



**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 22, 2022
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) Contact Info: Mona Miyasato, County Executive Officer
Terri Nisich, Assistant County Executive Officer.

DocuSigned by:

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SUBJECT: San Antonio Basin Water District Board of Directors - Appointments in Lieu of Election

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a. Appoint two Directors to the Board of the San Antonio Basin Water District in lieu of election pursuant to Cal. Elections Code Section 10515(a), with terms expiring in December, 2026:
 - i) Ken Hunter; and
 - ii) Victor Schaff; and

- b. Determine that the appointment 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 Text:

This item is on the agenda in order for the Board of Supervisors to appoint two directors to the Board of the San Antonio Basin Water District in lieu of election pursuant to Cal. Elections Code Section 10515(a). This item is brought separately from the item brought under Elections Code Section 10515(a) by the County Clerk Recorder Assessor’s Office, because in this case, the District decided to conduct its own landowner election instead of having County Elections conduct it. In a letter to the Board of Supervisors dated August 26, 2022 (Attachment B), the San Antonio Basin Water District requested that the Board of

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Supervisors make appointments to their Board pursuant to California Elections Code Section 10515, which 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.

The San Antonio Basin Water District has identified only two people who filed a declaration of candidacy for the two elective offices to be filled at an election scheduled to be held on November 8, 2022; Ken Hunter and Victor Schaff, for four-year terms ending in December 2026. The Declarations of Candidacy are included as Attachment A.

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.

The term of office for the Directors of the San Antonio Basin Water District subsequent to the officers elected at the formation is four 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 two candidates to the two Directors’ positions.

Background:

The Board of Directors of the San Antonio Basin Water District decided to conduct their own landowner election for members for the two elective offices to be filled at the November 8, 2022 election. However, the Board of Directors later submitted a Certificate of Filing Declaration of Candidacy dated August 26, 2022, 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 appointment in lieu of election since only two candidates filed Declaration of Candidacy.

Prior to submitting this letter, the District sent a Notice of Elective Offices to the County dated June 30, 2022 (Attachment C), confirmed to the County’s Elections Office that the District would be conducting its own landowner election, and published the notice of election dated July 11, 2022 (Attachment D). There are currently no vacancies on the Board, however, there are two Board seats to be filled at this election. The District’s letter requesting appointment to these two 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.

The appointments should be made before November 28, 2022. Pursuant to Section 10515 of the California Elections Code, staff recommends that the Board of Supervisors appoint the two people who filed declarations of candidacy, Ken Hunter and Victor Schaff, as Directors for the San Antonio Basin Water District.

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Special Instructions:

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 26, 2022

Attachment C – Notice of Elective Offices to be Filled

Attachment D – Notice of Election for Publication

Authored by:

Jasmine McGinty, Principal Analyst