

# SANTA YNEZ COMMUNITY SERVICES DISTRICT

Mailing Address: P.O. Box 667, Santa Ynez, CA 93460-0667 • (805) 688-3008

July 30, 2008

Honorable Commissioners  
Santa Barbara Local Agency Formation Commission  
105 E. Anapamu Street  
Santa Barbara, CA 93101

**Subject: Assembly Bill 2686 (Nava)  
Item 6 – August 7, 2008 LAFCO Agenda**

Dear Honorable Commissioners:

## **AB 2686**

The Santa Ynez Community Services District (“SYCSD”) is an independent special district which provides sewer service to the community of Santa Ynez. SYCSD’s boundaries overlap with those of the Santa Ynez River Water Conservation District, Improvement District No. 1 (“ID#1”), as shown on attachment “A” to this letter. We are writing to advise you that SYCSD is opposed to the provisions of Assembly Bill No. 2686 set forth in Section 132 which provide that the newly-established Santa Ynez Valley Water District (“SYVWD”) would have the authority to “collect, treat, purify dispose, discharge and recycle sewage, recycled water, or stormwater”. Because it would grant general sewer powers to SYVWD, AB 2686 has the potential to create serious conflicts with respect to overlapping sewer authority and to politicize the provision of sewer services in the Santa Ynez Valley.

ID#1 has gone to great lengths to make the case that it currently has the authority under its existing principal act (specifically, Water Code Section 74593) to provide sewer service directly to the public. Although SYCSD continues to disagree with SYVWD’s interpretation of its current sewer powers, we do not believe it would be productive at this point to further debate the extent to which AB 2686 would expand ID#1’s existing sewer authority. What is important to focus on is the fact that, under AB 2686, the SYVWD would have sewer powers which are essentially identical to those of SYCSD.

One has to ask: Why is it so important for ID#1 to include broad sewer powers in AB 2686? ID#1 is a water conservation district, not a sewer agency. ID#1 has never provided sewer service. ID#1 has no sewer collection, treatment or disposal facilities. ID#1 representatives have repeatedly told SYCSD that they have no plans to provide sewer service in the future. So why not amend AB 2686 to delete the unneeded sewer powers and thereby remove SYCSD’s opposition to the Bill?

At its long range planning workshops, SYCSD’s Board of Directors has discussed the fact that there are a number of areas outside the District’s jurisdictional boundaries that are presently on



septic systems and are in need of sewer service. These areas include the towns of Ballard and Los Olivos and the Janin Acres subdivision. The SYCSD Board has formally adopted a position that the District should actively explore options for providing sewer service to these outlying areas and should expand its services as needed to meet identified needs. SYCSD has been working actively with County health officials and with LAFCO's Executive Officer to explore options for providing sewer service to various outlying areas. Approaches that are under consideration include the use and regulation by SYCSD of enhanced septic systems and the operation by SYCSD of individualized "package" wastewater treatment plants. It would be unfortunate and would represent a disservice to the community if AB 2686 were to create a competitive and politicized environment with respect to the provision of sewer services in the area.

In the final analysis, there is no need for AB 2686 to confer upon SYVWD the authority to provide sewer service to the public. If AB 2686 is not amended to delete the authority to provide sewer service, conflicts will inevitably arise each time a new need for sewer service is identified in the Santa Ynez Valley. It is easy to envision time consuming, costly and potentially politicized proceedings before the Local Agency Formation Commission where disputes regarding sewer service would ultimately have to be resolved. No purpose would be served by creating the opportunity for such conflicts.

For the reason discussed above, SYCSD respectfully request that LAFCO withdraw its current support for AB 2686 and instead take an opposed position unless the Bill is amended to delete the grant of sewer powers.

### **Brown Act**

SYCSD also wants to call to your attention its concerns regarding the manner in which your Commission's consideration of and action on AB 2686 was identified on past LAFCO agendas. Attachment "B" to this letter lists the dates on which LAFCO discussed or took action on ID#1's reorganization proposal in the past and the agenda description on each date. From these descriptions, the public could not possibly know that a restructuring of ID#1 was being proposed or that legislation for this purpose was being ushered through the legislature.

This same concern applies to ID#1's agenda descriptions relating to AB 2686. Attachment "C" to this letter lists the dates on which ID#1 discussed or took action on its reorganization proposal and the agenda description on each date. Again, these descriptions were wholly inadequate to inform the public as to the nature of the item under consideration.

The Brown Act requires public agency agendas to contain a brief general description of each item of business to be transacted or discussed at a meeting. Such descriptions generally need not exceed 20 words. The purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting. The descriptions relating to AB 2686 on LAFCO's and ID#1's agendas, which each contained only a few words, failed to fulfill this purpose and provided essentially no meaningful information regarding the nature of the item under

consideration. As such, it appears to us that the descriptions were inadequate under the Brown Act.

Although SYCSD reviews every LAFCO and ID#1 agenda, as a result of these inadequate agenda descriptions, SYCSD did not become aware of ID#1's restructuring plans until May of this year when ID#1 asked SYCSD to support its proposed legislation. That is about the same time that ID#1 listed on its agenda for the first time the issue of reorganization in the context of a legislative proposal. Although the Bill was first introduced by Assemblymember Nava on February 22, 2008, it wasn't until June 19, 2008 that an ID#1 agenda made any reference to AB 2686. By that point, AB 2686 had already been approved by ID#1, had been endorsed by LAFCO and had moved most of the way through the legislative process. Accordingly, SYCSD had no opportunity to raise its concerns with ID#1, LAFCO or the legislature at an early point in time, which has seriously compromised SYCSD's ability to have its concerns addressed.

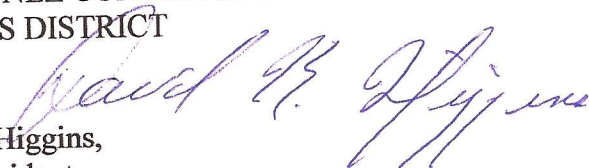
SYCSD respectfully requests that future LAFCO agendas describe in greater detail the matters which are under consideration so that members of the public will be able to determine if a particular agenda item involves an issue of interest or concern.

Thank you for your consideration of these comments.

Sincerely,

SANTA YNEZ COMMUNITY  
SERVICES DISTRICT

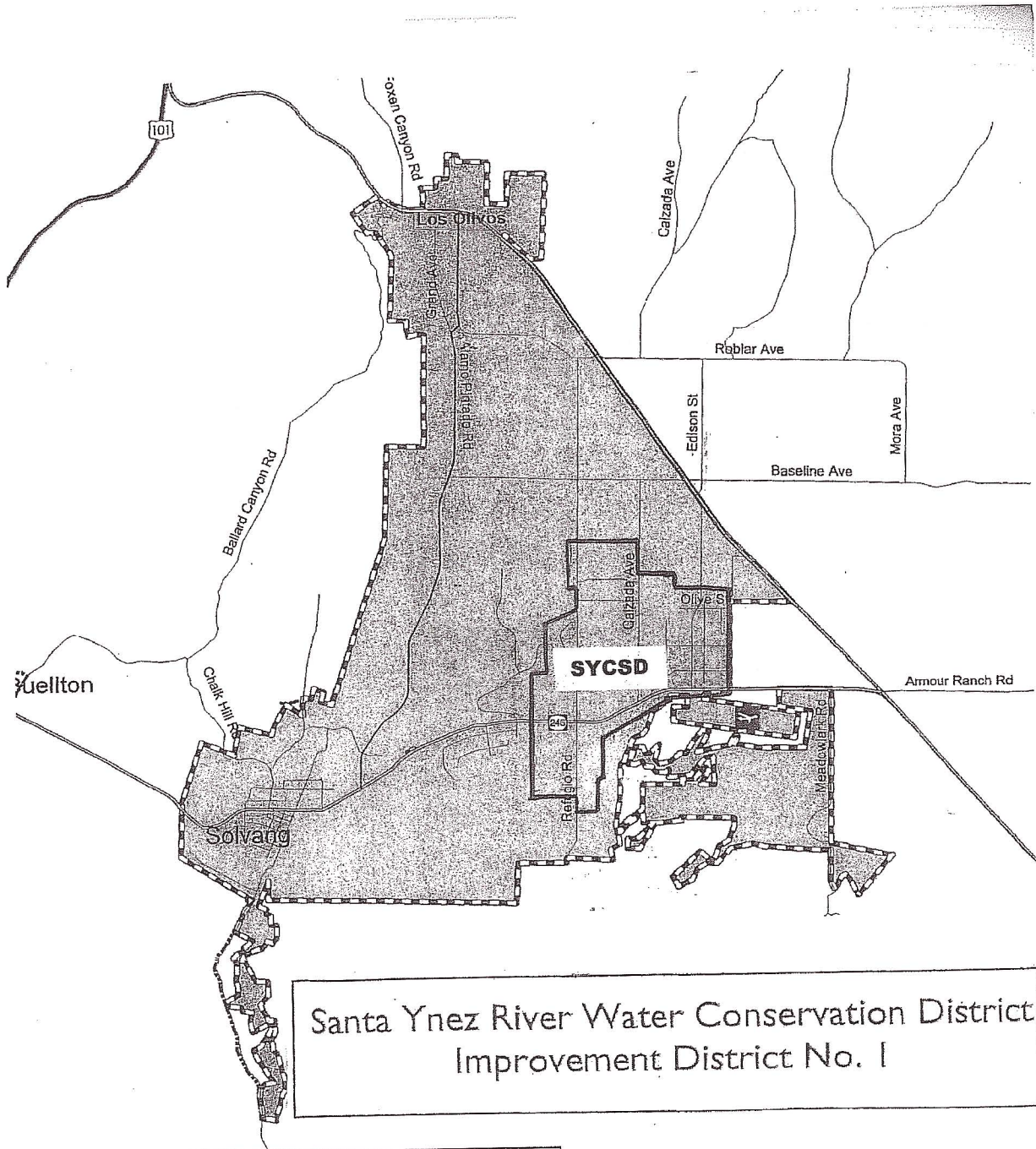
David K. Higgins,  
Board President



cc Bob Braitman, LAFCO Executive Officer  
Richard G. Battles, Esq., SYCSD Legal Counsel



# ATTACHMENT "A"



Santa Ynez River Water Conservation District  
Improvement District No. 1

Note: Unless otherwise shown, district boundaries and spheres of influence boundaries are coterminous

0 0.5 1 1.5 2  
Miles

Geographic information specialists  
**JDL**  
**MAPPING**  
www.jdlmapping.com  
Revised 9/24/2004

**ATTACHMENT "B"**

**Assembly Bill 2686  
Reorganizing Santa Ynez River Water Conservation  
District Improvement District No. 1 Into Santa Ynez Valley Water District**

**LAFCO AGENDA DESCRIPTIONS**

| <b>Meeting Date</b> | <b>Agenda Item</b> | <b>Agenda Description</b>                      |
|---------------------|--------------------|--|
| 6/1/2006            | 10                 | SYRWCD ID#1 Request to Continue                |
| 7/6/2006            | 7                  | Information Regarding SYRWCD ID#1              |
| 8/3/2006            | 9                  | SYRWCD ID#1 Continuance                        |
| 11/2/2006           | 7                  | Status Report on Discussions - SYRWCD ID#1     |
| 12/7/2006           | 11                 | SYRWCD ID#1 Status Report                      |
| 2/1/2007            | 10                 | Report on SYRWCD ID#1                          |
| 8/2/2007            | 9                  | Status Report on SYRWCD ID#1 - Special Meeting |
| 10/11/2007          | 9                  | Status Report SYRWCD ID#1                      |
| 12/6/2007           | 11                 | Status Report SYRWCD ID#1                      |
| 3/6/2008            | 10                 | Status Report SYRWCD ID#1                      |
| 5/1/2008            | 15                 | Legislative Report                             |
| 7/3/2008            | 14                 | Legislative Report                             |

**ATTACHMENT "C"**

**Assembly Bill 2686**

**Reorganizing Santa Ynez River Water Conservation  
District Improvement District No. 1 Into Santa Ynez Valley Water District**

**ID#1 AGENDA DESCRIPTIONS**

| <b>Meeting Date</b> | <b>Agenda Item</b> | <b>Agenda Description</b>  |
|---------------------|--------------------|--|
| 2/20/2007           | VIII-G             | LAFCO - Ad Hoc Committee Meeting 3/9/07  |
| 3/20/2007           | VIII-F             | LAFCO - Ad Hoc Committee Meeting 3/9/07  |
| 4/17/2007           | VIII-F             | LAFCO  |
| 5/15/2007           | VIII-F             | LAFCO - Jurisdiction Resolution  |
| 6/19/2007           | X-G                | LAFCO - Jurisdiction Resolution  |
| 7/17/2007           | VIII-G             | LAFCO - Jurisdiction Resolution  |
| 8/21/2007           | IX-F               | LAFCO - Jurisdiction Resolution  |
| 9/18/2007           | VIII-F             | LAFCO - Jurisdiction Resolution  |
| 10/16/2007          | VIII-F             | LAFCO - Jurisdiction Resolution  |
| 11/20/2007          | VIII-F             | LAFCO  |
| 12/18/2007          | VIII-G             | LAFCO<br>1) Jurisdiction Resolution<br>2) Parent District Relationship                     |
| 1/15/2008           | VIII-G             | LAFCO - Jurisdiction Resolution  |
| 2/19/2008           | IX-H               | District Reorganization  |
| 3/18/2008           | VIII-I             | LAFCO  |
| 4/22/2008           | VIII-J             | LAFCO - Jurisdiction Resolution  |
| 5/20/2008           | VIII-G             | District Reorganization<br>1) Update on Bill Status<br>2) Coordination with other agencies |
| 6/19/2008           | VIII-H             | District Reorganization - Assembly Bill 2686<br>1) Update on Bill Status                   |
| 7/15/2008           | VIII-H             | District Reorganization - Assembly Bill 2686<br>1) Update on Bill Status                   |