

# LAFCO

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**Santa Barbara Local Agency Formation Commission**

105 East Anapamu Street ♦ Santa Barbara CA 93101

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March 2, 2017 (Agenda)

Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

***Supplemental Staff Report***

**Consider Approval of Certificate of Completion for LAFCO File 16-04:  
Formation of the Cuyama Basin Water District.**

Dear Members of the Commission

RECOMMENDATION

Consider approval of Certificate of Completion for LAFCO File 16-04; Formation of the Cuyama Basin Water District.

DISCUSSION

The Staff Report for this Item requested the Commission consider authorizing the Chair to sign the proposed Certificate of Completion at a later date once the County Elections Officials have completed the canvas of the landowner vote in the above referenced matter. Legal Counsel has expressed concerns about delegating this authority to the Chair when the Cortese Knox Hertzberg Act, Government Code section 57176 provides that the certificate should be approved by the Commission.

In discussions with County Elections, Staff has been informed the canvas of the vote may be available on March 1, which is a day after the February 28 election. If that occurs, the final canvas of the vote will be presented to the Commission at regular meeting on March 2<sup>nd</sup>, at which time the Commission may take final action approving the Certificate of Completion. To reflect this approach, a revised proposed Certificate of Completion is attached. (See Exhibit A.)

If the final canvas of votes is not available in time for the Commission's March 2<sup>nd</sup> meeting, Staff will recommend the Commission consider holding a special meeting to take final action on

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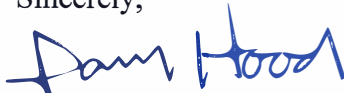
the certificate of completion. Absent the setting of a special meeting, this matter would be continued to the regular Commission meeting on April 13 in Santa Maria.

Please contact the LAFCO office if you have any questions.

Exhibits:

Exhibit A: Certificate of Completion

Sincerely,



PAUL HOOD  
Executive Officer

Recording Requested By:

**LAFCO**

**Santa Barbara Local Agency Formation Commission**

Return via interoffice mail to:

**LAFCO**

105 East Anapamu Street Rm. 407

Santa Barbara CA 93101

805-568-3391 FAX 805-568-2249

*No Fee Per Government Code § 6103*

***CERTIFICATE OF COMPLETION***

In the matter of the formation of the Cuyama Basin Water District, the Santa Barbara Local Agency Formation Commission approved formation on September 1, 2016 through Resolution of Approval No. 16-28. Pursuant to Government Code section 57176, the Commission shall execute, within 30 days of the canvass of the election, a certificate of completion confirming the order of the change of organization or reorganization if a majority of votes cast upon the question are in favor of the change of organization or reorganization in an election called in the territory ordered to be organized or reorganized. With the exception of the confirmation election, the Commission finds that no other conditions imposed by the Commission on the formation of the District are required to be satisfied prior to formation.

The Commission has reviewed the canvas of the election by County Clerk/Registrar Joseph E. Holland which certified the results of the election for the formation of the District and found that a majority of votes cast upon the question of formation were in favor of the change of organization. Each voter was entitled to one vote per acre, or fraction thereof, of land to which he or she holds title.

The Commission hereby determines and finds that this certificate of completion is complete and in accordance with Resolutions No. 16-28. Further, the Commission finds and determines:

1. The short-form designation of the proceeding is: "16-04: Formation of the Cuyama Basin Water District."
2. The affected agency is located in the Cuyama Valley and is in portions of Santa Barbara, San Luis Obispo and Ventura counties and is comprised of 83,095.69 acres.

3. Commission Resolution of Approval No. 16-28 is made a part of this certificate by reference and said Resolution sets forth the description of the boundaries of the proposal and the terms and conditions of approval, as authorized and mandated by Water Code section 34000 et seq. and the Cortese Knox Hertzberg Act, Government Code section 56000 et seq. Those conditions are as follows:
  - a. The name of the district shall be the Cuyama Basin Water District.
  - b. The District shall be initially composed of a five-member elected Board of Directors, each of whom must be an owner of land 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 shall cease to exist if the Proposition 218 Proceeding is not conducted and an assessment to fund the District is not approved by the District Board by June 14, 2017 or later date approved by the Santa Barbara LAFCO.
  - e. The District shall cease to exist if it does not enter into a joint powers agreement or memorandum of agreement pursuant to the Sustainable Groundwater Management Act, Water Code section 10720 et. seq., for the formation of a groundwater sustainability agency for the Cuyama groundwater basin by December 31, 2017 or later date approved by the State pursuant to the Act.
  - f. Should the new Board of Directors levy any of the "Proceeds of Taxes," described above, it will establish an Appropriations Limit.
4. In Resolution No. 16-28, the Commission ordered the formation of the District subject to a landowner election where a majority of votes cast upon the question of formation being in favor of the change of organization. Each landowner voter was entitled to one vote per acre, or fraction thereof, of land to which he or she holds title within the boundaries of the proposed District. This condition was met on March \_\_\_, 2017, when County Clerk/Registrar Joseph E. Holland certified the results of the formation election and determined the measure was approved by a majority of the votes cast by landowners holding title to land within the boundaries of the proposed District. (See Attachment A.)
5. Pursuant to Government Code section 57126, the Commission finds that certain procedures for formation of a water district as prescribed by the Water Code are inconsistent with the provisions of the Cortese Knox Hertzberg Act and need not be followed. The Commission's finding of inconsistency are as follows:

a. **“Water Code § 34500. Formation of district; Entry on minutes of board; Issuance of certificates of election**

“If upon the canvass of the returns it appears that a majority of all the votes cast favor the formation of the district, the board shall by an order entered on its minutes declare the territory formed as a district under the name designated for it and shall issue certificates of election to the persons elected to district offices.”

**Finding.** Water Code section 34500 is inconsistent with provisions of the Cortese Knox Hertzberg Act with the exception of the provision that the Board of Supervisors issuance of certificates of election to persons elected to district offices.

b. **“Water Code § 34501. Filing of certified copy of order**

“The board shall immediately file for record in the office of the county recorder of each affected county a certified copy of the order declaring the district formed along with a certificate listing all of the following:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing the boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of the boundaries has been recorded.”

**Finding.** This section is inconsistent with provisions of the Cortese Knox Hertzberg Act.

The Commission hereby approves this Certificate of Completion on March 2, 2017, in Santa Barbara, California, and is effective on the date indicated below.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chair  
Santa Barbara Local Agency  
Formation Commission

ATTEST

\_\_\_\_\_  
Jacquelyne Alexander, Clerk  
Santa Barbara Local Agency Formation Commission