

STAFF REPORT

SUBJECT: Amendment to Measure A Ordinance

MEETING DATE: January 19, 2012

AGENDA ITEM: 11

STAFF CONTACT: Jim Kemp

CONCURRENCE: Bill Dillon, County Counsel

RECOMMENDATION:

Conduct second hearing and adopt an amendment to Ordinance No. 5 of the Santa Barbara Local Transportation Authority to make technical changes to Section 21(b). (Requires 2/3rds majority approval—9 affirmative votes).

DISCUSSION:

In November, 2011 the board conducted the first reading and held a hearing on an amendment to Ordinance No. 5 (Measure A) to make a technical correction to Section 21. It is recommended that this month the board conduct a second hearing on the amendment and adopt the amendment as shown on Attachment 1. Section 21 of the ordinance incorrectly references an Investment Plan Amendment when this section of the ordinance is addressing Ordinance Amendments.

Amendment Voting Requirements

Any amendments to the Measure A Ordinance require a 2/3rds approval of the SBCAG Board of Directors (9 affirmative votes), after a noticed public hearing. Amendments to the Measure A ordinance require readings of the amended ordinance at two board meetings prior to a 2/3rds approval of the SBCAG Board of Directors. If adopted, the ordinance amendment would take effect 45 days after the adoption date unless SBCAG is notified of an intent to appeal the amendment by a local agency or MTD.

ATTACHMENTS:

1. Excerpt from Measure A Ordinance (Ordinance No. 5) Section 21 with proposed amendment

Attachment 1

AN ORDINANCE OF THE SANTA BARBARA COUNTY LOCAL TRANSPORTATION AUTHORITY IMPLEMENTING THE ROAD REPAIR, TRAFFIC RELIEF AND TRANSPORTATION SAFETY MEASURE ORDINANCE No. 5

PROPOSED AMENDMENT No. 2

Additions in Bold, Deletions Shown by ~~Strikeouts~~

Proposed Technical Correction:

Section 21. Amendments to this Ordinance.

A. With the exception of Sections 4, 7, 9, 35, and 36 which require a vote of the electors of the County of Santa Barbara to amend, this ordinance may be amended by the Authority to further its purposes, with two-thirds of the members of the Authority concurring at any regular or special meeting called for the purpose. The Authority must hold a formal, noticed public hearing on the matter before formal adoption of any amendment to the ordinance. Notice of the public hearing shall be published pursuant to Government Code section 6062.

B. Subsequent to any action by the Authority to amend this ordinance, the Authority shall notify the Board of Equalization, the Board of Supervisors, the city council of each city in the county, and the Santa Barbara Metropolitan Transit District board of directors of the proposed amendment(s) and provide each entity with a copy of the proposed amendment(s). Pursuant to Public Utilities Code 180207, proposed amendment(s) shall become effective 45 days after notice is given unless a local jurisdiction or the Santa Barbara Metropolitan Transit District, subsequent to a majority vote by its policy body, notifies the Authority in writing of its intent to appeal the Authority's approval of the **ordinance** ~~Investment Plan~~ amendment. Such written notice shall state the reason for the appeal. The agency appealing the proposed amendment(s) will have 45 days from the date notice is given to the Authority to obtain resolutions supporting the appeal of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas in the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the appeal within 45 days of the date notice is given, the Authority's amendment(s) to the ordinance shall take effect. If the necessary resolutions are obtained within 45 days from the date notice is given, then the amendment(s) shall be rescinded by the Authority.