

LAFCO

Santa Barbara Local Agency Formation Commission

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October 3, 2019 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street

Santa Barbara CA 93101

1. Consider adoption of a Resolution that will take the following actions regarding an election for the formation of the San Antonio Basin Water District:

- a) Direct the Board of Supervisors to order County Elections to conduct a landowner voter election for the formation of the San Antonio Basin Water District.
- b) Approve the Ballot Measure for Formation of the San Antonio Basin Water District;
- c) Approve the Impartial Analysis for the Formation of the San Antonio Basin Water District.

Dear Members of the Commission

RECOMMENDATION

It is recommended that the Commission consider adoption of a resolution that:

- a) Directs the Board of Supervisors to order County Elections to conduct a landowner voter election for the formation of the San Antonio Basin Water District.
- b) Approves the Ballot Measure for Formation of the San Antonio Basin Water District;
- c) Approves the Impartial Analysis for the Formation of the San Antonio Basin Water District.

DISCUSSION

At the July 11, 2019 meeting, the Commission approved the proposed Formation of the San Antonio Basin Water District, subject to an election. The district formation will be set for a mailed ballot election following the protest hearing which occurred on August 30, 2019. After

Commissioners: Steve Lavagnino, Chair ♦ Roger Aceves ♦ Cynthia Allen ♦ Jay Freeman ♦ Craig Geyer, Vice-Chair ♦ Joan Hartmann ♦ Holly Sierra ♦ Shane Stark ♦ Etta Waterfield ♦ Roger Welt ♦ Das Williams ♦ **Executive Officer: Paul Hood**

**REVISED
BUSINESS ITEM NO. 2**

review of the landowner protest forms by the County Assessor's Office, it was determined that there were significantly less than 50 percent landowner protests.

Ballot Measure

“Government Code Section 57133 states that: The question or questions to be submitted at any special election or elections called pursuant to this part shall be in substantially the following form:

(k) For a district formation, use form of question under principal act of district being formed. If none, use substantially the following form: "Shall the order adopted on ____, 20 __, by the Local Agency Formation Commission of ____ County ordering the formation of a district in the territory described, known as ____, be approved?"

Government Code Section 57134 states that: “If the change of organization or reorganization has been ordered subject to any terms and conditions, there shall be added to the end of the questions set forth in Section 57133 words substantially as follows:

"Subject to the terms and conditions specified in the order."

Impartial Analysis:

Government Code Section 56898 states that: “Whenever the executive officer is required by law to prepare an impartial analysis of a ballot proposition for approval by the commission, the commission may, by regulation, provide a procedure for approval or modification of the executive officer’s analysis.

In any event, the analysis shall be prepared and submitted to the commission in sufficient time for the commission to consider and approve or modify the analysis and submit the analysis to the officials conducting the election not later than the last day for submission of rebuttal arguments. The impartial analysis submitted by the commission shall not exceed 500 words in length and shall include a general description of the affected territory.”

Supplemental Resolution:

Elections Code Section 13307, states that: Each candidate for the District Board may prepare a candidate’s statement on a form provided by the elections official. The statement may include the name, age, and occupation of the candidate and brief description of no more than 200 words of the candidate’s education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political

organizations. A charge shall be levied by the election's official against the candidates for the candidates' statement sent to each voter.

Based on the above, staff has prepared the Ballot Measure for the proposed Formation of the San Antonio Basin Water District (**Exhibit A**), the Impartial Analysis (**Exhibit B**), and a Supplemental Resolution (revised October 2, 2019) new (**Exhibit C**), for the proposed Formation of the San Antonio Basin Water District. Legal Counsel has reviewed the documents and revised Exhibit C. **Exhibit D**, Resolution 19-03 Approving the Formation of the San Antonio Basin Water District, dated July 11, 2019. **Exhibit E** is a map of the San Antonio Basin Water District.

Exhibits:

- Exhibit A Ballot Measure for the Formation of the San Antonio Basin Water District
- Exhibit B Impartial Analysis for the Formation of the San Antonio Basin Water District
- Exhibit C Replacement Supplemental Resolution for the Formation of the San Antonio Basin Water District
- Exhibit D Resolution 19-03 Formation of the San Antonio Basin Water District, dated July 11, 2019
- Exhibit E Map of the San Antonio Basin Water District

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer

BALLOT MEASURE – Formation of the San Antonio Basin Water District

Shall the order adopted on July 11, 2019, by the Local Agency Formation Commission of Santa Barbara County ordering the formation of a district in the territory described, known as the San Antonio Basin Water District, be approved, subject to the terms and conditions specified in LAFCO Resolution 19-03.

IMPARTIAL ANALYSIS FOR MEASURE XXX FORMATION OF THE SAN ANTONIO BASIN WATER DISTRICT

This measure was placed on the ballot by the Board of Supervisors pursuant to a determination by the Santa Barbara Local Agency Formation Commission (“LAFCO”) under Government Code section 57000(e) that the creation of the San Antonio Basin Water District (“District”) requires a landowner voter election. This ballot measure is to determine if the landowner voters in the proposed District will authorize formation. Each person owning land within the proposed District shall be entitled to cast one vote for each acre owned by the voter within the district, provided that if the voter owns less than one acre then the voter shall be entitled to one vote and any fraction shall be rounded to the nearest full acre. A “YES” vote by the majority of such votes means that the District shall be formed. A “NO” vote is a vote against formation.

The proposed District is comprised of 87,041 acres and overlies the San Antonio Creek Groundwater Basin (Basin). The proposed District would completely encircle but not include the area within the Los Alamos Community Services District (Los Alamos CSD). Formation of the District was initiated by a petition signed by the holders of title to a majority of land within the proposed boundaries. The formation is more fully described in the Commission’s Resolution No. 19-03 , making determinations and setting forth the terms and conditions, which is available at the LAFCO office at 105 E. Anapamu St., Santa Barbara, CA. or online at: www.sblafco.org

The proposed District would be a California Water District with the powers set forth in Water Code section 34000 et. seq. Additionally, the District would be eligible under the Sustainable Groundwater Management Act, Water Code section 10720 et.seq. (SGMA) to succeed to the rights of the Cachuma Resource Conservation District (Cachuma RCD) under the Joint Powers Agreement (JPA), dated May 16, 2017, between the Cachuma RCD and the Los Alamos CSD. That JPA formed the agency that has been designated by the Department of Water Resources under SGMA as the Groundwater Sustainability Agency for the Basin. The JPA specifies that if a water district is formed that overlies the Basin and represents more than fifty (50) percent of all the groundwater extractions from the Basin, not including Federal waters, can succeed to the rights of the Cachuma RCD under the JPA.

The District board shall be initially composed of a five-member elected Board of Directors, each of whom must be a holder of title to land within the district, the legal representative of a holder of title to land within the district, or a representative designated by a holder of title to land within the district, if the holder has filed with the district written evidence of that designation.

The District, if formed, would cease to exist if an assessment to fund the District is not approved pursuant to a Proposition 218 proceeding by June 30, 2020, or later date approved by LAFCO or other LAFCO approved District funding arrangements are made.

The District, if formed, shall cease to exist if on or before June 30, 2020, if it does not succeed to the rights and responsibilities of the Cachuma RCD under the JPA with the Los Alamos CSD, that serve as the Groundwater Sustainability Agency for the Basin.

by/Paul Hood, Executive Officer
Santa Barbara LAFCO

LAFCO RESOLUTION NO. 19-03

RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION
COMMISSION MAKING DETERMINATIONS AND APPROVING THE FORMATION OF
THE SAN ANTONIO BASIN WATER DISTRICT AND ESTABLISHING A
COTERMINOUS SPHERE OF INFLUENCE

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal;

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, existing Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Santa Barbara County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

- (1) Find that the formation is categorically exempt from CEQA based on the creation of a government funding mechanism exempt pursuant to CEQA Guidelines Section 15378(b)(4) or alternatively CEQA Guidelines Section 15061(b)(3), the "common Sense" exemption; and
- (2) Approve the proposal, known as the Formation of the San Antonio Basin Water District subject to the following terms and conditions:
 - a) The name of the district shall be the San Antonio Basin Water District;
 - b) The District shall be initially composed of a five-member elected Board of Directors, each of whom must be a landowner within the District;

- c) The District shall have those powers and responsibilities set forth in the California Water District Law, Water Code section 34000 et. seq., including Water Code section 35401 that authorizes the District to acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any drainage or reclamation works connected therewith or incidental thereto;
- d) The District, if formed, shall cease to exist if the Proposition 218 Proceeding is not conducted and an assessment to fund the District is not approved by June 30, 2020, or Santa Barbara LAFCO otherwise extends such deadline;
- e) The District, if formed, shall cease to exist if on or before June 30, 2020, it does not succeed to the rights and responsibilities of the Cachuma Resource Conservation District in the Joint Powers Agreement (“JPA”) entered into with the Los Alamos Community Services District on May 16, 2017, which JPA Agency has been designated as the Groundwater Sustainability Agency for the San Antonio Basin under the Sustainable Groundwater Management Act, Water Code section 10720 et. Seq; and
- f) Should the new Board of Directors levy any of the “Proceeds of Taxes,” described above, it will establish an Appropriations Limit.
- g) The District shall not exercise jurisdiction over lands within its boundaries that are not within the San Antonio Groundwater Basin, as defined by the California Department of Water Resources in Bulletin 118 (as Basin 3-14). Petitioners shall submit the relevant portions of Bulletin 118 to the Executive Officer for review and approval prior to recordation of the Certificate of Completion.

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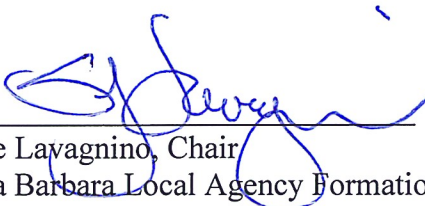
This resolution was adopted on July 11, 2019 and is effective on the date signed by the
Chair.

AYES: Comissioner Aceves, Commissioner Allen, Commissioner Geyer,
Comissioner Hartmann, Commissioner Lavagnino, Commissioner Waterfield,
and Commissioner Welt

NOES: None

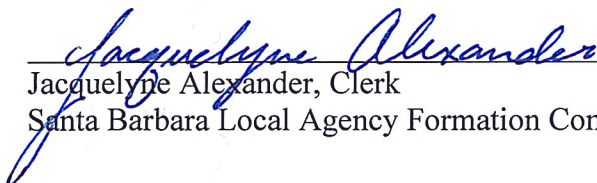
ABSTAINS: None

Dated: 7/11/2019



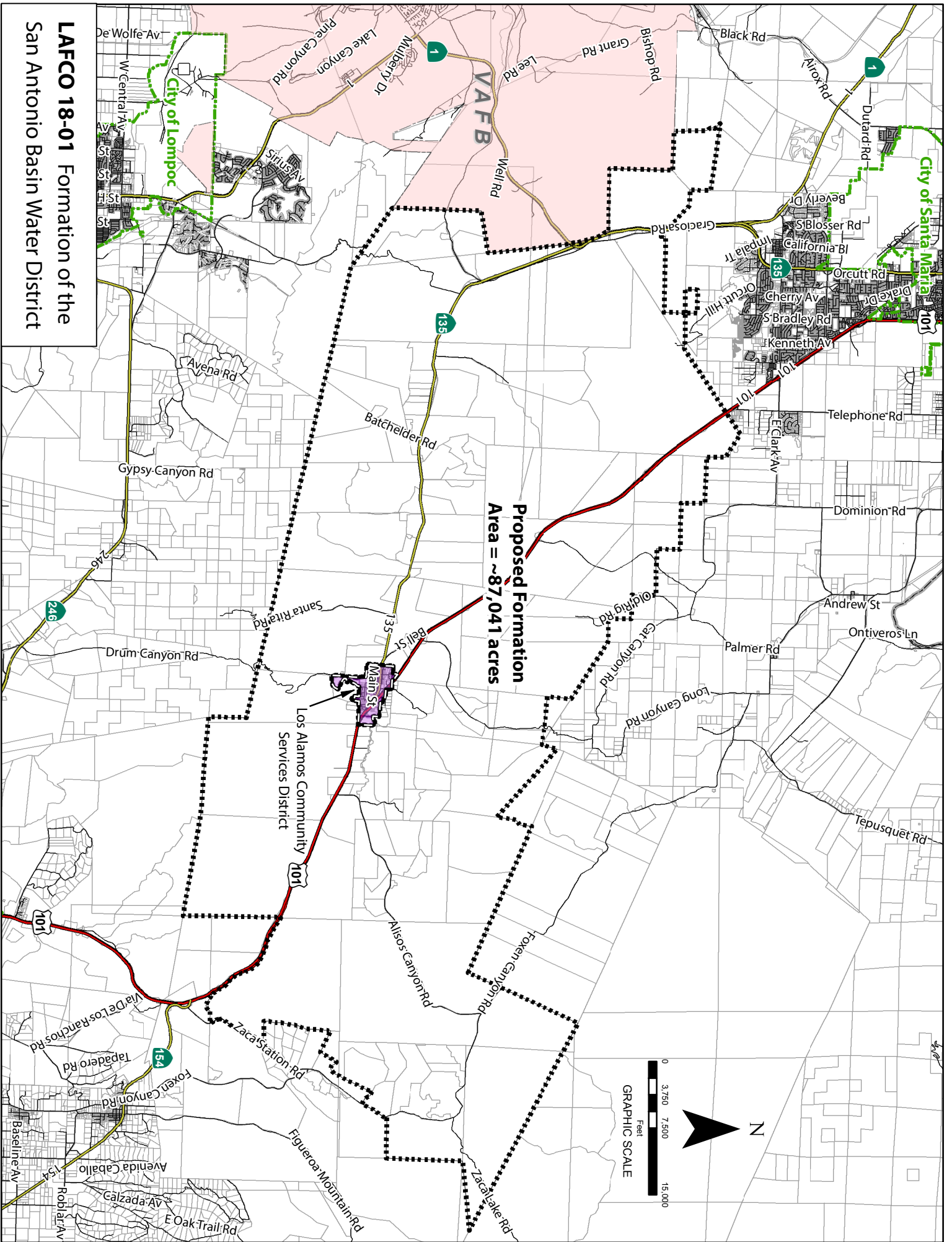
Steve Lavagnino, Chair
Santa Barbara Local Agency Formation Commission

ATTEST:



Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission

**LAFECO 18-01 Formation of the
San Antonio Basin Water District**



LAFCO RESOLUTION NO. 19-04

SUPPLEMENTAL RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS REGARDING THE
FORMATION OF THE SAN ANTONIO BASIN WATER DISTRICT

WHEREAS, on July 11, 2019, the Santa Barbara Local Agency Formation Commission adopted Resolution No. 19-03 approving the formation of the San Antonio Basin Water District pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, the Commission wishes to make additional findings and determinations related to the approval of the District regarding the conducting authority proceeding and required landowner voter confirmation election.

WHEREAS, the Commission wishes to direct the Board of Supervisors to order County Elections to conduct a landowner voter election for the formation of the San Antonio Basin Water District.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

1. The Commission hereby directs the Board of Supervisors to order County Elections to hold a landowner voter election for the formation of the San Antonio Basin Water District.
2. For the landowner voter confirmation election, the question to be submitted to the voters shall be as follows:

BALLOT MEASURE – Formation of the San Antonio Basin Water District

Shall the order adopted on July 11, 2019, by the Local Agency Formation Commission of Santa Barbara County ordering the formation of a district in the territory described, known as the San Antonio Basin Water District, be approved, subject to the terms and conditions specified in LAFCO Resolution 19-03?

3. The ballot measure is to determine if the landowner voters in the proposed District will authorize formation. Pursuant to Water Code section 35003, each person owning land within the proposed District shall be entitled to cast one vote for each acre owned by the voter within the district, provided that if the voter owns less than one acre then the voter shall be entitled to one vote and any fraction shall be rounded to the nearest full acre. A “YES” vote by the majority of such votes means that the District shall be formed. A “NO” vote is a vote against formation.
4. Pursuant to Elections Code Section 13307, each candidate for the District Board may prepare a candidate’s statement on a form provided by the elections official. The statement may include the name, age, and occupation of the candidate and brief description of no more than 200 words of the candidate’s education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. A charge shall be levied by the elections official against the candidates for the candidates’ statement sent to each voter.
5. The Commission hereby determines that the procedural requirements of Water Code sections 34500, 34501, 34502, and 35111 are inconsistent with provisions of the Cortese Knox Hertzberg Act and that the County need not follow these Water Code sections when conducting the election.
6. Paragraph 2(b) of Resolution of Formation 19-03 is modified to read: “The District shall be initially composed of a five-member elected Board of Directors, each of whom must be a holder of title to land within the District, the legal representative of a holder of title to land within the District, or a

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representative designated by a holder of title to land within the District, if the holder has filed with the District written evidence of that designation.”

PASSED AND ADOPTED this 3rd day of October 2019, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Steve Lavagnino, Chair
Santa Barbara Local Agency Formation Commission

ATTEST: _____

Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission