

# L A F C O M E M O R A N D U M

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**SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION**  
105 East Anapamu Street ♦ Santa Barbara CA 93101 ♦ (805) 568-3391 ♦ Fax (805) 568-2249

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December 12, 2019 (Agenda)

TO: Each Member of the Commission

FROM: Paul Hood *PLH*  
Executive Officer

SUBJECT: **Report on San Antonio Basin Water District Election**

*This is an Informational Report. No Action is Necessary*

## Background

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 was to be set for a mailed ballot election following the protest hearing which occurred on August 30, 2019. After 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.

At the October 3, 2019 meeting, the Commission directed the Board of Supervisors to order County Elections to conduct a landowner voter election for the formation of the San Antonio Basin Water District. The Commission also approved the Ballot Measure for Formation and the Impartial Analysis.

On November 5, 2019, the Board of Supervisors considered recommendations regarding the Mailed Ballot Election and adopted a resolution calling the election and giving notice for April 7, 2020.

The Minute Order and Board of Supervisors Resolution 19-281 are attached as **Exhibit A**.

## EXHIBIT

Exhibit A Minute Order and Board of Supervisors Resolution 19-281

Please contact the LAFCO office if you have any questions.



County of Santa Barbara  
BOARD OF SUPERVISORS

Minute Order

November 5, 2019

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**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

COUNTY EXECUTIVE OFFICE

File Reference No. 19-00935

**RE:** Consider recommendations regarding a Mailed Ballot Election for the formation of the San Antonio Basin Water District and Electing Initial Board of Directors of the District, as follows:

a) Adopt a Resolution in the matter of calling, providing for and giving notice of a mailed ballot election on April 7, 2020 for the purposes of determining whether the Local Agency Formation Commission (LAFCO) order approving the formation of the San Antonio Basin Water District shall be confirmed and electing the initial board of directors of the district; and

b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to Sections 15378(b)(4) and 15378(b)(5) of the CEQA Guidelines, because it consists of the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**A motion was made by Supervisor Hart, seconded by Supervisor Hartmann, that this matter be acted on as follows:**

a) Adopted; and

**RESOLUTION NO. 19-281**

b) Approved.

**The motion carried by the following vote:**

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF CALLING,  
PROVIDING FOR AND  
GIVING NOTICE OF A MAILED  
BALLOT ELECTION ON  
APRIL 7, 2020 FOR THE  
PURPOSES OF DETERMINING  
WHETHER THE LAFCO ORDER  
APPROVING THE FORMATION OF THE  
SAN ANTONIO BASIN WATER DISTRICT  
SHALL BE CONFIRMED AND  
AND ELECTING THE INITIAL  
BOARD OF DIRECTORS OF THE  
DISTRICT**

**RESOLUTION NO. 19-281**

**WHEREAS**, the Santa Barbara Local Agency Formation Commission (Commission) approved Resolution 19-03 on July 11, 2019 to form the San Antonio Basin Water District pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et. seq. of the Cal. Government Code); and

**WHEREAS**, the Commission determined and ordered that the District, if formed, 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; and

**WHEREAS**, the Commission determined that the District, if formed, shall have the powers and responsibilities set forth in the California Water District Law, Water Code Section 34000 et. seq., including 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; and

Resolution Calling and Giving Notice  
of an Election to Form the San Antonio Basin  
Water District

**WHEREAS**, the Commission determined that the District, if formed, would 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 the Commission otherwise extends such deadline; and

**WHEREAS**, the Commission determined that the District, if formed, would 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

**WHEREAS**, the Commission, on October 3, 2019, approved Supplemental Resolution 19-04 that determines and orders the ballot measure question, the method of voting pursuant to Water Code Section 35003 and the candidate statement pursuant to Elections Code Section 13307; and

**WHEREAS**, the Commission’s Executive Officer has submitted a request for the Board of Supervisors to call and give notice of an election for the formation of the District; and

**WHEREAS**, when the Board of Supervisors is informed that a determination has been made that requires a confirmation election, the Board of Supervisors is required pursuant to Govt. Code Section 57000(e) to direct the elections official to conduct the necessary election; and

**WHEREAS**, pursuant to Cal. Govt. Code Section 57126, special elections called within a landowner-voter district shall be governed by the general elections provisions of the principal act, so far as they may be applicable, and they may be conducted wholly by mailed ballot; and

**WHEREAS**, the elections official has authorized a special election by mailed ballot to be held on April 7, 2020;

**NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA** that:

1. The Board of Supervisors hereby calls, provides for, proclaims and gives notice of a special election by all-mail ballots on April 7, 2020 within the boundaries of the proposed District for the purposes of determining whether or not it shall be formed and electing persons to fill the offices of the Board of Directors of the proposed District if it is formed. The area and boundaries of the proposed District are described in Exhibit A. The name of the proposed District is the San Antonio Basin Water District.

Resolution Calling and Giving Notice  
of an Election to Form the San Antonio Basin  
Water District

2. The Board of Supervisors hereby directs County elections officials to conduct the necessary elections on behalf of the proposed District and place the items on the ballot including District approval and candidates for the District's board at an election by mail on April 7, 2020, and to take any other action necessary to call, provide for, and give notice of the special election and to provide for the conduct and the canvass of returns of the election, as determined by the Commission.
3. The Board of Supervisors directs the Elections Official to publish notice of the election as specified by Water Code Section 34402.
4. The Board of Supervisors directs that the full text of this Resolution shall not appear in the Voter Information Guide. The election shall present the following question:

**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?  
Yes \_\_\_\_\_ No \_\_\_\_\_
5. The District shall initially have a five-member elected Board of Directors, and the five Director seats shall be up for election as part of the April 7, 2020 election.
6. Pursuant to Cal. Water Code Section 34700, each director shall be one of the following:
  - (a) A holder of title to land within the district.
  - (b) The legal representative of a holder of title to land within the district in accordance with Section 34030.
  - (c) 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.
7. The term of office of the initial Board of Directors is as described in Cal. Elections Code Section 10505(b).
8. Pursuant to Cal. Water Code Section 34403, the Board hereby prescribes the procedure for nominating candidates for the offices to be filled at that election:

Resolution Calling and Giving Notice  
of an Election to Form the San Antonio Basin  
Water District

A Declaration of Candidacy for director of the San Antonio Basin Water District shall be obtained at the office of the County of Santa Barbara elections official during the period of December 16, 2019 through January 10, 2020.

Declarations of Candidacy shall be filed not later than 5 p.m. on January 10, 2020 or may be filed by certified mail so that the forms reach the office of the County elections official no later than the deadline for filing in that office.

Declarations of Candidacy may be obtained by appointment only at:

Santa Barbara County Elections  
4440-A Calle Real, Santa Barbara, CA 93110  
Monday – Friday, 8:00 a.m. to 5:00 p.m., except holidays

Santa Maria Branch Office  
511 E. Lakeside Parkway, Ste. 134, Santa Maria, CA 93455

Appointments can be made online at [www.candidatefiling.acuityscheduling.com](http://www.candidatefiling.acuityscheduling.com)

If returning the Declaration of Candidacy by mail, mail to:

Santa Barbara County Elections  
PO BOX 61510  
Santa Barbara, CA 93160-1510

Or by express delivery service to:

Santa Barbara County Elections, 4440-A Calle Real, Santa Barbara, CA 93110  
Landowners of the proposed district may complete a Letter of Authorization to allow another individual to pick-up and/or file their Declaration of Candidacy. In the case where the Declaration of Candidacy is not filed in person by the candidate, the Declaration of Candidacy must be notarized.

The form to be used for the Letter of Authorization will be available on the election official website [www.sbcvote.com](http://www.sbcvote.com) beginning December 16, 2019.

9. The Board hereby orders that the election called by this order shall be a mailed ballot election as provided for in the Cortese-Knox-Hertzberg Local Government Reorganization Act and the Elections Code, as applicable.

Resolution Calling and Giving Notice  
of an Election to Form the San Antonio Basin  
Water District

10. Pursuant to Elections Code Section 13307, each candidate 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 party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the elections official at the time the candidate's nomination papers are filed and the statement may be withdrawn, but not changed, until 5:00 p.m. of the next working day after the close of the nomination period. The candidate shall be required to pay for the estimated cost of printing the candidate's statement in English in the voter pamphlet to be mailed to the landowners of the proposed District. Pursuant to the Federal Voting Rights Act, candidates' statements will be translated into Spanish. The County will mail separate sample ballots and voter pamphlets in Spanish to only those voters who are registered as requesting that language. The County will make the voter pamphlets in the required languages available at polling places, on the election official's website, and in the election official's office.
11. Pursuant to Cal. Water Code Section 34500, if a majority of all the votes cast favor the formation of the District, the territory shall be formed as a district.
12. The Board of Supervisors finds that these actions are not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5), because they consist of the creation of governmental funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and they consist of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
13. The County Clerk is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Resolution Calling and Giving Notice  
of an Election to Form the San Antonio Basin  
Water District

14. The County Clerk is further directed to take the necessary and appropriate actions to provide the necessary election officers, polling places, and voting precincts.
15. The deadline for receiving ballots shall be as prescribed by Cal. Elections Code Section 4103 and other applicable law. The polls for said election shall be open during the hours required by law and said election, with respect to the foregoing ballot measure, shall be held and conducted as provided by law.

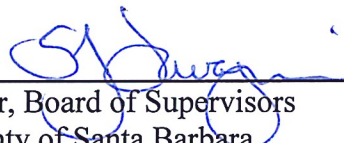
**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California this Fifth day of November, 2019 by the following vote:

**AYES:**Supervisors Williams, Hart, Hartmann, Adam and Lavagnino

**NOES:**NONE

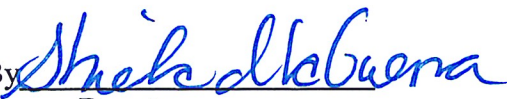
**ABSTAIN:**NONE

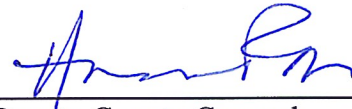
**ABSENT:**NONE

  
\_\_\_\_\_  
Chair, Board of Supervisors  
County of Santa Barbara

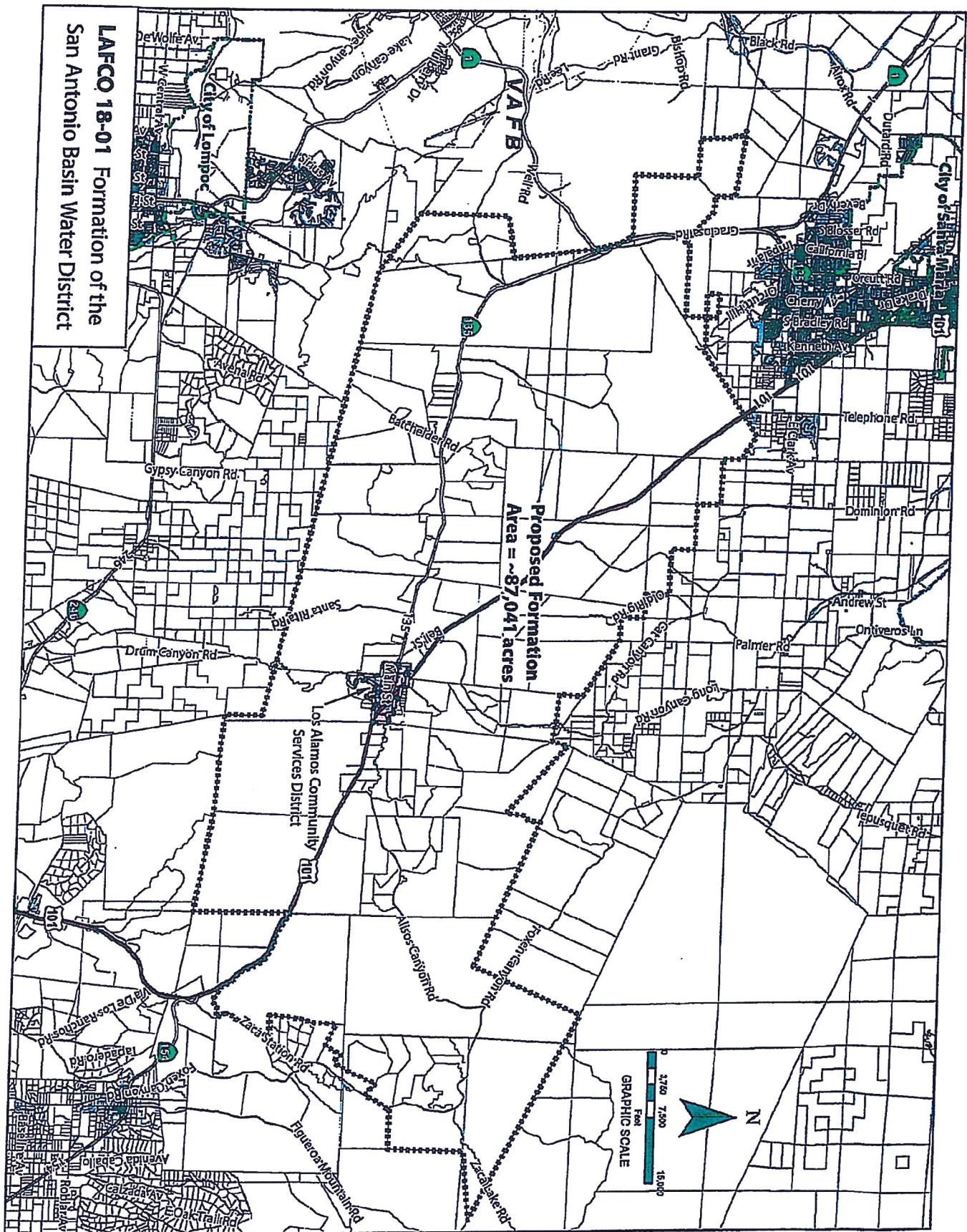
**ATTEST:**  
MONA MIYASATO  
CLERK OF THE BOARD

**APPROVED AS TO FORM:**  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By   
\_\_\_\_\_  
Deputy

By   
\_\_\_\_\_  
Deputy County Counsel





**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](http://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

**EXHIBIT B**

**EXHIBIT A**

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.”

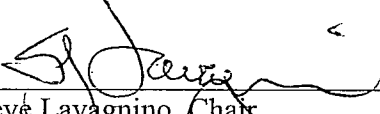
PASSED AND ADOPTED this 3<sup>rd</sup> day of October 2019, by the following vote:

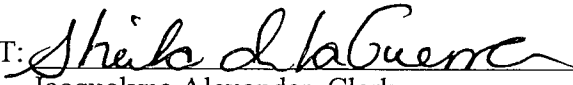
AYES: Commissioner Aceves, Commissioner Freeman, Commissioner Geyer,  
Commissioner Hartmann, Commissioner Lavagnino, Commissioner Welt, and  
Commissioner Waterfield

NOES: None

ABSTAINS: None

Dated: 10-3-19

  
\_\_\_\_\_  
Steve Lavagnino, Chair  
Santa Barbara Local Agency Formation Commission

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

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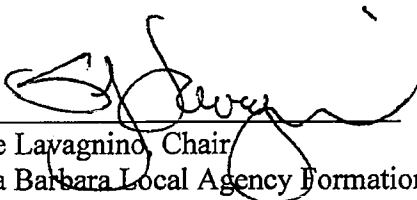
This resolution was adopted on July 11, 2019 and is effective on the date signed by the  
Chair.

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

NOES: None

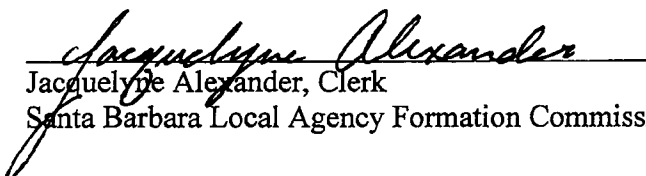
ABSTAINS: None

Dated: 7/11/2019



Steve Lavagnino, Chair  
Santa Barbara Local Agency Formation Commission

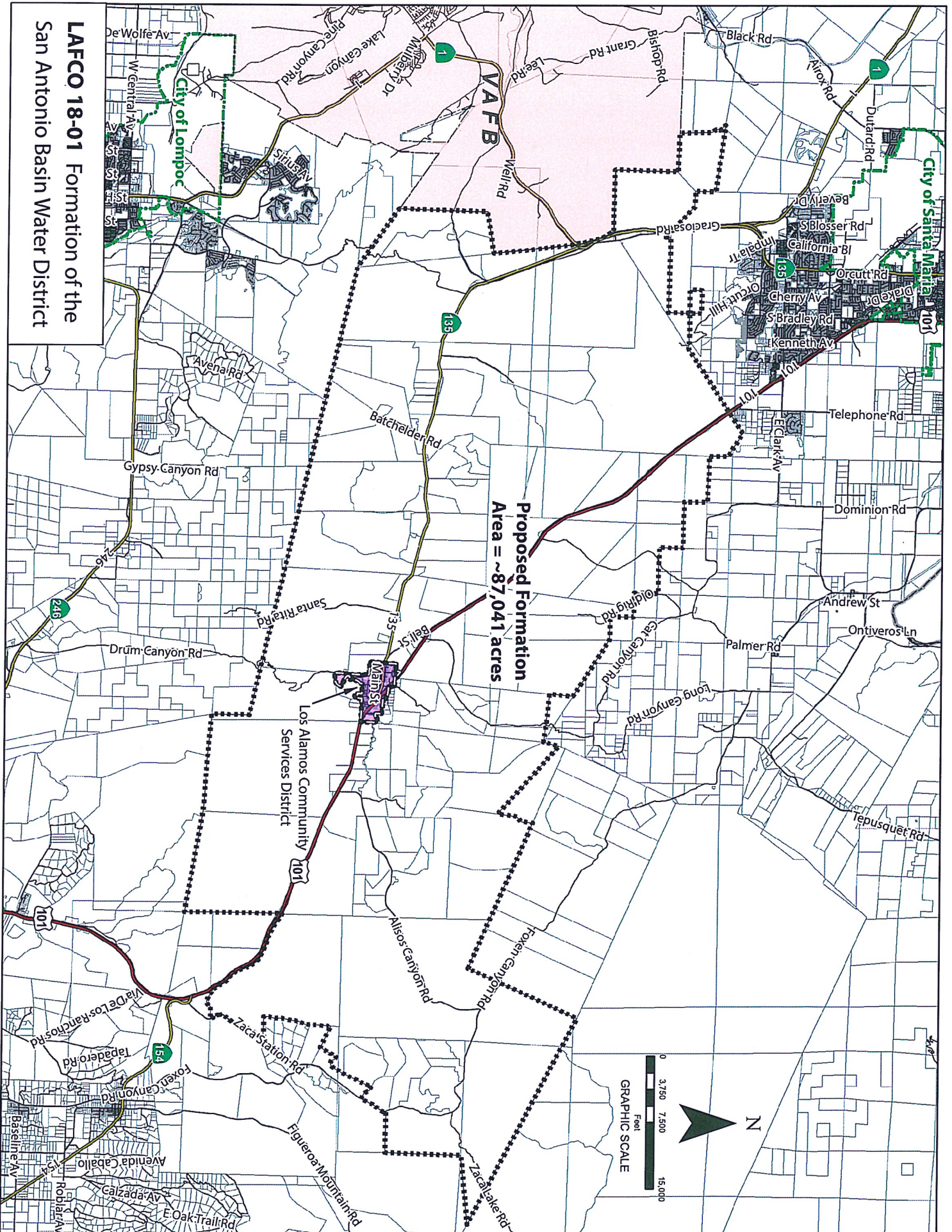
ATTEST:



Jacquelyne Alexander, Clerk  
Santa Barbara Local Agency Formation Commission



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



**Proposed Formation  
Area = ~87,041 acres**