

April 5, 2018 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street
Santa Barbara CA 93101

Consider Execution of the Certificate of Completion for LAFCO File 17-01: Formation of the Los Olivos Community Services District

Dear Members of the Commission

RECOMMENDATION

- 1) It is recommended that the Commission Execute the Certificate of Completion for LAFCO File 17-01: Formation of the Los Olivos Community Services District.

DISCUSSION

Following your Commission's approval of the Formation of the Los Olivos Community Services District on April 13, 2017 and a protest hearing with less than a majority vote held on June 21, 2017, the district formation was set for a mailed ballot election to be held on January 30, 2018. On February 8, 2018, Joseph E. Holland, County Clerk-Recorder-Assessor, certified the canvass of the returns of votes cast and determined the value of the votes as follows: 265/73.4% in favor and 96/26.6% against. The election required a two-thirds vote because of the levying of a special tax. The Board of Supervisors declared the results of the election on February 27, 2018.

Although the Cortese-Knox Hertzberg Act allows the Executive Officer to prepare and record the Certificate of Completion for most changes of organization, for changes that are approved at an election, Government Code Section 57176 reads in pertinent part as follows:

“The commission shall execute, within 30 days of the canvass of the election, a certificate of completion confirming the order of the change of organization or reorganization if a majority of votes cast upon the question are in favor of the change of organization or reorganization in any of the following circumstances: (a) At an election called in the territory ordered to be organized or reorganized”.

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any of the following circumstances: (a) At an election called in the territory ordered to be organized or reorganized”.

Staff has included a proposed Certificate of Completion for the Commission’s review and approval (**Exhibit A**). The Certification of the Canvass of the January 30, 2018 Election Results is attached to the Certificate.

Exhibits:

Exhibit A Certificate of Completion

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer

Recording Requested By:

LAFCO

Santa Barbara Local Agency Formation Commission

Return via interoffice mail to:

LAFCO

105 East Anapamu Street Rm. 407

Santa Barbara CA 93101

805-568-3391 FAX 805-568-2249

No Fee Per Government Code § 6103

CERTIFICATE OF COMPLETION

In the matter of the formation of the Los Olivos Community Services District, the Santa Barbara Local Agency Formation Commission approved formation on April 13, 2017 through Resolution of Approval No. 17-05. Pursuant to Government Code section 57176, the Commission shall execute, within 30 days of the canvass of the election, a certificate of completion confirming the order of the change of organization or reorganization if a majority of votes cast upon the question are in favor of the change of organization or reorganization in an election called in the territory ordered to be organized or reorganized. With the completion of the confirmation election, the Commission finds that no other conditions imposed by the Commission on the formation of the District are required to be satisfied prior to formation.

The Commission ordered the formation of the District subject to a two-thirds vote cast upon the question of formation were in favor of the change of organization. (See Attachment A.) This condition has been met as of February 8, 2017, when County Clerk/Registrar Joseph E. Holland certified the results of the formation election and determined the measure was approved by over two-thirds of the registered voters residing within the boundaries of the proposed District.

The Commission hereby determines and finds that this certificate of completion is complete and in accordance with Resolutions No. 17-05. Further, the Commission finds and determines:

1. The short-form designation of the proceeding is: "17-05: Formation of the Los Olivos Community Services District."
2. The District is located in the Santa Ynez Valley and is comprised of 302 acres.
3. Commission Resolution of Approval No. 17-05 is made a part of this certificate by reference and said Resolution sets forth the boundaries of the new District. (See Attachment B.) The terms and conditions of approval, as authorized and mandated by the Community Services

District Law, Government Code section 61000 et seq., and the Cortese Knox Hertzberg Act, Government Code section 56000 et seq., are as follows:

- a. The name of the district shall be the “Los Olivos Community Services District.”
- b. The District shall be governed by a five-member Board of Directors elected at large. Terms of office of the District directors shall be as set forth in the Community Services District Law, Government Code section 61000 et seq.
- c. The District shall have those powers and responsibilities set forth in the Community Services District Law, Government Code Section 61100(b), which is to collect, treat, or dispose of sewage, wastewater, recycled water, and storm water, in the same manner as a sanitary district, formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400) of the Health and Safety Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail. All other powers of Community Services District shall be considered latent and shall require LAFCO approval to become active.
- d. The District shall be authorized to levy and collect a special tax, as approved by the voters, as follows:
 - i. The maximum annual special tax authorized for the District shall be Two Hundred Thousand (\$200,000) and shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index for the Los Angeles/Long Beach area for the prior 12 months.
 - ii. The actual tax to be levied for any fiscal year shall be determined by a majority vote of the board of directors of the District on the basis of the actual revenues estimated to be required by the District to pay its reasonable and necessary expenses for such year.
 - iii. The method of tax collection shall be the regular county assessment roll.
 - iv. The tax shall be applied to each legal lot within the District, except that unimproved property may be taxed at a lower rate than improved property.
 - v. The District’s authority to levy the tax shall terminate once the District successfully adopts an assessment pursuant to Article XIII D Section 6 of the California Constitution (Proposition 218) to generate revenue sufficient to fund its administrative costs through charges other than the tax.
- e. Should the Board of Directors levy any of the “Proceeds of Taxes,” described above, it will establish an Appropriations Limit. The “provisional appropriations limit of the district” shall be set at \$250,000. This assumes the maximum special tax levy of \$200,000, plus a 25 percent buffer. Pursuant to subsection (c), the permanent

appropriations limit of the district shall be set at the first district election that is held following the first full fiscal year of operation.

- f. The District shall adopt an assessment pursuant to Article XIII D Section 6 of the California Constitution to generate revenue as necessary to fund the wastewater treatment facilities for the area, including the California Environmental Quality Act and other planning analysis, assessment study and necessary election. The Commission may otherwise extend such deadline, if other Commission approved arrangements are made for funding such construction.
4. The effective date of formation of the District shall be the date of the recordation of this Certificate of Completion.

This Certificate of Completion is hereby approved by the Commission on April 5, 2018 in Santa Barbara, California.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency
Formation Commission

ATTEST

Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission

**CERTIFICATE OF THE COUNTY CLERK-RECORDER-ASSESSOR OF
RESULTS OF CANVASS OF ALL VOTES CAST AT THE
LOS OLIVOS COMMUNITY SERVICES DISTRICT FORMATION ELECTION
JANUARY 30, 2018**

I, **Joseph E. Holland**, County Clerk, Recorder, and Assessor of the County of Santa Barbara, do hereby certify that pursuant to law I did canvass the returns of the votes cast at the above referenced election, and that the following Statement of Votes Cast shows the number of votes cast for and against Measure P2018, and for the candidates for Director, are full, true and correct.

**STATEMENT OF VOTES CAST
LOS OLIVOS COMMUNITY SERVICES DISTRICT FORMATION ELECTION
January 30, 2018**

Number of Registered Voters: 486

Number of Ballots Cast: 363

Precinct: 30-3670

Measure P2018

Los Olivos Community Services District Formation and Tax **Votes Cast / %**

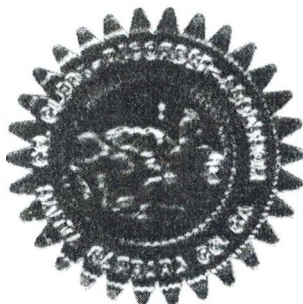
YES	265 / 73.4%
NO	96 / 26.6%

Director

Vote for no more than 5 **Votes Cast / %**

Thomas Fayram	256 / 20.4%
Michael E. Arme	247 / 19.7%
Lisa Palmer	246 / 19.6%
Brian A. O'Neill	243 / 19.4%
Julie Kennedy	240 / 19.2%
Write-in votes	21 / 1.7%

I hereby set my hand and official seal this 8th day of February, 2018.



Joseph E. Holland

JOSEPH E. HOLLAND, County Clerk-Recorder-Assessor

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

DIRECTING THE BOARD OF SUPERVISORS TO DIRECT COUNTY ELECTIONS TO
CONDUCT THE NECESSARY ELECTIONS ON BEHALF OF THE PROPOSED
LOS OLIVOS COMMUNITY SERVICES DISTRICT

RECITALS

Whereas, on April 13, 2017, the Commission approved the formation of the proposed Los Olivos Community Services District for the purpose of providing a funding mechanism for the building and operation of facilities necessary to collect, treat, and dispose of sewage, wastewater, recycled water, and storm water in the unincorporated territory known as the Los Olivos Community subject to the terms and conditions specified in Commission Resolution 17-04.

Whereas, pursuant to Government Code section 57002 the Executive Officer conducted a protest hearing on June 21, 2017 regarding the formation of the proposed Los Olivos Community Services District.

Whereas, the Executive Director has caused the names on the protest forms to be compared with the voters' register in the office of the registrar of voters and ascertained the value of the protests filed and not withdrawn and found that there were 80 valid protests against the formation of the proposed Los Olivos Community Services District and that there were 488 registered voters residing in the proposed formation area at the close of business on June 21, 2017.

Whereas, on August 3, 2017, the Executive Officer reported to the Commission that a majority protest to the formation of the Los Olivos Community Services District did not exist.

NOW, THEREFORE, THE COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. Pursuant to Government Code section 61014(e)(2)(B), the Commission hereby orders the formation of the Los Olivos Community Services District and the special tax be subject to the approval of the voters.

2. The affected territory is the unincorporated area of Santa Barbara County known as Los Olivos as approved by the Commission on April 13, 2017 and as shown on Attachment A.

3. The purpose of the special tax shall be to fund the reasonable and necessary expenses of the proposed District and such proceeds shall be applied only to such purpose.

4. The ballot question for the formation of the district and the special tax shall be approved by a two-thirds vote of the voters voting in the election on the issue. Pursuant to Government Code section 61014(c), if the voters do not approve the special tax, the proposed district shall not be formed

5. The method of tax collection shall be the regular county assessment roll.

6. The tax proceeds shall be deposited into a special account and the District shall prepare an annual report pursuant to Government Code section 50075.3.

7. The Commission hereby approves the proposed ballot question for the formation of the District and approval of the special tax as set forth in Attachment B.

8. The Commission hereby directs the Board of Supervisors to direct County Election Officials to conduct the necessary elections on behalf of the proposed Los Olivos Community Services District including election of a board of directors.

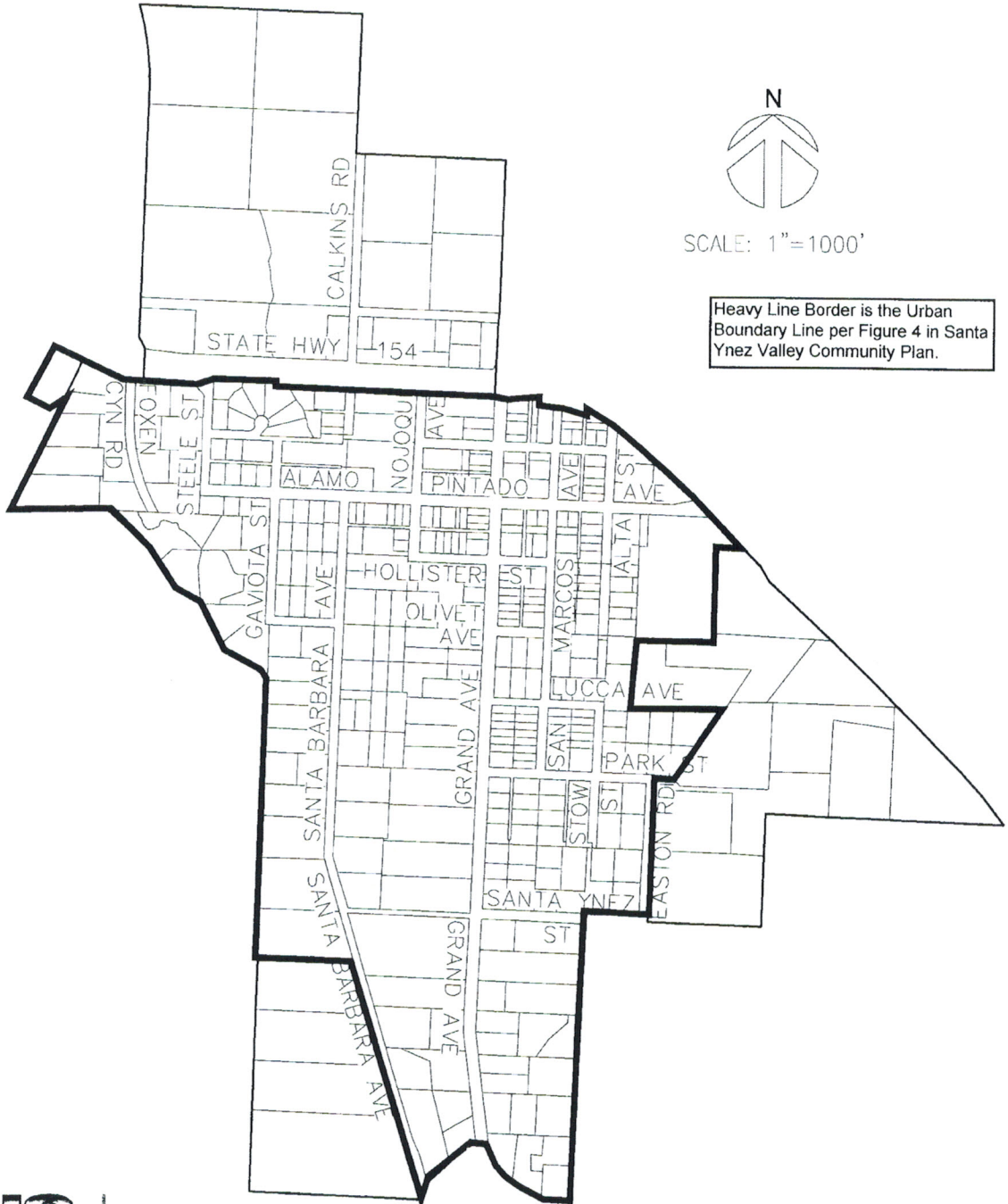
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Santa Barbara LAFCO
Resolution No. 17-05

Attachment A

Map of the Affected Territory Approved by the Commission on April 13, 2017

Proposed Formation of the Los Olivos Community Services District



SCALE: 1" = 1000'

Heavy Line Border is the Urban Boundary Line per Figure 4 in Santa Ynez Valley Community Plan.



201 N Calle Cesar Chavez, Ste 300
Santa Barbara, CA 93103
805.692.6921 Phone

ENGINEERING
PLANNING
SURVEYING
CONSTRUCTION MANAGEMENT

LOCS.D.160586.00 * ANX MAP.dwg * 11/16/2016 * RCS * E-FILE

Prepared April 11, 2017
Number of Assessor's Parcels = 390
Total Area within Formation Boundary = 302 Acres

Attachment B

BALLOT QUESTION

MEASURE X2018

LOS OLIVOS COMMUNITY SERVICES DISTRICT FORMATION

Shall the order adopted on April 13, 2017 by the Santa Barbara County Local Agency Formation Commission ordering the formation a community services district in the unincorporated territory known as Los Olivos be approved subject to such terms and conditions, including authorization of an annual special tax not to exceed \$200,000 which shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index, all as more particularly described and set forth in the order?

YES _____ NO _____

PASSED AND ADOPTED by the Commission in Santa Barbara, California, on September 7, 2017 by the following vote:

AYES: Commissioners Geyer, Hartmann, Moorhouse, Richardson, Stark, Wolf and Aceves

NOES:

ABSTAINS:

Dated: September 7, 2017.



Roger Aceves, Chair
Santa Barbara County Local Agency Formation Commission

ATTEST:



Jacquelyne Alexander, Clerk
Santa Barbara County Local Agency Formation Commission