

MONTECITO FIRE PROTECTION DISTRICT
AGENDA FOR THE ADJOURNED REGULAR MEETING
OF THE BOARD OF DIRECTORS

Montecito Fire Protection District Headquarters
595 San Ysidro Road
Santa Barbara, California

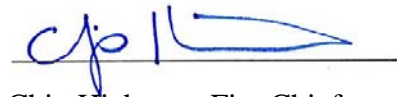
September 15, 2014 at 2:00 p.m.

Agenda Items May Be Taken Out Of The Order Shown

1. Public comment: Any person may address the Board at this time on any non-agenda matter that is within the subject matter jurisdiction of the Montecito Fire Protection District. (30 minutes total time is allotted for this discussion.)
2. Community Facilities District No. 2011 (Upper Hyde Road) Approve the first reading by title only of Ordinance No. 2014-02 of the Montecito Fire Protection District dissolving Community Facilities District No. 2011 (Upper Hyde Road).
3. Suggestions from Directors for items other than regular agenda items to be included for the September 22, 2014 Regular Board meeting.
4. Adjournment

This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950. The date of the posting is September 11, 2014.

MONTECITO FIRE PROTECTION DISTRICT



Chip Hickman, Fire Chief



UHR Timetable

Owners have agreed to improve UHR privately

The engineering firm we have chosen is Civil Design Studio. Their principal engineer and POA is Robert Winslow.

Construction Documents were submitted to the County for a Grading Permit on July 28, 2014. A permit number was issued.

Construction Documents were submitted to the County for a Site Plan Permit on August 18, 2014. Plans are currently in plan check that at the soonest will take 6 weeks. We anticipate only minor changes.

We expect the bidding process to begin on or before October 15, 2014.

We expect Contractor to be selected on or before November 15, 2014

Our goal is to begin UHR Road Improvements on or before December 31, 2014

LLC Formation

Owners have agreed to form an LLC for the sole purpose of improving UHR and to insure its ongoing maintenance. We have retained Graham Lyons of the law firm of Mullen & Henzell L.L.P to draft the necessary documents and to incorporate the LLC.

The LLC is the replacement structure for the Mello Roos. Formation will begin this week. We expect incorporation on or before September 31, 2014.

Request for a Special Session of the Board of Directors of the Montecito Fire Protection District

Owners request a Special Session to resolve outstanding issues as they relate to the relationship of UHR to the MFPD. Details for a Special Session will be forthcoming, in writing and with adequate time for the Board to review documents, to include the dissolving of the Mello Roos.

**Montecito Fire Protection District
Mello Roos Fund 3654
August 31, 2014**

UHR Mello-Roos - Fund 3654

Earnings and Transfers:

Transfer from MTO Fund 3650	\$ 76,000.00
Contrib. from Mtn Comm. Assoc	20,000.00
Interest Earnings	<u>496.04</u>
Total Earnings & Transfers	<u>96,496.04</u>

Expenditures:

Price, Postel & Parma	52,467.00
MNS Engineers	23,274.50
Schott & Co	5,000.00
Goodwin & Co.	<u>6,225.00</u>
Total Expenditures	<u>86,966.50</u>

Cash in Fund 3654 at 8/31/14 \$ 9,529.54

UHR Project:

UHR Mello-Roos Expenditures	\$ 86,966.50
UHR DeSitter Easement Costs	<u>122,308.00</u>

Total Paid for UHR Project to Date \$ 209,274.50

Expenditures by year:

2009-10 Total Expenses	7,971.50
2010-11 Total Expenses	20,967.00
2011-12 Total Expenses	45,236.75
2012-13 Total Expenses	2,678.75
2013-14 Total Expenses	<u>10,112.50</u>
	86,966.50



August 27, 2014

475 Sansome Street
Suite 1700
San Francisco, CA 94111
t. 415.391.5780
f. 415.276.2088

Montecito Fire Protection District
595 San Ysidro Rd.
Santa Barbara, CA 93108

RE: Montecito Fire Protection District
Community Facilities District No. 2011
(Upper Hyde Road)

INVOICE

For Legal Services Rendered as Bond Counsel
For Community Facilities District Formation and Dissolution Proceedings:

Conferences with District staff, general counsel, consultants and property owners;
draft and review resolutions, notices, petitions, consents and related documents
necessary for district formation; attend board of directors meetings ; respond to
questions from staff and consultants; draft ordinance and notice for dissolution.

\$ 10,000.00

Instructions for Wire Transfer:

Comerica Bank
ABA No. [REDACTED]
Two Embarcadero Center, Suite 300
San Francisco, CA 94111
For Credit : Jones Hall, APLC
Acct. No. [REDACTED]

ORDINANCE NO. 2014-02**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE MONTECITO FIRE PROTECTION DISTRICT
DISSOLVING
COMMUNITY FACILITIES DISTRICT NO. 2011
(UPPER HYDE ROAD)****Montecito Fire Protection District
Community Facilities District No. 2011
(Upper Hyde Road)**

WHEREAS, the Board of Directors (the “Board”) of the Montecito Fire Protection District (the “District”), County of Santa Barbara, State of California, has heretofore conducted proceedings in and for the “Montecito Fire Protection District Community Facilities District No. 2011 (Upper Hyde Road)” (the “CFD”);

WHEREAS, on May 16, 2011, this Board adopted a resolution entitled “Resolution of Intention to Establish Community Facilities District” stating its intention to form the CFD pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”);

WHEREAS, on June 17, 2011, this Board adopted a resolution entitled “Resolution of Formation of Community Facilities District” ordering the formation of the CFD, authorizing the levy of a special tax on property within the CFD in accordance with the special tax formula approved thereby (the “Special Tax Formula”) and preliminarily establishing an appropriations limit for the CFD, subject to the approval of the voters in the CFD;

WHEREAS, on June 17, 2011, this Board also adopted a resolution entitled “Resolution Determining Necessity to Incur Bonded Indebtedness” determining the necessity to incur bonded indebtedness in a maximum aggregate principal amount not to exceed \$5,000,000 upon the security of the special tax to be levied within the CFD, subject to the approval of the voters of the CFD;

WHEREAS, on June 17, 2011, this Board also adopted a resolution entitled “Resolution Calling Special Election” pursuant to which the propositions of the levy of the special tax, the establishment of the appropriations limit and the incurring of the bonded indebtedness for the CFD were submitted to the qualified electors of the CFD as required by the Act;

WHEREAS, the special election was held in the CFD on June 17, 2011, at which the propositions set forth above were approved by an affirmative vote of more than 2/3rds of the votes cast at such election;

WHEREAS, subsequently, the owners of the parcels within the CFD have requested that this Board now dissolve the CFD because of the desire of the owners to privately finance the cost of constructing the road improvements;

WHEREAS, Section 53338.5 of the Act authorizes this Board, by ordinance, to dissolve the CFD upon determining that (a) the CFD is not obligated to pay any outstanding debt and (b) the CFD has no authorization to levy any special tax; and

WHEREAS, this Board wishes to dissolve the CFD pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MONTECITO FIRE PROTECTION DISTRICT as follows:

Section 1. This Board hereby finds that the recitation of facts set forth in the preceding clauses are true and correct. This Board further finds that the CFD is not obligated to pay any indebtedness and that, because no special taxes are currently required or authorized to be levied under the Special Tax Formula, the CFD has no authorization to levy any special tax.

Section 2. By the passage of this Ordinance, this Board hereby dissolves the CFD. Beginning in fiscal year 2014-15, the District will have no authority to levy special taxes in the CFD.

Section 3. The Secretary of the Board of Directors is hereby directed to record an addendum to the Notice of Special Tax Lien in the office of the Santa Barbara County Recorder stating that the CFD and all associated liens, if any, have been dissolved.

Section 4. This Ordinance shall take effect 30 days from the date of final passage.

* * * * *

INTRODUCED by the Board of Directors of the Montecito Fire Protection District this 15th day of September, 2014, by the following vote:

AYES:

NOES:

ABSENT:

President of the Board of Directors

Attest:

Secretary of the Board of Directors

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Montecito Fire Protection District this 22nd day of September, 2014, by the following vote:

AYES:

NOES:

ABSENT:

President of the Board of Directors

Attest:

Secretary of the Board of Directors

**RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:**

Fire Chief
Montecito Fire Protection District
595 San Ysidro Road
Santa Barbara, CA 93108

**ADDENDUM TO
NOTICE OF SPECIAL TAX LIEN
AND NOTICE OF CESSATION OF SPECIAL TAX**

**Montecito Fire Protection District
Community Facilities District No. 2011
(Upper Hyde Road)**

Pursuant to the requirements of Section 3114.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, *et. seq.*, of the California Government Code (the "Act"), a lien to secure payment of a special tax to be levied for the purpose of financing public facilities and certain public services was imposed by the Board of Directors of the Montecito Fire Protection District (the "District"), County of Santa Barbara, within the "Montecito Fire Protection District Community Facilities District No. 2011 (Upper Hyde Road)" (the "CFD"), pursuant to a Notice of Special Tax Lien, recorded in the Santa Barbara County Recorder's Office on July 6, 2011, as Document No. 2011-0038760 (the "Notice of Special Tax Lien").

Reference is made to the boundary map of the CFD recorded in the Santa Barbara County Recorder's Office on May 31, 2011, at the hour of 2:52 o'clock P.M. in Book AD 4 of Maps of Assessment and Community Facilities Districts at Page 63.

Section 53338.5 of the Act authorizes the Board of Directors of the District, by ordinance, to dissolve the CFD upon determining that (i) the CFD is not obligated to pay any outstanding debt and (ii) the CFD has no authorization to levy any special tax.

On September 22, 2014, the Board of Directors of the District adopted its Ordinance No. 2014-02, entitled "An Ordinance of the Board of Directors of the Montecito Fire Protection District Dissolving Community Facilities District No. 2011 (Upper Hyde Road)" (the "Ordinance"), pursuant to which the Board of Directors (i) made findings that the CFD is not obligated to pay any outstanding debt and the CFD has no authorization to levy any special tax and (ii) dissolved the CFD.

In accordance with the Ordinance and Section 53338.5 of the Act, the undersigned Secretary of the Board of Directors of the District hereby gives notice that the obligation to pay the special tax has ceased with respect to the real property described in the table attached as Exhibit A, that the lien imposed by the Notice of Special Tax Lien is hereby extinguished and that the CFD and all associated liens are hereby dissolved.

Dated: As of September 22, 2014

By: _____
Fire Chief,
Montecito Fire Protection District

EXHIBIT A**Montecito Fire Protection District
Community Facilities District No. 2011
(Upper Hyde Road)****ASSESSOR'S PARCEL NUMBERS AND OWNERS OF LAND
WITHIN COMMUNITY FACILITIES DISTRICT**

Property Owner Names	Assessor's Parcel Number
Gary Mervin Reisenweber	013-030-007
Helen Connelly, Trustee, Helen Connelly Revocable 1980 Trust	013-030-006
Bruce Staufenberg and Kurt Charles Staufenberg	013-030-005
Michael Collins and Martha Rolls Collins, Trustees, Collins Community Property Trust (8/10/2006)	013-030-014
Susan Lael Katnic, individually and as Trustee of the Eric Maurer 1992 Irrevocable Trust (7/30/1992)	013-030-012
Lavonne E. Friedman	013-030-011
Marion F. Toms and Barrie S. Aquilino, Trustees, the Toms-Aquilino Trust (2/8/2005)	013-030-004
Katherine Lane Collis, Trustee, the Lane Family Trust	013-030-010
Arthur von Wiesenberger	013-030-019
Arthur von Wiesenberger	013-030-026
Jan Marie Birdsell and Karen M. May, Trustees, the Martin Lewis Birdsell, Jr. Trust (11/11/2004)	013-030-025
William Richardson and Frances J. Richardson, Trustees, the Richardson Family Trust (7/5/2004)	013-030-003
Ivana Noell, Trustee, Ivana Noell Family Revocable Trust (6/2/1998)	013-030-002
George T. Hayum and Gabrielle Mandelik Hayum	013-030-015