



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: County Executive Office
Department No.: 012
For Agenda Of: October 15, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s) Mona Miyasato, County Executive Officer
Contact Info: Jacquelyne Alexander, Chief Deputy Clerk of the Board
SUBJECT: Appointments in Lieu of Election to the San Antonio Basin Water District Board of Directors

DocuSigned by:

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County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Appoint three (3) Directors to the Board of the San Antonio Basin Water District in lieu of election pursuant to California Elections Code Section 10515(a), with three-year terms expiring in December, 2027:
 - i. Kevin Merrill;
 - ii. Randall Sharer; and
 - iii. Andrew Reade.
- b) Determine that the appointments of the Directors to the Board of Directors of the San Antonio Basin Water District does not constitute a project subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), as the actions are organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Summary:

This item is on the agenda in order for the Board of Supervisors to appoint three (3) directors to the Board of the San Antonio Basin Water District (District) in lieu of election pursuant to California Elections Code Section 10515(a). The District has identified three individuals who filed Declarations of Candidacy for the three elective offices scheduled to be filled at the November 5, 2024 election. The candidates are Kevin Merrill, Randall Sharer, and Andrew Reade, each seeking a three-year term ending in December 2027. The Declarations of Candidacy are included as Attachment A. The term of office for the Directors of the District is three years or until the successor qualifies and takes office. Pursuant to Section 10515(a) of the California Elections Code, we recommend that the Board of Supervisors appoint the three (3) candidates to the three Directors' positions.

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Discussion:

In a letter to the Board of Supervisors dated August 19, 2024 (Attachment B), the District requested that the Board of Supervisors make appointments to the District Board. California Elections Code Section 10515 requires the Board of Supervisors to make the requested appointments in cases where the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election. The Board is required to make these appointments under the Elections Code as long as the candidates are eligible for candidacy. Specifically, Elections Code Section 10515(a) states “The supervising authority shall make these appointments.” In this instance the Board of Supervisors is the supervising authority.

Pursuant to 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; or 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. The Certificate of Filing Declaration of Candidacy submitted by the District states that each candidate has filed a Declaration of Candidacy and all other required forms and materials on or before the date required by law, that each candidate has taken and subscribed to the Oath of Allegiance, and that each candidate is a holder of title to land in the District or the legal representative of a holder of title to land in the District.

Background:

The San Antonio Basin Water District (District) was established in 2020, along with its Board of Directors, following a formation election conducted by the County. In 2022, the District held an election for its Class 1 directors, as designated by Elections Code Section 10505(c). While preparing for the 2024 election of Class 2 directors, the District was reminded of a provision in the California Water District Law (WC Sec. 34025) requiring district elections to be held in odd-numbered years. Additionally, the District became aware that if a district is formed in an even-numbered year, the officers elected during formation serve until the “second next following odd-numbered year” (Election Code Sec. 10505(b)).

Based on this provision, the District determined that the Class 1 directors’ election should have taken place in 2023 instead of 2022. To align with the odd-numbered year cycle, the District will proceed with the election of Class 2 directors in 2024 for three-year terms. The District will then hold an election for Class 1 directors in 2025 and for Class 2 directors again in 2027, continuing this pattern moving forward.

The Board of Directors submitted a Certificate of Filing Declaration of Candidacy dated August 19, 2024, requesting that the Board of Supervisors of the County of Santa Barbara appoint the District’s directors as provided for in California Elections Code Section 10515 (Attachment B). In the letter submitted to the Clerk of the Board, the District requested appointments in lieu of election since only three (3) candidates filed Declarations of Candidacy.

Prior to submitting this letter, the District sent a Notice of Elective Offices to the County (Attachment C), and published the notice of election dated July 20, 2024 (Attachment D). There are currently no vacancies on the Board, however, there are three (3) Board seats to be filled at this election. The District’s letter requesting appointments to these three (3) offices was sent to the County following the expiration of the candidate filing deadline and no additional candidates have attempted to file since the date of the letter.

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The appointments must be made by the Monday prior to the first Friday in December, which is Monday, December 2, 2024. In accordance with Section 10515 of the California Elections Code, staff recommends that the Board of Supervisors appoint the three individuals who filed Declarations of Candidacy, Kevin Merrill, Randall Sharer, and Andrew Reade, as Directors of the San Antonio Basin Water District.

Special Instructions:

Please send a copy of the minute order to the San Antonio Basin Water District, admin@sanantoniobasicwd.org, Attn: Donna Glass

Attachments:

Attachment A – Declarations of Candidacy
Attachment B – Letter from San Antonio Basin Water District dated August 19, 2024
Attachment C – Notice of Elective Offices to be Filled
Attachment D – Notice of Election for Publication

Authored by:

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