



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

Department Name: County Executive Office
Department No.: 012
For Agenda Of: November 1, 2016
Placement: Administrative
Estimated Time: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Contact Info: Mona Miyasato, County Executive Officer
Dennis Bozanich, Deputy County Executive Officer

SUBJECT: Call, Provide and Give Notice of a Mailed Ballot Election for the Formation of the Cuyama Basin Water District and Electing Initial Board of Directors of the District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Elections Division, Clerk, Recorder, Assessor's Department

As to form: Yes

Auditor-Controller Concurrence

As to form: NA

Recommended Actions:

That the Board of Supervisors:

- a. Adopt a Resolution In the Matter of Calling, Providing For and Giving Notice of a Mailed Ballot Election on February 28, 2017 for the Purposes of Determining Whether the LAFCO Order Approving the Formation of the Cuyama 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.

Summary Text:

On September 1, 2016, the Local Agency Formation Commission (LAFCO) approved the formation of the Cuyama Basin Water District subject to an election of property owners. A map (Exhibit A) and LAFCO Resolution (Exhibit B) are provided for your review.

Today's proposed action will complete the action directed by LAFCO for the Board of Supervisors to call and give notice of an election to form the Cuyama Basin Water District. If a majority of all the votes cast favor the formation of the district, then the territory shall be formed as a district. (Cal. Water Code Section 34500.)

Background:

LAFCO considered and approved the formation of the Cuyama Basin Water District subject to an election and conducted a required protest hearing in September and October 2016. LAFCO also approved Ballot Measure language (Exhibit C), an Impartial Analysis (Exhibit D) and Resolution 16-29 dealing with Candidate Statements and Qualifications (Exhibit E). The election will be held for landowner voters within the district boundaries. 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. The District board will initially be composed of a five-member Board of Directors, each of whom must be a holder of title to land within the proposed 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 written evidence of that designation.

The proposed district is comprised of over 83,000 acres including portions of Santa Barbara, San Luis Obispo and Ventura Counties. The Cuyama Basin Water District would not include any of the areas included in the Cuyama Community Services District. According to the Impartial Analysis, the proposed district would have the powers set forth in the State Water Code section 34000 and following. The Cuyama Basin Water District would be eligible under the Sustainable Groundwater Management Act to enter into an agreement with the counties of Santa Barbara, San Luis Obispo, Ventura and Kern to form a Groundwater Sustainability Agency for the Cuyama ground water basin. To form a GSA, the counties may act through their special districts, such as the Santa Barbara County Water Agency or the Ventura County Flood Control District.

According to the Impartial Analysis, the District will cease to exist if it is unable to enter into an agreement pursuant to the Sustainable Groundwater Management Act prior to December 31, 2017 or later date if approved by the State of California.

Performance Measure:

NA

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Government Code Section 57150 provides that expenses incurred in conducting elections to form districts shall be paid, unless otherwise provided by agreement of LAFCO and the proponents, by the newly formed district, if successful, or by the county if proceedings are terminated.

Pursuant to California Water Code Section 34053 the county elections official shall be compensated for the expense of the conduct of the election.

The estimated cost for a standalone landowner mail ballot election is between \$ 14,000 -\$16,000.

Special Instructions:

Forward signed Resolution (Attachment 1) to County Elections.

Within five days after the Board’s adoption of the Resolution, on behalf of the Board, the Clerk of the Board shall provide the notice by registered mail to the LAFCO Executive Officer pursuant to Cal. Water Code Section 34402.1.

Attachments:

Attachment 1 – Resolution IN THE MATTER OF CALLING, PROVIDING FOR AND GIVING NOTICE OF A MAILED BALLOT ELECTION ON FEBRUARY 28, 2017 FOR THE PURPOSES OF DETERMINING WHETHER THE LAFCO ORDER APPROVING THE FORMATION OF THE CUYAMA BASIN WATER DISTRICT SHALL BE CONFIRMED AND ELECTING THE INITIAL BOARD OF DIRECTORS OF THE DISTRICT

Exhibit A – Cuyama Basin Water District Map

Exhibit B – LAFCO Resolution 16-28

Exhibit C – Ballot Measure language

Exhibit D – Impartial Analysis

Exhibit E – Supplemental Resolution 16-29

Authored by:

Dennis Bozanich, Deputy County Executive Officer, 805-568-3404

cc:

Joe Holland, Clerk, Recorder, Assessor

Renee Bischof, Elections