COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

February 20, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF THE CITY OF SANTA CLARITA TO TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT REVENUE FOR LANDSCAPE AND LIGHTING ACT DISTRICT (LLA) NO. 2, ZONE NO. 52 MOUNTAIN VIEW EAST; SITUATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF SANTA CLARITA; FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA
(Fifth District – 3 Vote Matter)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the approval of the Joint Resolution for the transfer of jurisdiction over Landscape and Lighting Act (LLA) District No. 2, Zone No. 52 Mountain View East ("Zone 52"), situated within the territorial boundaries of the City of Santa Clarita, from the County of Los Angeles to the City of Santa Clarita, is categorically exempt from the California Environmental Quality Act (CEQA) according to the sections of the State CEQA Guidelines and the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987 cited herein.

2. Acting as the governing body of LLA District No. 2, Zone No. 52 Mountain View East; authorize the Chairman of the Board to sign the Joint Resolution transferring jurisdiction over the above described Zone, and approving and accepting the negotiated exchange of benefit assessment revenue for LLA District No. 2, Zone No. 52 Mountain View East, from the County of Los Angeles to the City of Santa Clarita, effective upon Board of Supervisors approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions would result in the transfer of jurisdiction of Zone 52 from the County of Los Angeles to the City of Santa Clarita, and approve and accept the negotiated exchange of benefit assessment revenue in Zone 52 effective upon Board of Supervisors approval.

These actions are in accordance with Section 22612 of the Streets and Highways Code of the State of California ("Streets and Highways Code"), and Section 99 of the Revenue and Taxation Code of the State of California ("Revenue and Taxation Code").

On January 11, 2006, the Local Agency Formation Commission ("LAFCO") approved the annexation of territories included in Zone 52 from the County of Los Angeles to the City of Santa Clarita. The Santa Clarita City Council approved and adopted the attached Joint Resolution at its regular meeting on January 9, 2007.

Implementation Of Strategic Plan Goals

These actions will further the County's Strategic Plan Goal of Fiscal Responsibility (Goal Four). These recommendations, in compliance with the Landscaping and Lighting Act of 1972 and Article XIIID of the California Constitution, will allow the County to transfer jurisdiction over Zone 52 from the County of Los Angeles to the City of Santa Clarita, effective upon Board of Supervisors approval.

FISCAL IMPACT/FINANCING

The County's operation of Zone 52 has been fully funded from benefit assessments which have accrued therein. The Fiscal Year 2005-06 Board adopted benefit assessment revenue for Zone 52 is $322,000. The Fiscal Year 2005-06 assessment per parcel and Fiscal Year 2006-07 assessment per parcel for Zone 52 is included on Appendix A.

Neither County operation of this Zone nor transfer to the City has an impact on the County General Fund. This Department recommends approval of the transfer of jurisdiction of Zone 52 to the City and accepting the negotiated exchange of benefit assessment revenue to enable the local unit of government to assume direct control of the services benefiting its residents.

FACTS AND PROVISION/LEGAL REQUIREMENTS

Section 22612 of the Streets and Highways Code provides that if all of the territory of a zone is included within one city as a result of an annexation, the legislative body may transfer jurisdiction over the district to the city council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place.

Section 99 of the Revenue and Taxation Code provides that prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of benefit assessment revenue to be exchanged between the affected agencies and approve and accept the negotiated exchange of benefit assessment revenue by resolution, but if the affected agency is a special district, the Board of Supervisors must negotiate on behalf of the district.

County Counsel has approved the enclosed Joint Resolution as to form.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

ENVIRONMENTAL DOCUMENTATION

The proposed transfer is exempt from CEQA according to Sections 15306 of the State CEQA Guidelines and Class 6 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987 because CEQA does not apply to projects consisting of basic data collection. CEQA does not apply to the establishment, modification, structuring, or approval of rates, tolls, fares, or other charges by public agencies.

Approval of the transfer is also exempt from CEQA because it is for the purposes of (1) meeting operating expenses including employee wage rates and fringe benefits, (2) purchasing and leasing supplies, equipment or materials, (3) meeting financial reserve needs and requirements and/or (4) obtaining funds for capital projects necessary to maintain service within existing service areas, pursuant to Section 21080 (b) 8 of the Public Resource Code.

CONCLUSION

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one conformed copy each be forwarded to the Chief Administrative Office, County Counsel and Auditor-Controller, and two conformed copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,

Russ Guiney
Director

RG:KH:PM:tv(Admin)

Attachments (2)

c: Executive Officer (22)
Chief Administrative Officer
County Counsel

APPENDIX "A"

LANDSCAPING AND LIGHTING ACT DISTRICT NO. 2
ZONE 52
List of Assessments

Zone	Budgeted Assmt. 2005-06	Budgeted Assmt. 2006-07	Proposed Increase/ Decrease	Supv. Dist.
52 – Mountain View East	$497.00	$700.00	$203.00	5

RESOLUTION NO. 07-5

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF THE CITY OF SANTA CLARITA TO TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR LANDSCAPE AND LIGHTING ACT DISTRICT (LLA) NO. 2, ZONE NO. 52 STONECREST; SITUATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF SANTA CLARITA; FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA

WHEREAS, Section 22612 of the Streets and Highways Code of the State of California provides that if all of the territory of a district is included within one city as a result of an annexation or incorporation, the legislative body may transfer jurisdiction over the district to the city council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place; and

WHEREAS. District No. 2, Zone No. 52 Stonecrest, ("Zone No. 52"), currently within the jurisdiction of the County of Los Angeles ("County"), is entirely located within the territorial boundaries of the City of Santa Clarita (the "City"); and

WHEREAS, the County affirms that the only funding source that benefits only Zone No. 52 is a special benefit assessment levy established by the Los Angeles County Board of Supervisors and collected by the County Tax Assessor; and

WHEREAS, the funds levied pursuant to that special assessment ("Assessment Proceeds") are currently deposited into a specific account held by the County to be used only used for Zone No. 52: account # 027.02 ("the Account"); and

WHEREAS, the Account includes unspent Assessment Proceeds from prior fiscal years, unspent Assessment Proceeds from the current fiscal year, and in the future may also include additional Assessment Proceeds from prior, current or future fiscal years; and

WHEREAS, the funds within the Account can only be used within Zone No. 52; and

WHEREAS, on February 17, 2004 the County entered into an agreement number 74757 entitled, "CONTRACT BY AND BETWEEN COUNTY OF LOS ANGELES AND AMERICAN LANDSCAPE MAINTENANCE FOR LANDSCAPE MAINTENANCE SERVICES FOR THE NORTHEAST COUNTY AREA ZONES (ZONE NUMBERS 26, 33, 52, AND 65)" (the "Contract") which, unless renewed, will expire on or about February 17, 2007; and

WHEREAS, the County represents that the Contract is in full force and effect, that County is unaware of the cancellation of any insurance policy held by the contractor, and that, to the best of County's knowledge, there has been no material breach of the Contract; and

WHEREAS, the County and the City consent to the transfer of jurisdiction over the portion of Zone No. 52 located within the territorial boundaries of the City from the County to the City; and

WHEREAS, the City Council of the City has authorized the City Manager or his designee to accept the transfer of Zone No. 52 on behalf of the City and has authorized

the City Manager or designee to execute all documents necessary to complete the transfer of Zone No. 52 from the County to the City; and

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code of the State of California, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of Assessment Proceeds to be exchanged between the affected agencies and approve and accept the negotiated exchange of Assessment Proceeds by resolution, but if the affected agency is a special district, the Board of Supervisors must negotiate on behalf of the district.

NOW, THEREFORE, the Board of Supervisors of the County of Los Angeles and the City Council of the City of Santa Clarita hereby resolve as follows:

Section 1. That the County and the City agree to transfer jurisdiction over Zone No. 52 from the County to the City.

Section 2. That the transfer shall take effect on the latter of (a) the date the County formally approves the transfer; or (b) February 16, 2007 (or a different date mutually agreed to in writing by the parties) (the "Effective Date").

Section 3. If the Effective Date of the transfer of jurisdiction from County to City precedes the expiration date of the Contract, on the Effective Date of the transfer of jurisdiction, the County shall transfer to City, and City shall accept and assume, all benefits and burdens under the Contract with regards only to Zone 52 but not Zones 26,

33 and 65. In no event shall City terminate the Contract prior to the Effective Date, except as permitted by the Contract.

Section 4. Beginning on the Effective Date, the City shall levy and receive all Assessment Proceeds relating to Zone No. 52.

Section 5. The County shall provide to City all funds currently in the Account and all funds that may be forwarded to the Account in the future pursuant to the following schedule:

a. On or about February 16, 2007 the County shall transfer to the City all amounts in the Account at that time. This amount will include all prior unspent funds, including any Assessment Proceeds for Fiscal Year 2005-2006 which have been received to date, less any invoices to be paid by County from these funds and less Zone 52's pro-rata share of administrative expenses, if any. Copies of any invoices paid by County from these funds shall be provided to City upon request. The County and City may amend the amount of payment and/or the date of payment pursuant to written agreement.

b. On or about May 15, 2007 the County shall transfer to the City all remaining funds in the Account, including any Assessment Proceeds for Fiscal Year 2005-2006 which have been received to date, less any invoices to be paid by County from these funds and less Zone 52's pro-rata share of administrative expenses, if any. Copies of any invoices paid by County from these funds shall be provided to City upon request.

c. If for any reason after May 15, 2007, there are any Assessment Proceeds or other funds in the Account, County shall forward those Assessment Proceeds or funds in the Account to the City within 30 days of County's knowledge of those Assessment Proceeds or funds.

Section 6. The County represents that, to the best of its knowledge, there are no pending or threatened claims, or administrative or court proceedings against Zone No. 52 to be transferred herein.

The County further represents that the County and Zone No. 52 currently are named additional insureds in the Contract and that they will continue to be so until the termination of the Contract. The City agrees that Zone No. 52 and the County will continue to be named as additional insureds in these and future such landscape maintenance contracts for Zone No. 52.

The City, as governing body and administrators of Zone No. 52 agrees to indemnify, defend, and save harmless the County, and its agents, officers, and employees from any damages of any nature whatsoever, including but not limited to, bodily injury, death, personal injury, or property damage, worker's compensation suits, liability or expense, damage to Zone No. 52, or damage to applicable homeowner association and City property and equipment, arising from landscape or lighting services performed on behalf of the City for Zone No. 52.

Section 7. The City agrees to the terms of this Joint Resolution as executed by the City Council on the date below. Should any terms or conditions herein be changed

or altered in any form or manner, after the date of execution by the City, this Joint Resolution shall be deemed null and void.

PASSED, APPROVED AND ADOPTED this 9th day of January, 2007.

Marsha McLean

Marsha McLean, Mayor

ATTEST:

Sharon Dawson

Sharon Dawson, City Clerk

I, Sharon Dawson, City Clerk of the City of Santa Clarita, do hereby certify that the forgoing Resolution was duly adopted by the City Counsel of the City of Santa Clarita at a regular meeting thereof, held on the 9th day of Jan., 2007 by the following vote of Council:

AYES:	COUNCILMEMBERS:	Ferry, Weste, Kellar, Boydston, McLean
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

The foregoing Joint Resolution No. _____ was passed by the Board of Supervisors of the County of Los Angeles, State of California on _____, 2007.

SACHI A. HAMAI,
Executive Officer -
Clerk of the Board of Supervisors of
the County of Los Angeles

By: _____
Deputy

APPROVED AS TO FORM

RAYMOND G. FORTNER JR.
COUNTY COUNSEL

By: _____
Principal Deputy County Counsel

By _____
Chair, Board of Supervisors

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring the Chair's signature.

The undersigned hereby certifies that on this _____ day of _____, 2007, the facsimile signature of _____, Chair of the Board of the Supervisors of the County of Los Angeles was affixed hereto as the official execution of this document. The undersigned further certifies that on this date, a copy of the document was delivered to the Chair of the Board of Supervisors of the County of Los Angeles.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI,
Executive Officer -
Clerk of the Board of Supervisors of
the County of Los Angeles

By_____
Deputy