS, pursuant to the items of the Resolution Calling Election and the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), the special election was held on July 8, 2008; and

WHEREAS, the Elections Division Manager or authorized designee, of the County of Santa Barbara (the "County"), acting on behalf of the Registrar of Voters of the County has certified the canvass of the results of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A;

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

Section 1. The Board of Supervisors has received, reviewed and hereby accepts the Canvass.

Section 2. The Board of Supervisors hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328(a) and Section 53325.7 of the Act.

Section 3. The Clerk of the Board of Supervisors is hereby directed to execute and cause to be recorded in the Office of the County Recorder a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the Board of Supervisors of this Resolution.

Section 4. 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 5th day of March 2013 by the following vote:

AYES:  
NOS:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
CHAIR Board of Supervisors

County of Santa Barbara

ATTEST:

CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

COUNTY COUNSEL

By: \_\_\_\_\_

APPROVED AS TO FORM:

AUDITOR-CONTROLLER

By: \_\_\_\_\_

EXHIBIT A

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

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on March 4, 2013, I canvassed the returns of the special landowner election held on March 4, 2013, for the County of Santa Barbara Community Facilities District No. 2002-1 (Annexation Into Orcutt Community Facilities District) that the total number of ballots cast in said District and the total number of votes cast for and against the measure are as follows and that the totals as shown for and against the measure are full, true and correct:

Qualified Landowner Votes	Votes Cast
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County of Santa Barbara Community  
Facilities District No. 2002-1 (Orcutt  
Community Facilities District) Special  
Election, March 4, 2013

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the parcel(s) identified in the Annexation Map No. 5 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 February 5, 2013, 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?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this \_\_\_\_ day of March 2013.

Joseph E. Holland  
County of Santa Barbara  
Registrar of Voters

By

\_\_\_\_\_  
Elections Division Manager

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF SANTA BARBARA APPROVING THE  
ANNEXATION OF TERRITORY TO ORCUTT COMMUNITY  
FACILITIES DISTRICT NO. 2002-1 AND AUTHORIZING THE  
LEVY OF A SPECIAL TAX THEREIN

WHEREAS, the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara (the "County") has formed Orcutt Community Facilities District No. 2002-1 (Orcutt Community Plan) (the "Community Facilities District"), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain facilities; and

WHEREAS, the Board of Supervisors, pursuant to Ordinance No. 4478, adopted by the Board of Supervisors of the County on October 15, 2002, authorized and levied the Special Taxes within the Community Facilities District; and

WHEREAS, on February 5, 2013 the Board of Supervisors (the "Board of Supervisors") of the County of Santa Barbara (the "County") adopted a resolution entitled *A Resolution of the Board of Supervisors of the County of Santa Barbara Initiating Annexation of Territory to Orcutt Community Facilities District No. 2002-1 and to Authorize the Levy of Special Taxes Therein* (the "Resolution of Intention"), stating its intention to annex Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) into the Orcutt Community Facilities District No. 2002-1 (the "Community Facilities District") and authorize the levying of special taxes on the newly annexed parcels pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act");

WHEREAS, the Board of Supervisors has held a noticed public hearing on the annexation to the Orcutt Community Facilities District and the authorization of levying special taxes on the newly annexed parcels, as required by the Act;

WHEREAS, at the hearing, the testimony of all interested persons and taxpayers for or against the annexation to the Orcutt Community Facilities District was heard and no oral or written protests against the annexation to the Orcutt Community Facilities District, the furnishing of any specified type or types of services to the annexed areas within the Orcutt Community Facilities District or the levying any specified special tax were made or filed at or before the hearing and the hearing was concluded on this date;

WHEREAS, an election was held in which the qualified electors of the area proposed to be annexed approved said propositions by more than the two-thirds vote required by the Act;

WHEREAS, Section 53340 of the Act provides that the legislative body of a community facilities district may provide, by resolution, for the levy of the special tax in the current year or future tax years at the same rate or at a lower rate than the rate provided by ordinance, if the resolution is adopted and a certified list of all parcels subject to the special tax levy including the amount of the tax to be levied on each parcel for the applicable tax year, is filed by the clerk or other official designated by the legislative body with the county auditor on or before the 10th day of August of that tax year; and

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

Section 1. The foregoing recitals are true and correct.

Section 2. The parcels contained within Clark Avenue Commercial Shopping Center/Key Site 4 (APN 103-750-38) are hereby annexed into the Orcutt Community Facilities District No. 2002-1.

Section 3. The special tax assessment is hereby levied on the parcels comprising Evergreen Shopping Center.

Section 4. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property annexed into the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit A attached hereto, which is by this reference incorporated herein. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the Board of Supervisors shall determine, including direct billing of the affected property owners.

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

Section 6. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the Board of Supervisors ceases.

Section 7. The Board of Supervisors hereby determines and finds that all proceedings up to and including the adoption of this Ordinance were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

Section 8. 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, in the Santa Barbara News Press, the Santa Maria Times and the Lompoc Record, which are newspapers 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 of \_\_\_\_\_ 2013, by the following vote:

AYES:  
NOS:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
CHAIR Board of Supervisors

County of Santa Barbara

ATTEST:

CLERK OF THE BOARD

By:

\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

COUNTY COUNSEL

By: \_\_\_\_\_

APPROVED AS TO FORM:

AUDITOR-CONTROLLER

By: \_\_\_\_\_

Exhibit A  
Special Tax Levy for Fiscal Year 2007-2008

1. Developed Property a Special Tax

The Special Tax for Fiscal Year 2007-2008 for each Land Use Class is shown below in Table 1. The special tax rate will escalate each fiscal year by the greater of the change in the Los Angeles Urban Consumer Price Index during the past 12 months or 2%. For Fiscal Year 2007-08, the CPI was 3.29%.

TABLE 1

MAXIMUM SPECIAL TAXES FOR DEVELOPED PROPERTY for  
Fiscal Year 2007-2008  
Community Facilities District No. 2002-1

Land Use Class	Land Use	Maximum Special Tax Per Dwelling Unit or Per Square Foot of Non-Residential Floor Area
1	Single Family Property	\$714.92 per Dwelling Unit
2	Multi-Family Property	\$486.15 per Dwelling Unit
3	Non-Retail Commercial/Industrial Property	\$0.69347 per square foot
4	Retail Commercial Property	\$0.49331 per square foot
NA	Graded Property	\$50 per lot

2. Graded Property

As set forth in the Rate and Method, a Special Tax of \$50 shall be levied on Graded Property.

3. Property Being Issued a Building Permit

As set forth in the Rate and Method, a One-Time Special Tax of \$250 per Dwelling Unit and \$0.20 per square foot of Non-Residential Floor Area shall be levied at a building permit issuance on Developed Property.