

LAFCO

Santa Barbara Local Agency Formation Commission

105 East Anapamu Street ♦ Santa Barbara CA 93101

805/568-3391 ♦ FAX 805/568-2249

www.sblafco.org ♦ lafco@sblafco.org

March 13, 2017 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street

Santa Barbara CA 93101

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

Dear Members of the Commission

RECOMMENDATION

- 1) It is recommended that the Commission Execute the Certificate of Completion for LAFCO File 16-04: Formation of the Cuyama Basin Water District.

DISCUSSION

Following your Commission's approval of the Cuyama Basin Water District on September 1, 2016, and the protest hearing on October 12, 2016, the district formation was set for a mailed ballot election to be held on February 28, 2017. On March 9, 2017, Joseph E. Holland, County Clerk-Recorder-Assessor, certified the canvass of the returns of votes cast and determined the value of the votes as follows: 58,057 in favor and 2,236 against. The Board of Supervisors will declare the results of the election in a special meeting on March 13, 2017.

Although the Cortese-Knox Hertzberg Act allows the Executive Officer to prepare and record the Certificate of Completion for most changes of organization, for changes that are approved at an election, Government Code Section 57176 reads in pertinent part as follows:

“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 any of the following circumstances: (a) At an election called in the territory ordered to be organized or reorganized”.

Commissioners: Roger Aceves, Chair ♦ Craig Geyer ♦ Steve Lavagnino ♦ Jeff Moorhouse ♦ Jim Richardson ♦ Roger Welt ♦ Janet Wolf ♦ Joan Hartmann ♦ Judith Ishkanian ♦ Shane Stark ♦ Etta Waterfield ♦ Executive Officer: Paul Hood

Local Agency Formation Commission
March 13, 2017 (Agenda)
Page two

Because of this, the timeline to comply with Sustainable Groundwater Management Act (SGMA) issues would be extended. Therefore, the proponents have requested that the Commission hold a special meeting to execute the Certificate of Completion prior to the next Commission meeting on April 13, 2017. In response, the Commission decided to hold a special meeting at 10:00 am on March 13, which will be just after the Board of Supervisors meeting to declare the election results.

Staff has included a proposed Certificate of Completion for the Commission's review and approval (**Exhibit A**). The Certification of the Canvass of the February 28, 2017 Election Results is attached to the Certificate.

Exhibits:

Exhibit A Certificate of Completion

Please contact the LAFCO office if you have any questions.

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 canvass 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 82,925.60 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 Corteze 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 Board shall be composed members who meet the requirements of Water Code section 34700 and shall initially consist of a five-member elected Board of Directors.
 - 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 9, 2017, when County Clerk/Registrar Joseph E. Holland certified the results of the formation election which showed that 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 Knoz Hertzberg Act and need not be followed. The Commission finds the following provisions of the Water Code regarding the formation of a water district are inconsistent with the provisions of the Cortese Knox Hertzberg Act:
 - 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.”

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.”

c. **“Water Code § 34502. Completion of formation**

“With the filing for record of the order declaring the district formed the formation of the district is complete.”

d. **“Water Code § 35111. Certification of results of election; Time; Recordation of results.**

“Within 10 days from the receipt by the board of supervisors of the certificate showing the results of the election, the clerk of the board of supervisors shall certify as a true copy and record with the county recorder of each affected county a copy of that certificate.”

The Commission hereby approves and executes this Certificate of Completion confirming the order of the change of organization for the Cuyama Basin Water District on the 13th day of March, 2017, in Santa Barbara, California, and said approval shall be effective on the date indicated below.

Dated: _____

Chair
Santa Barbara Local Agency Formation Commission

ATTEST:

Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission

**CERTIFICATE OF THE COUNTY CLERK-RECORDER-ASSESSOR OF
RESULTS OF CANVASS OF ALL VOTES CAST AT THE
CUYAMA BASIN WATER DISTRICT ELECTION
FEBRUARY 28, 2017**

I, **Joseph E. Holland**, County Clerk-Recorder-Assessor of the County of Santa Barbara County, do hereby certify that pursuant to law I did canvass the returns of the votes cast at the above referenced election, and that the following Statement of Votes Cast, shows the number of votes cast for and against Measure A2017, and for the candidates for Director, are full, true and correct.

**STATEMENT OF VOTES CAST
Cuyama Basin Water District Landowner Mail Ballot Election
February 28, 2017**

Number of Ballots Cast: 117

Director

Vote for no more than 5

VALUE OF VOTES

Byron Albano	52,427
Jane Wooster	52,221
George R. Cappello	50,905
Tom Bracken	50,385
Derek Yurosek	49,273
Robert Giragosian	4,174

Measure A2017

Formation of the Cuyama Basin Water District

VALUE OF VOTES

YES	58,057
NO	2,236

I hereby set my hand and official seal this 9th day of March, 2017





JOSEPH E. HOLLAND, County Clerk-Recorder-Assessor

EXHIBIT A